



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.

**Contact:** Nicole Rosen  
202-309-5724

## Civil Rights Experts to Duke: Federal Law Requires You Recognize Students Supporting Israel

### Duke's Remedy to Date Insufficient Under the Law

**Washington, D.C., December 14:** Noting that Duke University's so-called remedy is insufficient under the law, the Louis D. Brandeis Center for Human Rights Under Law today called on President Vincent Price to formally recognize the Duke chapter of Students Supporting Israel. According to the Brandeis Center, formal recognition is the "only way to ensure the University's compliance" with federal law.

In November, only days after the Duke University Student Government (DSG) voted to recognize campus group Students Supporting Israel (SSI), DSG president Christina Wang vetoed the recognition. Wang claimed SSI inappropriately "singled out an individual student on their organization's social media account." The incident in question involves SSI's response to a Duke student's tweet that read, "My school promotes settler colonialism." SSI retweeted the student's post with the following response, "To Yana and others like her, please allow us to educate you on what 'settler colonialism' actually is and why Israel does not fall under this category whatsoever," and they invited the Duke community to an "SSI 101" event to discuss further.

After the Duke Senate upheld Wang's veto, President Price issued a statement that although the student government's decision is "independent" from the university, the administration will provide financial and program support to SSI without formal recognition by the student government.

"While we appreciate your efforts to address the matter in your recent statement," wrote the Brandeis Center legal advocates in today's letter, "it is not sufficient under the law merely to provide 'options to secure financial and programmatic support' without formal recognition." The Brandeis Center went on to explain why Duke is "legally obligated to take corrective action in response to the unlawful treatment of Duke SSI by formally recognizing the student organization and ensuring it has equal access to resources."

According to the Brandeis Center, Duke's behavior violates Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of national origin and shared ethnicity. The Brandeis Center notes that from the moment Duke SSI applied for recognition, it was subjected to special scrutiny not applied to other non-Jewish groups. First, student representatives from Duke SSI were forced to endure extensive questioning before the student government vote. Second, once a prospective student group fulfills all application requirements, as Duke SSI did, the student government usually approves the group's recognition unanimously. In the case of SSI, however, student senators voiced opposition when a formal vote was held on the question of recognition. Third, up until this incident, the presidential veto had never been used to revoke a formal recognition. In fact, when Duke's Students for Justice in Palestine (SJP) posted a photograph of students affiliated with another pro-Israel group on campus (DIPAC) with the antagonizing caption, "Because y'all are a bunch of racist clowns," and tweeted, "So I'm going to repeat myself again, f\*\*k DIPAC and every Zionist on campus," SJP's recognition was not even challenged, let alone revoked.

“The DSG’s action were discriminatory, and require action by the University,” wrote the Brandeis Center. “A university violates Title VI when its student government rejects a Jewish student organization’s request for recognition based on standards that are not applied to non-Jewish groups.”

The letter notes that when Williams College took similarly discriminatory behavior and refused to recognize a pro-Israel student organization based on a rationale never applied to a non-Jewish group, a complaint was filed with the U.S. Department of Education’s Office for Civil Rights, and a Resolution Agreement was triggered. Williams eventually took appropriate corrective action by formally recognizing the student organization.

The Brandeis Center letter also echoes concerns raised by other leading free speech experts, noting that the U.S. Department of Education’s regulation on *Religious Liberty and Free Inquiry*, implementing Executive Order 13864 (Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities) requires private universities to honor their own policies regarding free speech as a condition of any and all grants received from the Department. Duke’s commitments to free speech are publicly known and relied upon by current and prospective Duke students, their families, federal agencies, and nonprofit organizations. According to the Free Inquiry Rule, the university “must comply with its stated institutional policies regarding freedom of speech, including academic freedom, as a material condition of the Department’s grant.” Failure to protect students’ speech rights, therefore, could cause the university to lose its federal funding. According to the Foundation for Individual Rights in Education (FIRE), “Duke’s student government is consciously punishing SSI for engaging in debate and responding to its critics – engagement that should be encouraged, not punished, at an institution dedicated to free expression.” FIRE also wrote to the Duke Student Government urging it to overturn Wang’s veto, and later to Price urging him to rectify the situation and ensure that SSI’s Duke chapter is promptly recognized.

“This is not the first time Duke has faced incidents of anti-Semitism on its campus,” concluded the Brandeis letter. Less than three years ago, “Duke entered into a Resolution Agreement with OCR in which it agreed to take certain measures to address allegations of anti-Semitism. In light of that pending Agreement, the University should be particularly sensitive to its legal obligation to address instances of anti-Semitic discrimination on campus in a prompt and effective manner.”

###

**About The Louis D. Brandeis Center:** The Louis D. Brandeis Center, Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education, and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts university, the Kentucky law school, or any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice.