



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

May 25, 2023

Dear Colleague:

As we witness a nationwide rise in reports of antisemitic harassment, including in schools,¹ I write to remind you of schools' legal obligation under Title VI of the Civil Rights Act of 1964 (Title VI) to provide all students, including Jewish students, a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.

Earlier this year, the Department of Education's Office for Civil Rights (OCR) issued a fact sheet - [Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#) - explaining how the protection offered by Title VI, which prohibits discrimination based on race, color, or national origin by programs or activities of recipients of federal financial assistance, extends to students who experience discrimination, including harassment, based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.²

Title VI protects all students, including students who are or are perceived to be Jewish, from discrimination based on race, color, or national origin. For example, OCR may investigate [complaints](#) that students have been subjected to ethnic or ancestral slurs; harassed for how they look, dress, or speak in ways linked to ethnicity or ancestry (e.g., skin color, religious attire, language spoken); or stereotyped based on perceived shared ancestral or ethnic characteristics.

Schools must take immediate and appropriate action to respond to harassment that creates a hostile environment.³ OCR generally finds that a hostile environment exists where there is harassing conduct

¹ See generally Federal Bureau of Investigation, [Supplemental Hate Crime Statistics](#), 2021, March 2023; see also, Anti-Defamation League, [Audit of Antisemitic Incidents 2022](#), March 2023 (acknowledging rise in reported antisemitic incidents in K-12 schools and institutions of higher education). This letter uses the term schools to refer to K-12 schools and institutions of higher education.

² See *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332, 354-55 (S.D.N.Y. 2014) (giving deference to U.S. Department of Education Office for Civil Rights guidance in holding that discrimination based on shared ancestry and ethnic characteristics is prohibited by Title VI); see also 42 U.S.C. § 2000d; 34 C.F.R. § 100.3. Title VI does not protect students from discrimination based solely on religion. OCR refers complaints of discrimination based exclusively on religion to the U.S. Department of Justice, which has jurisdiction on this issue. See Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, *et seq.*

³ See, e.g., *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 670 n.14 (2d Cir. 2012) (citing school districts' "longstanding legal duty to 'take reasonable steps to eliminate' racial harassment in its schools" (quoting OCR's Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance, 59 Fed. Reg. 11448, 11450 (Mar. 10, 1994))). For additional information, please see [Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance](#) (March 1994); U.S. Department of Education Office for Civil Rights, [Harassment and Bullying Dear Colleague Letter](#) (October 2010).

that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school.⁴

If a hostile environment based on shared ancestry existed, and the school knew or should have known of the hostile environment, OCR will evaluate whether the school met its obligation under Title VI to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring.⁵ In other words, a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, such as antisemitic harassment.

OCR has developed a variety of resources to help educate the public on the importance of maintaining educational environments free from discrimination, including discrimination based on shared ancestry or ethnic characteristics or citizenship or residency in a country with a dominant religion or religious identity. Please see a list of resources below that you might find helpful. Additional resources are available on the [Shared Ancestry or Ethnic Characteristics](#) page of OCR’s website. Elementary and secondary schools and districts may also request technical assistance from their regional [Equity Assistance Center](#), a discretionary grant program managed by the Office of Elementary and Secondary Education, that supports technical assistance and training, upon request, in the areas of race, sex, national origin, and religion.

If you have questions or would like additional information or technical assistance, please visit our website at www.ed.gov/ocr or contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at ocr@ed.gov.

Thank you for your commitment to providing to our nation’s students an educational environment free from discrimination.

Sincerely,

/s/

Catherine E. Lhamon

Assistant Secretary for Civil Rights

⁴ See, e.g., *Zeno*, 702 F.3d at 665-66 (2d Cir. 2012) (explaining that harassment is actionable if it is “‘severe, pervasive, and objectively offensive’ and discriminatory in effect” (quoting *Davis ex rel. LaShona D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650-51 (1999)), and that discriminatory actions restrict “‘an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit’ under the school system” (quoting 34 C.F.R. § 100.3(b)(1)); see also [Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance](#) (March 1994); U.S. Department of Education Office for Civil Rights, [Harassment and Bullying Dear Colleague Letter](#) (October 2010).

⁵ See U.S. Department of Education Office for Civil Rights, [Harassment and Bullying Dear Colleague Letter](#) (October 2010).

Resources:

- U.S. Department of Education Office for Civil Rights, [Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#) (January 2023).
- U.S. Department of Education Office for Civil Rights, [Questions and Answers on Executive Order 13899 \(Combating Anti-Semitism\) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964](#) (January 2021).
- U.S. Department of Education Office for Civil Rights, [Know Your Rights: Title VI and Religion Fact Sheet](#) (January 2017).
- U.S. Department of Education Office for Civil Rights, [Combating Discrimination Against Jewish Students Fact Sheet](#) (January 2017).
- U.S. Department of Education Office for Civil Rights, [Combating Discrimination Against Asian American, Native Hawaiian, and Pacific Islander \(AANHPI\) and Muslim, Arab, Sikh, and South Asian \(MASSA\) Students](#) (June 2016).
- U.S. Department of Justice Civil Rights Division Letter to U.S. Department of Education Office for Civil Rights, [Title VI and Coverage of Religiously Identifiable Groups](#) (September 2010).
- U.S. Department of Education Office for Civil Rights, [Title VI and Title IX Religious Discrimination in Schools and Colleges Dear Colleague Letter](#) (September 2004).
- U.S. Department of Education Office for Civil Rights, [First Amendment Dear Colleague Letter](#) (July 2003).

Anyone who believes that a school has discriminated against a student based on race, color, or national origin can file a complaint of discrimination with OCR. To file a complaint, visit <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding agency policies and/or existing requirements under federal civil rights laws.