



Student Freedom & Safety Project:

Rising Tide of Harassment, Intimidation Against Jews and Christians on America's College Campuses



“This is a front line battle to protect civil rights in the 21st century”

Background:

Over the past decade, **U.S. college campuses have experienced a rising tide of anti-Semitism**, including violent attacks, threatening behavior, and discriminatory harassment against Jewish students. In many cases, the acts and behavior have come as a result of student-on-student violence inspired or condoned by pro-Palestinian and Islamist organizations actively pursuing political agendas on campuses.

Likewise, **Christians on college campuses have increasingly become the targets of overt, hostile behavior** by some colleges and various student organizations supported by national (and international) sources. Instances of targeting have become commonplace on many large American campuses.

Compounding the victimization, **a number of prominent colleges and universities have failed to adequately enforce campus and legal policies** designed to protect students against religious and ethnic harassment.

Further, the current **U.S. Department of Education under President Obama has failed to vigorously enforce civil rights anti-harassment and discrimination prohibitions** against colleges and universities that receive federal funding, allowing a toxic atmosphere of mistrust, hate and violence against Jewish and Christian students to fester on many campuses as outlined below.

“Title VI of the Civil Rights act of 1964 prohibits various forms of discrimination at federally funded programs, including higher educational institutions, but the Obama administration’s Department of Education has so far refused to enforce it against federally funded universities and colleges that have allowed anti-Semitic harassment of Jewish students to go on with relative impunity. For example, in a letter rejecting a complaint that had accused a California

state university of allowing a hostile environment for Jewish students to exist on campus, the education department's Office for Civil Rights wrote: "In the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a reasonable student in higher education may experience. In this context, the events that the complainants described do not constitute actionable harassment." "The Alarming Rise of Campus Anti-Semitism," *Front Page Magazine*, Dec. 16, 2013.

A study of Religious Tolerance on Campus published by the Institute for Jewish & Community Research in December of 2011, entitled "ALONE ON THE QUAD: Understanding Jewish Student Isolation on Campus," surveyed over 1,400 students in the United States. The Institute found that "Over 40% of students confirm Anti-Semitism on their campus."

"Ample anecdotal evidence suggests that, over the last decade, Jewish college students have faced rising levels of anti-Semitism on campuses across the United States," the Institute's report concluded. "[Anti-Israel] divestment campaigns, protests, rallies, guerrilla theater and inflammatory speakers have featured anti-Jewish rhetoric. With insufficient response from administrators, these events have developed into hostile environments, where Jewish students and others have been maligned and threatened."

Instances in which Christian students on college campuses are facing overt hostility – both from other organizations and inside academia itself – are also on the rise. Recent Supreme Court decisions granting more "latitude" for colleges to police Christian student groups led **Supreme Court Justice Samuel Alito to warn in a minority opinion that wider police powers over beliefs unique to Christians on college campuses will become a "weapon" used against Christian organizations and students.** *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010).

Challenge:

How to address the pressing need for legal action to protect the interests of Jewish and Christian students and organizations subjected to harassment on U.S. college campuses.

A Response:

Southeastern Legal Foundation (SLF), a constitutional public interest law firm founded in 1976, is preparing a concerted, sustained legal advocacy program on behalf of Jewish and Christian students and organizations experiencing harassment on U.S. college campuses. Working with organizations currently monitoring and publicizing issues of harassment, SLF will help establish a vigorous legal approach to directly address the problems.

The Student Freedom and Safety Project will provide legal counsel and advocacy on behalf of Jewish and Christian students and organizations facing overt harassment, specifically:

- Work in collaboration with organizations involved in Jewish and Christian student and community issues to identify specific, verifiable instances of harassment.
- Represent students and organizations affected before school administrators to determine if the school has policies and procedures designed to protect against

harassment and, if so, whether those policies are being enforced and administered and, if not, how the school should develop those policies and effectively enforce them.

- Provide legal counsel and representation for individual students and organizations in cases in which civil litigation appears to be the best course of action to defend the freedom and security of the students and organizations.

The Student Freedom & Safety Project will be an ongoing project under SLF's civil rights mission. Stay tuned for developments in this critical arena.