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August 23, 2024

Dear Campus Leaders:

I hope this letter finds you well as you prepare to welcome students back onto campus for the beginning of the academic year. As you are no doubt aware, many campuses were the scenes of intense protests and other activity last summer in the wake of the brutal and unjustifiable attack on Israel on October 7th. Antisemitism, Islamophobia, and discrimination based on a student's race, national ancestry are all abhorrent forms of hate that have no place on our nation's college campuses. On some campuses, the actions of faculty, students, and in many cases private individuals, likely combined to create unsafe learning environments for students with Jewish or Palestinian shared ancestry.¹ The U.S. Department of Education's Office for Civil Rights (OCR) has found that some schools did not take the steps necessary to assess whether these unsafe environments were created.² This in turn meant these schools could not take prompt and effective action to end these environments or prevent their reoccurrence, which is their duty under title VI of the *Civil Rights Act of 1964* (Title VI).³ We also saw incidents where schools deployed law enforcement to deal with protesting students and faculty inconsistent with educational civil rights laws and Constitutional protections. OCR has also required some schools to ensure such discriminatory policing is not occurring as part of the resolution of Title VI complaints.⁴

As OCR has stated, there is no inconsistency between upholding First Amendment rights on campus and maintaining safe learning environments for all students regardless of their race, shared ancestry, or national origin. While schools can achieve both goals, it will take diligence, thoughtfulness, and dedicated resources to do so effectively. As such I want to make sure you are aware of resources at the federal level designed to help schools in these efforts.

Earlier this month, the White House National Security Council (NSC) convened a webinar showcasing the Government-wide effort to help colleges and universities provide a safe and orderly return to campus. This included resources and guidance from the Departments of

¹ See, e.g., Letter from Brian Gndt, Regional Program Director, Office for Civil Rights, U.S. Department of Education, to Kelly Cruz, Associate General Counsel, University of Michigan (June 17, 2024), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/15242066-a.pdf>.

² *Id.*

³ *Id.*

⁴ See *id.* (Resolution Agreement enclosed with the letter).

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Education, Justice, and Homeland Security all designed to help schools serve all students. Specifically, a guidance document from OCR, *Free To Learn: Leading Inclusive Learning Environments in Higher Education*, provides pertinent information to assist schools in being respectful of student and faculty speech, while also maintaining safe and healthy environments for all students.⁵ I urge you to review this guidance as part of your preparation for the return of campus operations. Further, please ensure your staff are aware of the resources highlighted in the NSC webinar as you revise campus policies and prepare for response to events on campus.

Sincerely,



ROBERT C. "BOBBY" SCOTT

Ranking Member

⁵ U.S. Dep't of Educ., *Free to Learn: Leading Inclusive Learning Environments in Higher Education*, July 29, 2024, https://sites.ed.gov/cfbnp/files/2024/07/USDE_Campus-Toolkit_FINAL.pdf