

**No. 25-2239**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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EYAL YAKOBY, JORDAN DAVIS, NOAH RUBIN AND  
STUDENTS AGAINST ANTISEMITISM, INC.,

*Plaintiffs-Appellants,*

v.

THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,

*Defendant-Appellee.*

On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
No. 2:23-cv-04789-KNS

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**BRIEF OF *AMICUS CURIAE* OF THE LOUIS D. BRANDEIS  
CENTER FOR HUMAN RIGHTS UNDER LAW  
IN SUPPORT OF PLAINTIFFS-APPELLANTS**

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This amicus brief is submitted on behalf of The Louis D. Brandeis Center for Human Rights Under Law (the “Brandeis Center”), a nonprofit, non-partisan organization established to advance the civil and human rights of the Jewish people and promote justice for all.<sup>1</sup> All parties have consented to the filing of this *amicus curiae* brief.

### **INTEREST OF *AMICUS CURIAE***

The Brandeis Center engages in research, education, and legal advocacy to combat anti-Semitism on college and university campuses and in K-12 schools, the workplace, and other aspects of American life. It empowers Jewish Americans and supports them in exercising their legal rights to combat racism and anti-Semitism, including often by representing them in court.

Preserving the ability of plaintiffs to challenge discrimination on the basis of their race, ethnicity, ancestry, religion or national origin, and to have their day in court to litigate such claims, is essential to the Brandeis Center’s mission to protect Jewish students, faculty, and professionals from the various pernicious forms of anti-Semitism.

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<sup>1</sup> This brief was authored and funded by the Brandeis Center, and no party, party’s counsel, or other person contributed money to fund the preparation or submission of this brief. See FRAP 29(a)(4)(E).

The Brandeis Center is uniquely qualified to address the surging tide of anti-Semitism on college and university campuses and beyond, as well as the applications of civil rights laws needed to stem the tide.

The Brandeis Center has a specific interest in ensuring that courts do not take an overly narrow and decontextualized view of what constitutes a reasonable response by a university to a hostile educational environment under Title VI. Many of the victims of anti-Semitism that the Brandeis Center represents, or would represent, will be deterred from pursuing legal action if their claims are subject to premature dismissal—without a full and fair evaluation of whether their university’s lack of serious action in response to a hostile educational environment violated their civil rights.

### **SUMMARY OF THE ARGUMENT**

The University of Pennsylvania (“Penn” or the “University”) was aware of the volume and intensity of anti-Semitic hostility that its Jewish students were facing on campus, and how the toxic environment was being shaped by national and global events that created a climate of fear for American Jews. Penn was on notice of this epidemic, its manifestations on its own campus, and its negative impact on Jewish

students, including Plaintiffs. Collectively, these circumstances necessitated a more serious and concrete response than the impotent committees and feckless statements Penn allegedly formed and issued.

The district court's opinion accepts *any* response by Penn as adequate to defeat a well-pled Title VI claim, without analyzing whether the University took *action* reasonably calculated to *effectively* address what was clearly a hostile educational environment for Jews on its campus. As Plaintiffs' brief cogently explains:

The court's lack of engagement with Plaintiffs' allegations detailing the hostile environment at Penn illuminates how the court could have so easily jumped to the conclusion that Penn was not deliberately indifferent. The court could not properly analyze Penn's response without seriously dealing with the allegations that the environment was hostile. Without taking that first analytical step, the court's analysis of Penn's response took place in a vacuum, enabling the court's erroneous conclusion that *any* response by Penn was enough to satisfy its Title VI obligations.

Plaintiffs-Appellants' Br. at 43.

The court's deliberate indifference analysis also lacks consideration of the relevant backdrop against which the events alleged at Penn occurred: a broader trend of anti-Jewish hostility that rose rapidly across the country during the relevant period, and which impacted how Plaintiffs experienced the toxic environment at Penn.



Anti-Semitism has infected college campuses and all corners of life for Jews across the nation and globe, especially in the aftermath of Hamas’ brutal October 7, 2023 attack on Israel—manifesting as violence, threats, harassment, discrimination, retaliation, ostracization, and exclusion of Jews from critical academic and professional spaces.

The severity and pervasiveness of this hate exacerbated the impact of Penn’s hostile environment on its Jewish students and made it all the more imperative that the University take timely and concrete steps to address the problem when it plagued its own campus.

Plaintiffs adequately allege that it failed to do so.

## **ARGUMENT**

### **I. PLAINTIFFS ADEQUATELY PLED PENN’S DELIBERATE INDIFFERENCE TO THE HOSTILE ENVIRONMENT FOR JEWS ON ITS CAMPUS**

In their Amended Complaint, Plaintiffs allege a relentless pattern of harassment and hostility toward Penn’s Jewish students. Events range from racist chants and praise for the slaughter of Jewish civilians at numerous campus rallies; to anti-Semitic tropes taught by professors in Penn classrooms; to acts of targeted hate including graffiti of swastikas and vile Holocaust threats, vandalism of multiple Jewish

community spaces, and slurs and threats of violence hurled directly at Jewish students, including Plaintiffs. *See* Plaintiffs-Appellants’ Br. at 7-16, 27-36 (citing Am. Compl.).

Penn was aware of this hostile environment on its campus. Many of the events were allegedly organized by Penn-affiliated student groups and held in public areas of campus (e.g., various rallies and the takeover of Penn’s student union in Houston Hall). *Id.* at 8, 13-14. Some of the most egregious anti-Semitic incidents—such as shouts of “you’re a dirty little Jew, you deserve to die” to Plaintiff Davis as she walked to class—allegedly occurred in the presence of Penn-employed “Open Expression Observers.” *Id.* at 9, 11. Many were reported to administrators, including repeatedly by the individual Plaintiffs, along with concerns about the general atmosphere of hate and fear that was plaguing Penn’s Jewish community. *E.g., id.* at 11-14, 35-36.

Plaintiffs didn’t experience this hostility in a vacuum. In the months following the October 7 attacks that launched the Israel-Hamas war, Jewish Americans faced an onslaught of rising anti-Semitism, particularly on college campuses. Penn knew this; the problems on its own campus mirrored events unfolding at universities nationwide,

which were well-publicized and endlessly discussed among academics and administrators. Conversations about the national and global surge in anti-Jewish hate dominated the media and academic circles. And Jewish students including Plaintiffs made every effort to show and explain the anti-Semitism that was spreading across Penn's campus. They pleaded with the University to help. *See, e.g., id.* at 9-10, 35-36.

Yet Penn did not respond to this obviously endemic problem and its severe impact on Jewish students with swift and concrete action. Rather, Plaintiffs allege that Penn formed toothless, inert committees that went nowhere, engaged in a lot of "conversations," and issued statements with empty platitudes. Plaintiffs-Appellants' Br. at 6-16, 27-31 (citing Am. Compl.). They allege facts indicating, for example, that the Task Force touted by the district court was an ineffective body paralyzed by indecision. *Id.* at 36. Plaintiffs further allege that Penn's failure to enforce its policies or issue discipline for violations, such as during the takeover of Houston Hall, emboldened antagonists to further disrupt campus life and spew anti-Semitic hate without fear of consequence. *Id.* at 31-34.

The district court erroneously found that Penn’s “responses” and “efforts”—without *any* evidence of *action*—amounted on their face to a reasonable response sufficient to defeat a Title VI claim. Mem. Op., ECF 72 at 13. In evaluating the adequacy and effectiveness of Penn’s responses to harassment reported by Plaintiffs to the school’s administration, the court completely failed to consider the broader hostile environment for Jews on campus, as exacerbated by the intense and growing anti-Semitic climate in educational settings and across the U.S. Without this analysis, it was not possible for the court to determine if Penn’s response was reasonably calibrated to address the problem and its impact effectively—or if it betrayed a deliberate indifference toward the safety and civil rights of its Jewish students.

## **II. PLAINTIFFS’ EXPERIENCE OF ANTI-SEMITISM AT PENN OCCURRED AMID A RAPID RISE IN ANTI-JEWISH HATE, VIOLENCE, AND DISCRIMINATION**

Contrary to the district court’s apparent disregard of “historical and current events, and alleged antisemitic incidents that allegedly took place not just on Penn’s campus, but elsewhere in the United States and the world,” Mem. Op., ECF 72 at 1, Plaintiffs’ experiences did not and do not happen in isolation. One reason why the anti-

Semitism perpetuated by Penn students, faculty, and administrators had such a profound impact on Penn's Jewish students is *because* it amplified and brought home to their community the same hatred that was raging nationwide and globally.

