



ISSUE BRIEF | Center for American Security &
Higher Education Reform Initiative

COMBATING ANTISEMITISM ON U.S. COLLEGE CAMPUSES

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TOPLINE POINTS

- ★ Recorded instances of antisemitism reached an all-time high in 2021. College and university campuses, especially those in the Northeast and California, often fail to provide Jewish students with a learning environment free of harassment and discrimination.
- ★ As university administrations fail to address the problem, Congress must exercise its oversight authority to ensure the Department of Education's Office of Civil Rights is taking complaints of antisemitism on campus seriously. Congress can also investigate grant-making activities to ensure that federal funding is not supporting bastions of antisemitic sentiment in Middle East Studies programs funded under Title VI of the Higher Education Act.
- ★ States can take action to improve the campus climate for Jewish students, both by adopting the International Holocaust Remembrance Alliance's "Working Definition" of antisemitism and by requiring state institutions to issue an annual report overviewing complaints of antisemitism and the steps taken by the institution to combat harassment and discrimination directed toward Jewish students.

The number of recorded antisemitic incidents in the U.S. reached an all-time high in 2021 ([Anti-Defamation League](#), 2022a). In recent years, American universities have become increasingly hostile environments for Jewish students and faculty because of policies instituted by the universities themselves and pressure from student groups. At the University of California Berkeley School of Law, Students for Justice in Palestine, along with several other campus groups, adopted bylaws prohibiting invitations to guest speakers who support Zionism ([Bandler](#), 2022). With the justification of "protecting the safety and welfare of Palestinian students," the effort effectively formalizes a policy of viewpoint discrimination against many Jewish (and non-Jewish) lecturers. In New York,



the City University of New York is the subject of a complaint under Title VI of the Civil Rights Act (1964) for not taking action in response to a series of antisemitic incidents dating back almost a decade, including swastikas carved into classroom doors and repeated acts of vandalism targeting Jewish professors ([American Center for Law & Justice](#), 2022). In 2020, New York University settled a complaint under Title VI by agreeing to update its nondiscrimination and anti-harassment policy and do more to prevent the harassment of Jewish students after students documented institutional inaction following a public death threat and instances of harassment that left one Jewish student injured ([Office of Civil Rights](#), 2020).

RISE IN ANTISEMITISM ON COLLEGE CAMPUSES CREATES A HOSTILE LEARNING ENVIRONMENT FOR JEWISH STUDENTS

Unfortunately, universities often turn a blind eye to these problems. The antisemitism watchdog group StopAntisemitism gave Columbia University, NYU, Brooklyn College, and the University of California, Berkeley failing grades in its recent report card, citing sentiments from students that those institutions do not prioritize their safety ([StopAntisemitism](#), 2022, pp. 4–9). Fifty-five percent of Jewish students they surveyed answered that they have personally been a victim of antisemitism on campus, and only 28% answered that their school takes antisemitism and their safety seriously. Administrators have been aware of the problem for years now. A 2016 survey of over 4,000 Jewish students on 50 campuses found that 34% perceive “a hostile environment toward Israel” ([Saxe et al.](#), 2016). The range was vast, from just 3% at the University of Miami to more than 50% at several elite campuses in California and in the Northeast, and fully 70% of Jewish students at Northwestern University.

FIGHTING ANTISEMITISM REQUIRES AMERICA FIRST POLICIES

Universities employ a growing army of administrators charged with promoting diversity, equity, and inclusion priorities (DEI). Unfortunately, their activities often undermine the core mission of the academy, which is in large part concerned with creating conditions that foster the pursuit of knowledge and dissemination of understanding ([Londregan et al.](#)). They are also failing to combat antisemitism on many campuses. In fact, many institutions do not include Jews in their DEI initiatives ([StopAntisemitism](#), 2022, pp. 4–9). While criticism of Israel and Israeli policies is protected by the First Amendment, administrators too often ignore discriminatory, harassing, and even violent behavior by students and faculty that creates a hostile environment for Jewish students, denying them educational opportunities universities exist to promote. The following actions can help



curb these developments while restoring an environment of free and open exchange of ideas in a welcoming campus environment.

