



To: Institutions of Higher Education
From: Office of the Secretary of higher Education
Date: November 17, 2023
Subject: U.S. Department of Education Dear Colleague Letter

Please see the attached letter from the U.S. Department of Education Office of Civil Rights with information and resources regarding discrimination, including harassment, based on shared ancestry or ethnic characteristics.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 7, 2023

Dear Colleague:

As we witness a nationwide rise in reports of hate crimes¹ and harassment, including an alarming rise in disturbing antisemitic incidents and threats to Jewish, Israeli, Muslim, Arab, and Palestinian students on college campuses and in P-12 schools, the fulfillment of school communities' federal legal obligations to ensure nondiscriminatory environments have renewed urgency. As the President promised, the federal government is "...working with community partners to identify, prevent, and disrupt any threats that could harm the Jewish, Muslim, Arab American, Palestinian American, or any other communities."² Hate-based discrimination, including based on antisemitism and Islamophobia among other bases, have no place in our nation's schools.

It is in this context that I write to remind colleges, universities, and schools that receive federal financial assistance of their legal responsibility under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI) to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.³ It is your legal obligation under Title VI to address prohibited discrimination against students and others on your campus—including those who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian—in the ways described in this letter.

Every student has the right to a learning environment that is free from discrimination. The Department of Education's Office for Civil Rights (OCR) stands ready to support schools in fulfilling this promise and to ensure every student's right to learn without discrimination. All students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world, are entitled to a school environment free from discrimination based on race, color, or national origin.

Title VI's protection from race, color, and national origin discrimination 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

¹ See, e.g., U.S. Department of Justice, "2022 FBI Hate Crimes Statistics," www.justice.gov/crs/highlights/2022-hate-crime-statistics. See also, U.S. Department of Justice, "Attorney General Merrick B. Garland Delivers Remarks at the U.S. Attorney's Office for the Northern District of Florida," (October 20, 2023), www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-us-attorneys-office-northern.

² The White House, Statement from President Joe Biden on the 25th Anniversary of the International Religious Freedom Act (Oct. 27, 2023), www.whitehouse.gov/briefing-room/statements-releases/2023/10/27/statement-from-president-joe-biden-on-the-25th-anniversary-of-the-international-religious-freedom-act/.

³ 42 U.S.C. § 2000d; 34 C.F.R. § 100.3.

or distinct religious identity.⁴ Schools that receive federal financial assistance have a responsibility to address discrimination against Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, or those of another religious group, when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes; when the discrimination is based on a student’s skin color, physical features, or style of dress that reflects both ethnic and religious traditions; and when the discrimination is based on where a student came from or is perceived to have come from, including discrimination based on a student’s foreign accent; a student’s foreign name, including names commonly associated with particular shared ancestry or ethnic characteristics; or a student speaking a foreign language.

Harassing conduct can be verbal or physical and need not be directed at a particular individual. OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity. Schools must take immediate and effective action to respond to harassment that creates a hostile environment.⁵

Through the enforcement of federal civil rights laws, OCR has a longstanding commitment to addressing discrimination in our nation’s schools. OCR has developed a variety of resources, including a [Dear Colleague Letter](#) and [Fact Sheet](#), to help inform school communities that receive federal financial assistance from the Department of their obligation to maintain educational environments free

⁴ See *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332, 353-55 (S.D.N.Y. 2014) (giving deference to U.S. Department of Education’s interpretation of its Title VI regulation and 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(b)(1)(iv) and (vi), and OCR Dear Colleague Letter: Harassment or Bullying, 4-6 (Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>. 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.*

⁵ 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).

OCR interprets its regulations consistent with the requirements of the First Amendment to the U.S. Constitution, and all actions taken by OCR must comport with First Amendment principles. No OCR regulation should be interpreted to impinge upon rights protected under the First Amendment or to require recipients to enact or enforce codes that punish the exercise of such rights.

from discrimination. Additional resources are available on the [Shared Ancestry or Ethnic Characteristics](#) page of OCR’s website.⁶

Jewish students, Israeli students, Muslim students, Arab students, Palestinian students, and all other students who reside within our school communities have the right to learn in our nation’s schools free from discrimination. Please be vigilant in protecting your students’ rights under Title VI, understanding that we in OCR are and will be.

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

⁶ For an example of a recently resolved complaint about antisemitic harassment, please see, [Letter from OCR Boston to Suresh V. Garimella, University of Vermont](#) (April 3, 2023) and Resolution Agreement - [The University of Vermont and State Agricultural College](#) (April 3, 2023). For information about other resolved complaints alleging discrimination based on shared ancestry or ethnic characteristics, visit https://ocrcas.ed.gov/ocr-search?sort_order=ASC&sort_by=field_recipient_name&keywords=shared+ancestry*.

Resources:

- U.S. Department of Education Office for Civil Rights, [Addressing Discrimination Against Jewish Students Dear Colleague Letter](#) (May 2023).
- 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.