As the district court acknowledged, as a result of these events, Plaintiffs alleged that they “have felt threatened and/or unsafe in their residences, classrooms, and other places on campus, have felt as though they needed to refrain from wearing certain articles of clothing or jewelry or refrain from speaking out on matters of importance to them, and/or have otherwise felt as though they had to hide or obscure their Jewish identities.” *Id.* at 8 (citing Am. Compl. ¶¶ 109-110, 112). These experiences track nationwide trends reported by Jewish Americans over the past decade, and particularly in the aftermath of October 7, 2023.

Without considering these factors—or engaging much at all with Plaintiffs’ detailed allegations of anti-Jewish harassment and hate—the district court cannot have properly assessed the adequacy of Penn’s responses under Title VI.

**A. Rates of hate crimes against Jews, including acts of physical violence, skyrocketed across the U.S.**

According to data from the Federal Bureau of Investigation (FBI),

overall hate crime incidents in the U.S. decreased from 2023 to 2024.<sup>2</sup> This included fewer reported single-bias crimes against LGBT and Muslim individuals.<sup>3</sup> Not so for Jews. In fact, the opposite: during the same period, reported incidents involving only anti-Jewish hate rose 5.8% from 2023 to 2024.<sup>4</sup> That figure—1,938 anti-Semitic incidents in 2024—represents the highest ever recorded number of hate crimes against Jews since the FBI began collecting such data over two decades ago.<sup>5</sup> And despite comprising only about 2% of the U.S. population, Jews were the victims of a disproportionate 16% of all reported hate crimes and 70% of all religion-based incidents.<sup>6</sup>

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<sup>2</sup> FBI Crime Data Explorer, *Hate Crime Statistics Annual Report*, Table 1, <https://cde.ucr.cjis.gov/LATEST/webapp/#> (compare 2023 (11,862 total bias motivated incidents) with 2024 (11,679 incidents)).

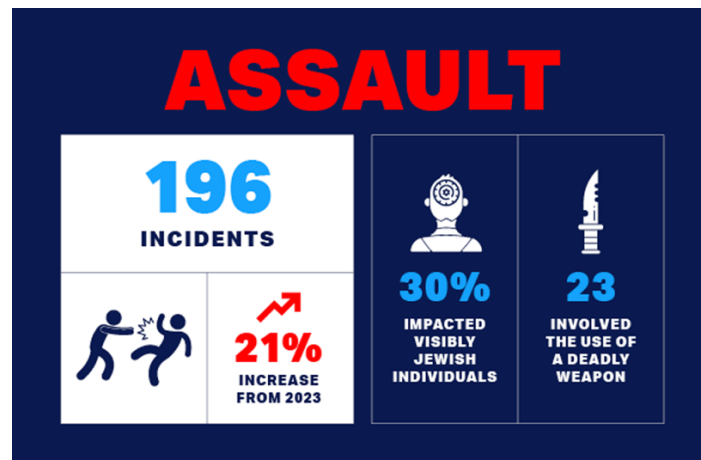
<sup>3</sup> *Id.* (compare 2023 (236 anti-Muslim and 839 anti-LGBT single-bias incidents) with 2024 (228 and 728 incidents, respectively)).

<sup>4</sup> *Id.* (compare 2023 (1,832 anti-Jewish single-bias incidents) with 2024 (1,938 incidents)).

<sup>5</sup> *Anti-Jewish Hate Crimes Comprised Nearly 70% of Religion-Based Hate Crimes in 2024*, FBI Reports, ANTI-DEFAMATION LEAGUE (Aug. 5, 2025), <https://www.adl.org/resources/press-release/anti-jewish-hate-crimes-comprised-nearly-70-all-religion-based-hate-crimes>.

<sup>6</sup> FBI Crime Data Explorer, *Hate Crime Statistics Annual Report 2024*, Table 1, <https://cde.ucr.cjis.gov/LATEST/webapp/#> (1,938 anti-Jewish incidents out of 11,679 total bias motivated incidents and 2,738 religious bias incidents).