Recommended State Actions

- **States should adopt the International Holocaust Remembrance Alliance (IHRA) “Working Definition” of Antisemitism** to raise awareness of the problem and clarify that state-level civil rights protections (which often protect against discrimination based on national origin but not religious background) extend to Jewish students and citizens. Thirty states have already adopted the “working definition,” which states that “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews.¹ Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities” ([International Holocaust Remembrance Alliance](#)).
- **State legislators can require governing boards, higher education coordinating bodies, and Departments of Education (as applicable) to issue an annual report to state leaders** summarizing any complaints of antisemitic incidents on public campuses and the steps taken by the institution to combat discrimination and harassment based on national origin. Reporting requirements force higher education leaders to study the problem and focus attention on development strategies to support affected students in the short term and improve the campus environment over the long term. Lawmakers can also establish public commissions with mandates that go beyond a single campus or university system—for example to issue a study on antisemitism in the state more broadly, including recommendations for K-12 school systems, institutions of higher education, and state and local policymakers—as Texas has done ([H.B. 3257](#), 2021).
- **State lawmakers can also forbid state agencies from contracting with companies that call for boycotts of Israel** or any other country where the state has an interest in economic cooperation. For example, Ohio [HB 476](#) (passed in 2016) included the following language:

A state agency may not enter into or renew a contract with a company for the acquisition or provision of supplies, equipment, or services, or for construction services unless the contract declares that the company is not boycotting any jurisdiction with whom this state can enjoy open trade, including Israel, and will not do so during the contract period.



Recommended Federal Actions

The United States adopted the IHRA working definition of antisemitism in 2019, an action the Biden Administration “embraces and champions” ([Magid](#), 2021). President Trump’s Executive Order [13899](#) also clarified that “[i]t shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI” of the Civil Rights Act. Title VI provides important protection for students facing discrimination by enabling them to file complaints with the Department of Education’s (DoEd) Office of Civil Rights (OCR). With OCR focused on Title IX enforcement in recent years (especially issues related to gender identity and sexual orientation), oversight will be necessary to ensure the current administration continues to prioritize the important work of combating antisemitism.

- **Congress can exercise oversight—in the form of information requests and committee hearings, if necessary—to ensure DoEd is actively investigating complaints about antisemitism on U.S. campuses and holding colleges and universities that receive federal funds accountable.**

Title VI of the Higher Education Act of 1965 (HEA) funds international education programs and foreign language programs on U.S. campuses. Congress established Title VI programs based on its finding that “the security, stability, and economic vitality of the United States... depend upon American experts in... world regions, foreign languages, and international affairs.” Concerns that many of the academic centers funded under Title VI, including Middle East Studies programs around the country, “use taxpayer funds to support biased, politicized, and imbalanced programs” have a long history ([AMCHA](#), 2008). A recent AMCHA Initiative study of anti-Zionist and BDS-supporting faculty found that 70% are associated with Ethnic, Gender, or Middle East Studies departments (they sponsor almost 90% of events containing anti-Zionist or pro-BDS rhetoric;² [AMCHA](#), 2017) AMCHA researchers have also established that the presence of faculty who express anti-Zionist views “is associated with a significant increase in... incidents that target Jewish students for harm, including assault, harassment, destruction of property and suppression of speech.”

- Congress can amend Title VI of the HEA to make ineligible any institution that boycotts partnerships and fellowships with countries (or academic entities in countries) that are U.S. allies, including Israel. The National Association of Scholars (NAS) has suggested legislative language that could inform HEA reauthorization ([NAS](#), 2021).



- A new NAS report detailing the “capture of America’s Middle East Studies Centers” documents that many such programs are federally-funded and devote considerable resources to social justice activism (including the development of curriculum for K-12 classrooms; [Arnold, 2022](#)). Congress can exercise oversight to ensure federal funds are not supporting bastions of antisemitic sentiment. Congress can also direct DoEd to refrain from funding workshops, events, or programs that deal primarily with domestic social or cultural issues under Title VI by amending the HEA. This would refocus programs funded under Title VI on the national security and international diplomacy purposes Congress intended (it would not affect grants awarded by DoEd under its well-funded discretionary programs; [Department of Education, 2022](#).)
- NAS has also established that many federally-funded centers [focus](#) on social justice issues abroad by, for example, “recast[ing] the Israel–Palestine debate as a fight for “indigenous rights” against the supposed evils of colonialism” ([Arnold, 2022](#)). The Secretary of Education can detail “areas of national need” under Section 601 of Title VI of HEA, considering consultation with leadership from other agencies that will prioritize the funding of programs with a bona fide relationship to U.S. national security objectives and human capital needs.

