



# ARCHIVED INFORMATION

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

September 15, 2015

The Honorable Brad Sherman  
U.S. House of Representatives  
Washington DC 20515

Dear Representative Sherman:

Thank you for your June 5, 2015 letter to Secretary Arne Duncan commending the U.S. Department of Education (the Department) for issuing guidance reaffirming that anti-Semitic harassment can violate Title VI of the Civil Rights Act of 1964 (Title VI) and urging the Department to adopt the definition of anti-Semitism used by the U.S. Department of State. I am pleased to respond on the Secretary's behalf.

Discrimination and harassment against students on the basis of race, color, and national origin, including against students of faith, are unacceptable in our schools, colleges, and universities. We fall short on our Nation's longstanding commitment to equal educational opportunity whenever we fail to promote learning environments free from discriminatory harassment. The Office for Civil Rights (OCR) shares your concern that such harassment must be appropriately addressed for the betterment of all students. That is why, in our guidance, OCR recognizes that discrimination motivated by anti-Semitism may be discrimination based on race, color, or national origin that is prohibited under Title VI. The 2004 (<http://www.ed.gov/ocr/religious-rights2004.html>) and 2010 (<http://www.ed.gov/ocr/letters/colleague-201010.pdf>) guidance highlight how anti-Semitic harassment based on actual or perceived shared Jewish ancestry or ethnic characteristics can violate Title VI. In addition, OCR staff has provided, and will continue to provide, trainings with examples of unlawful harassment of Jewish students and of appropriate responses to harassment by college and university personnel.

With respect to adopting definitions, OCR has not generally adopted formal definitions of forms of discrimination under Title VI, but has sought to clarify what constitutes discrimination, including discriminatory harassment, through regulations, guidance, and technical assistance. While OCR has not adopted a formal definition of anti-Semitism, OCR carefully evaluates every complaint of discrimination we receive to determine, among other things, whether OCR has jurisdiction to investigate the allegations and, if so, how best to redress compliance concerns if any arise in the course of our investigations. We actively investigate complaints of discrimination in this area, as we do in all areas under our jurisdiction, and when we find discrimination based on actual or perceived shared ancestry or ethnic characteristics, we will continue to seek to secure strong remedies to redress discrimination

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

against Jewish students, as well as students of other faiths. Thank you for writing and for your continued commitment to ensuring all students have access to an education free from discrimination. If you have additional questions on this or any other topic, please contact our Office of Legislation and Congressional Affairs, at 202-401-0020.

Sincerely,



Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education