Violence, specifically, became more common. The Anti-Defamation League (ADL), which tracks anti-Jewish hate across the country, documented assaults involving “person-on-person physical violence” on 250 Jews (or individuals perceived to be Jewish) in 2024, a staggering *21% increase* from the previous year.<sup>7</sup> Assaults at Jewish institutions more than doubled between 2023 and 2024, “underscoring a heightened threat environment regarding Jewish physical security.”<sup>8</sup>



Source: ADL

Americans have watched this trend play out recently in several horrific, high-profile acts of violence. In August 2024, a man was charged with attempted murder as a hate crime for allegedly stabbing a

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<sup>7</sup> *Audit of Antisemitic Incidents 2024*, ANTI-DEFAMATION LEAGUE (Apr. 22, 2025), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024>.

<sup>8</sup> *Id.*

visibly Jewish man outside a Brooklyn synagogue while shouting, “Free Palestine.”<sup>9</sup> In April 2025, an anti-Israel arsonist set the house of Pennsylvania Governor Josh Shapiro and his family ablaze on the first night of Passover, while they slept inside their home.<sup>10</sup> In May, two Israeli embassy staffers were shot dead outside the Capital Jewish Museum in Washington, D.C. at an event for young Jewish professionals.<sup>11</sup> And in June, Jewish residents attending a peaceful walk in support of Israeli hostages held in Gaza were burned in broad daylight by an attacker who hurled epithets and Molotov cocktails, causing serious injuries and killing an elderly woman.<sup>12</sup>

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<sup>9</sup> Patrick McGeehan, *Man Is Charged with Hate Crime in Stabbing Near Brooklyn Synagogue*, N.Y. TIMES (Aug. 11, 2024), <https://www.nytimes.com/2024/08/11/nyregion/brooklyn-stabbing-hate-crime.html>.

<sup>10</sup> *Conference of Presidents Condemns Antisemitic Arson Attack Targeting Governor Josh Shapiro*, CONF. OF PRESIDENTS OF MAJOR AM. JEWISH ORGS. (Apr. 17, 2025), <https://conferenceofpresidents.org/press/conference-of-presidents-condemns-antisemitic-arson-attack-targeting-governor-josh-shapiro/>.

<sup>11</sup> *Alleged Perpetrator of Shooting in Washington, D.C. Charged with Hate Crimes*, U.S. DEP’T OF JUSTICE (Aug. 7, 2025), <https://www.justice.gov/opa/pr/alleged-perpetrator-shooting-washington-dc-charged-hate-crimes>.

<sup>12</sup> *Justice Department Files Federal Charges Against Alleged Perpetrator of Anti-Semitic Terror Attack in Colorado*, U.S. DEP’T OF JUSTICE (June 2, 2025), <https://www.justice.gov/opa/pr/justice-department-files-federal-charges-against-alleged-perpetrator-anti->



At colleges and universities, during the 2023-2024 school year, the ADL recorded 33 assaults across 23 campuses by anti-Israel activists against Jewish students and community members and/or those actually or perceived to be associated with Israel or Zionism.<sup>13</sup>

During the weeks in fall 2024 leading up to the first anniversary of the October 7 attack, at least five different Jewish college students were physically assaulted in anti-Semitic attacks:<sup>14</sup>

- Two University of Pittsburgh students, wearing yarmulkes while walking to Shabbat services at their campus Hillel, were beaten and struck with a glass bottle by a man wearing a keffiyeh. The perpetrator, who ripped off one victim's Star of David necklace and inflicted slash wounds on his neck from the shards of broken glass, was arrested for assault.
- Another University of Pittsburgh student was assaulted by a group of men while hurling antisemitic slurs, leading the FBI to open a hate crime investigation.
- Two University of Michigan students were assaulted in separate incidents near campus. In one case, a group of men

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[semitic-terror](#); *Press Release - Pearl Street - Amended and Added Charges*, BOULDER CNTY., CO. (June 30, 2025), <https://bouldercounty.gov/news/press-release-pearl-street-amended-and-added-charges/>.

<sup>13</sup> *Anti-Israel Activism on U.S. Campuses, 2023-2024*, ANTI-DEFAMATION LEAGUE (updated Feb. 7, 2025), <https://www.adl.org/resources/report/anti-israel-activism-us-campuses-2023-2024>.

<sup>14</sup> Simone Weichselbaum, Andrew Blankstein & Chloe Atkins, *Five Jewish College Students Report Being Assaulted in the Last Month, as Oct. 7 Anniversary Approaches*, NBC NEWS (Oct. 2, 2024), <https://www.nbcnews.com/news/investigations/five-jewish-college-students-report-assaulted-last-month-rcna171727>.

assaulted the victim, causing injuries, after he responded affirmatively when they asked if he was Jewish. In another, the victim was assaulted outside a Jewish fraternity house.