U.S. universities accept major gifts from foreign countries and foundations, including to support Middle East Studies programs and other area studies programs. These programs have long been controversial, especially their accommodations of anti-Israel and even anti-American faculty and programming, and create the possibility of undue foreign influence on American campuses ([Kredo, 2022](#)). Congress can mandate increased foreign gift transparency to help ensure U.S. colleges and universities are not ignoring discrimination on campus in an effort to avoid upsetting foreign donors. Indeed, this matter is of new urgency in light of revelations of a significant drop in the reporting of foreign gifts by universities since the beginning of the Biden Administration ([Conkin, 2021](#)), despite the requirements of Section 117 of the HEA and concerns expressed in a Senate investigation about vulnerabilities associated with systemic failures by government agencies to enforce this and other relevant laws ([2021](#)).

- The bipartisan [Safeguarding American Innovation Act](#) of 2021 would amend 20 U.S.C. §1011f to lower the disclosure threshold for foreign gifts and contracts from \$250,000 to \$50,000.
 - The Act also requires colleges and universities to retain copies of gift agreements and contracts “for the duration of the agreement.” A longer



retention requirement, for example, 10 years, would make more thorough compliance investigations possible.

- Under the proposal, the Secretary of Education is required to publish the basic details of each gift in a searchable database within 30 days of receiving a school's disclosure report. Reporting requirements could be amended to include a short explanation of the purpose of each gift and contract in the interest of greater transparency.
- Existing and improved legislation will force colleges and universities to change their behavior if reporting requirements are enforced by DoEd. Executive branch leaders should make enforcement a priority. If bureaucrats continue to neglect their duty to hold schools accountable, Congress must exercise its oversight authority.

THE WAY FORWARD

Although antisemitism on campuses is unfortunately not a new development, neither are the tools available to address it and to hold university administrators and faculty accountable. Indeed, as discussed here, federal law already requires universities to address complaints of antisemitic activity—as well as to comply with reporting requirements designed to limit malicious foreign influence—on U.S. campuses. Additional policy tools exist to enhance civil rights protections for Jewish students and the state and local levels; policymakers should consider them seriously considering disturbing trends over the last two years regarding the rise in reported instances of antisemitism and the relative lack of responsiveness by universities.

Despite the concerning trends on campuses, today, there is a new opportunity to improve the campus environment for Jewish students considering bipartisan support for the IHRA working definition of antisemitism at the national level. Developing a shared understanding of what constitutes antisemitism is an important step, but it is only the first step. Building on this milestone requires action and leadership—from federal administrators responsible for civil rights enforcement, elected leaders, and university faculty and administrators.

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End notes

¹ As of November 2022, the following states that adopted the IHRA definition of antisemitism by legislation or executive order: Alabama (January 2022), Alaska (April 2022), Arizona (April 2022), Connecticut (January 2020), Florida (May 2019), Idaho (January 2022), Iowa (March 2022), Kansas (March 2022), Kentucky (February 2021), Louisiana (June 2022), Maine (January 2020), Massachusetts (January 2020), Montana (December 2021), Nebraska (May 2022), Nevada (January 2022), New Hampshire (January 2020), New Mexico (August 2022), New York (June 2022), Ohio (April 2022), Oklahoma (January 2022), Rhode Island (January 2020), South Carolina (May 2018), South Dakota (December 2021), Tennessee (January 2022), Texas (May 2021), Utah (January 2022), Vermont (January 2020), Virginia (January 2022), West Virginia (January 2022), Wyoming (January 2022).

² The Boycott, Divestment and Sanctions (BDS) movement aims to delegitimize Israel and marshal public and financial pressure to ostracize Israelis and undermine Israeli organizations and institutions. Proponents of BDS demonize all those who support the right of a Jewish state to exist and often resort to demeaning and antisemitic rhetoric. BDS supporters also pressure foreign governments to use sanctions and diplomatic pressure to force Israel to make concessions to the Palestinians. The Anti-Defamation League has argued that “many of the founding goals of the BDS movement, which effectively reject or ignore the Jewish people’s right of self-determination, or that, if implemented, would result in the eradication of the world’s only Jewish state, are antisemitic” ([ADL, 2022b](#)).



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