



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

In the Wake of Israeli/Palestinian Conflict, Department of Education Warns Colleges to Address Ancestry-Based Discrimination on Campus

BY BRIGID A. HARRINGTON • NOVEMBER 13, 2023

In a Dear Colleague Letter issued on November 7, the U.S. Department of Education's Office for Civil Rights (OCR) issued a letter reminding educational institutions of their obligation to address and prevent discrimination based on shared ancestry or ethnic characteristics. The letter specifically referred to recent instances of antisemitism and Islamophobia that have occurred in K-12 schools, and on college campuses, and provides guidance on fostering a safe and inclusive environment for students.

KEY TAKEAWAYS

1. Broad Scope of Ancestry Discrimination

The letter clarifies that discrimination based on shared ancestry extends beyond racial or ethnic stereotypes. It includes mistreatment directed at individuals because of their ancestral origins, irrespective of their race or ethnicity.

2. Educational Institutions' Responsibilities

The letter reminds educational institutions of their obligation to take prompt and effective steps to address and prevent discrimination and harassment based on shared ancestry.

3. Preventive Measures

The letter encourages educational institutions to implement preventive measures, such as training programs, to promote awareness and understanding of the diverse backgrounds of their students.

4. Complaint Procedures

The letter underscores the importance of having clear and accessible complaint procedures. Educational institutions

are advised to communicate these procedures to students, parents, and employees and ensure that complaints are promptly and thoroughly investigated.

CLIENT TIP

The letter signals that OCR is watching how institutions handle discrimination on campus, particularly as it relates to the Israeli/Palestinian conflict. Institutions may also have obligations to allow for speech, including political speech, on campus. If you have questions about how to balance these concerns, please reach out to Bowditch's education group.