These are just a few examples—and many more attacks do not make national headlines.

The threat has not abated. In August 2025, a man pled guilty to assault with a hate crime for ganging up with four others to physically assault two Ohio State University students because they were identifiably Jewish; one suffered a fractured jaw and the other a fractured nose.<sup>15</sup> A new ADL report reveals that within the past year, nearly one in five (18%) Jewish American respondents experienced assault, threat of physical violence, or verbal harassment due to their Jewish identity, while more than a third (36%) witnessed anti-Semitic physical attacks, threats of violence, or someone expressing a desire to harm Jews.<sup>16</sup>

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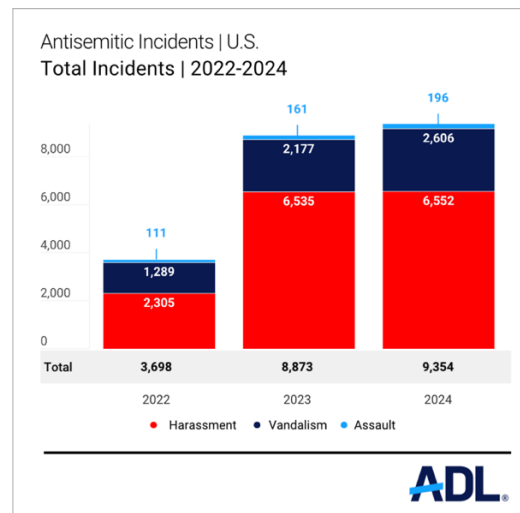
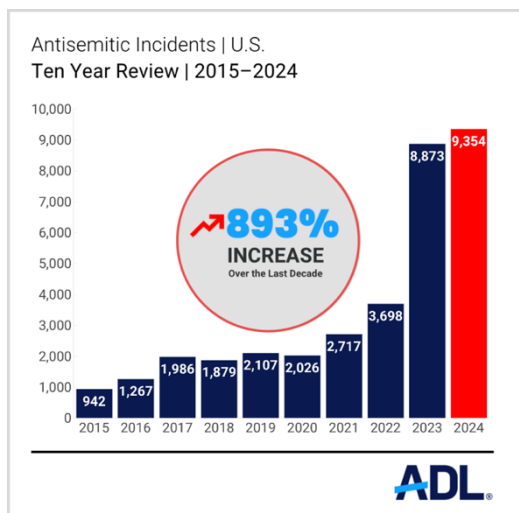
<sup>15</sup> *Man Pleads Guilty to Antisemitic Assault Near College Campus*, U.S. DEP'T OF JUSTICE (Aug. 15, 2025), <https://www.justice.gov/opa/pr/man-pleads-guilty-antisemitic-assault-near-college-campus>.

<sup>16</sup> *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, ANTI-DEFAMATION LEAGUE & JEWISH FEDERATIONS OF NORTH AMERICA (Oct. 6, 2025), <https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025>.

**B. Discrimination, exclusion, harassment, threats, and retaliation against American Jews increased, particularly on college campuses.**

In addition to physical violence, Jews have also experienced higher rates of anti-Semitism via discrimination, exclusion, harassment, threats, hostile environments, and retaliation, including in the classroom, on campus, in the workplace, and in public spaces.

- The ADL has observed a stunning 344% increase in anti-Semitic incidents over the past five years (893% over the past decade).<sup>17</sup>



- According to a 2024 survey by the American Jewish Committee (AJC), one third of American Jews reported being personally

<sup>17</sup> *Audit of Antisemitic Incidents 2024*, ANTI-DEFAMATION LEAGUE (Apr. 22, 2025), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024>.

targeted by anti-Semitism either in person or virtually at least once in the preceding year.<sup>18</sup>

- A Gallup poll revealed that an even larger 61% of Jewish adults surveyed in 2024 had been “treated poorly or harassed” in the past year due to their religion, with 46% saying such mistreatment had increased from prior years.<sup>19</sup>

This upward tick in anti-Semitism has particularly impacted students and faculty on college and university campuses and in K-12 schools.

