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President

December 6, 2023

RABBI MOSHE HAUER
Executive Vice President

Secretary Miguel Cardona
U.S. Department of Education
Washington, DC
by electronic mail

RABBI JOSH JOSEPH, ED.D.
Executive Vice President
& Chief Operating Officer

NATHAN J. DIAMENT
Executive Director

Dear Secretary Cardona,

ISAAC PRETTER
Chairman, Advocacy

We write to you with an urgent request – that you immediately inform the leaders of American universities that students or faculty on their campuses calling for “the genocide of Jews” is unacceptable. They need to be told that the failure of their universities to properly respond to such calls will place their institution in violation of their legal obligations under Title VI of the Civil Rights Act.

YEHUDA NEUBERGER
Chairman, Board of Directors

Sadly, we must ask you to take this action to “educate” America’s university leaders because of what the presidents of three leading universities said – or failed to say – in testimony before the House Education & Workforce Committee yesterday. The presidents of Harvard, MIT and the University of Pennsylvania were asked whether “calling for the genocide of Jews violates their [schools’] code of conduct” and essentially answered that it depends on the context, that such statements inciting to violence are only problematic when coupled with actions and when directed at specific individuals.
<https://www.washingtonpost.com/education/2023/12/06/3-elite-college-presidents-answered-questions-antisemitism/>

The Dear Colleague letter issued by the Department’s Office of Civil Rights on November 7 states:

Harassing conduct can be verbal or physical and need not be directed at a particular individual. . . . Schools must take immediate and effective action to respond to harassment that creates a hostile environment.

They need to be reminded that what is allowed in our streets as free speech may nevertheless create a hostile environment that must not be allowed on campus. Jewish students on American universities continue to be confronted regularly with mass chants and rallies calling for “intifada revolution,” “the only solution,” and other thinly veiled threats of violent actions against Jews. These students are being harassed and university leaders are failing to respond properly – and now they have seen the presidents of three of the most prestigious American universities refuse to repudiate this verbal harassment and, thus, effectively give it permission to continue.

Mr. Secretary, we appreciated your statements last month – when we met and in public – repudiating antisemitism. We appreciate your opening investigations into several universities and understand that specific investigations take time to conclude. What we heard yesterday were terribly misguided statements of principle governing inciteful speech on campus. What does not require the same type of process is the presentation of a clear and explicit statement of legal

principles that goes on to detail the application of those principles to the rallies that are happening daily on campuses.

We need you in this moment to speak out again on this and to have OCR fast-track the issuing of a more specific Dear Colleague following up on last month's letter and clearly informing universities of their obligations to respond to this heinous conduct and the consequences if they do not.

We look forward to your rapid reply.

Thank you,

S/

Rabbi Moshe Hauer

Nathan J. Diament

cc: Deputy Secretary Cynthia Marten
Assistant Secretary Catherine Lhamon
Melissa Rogers, The White House
Shelley Greenspan, The White House