



The Louis D. Brandeis Center, Inc. (LDB) is an independent, non-partisan institution for public interest advocacy, research and education. The Center's mission is to advance the civil and human rights of the Jewish people and to promote justice for all.

Source Sheet
Anti-Zionism as National Origin Discrimination
UKLFI Webinar with
Alyza D. Lewin
President, The Louis D. Brandeis Center for Human Rights Under Law
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Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Department of Education – September 2004 Dear Colleague Letter

<https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>

“Groups that face discrimination on the basis of shared ethnic characteristics may not be denied the protection of our civil rights laws on the ground that they also share a common faith.”

Shaare Tefila Congregation v. Cobb (481 US 615 (1987))

<https://supreme.justia.com/cases/federal/us/481/615/>

US Supreme Court held that the civil rights law was “intended to protect from discrimination identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics.”

Department of Justice September 2010 Dear Colleague Letter

https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf

“Although Title VI does not prohibit discrimination on the basis of religion, discrimination against Jews, Muslims, Sikhs, and members of other religious groups violates Title VI when that discrimination is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than its members’ religious practice.”



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Department of Education Office for Civil Rights (OCR) October 2010 Dear Colleague Letter

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

“Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.”

“If an investigation reveals that discriminatory harassment has occurred, 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.”

Executive Order 13899 (Executive Order on Combatting Anti-Semitism)

<https://www.govinfo.gov/content/pkg/DCPD-201900859/pdf/DCPD-201900859.pdf>

“Title VI of the Civil Rights Act of 1964 (Title VI) 42 U.S.C. 2000d et seq. prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance. While Title VI does not cover discrimination based on religion, individuals who face discrimination on the basis of race, color, or national origin do not lose protection under Title VI for also being a member of a group that shares common religious practices. Discrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual’s race, color, or national origin.”

“In enforcing Title VI, and identifying evidence of discrimination based on race, color, or national origin, all executive departments and agencies charged with enforcing Title VI shall consider . . . (i) the non-legally binding working definition of anti-Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA) . . . (ii) the “Contemporary Examples of Anti-Semitism” identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory intent.”



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Department of Education Questions & Answers on Executive Order 13899 (EO on Combating Anti-Semitism)

<https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>

University of Illinois at Urbana Champagne (UIUC) Joint Statement on anti-Semitism (November 2020)

<https://blogs.illinois.edu/view/6231/1530347443>

“For many Jewish students, Zionism is an integral part of their identity and their ethnic and ancestral heritage. These students have the right to openly express identification with Israel. The university will safeguard the abilities of these students, as well as all students, to participate in university-sponsored activities free from discrimination and harassment.”

“We deplore anti-Semitic incidents on campus, including those that demonize or delegitimize Jewish and pro-Israel students or compare them to Nazis. This subjects them to double standards that are not applied to others. All Jewish students, including those who identify with Israel or Jewish campus organizations, should be able to participate in campus activities aimed at fighting racism and achieving social justice.”

Brandeis Center Title VI Complaint against University of Vermont (UVM) (October 2021)

https://brandeiscenter.com/wp-content/uploads/2022/09/10-2-21-UVM-Complaint_Redacted.pdf

Department of Education Office for Civil Rights (OCR) announcement of Resolution Agreement with University of Vermont (UVM) (April 3, 2023) (Includes hyperlinks to OCR’s Resolution Letter and Resolution Agreement)

<https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-resolves-investigation-addressing-university-vermonts-responses-allegations-antisemitic-incidents>

Brandeis Center statement on OCR – UVM Resolution Agreement (April 4, 2023)

<https://brandeiscenter.com/wp-content/uploads/2023/04/23-04-04-LDB-UVM-OCR-4.4.23-revised-redline.pdf>



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University of Vermont Statement Regarding Resolution Agreement (April 3, 2023)

<https://www.uvm.edu/news/provost/improving-policies-and-procedures-support-our-inclusive-community>

“It is UVM’s responsibility to provide equal opportunity for all members of its community including those who identify as Jewish to fully express their identity in an environment free from discrimination and harassment. If members of our campus community experience a hostile educational or work environment because of their identity, including their shared ancestry, the university will use all tools at its disposal to address and eliminate the hostile behavior and enable each member of our community to learn and work in an inclusive environment that leans in to our Common Ground values.”

“As part of our commitment to continual review and improvement, UVM is updating our equal opportunity and antiharassment policies and procedures to make abundantly clear that discrimination and harassment based on shared ancestry, including antisemitism, violate university policy.”