- In a 2024 survey by AJC, 22% reported being or feeling excluded from a group or event on their college or university campus because they are Jewish.<sup>20</sup>
- Nearly one in five (18%) incidents recorded by the ADL in 2024 took place on college campuses—at a rate of 84% higher than the prior year.<sup>21</sup>
- Hillel International—the largest organization for Jewish student life on campus, serving nearly 200,000 students each year at more than 850 colleges and universities worldwide—has documented a *tenfold* increase in anti-Semitic incidents on

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<sup>18</sup> *The State of Antisemitism in America 2024*, AMERICAN JEWISH COMMITTEE, <https://www.ajc.org/AntisemitismReport2024#prioritybox>.

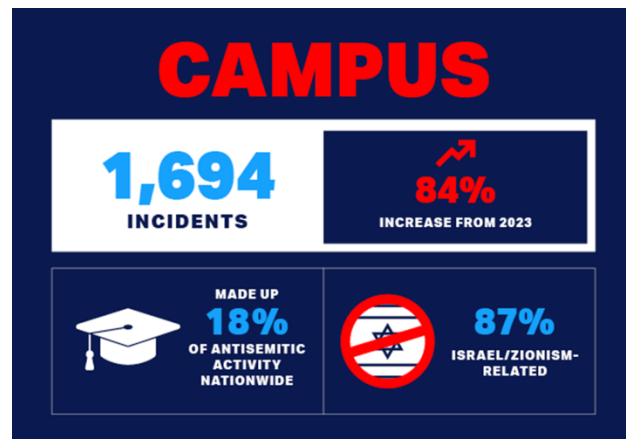
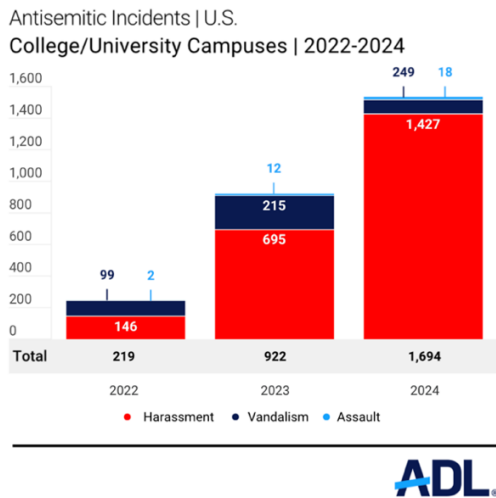
<sup>19</sup> Jeffrey M. Jones, *Americans Show Heightened Concern About Antisemitism*, GALLUP (July 1, 2024), <https://news.gallup.com/poll/646469/americans-show-heightened-concern-antisemitism.aspx>.

<sup>20</sup> *AJC’s Survey of American Jews*, AMERICAN JEWISH COMMITTEE (2024), <https://www.ajc.org/AntisemitismReport2024/AmericanJews>.

<sup>21</sup> *Audit of Antisemitic Incidents 2024*, ANTI-DEFAMATION LEAGUE (Apr. 22, 2025), <https://www.adl.org/resources/report/audit-antisemitic-incidents-2024>.

campuses since Hamas's deadly October 7, 2023 attack on Israel.<sup>22</sup>

- 71% of surveyed high schoolers belonging to the Jewish youth organization BBYO in the U.S. and Canada have faced anti-Semitic harassment or discrimination.<sup>23</sup>



Jews in academia, specifically, may face severe repercussions for merely expressing their Jewish identity or connection to Israel on campus. In a survey conducted by the ADL in the spring of 2025, out of 209 Jewish faculty members at U.S. colleges and universities:

<sup>22</sup> *Antisemitic Incidents on Campus at Record High in Past School Year*, HILLEL INTERNATIONAL (July 17, 2025), <https://www.hillel.org/antisemitic-incidents-on-campus-at-record-high-in-past-school-year/> (documenting 2,334 anti-Semitic incidents during 2024-2025 school year, about 500 incidents more than in 2023-2024 and more than 10 times as many incidents as in 2022-2023).

<sup>23</sup> *Antisemitism Survey: Executive Summary*, BBYO (2024), <https://bbyocmsproddata.blob.core.windows.net/bbyomedia/bbyo/media/bbyodocuments/antisemitism/bbyo-antisemitism-survey-summary-feb-2024.pdf>.

