



Resolution on Countering Anti-Jewish and Anti-Israel Activity on Campuses

Adopted by 2012 JCPA Plenum

The mission statement of the Jewish Council for Public Affairs expresses a profound commitment to fostering support for Israel and promoting Jewish security. JCPA is similarly committed to protecting freedom of speech and furthering civil discourse.

Most Jewish students live and study on campuses on which they feel secure in both their person and identity. However, a disturbing anti-Israel climate on some college campuses is a cause for great concern. The JCPA is deeply troubled by instances of students and faculty who have been intimidated, harassed, and even threatened with physical violence because of their Jewish identity or their support for the Jewish state.

In such circumstances, it is important for the Jewish community to serve as a resource and to offer campus groups assistance, as needed, to help them develop and implement strategies to protect Jewish students on campus and allow them to openly express their support for Israel. Such strategies include: working with school administrators, faculty and students to encourage clear statements rejecting harassment and promoting respect; finding ways to de-escalate conflict while promoting a climate in which Jewish students are physically secure and comfortable participating fully in campus life; and insisting on serious and thorough investigations of individual complaints, including disciplinary action as appropriate.

The Jewish community should also educate itself regarding the recourse now available to Jewish students under Title VI of the landmark Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in federally funded programs. Although religion is not an enumerated category, an October 2010 letter from the U.S. Department of Education Office for Civil Rights clarified that Title VI offers students protection from a hostile environment “on the basis of actual or perceived shared ancestry or ethnic characteristics.” This broader understanding of Title VI was long sought by the JCPA and other Jewish groups and applies, as well, to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (*e.g.*, Muslims or Sikhs). A school’s responsibility to remedy a valid Title VI complaint is significant – a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. Complaints must be filed with the Office for Civil Rights within 180 days. The new Department of Education policy promises to provide additional protection for Jewish students against bullying and other harassment, a concern expressed in a 2010 Plenum resolution.

Some in the Jewish community have argued that an aggressive application of Title VI can be a useful tool in protecting students from situations that are causing real harm. Others have countered that Title VI can be misused in an effort to silence criticism of Israel and, as such, poses a threat to academic freedom and the marketplace of ideas, and that may actually make

campus life more challenging for Jewish students. Still other groups believe that it is a tool that should be used judiciously and selectively only in the most egregious cases where other remedies have been unsuccessful.

The Jewish Council for Public Affairs:

- Reaffirms our bedrock commitment to protecting free speech and academic freedom and to combating anti-Semitism.¹ A climate which values academic freedom can promote critical thinking that is often the best solvent for hatred and discrimination. An environment that gives high value to civility is one in which differing viewpoints can be aired without fear or intimidation. Anti-Semitism is often best countered when the remedies sought are seen as in harmony with, rather than in opposition to notions of free speech.
- Believes that Title VI provides an important remedy for situations in which (1) objectively offensive and severe or pervasive anti-Semitic or anti-Israel conduct, such as conduct involving intimidation, violence or threats of violence, has risen to a level where it deprives a student of the benefits or opportunities provided by the school, and (2) the school has accepted, tolerated, or failed to correct the hostile environment of which it had notice. Such toxic environments pose a threat not only to Jewish students but also to academic freedom itself as they cause students to become afraid to be who they are and to say what they think. Lawsuits and threats of legal action may be warranted to redress a systematic climate of fear and intimidation which a university administration has failed to address promptly with reasonable corrective measures.
- Recognizes the importance of First Amendment protected speech and believes that it is not in the Jewish community's best interest to invoke Title VI when it could lead to an environment in which legitimate debate about the Israeli-Palestinian conflict is squelched and academic freedom is undermined.
- Calls on campus leaders from all spheres to counter hateful speech on campus, and to foster an atmosphere in which all students, including pro-Israel students and faculty feel safe expressing their opinions and ideas in the classroom and elsewhere on campus without fear of repercussions. They should also use their offices to actively discourage university support, co-sponsorship or endorsement of virulently anti-Israel programs.

The community relations field should:

- Provide a vehicle for Jewish and other advocacy organizations to come together with campus groups to develop well coordinated strategies for protecting Jewish students from hostile campus environments, and to support initiatives that promote Israel and the well-being of Jewish students. Jewish and other advocacy organizations should be a resource and support to students, respecting and advancing their consensus strategies. Outside groups should give high priority to de-escalating conflict while promoting a climate in which Jewish students are physically secure and able to participate fully in campus life.
- Work with faculty, administrators, students, alumni, and appropriate campus organizations to respond to anti-Jewish bigotry through education, programming, study of campus climate,

¹ One definition of anti-Semitism accepted by many is the European Union Monitoring Center's working definition of anti-Semitism, which has been adopted by the U.S. State Department and the U.S. Commission on Civil Rights (which can be found at <http://bit.ly/eudefinition>).

investigation of complaints, and vigorous application of appropriate campus codes of conduct where necessary.

- Help campus leaders to understand as well as educate others about the distinctions between mere speech, including criticism of Israeli policies, and anti-Israel or anti-Jewish conduct that creates an atmosphere that is so severe, pervasive and objectively offensive that it deprives a student of access to the benefits or opportunities provided by the school.
- Urge Congress to enact legislation that enshrines in the law that federally funded schools must protect students from religious harassment and intimidation – even as they are already obligated to protect against such discrimination based on “race, color, or national origin” under Title VI – so that the legal rights of Jewish students and students of other religions are firmly in place and not subject to agency interpretation.
- Help foster Jewish life on campus that is inclusive and diverse in opinions and activities related to the Jewish community.
- Encourage understanding of the breadth and limits of the Department of Education’s authority to address and remedy harassment and intimidation under Title VI, identify appropriate cases for Title VI intervention, and act accordingly.
- Consult with a broad range of Jewish student community leaders and campus Jewish professionals before publicly threatening a Title VI suit so as to ascertain their views on the impact that such a threat or filing would have on their community, whether the basic claim of the suit is consistent with their experience on campus, and whether there are other potentially effective remedies that could or should be employed prior to bringing legal action.
- Work with faculty, administrators, campus organizations and students to maintain an atmosphere of civility and develop an appropriate forum for presentation and discussion of opposing views that does not infringe on student and faculty rights, including those eligible for Title VI protection.