- 43.5% had felt unwelcome in faculty committees or at faculty events because they are Jewish or perceived as Zionist;
- 21.5% had experienced differential treatment in professional evaluations, promotions, or job assignments;
- 13.4% had experienced bias in peer review or research funding decisions on campus; and
- 14.8% had encountered reluctance or refusal from campus colleagues to collaborate on academic projects.<sup>24</sup>

Those who report anti-Semitism or express views on Jewish issues or about the Jewish state are also especially vulnerable to digital attacks. Among the Jewish faculty members surveyed by the ADL this year, 13.4% were targeted by name in online smear campaigns, often accompanied by doxxing of personal information.<sup>25</sup> Online harassment of Jewish students on campuses has skyrocketed, with Hillel reporting a nearly 185% increase in such reports during the last school year.<sup>26</sup>

Jews are also impacted by the proliferation and widespread reach of rising and pervasive anti-Semitic sentiment online. On the social

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<sup>24</sup> *Faculty Under Fire: Antisemitism and Anti-Israel Bias in Higher Education*, ANTI-DEFAMATION LEAGUE (Sept. 10, 2025), <https://www.adl.org/resources/report/faculty-under-fire-antisemitism-and-anti-israel-bias-higher-education>.

<sup>25</sup> *Id.*

<sup>26</sup> *Antisemitic Incidents on Campus at Record High in Past School Year*, HILLEL INTERNATIONAL (July 17, 2025), <https://www.hillel.org/antisemitic-incidents-on-campus-at-record-high-in-past-school-year/>.

media platform X, anti-Semitic posts are viewed and “liked” tens of millions of times a year, including posts threatening, inciting or glorifying anti-Jewish violence or promoting dehumanization or character attacks against Jews.<sup>27</sup>

**C. Many Jewish Americans have felt compelled to hide their Jewish identity due to pervasive anti-Semitism.**

Among the Jewish faculty members surveyed by the ADL in 2025, 37.8% reported feeling a need to hide their Jewish and/or Zionist identity from others on campus.<sup>28</sup> In open-ended responses to the ADL, respondents described having been “effectively forced out of academia or abandoning research areas they are passionate about due to a fear of being targeted and thus harmed professionally.”<sup>29</sup> As a result of the harassment and ostracization that came with being identified as a Jew, Israeli or Zionist, they experienced “worsening mental and physical

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<sup>27</sup> *A Home for Hate: How Antisemitism is Reaching Millions on X*, CENTER FOR COUNTERING DIGITAL HATE & JEWISH COUNCIL FOR PUBLIC AFFAIRS (Sept. 29, 2025), [https://counterhate.com/wp-content/uploads/2025/09/A-Home-for-Hate-Report\\_Final.pdf](https://counterhate.com/wp-content/uploads/2025/09/A-Home-for-Hate-Report_Final.pdf).

<sup>28</sup> *Faculty Under Fire: Antisemitism and Anti-Israel Bias in Higher Education*, ANTI-DEFAMATION LEAGUE (Sept. 10, 2025), <https://www.adl.org/resources/report/faculty-under-fire-antisemitism-and-anti-israel-bias-higher-education>.

<sup>29</sup> *Id.*

health, increased self-censorship, fear for personal safety, and perceived risks and long-term costs for their professional careers.”<sup>30</sup>

This trend persists across different aspects of American civil society. Many Jews are afraid to make their Jewish identity known—let alone to report incidents to authorities or pursue public legal action.

- A majority of Jewish Americans—60% of those surveyed in a Gallup poll last year—have felt “reluctant to share” their Jewish religious affiliation with others because of fear of harassment or poor treatment.<sup>31</sup>
- Nearly three in five (56%) say they “altered their behavior” in 2024 out of fear of anti-Semitism, according to AJC, a sharp increase from previous years (46% in 2023 and 38% in 2022).<sup>32</sup>
- Specifically, 31% of respondents avoided certain places, events or situations “out of concern for your safety or comfort as a Jew,” and 40% avoided publicly wearing or displaying things, or posting content online, that would identify them as Jewish.<sup>33</sup>
- In a fall 2024 campus climate survey conducted by the ADL and Hillel, *more than half* of Jewish student respondents said they

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<sup>30</sup> *Id.*

<sup>31</sup> Jeffrey M. Jones, *Americans Show Heightened Concern About Antisemitism*, GALLUP (July 1, 2024), <https://news.gallup.com/poll/646469/americans-show-heightened-concern-antisemitism.aspx>.

<sup>32</sup> *The State of Antisemitism in America 2024*, AMERICAN JEWISH COMMITTEE, <https://www.ajc.org/AntisemitismReport2024#prioritybox>.

<sup>33</sup> *AJC’s Survey of American Jews*, AMERICAN JEWISH COMMITTEE (2024), <https://www.ajc.org/AntisemitismReport2024/AmericanJews>.



felt some level of discomfort with others on campus knowing they are Jewish.<sup>34</sup>

- Of the BBYO high schoolers surveyed in 2024, more than half have felt heightened concern about attending school and more than one third about participating in extracurricular activities in the aftermath of October 7, 2023.<sup>35</sup>

**D. Jews are also under-reporting anti-Semitic incidents, including because of prior bad experiences reporting anti-Jewish hate to their institutions.**

As a direct result of the trends described above, Jews in the U.S. are under-reporting incidents of anti-Semitism out of fear—and, in fact, facing retaliation when they do report. Among Jews who reported to AJC that they had experienced anti-Semitism, a meager 22% reported the incidents.<sup>36</sup> Of the 78% who did not report anti-Semitism directed at them, 26% cited either fear that their report would not stay anonymous, or a “bad experience reporting something previously.”<sup>37</sup>

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<sup>34</sup> *Campus Antisemitism One Year After the Hamas Terrorist Attacks*, ANTI-DEFAMATION LEAGUE (Jan. 30, 2025), <https://www.adl.org/resources/report/campus-antisemitism-one-year-after-hamas-terrorist-attacks>.

<sup>35</sup> *Antisemitism Survey: Executive Summary*, BBYO (2024), <https://bbyocmsproddata.blob.core.windows.net/bbyomedia/bbyo/media/bbyodocuments/antisemitism/bbyo-antisemitism-survey-summary-feb-2024.pdf>.

<sup>36</sup> *AJC's Survey of American Jews*, AMERICAN JEWISH COMMITTEE (2024), <https://www.ajc.org/AntisemitismReport2024/AmericanJews>.

<sup>37</sup> *Id.*

The ADL similarly found that among those surveyed who experienced anti-Jewish discrimination within the past year, 74% did not report it to any institution.<sup>38</sup> Nearly half of the BBYO high schoolers surveyed in 2024 said that they had refrained from reporting incidents of in-person anti-Semitism.<sup>39</sup>

## CONCLUSION

For the foregoing reasons, the district court's order granting Defendant-Appellee's motion to dismiss Plaintiffs-Appellants' Title VI claims should be reversed.

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<sup>38</sup> *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, ANTI-DEFAMATION LEAGUE & JEWISH FEDERATIONS OF NORTH AMERICA (Oct. 6, 2025), <https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025>.

<sup>39</sup> *Antisemitism Survey: Executive Summary*, BBYO (2024), <https://bbyocmsproddata.blob.core.windows.net/bbyomedia/bbyo/media/bbyodocuments/antisemitism/bbyo-antisemitism-survey-summary-feb-2024.pdf>.

Date: October 22, 2025

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## **CERTIFICATE OF COMPLIANCE & SERVICE**

Pursuant to Local Rule 28.3(d), Richard A. Rosen is a member of the bar of the U.S. Court of Appeals for the Third Circuit.

Pursuant to Federal Rule of Appellate Procedure 29(a)(2), counsel obtained written consent from counsel for all parties to file this brief.

This brief contains 4,341 words and uses a proportionally spaced font in size 14-point Century Schoolbook, in compliance with the length, typeface and type style requirements of Federal Rules of Appellate Procedure 27(d) and 32(a) and Local Appellate Rule 32.1(b).

Pursuant to Local Rule 31.1(c), counsel certifies that the text of the electronic brief is identical to the text of the hardcopy brief, and that a virus scan was run on the electronic file of the brief using Microsoft Defender Antivirus and no virus was detected.

On October 22, 2025, this motion was served through the Court's CM/ECF system on counsel for all parties to be served.

Date: October 22, 2025

The Louis D. Brandeis Center  
for Human Rights Under Law

/s/ Richard A. Rosen  
Richard A. Rosen

Counsel for *Amicus Curiae*