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FLAME **HOTLINE**

July 9, 2024



UCLA student Eli Tsives is blocked by pro-Palestinian militants from entering campus, one of many harassment incidents suffered by Jewish students at American universities in recent months. So far, both campus and federal authorities have failed to punish offenders

Authorities fail to correct campus injustice against Jewish students, preferring appearement

Dear Friend of Israel, Friend of FLAME:

"Never would I have imagined that I'd need to fight for my right to exist on campus," laments Shabbos Kestenbaum, a student at Harvard University, who is suing the school because "antisemitism is <u>out of control.</u>"

Indeed, Jewish students have suffered an unrelenting explosion of hate on American higher education campuses—so far with little relief. They have endured antisemitic rhetoric, intimidation, cancellation and violence. But those charged with keeping campuses safe—whether administrators who govern student and faculty behavior or federal agencies responsible for ensuring that schools adhere to civil rights protections—are <u>failing in their jobs</u>.

Many Jewish students have complained to their colleges' administrators about the injustices. But instead of responding with measures to ensure Jewish students' safety—like stopping pro-Hamas protestors from hijacking campuses or expelling militants who incite Jew-hatred— administrators have largely shown indifference. In some cases, college authorities have made things worse for Jewish students—by appeasing the <u>riotous</u>, <u>pro-Hamas mobs</u> who have been primary perpetrators of Jewhatred on campus.

Snubbed by college administrators, Jewish students and their supporters have appealed for federal protection, filing Title VI complaints with the U.S. Department of Education's Office of Civil Rights

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(OCR), the body tasked with enforcing protections under the Civil Rights Act. Unfortunately, the OCR, which has the power to levy severe financial punishments against colleges that neglect students' Title VI rights, has so far rewarded negligent universities with little more than slaps on the wrist.

Until college and university boards of trustees begin hiring administrators committed to Jewish students' safety—and until the OCR begins seriously punishing today's perpetrators of skyrocketing, rampant offenses against Jewish and pro-Israel students—we can expect no respite. Safe to say, colleges and universities run by <u>arrogant</u>, <u>apathetic administrators</u> will not change until their jobs and schools' survival are threatened.

College/university administrators don't take antisemitism seriously. Their reactions to Jewish students raising concerns about Jew-hatred range from indifference to outright hostility. For example, when Mohammed Al-Kurd, who the Anti-Defamation League says has a record of "unvarnished, vicious antisemitism," came to speak at Harvard, Shabbos Kestenbaum and other Jewish students complained to administrators.

Rather than cancel Al-Kurd's appearance, which would have been the appropriate action, the administrators ignored the students' complaints. "Harvard's silence was deafening," Kestenbaum wrote in *Newsweek*. Kestenbaum said he "repeatedly" expressed concerns to administrators about the antisemitism he experienced, but as his lawsuit alleges, "evidence of <u>uncontrolled discrimination</u> and harassment fell on deaf ears."

Administrators at Columbia University reacted to Jewish students' complaints about antisemitism even more cynically. In fact, during an alumni event, several administrators exchanged text messages mocking Jewish students, calling them "privileged" and "difficult to listen to."

When New York House Rep. Elise Stefanik asked the presidents of Harvard, MIT and the University of Pennsylvania if calling for genocide against Jews violated their schools' codes of conduct, none could say "yes." The presidents of Harvard and U. Penn have since resigned. Good riddance.

Some college/university administrators have outrageously granted concessions to pro-Hamas students. For instance, Northwestern University agreed to contact potential employers of students who caused campus disruptions to insist they be hired, create a segregated dormitory hall exclusively for Middle Eastern, North African and Muslim students, and form a new investment committee in which anti-Zionists could wield undue influence. Brown University agreed to hold a referendum on divestment from Israel in October.

Similar appeasements were announced at other colleges and universities, including Rutgers, Johns Hopkins, the University of Minnesota and the University of California, Riverside.

So far, the OCR has failed to take concrete action against antisemitism on campuses. This is evident in recent decisions involving the City University of New York (CUNY) and the University of Michigan. CUNY was ordered to conduct more investigations into Title VI complaints and report further developments to Washington, provide more employee and campus security officer training, and issue "climate surveys" to students.

1. Michigan also committed to a "climate survey," as well as to reviewing its case files for each report of discrimination covered by Title VI during the 2023-2024 school year, and reporting to the OCR on its responses to reports of discrimination for the next two school years.

Neither institution was penalized financially, even though the Department of Education has the power to withhold federal funds, which most colleges and universities depend on. There are now 149 pending investigations into campus antisemitism at the OCR. If these investigations yield toothless results similar to those of CUNY and U. Michigan, it is highly unlikely that colleges and universities will improve how they deal with antisemitism.

Putting an end to skyrocketing antisemitism on campus involves three things: First, donors and governments at each level should withhold funds from colleges that fail to hire administrators who will take antisemitism as seriously as they take <u>pronoun offenses or racism</u> directed at "people of color."

Second, the OCR must mete out serious consequences to Title VI violators in the form of funding cuts. This may require legislation that specifically mandates withdrawing funding to offending parties. A bill recently introduced by House Rep. Nicole Malliotakis—the University Accountability Act—may be ideal, as it is designed to <u>financially penalize institutions</u> that don't crack down on antisemitism.

Third, if the OCR won't act, Jewish students and their supporters should turn to the courts. Lori Lowenthal Marcus, the legal director of the Deborah Project, a public-interest Jewish law firm, argues that the CUNY settlement demonstrates the futility of going to the OCR and that going to court is more likely to produce "a clearly delineated and productive result," such as <u>punitive and compensatory fines</u>. As of late May, at least 14 colleges and universities are facing lawsuits over their handling of antisemitism on campus since October 7th.

Please make the point when speaking with family, friends, colleagues—or in letters to the editor—that as long as college administrators are allowed to ignore antisemitism on campus, and as long as the

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OCR and other government institutions fall short in punishing Jew-hatred, antisemitism will continue to plaque Jewish students.

If you agree we need to spread this truth, please use your email browser to forward this Hotline issue to fellow lovers of Israel—and encourage them to join us by subscribing to the Hotline <u>at no charge</u>.

Best regards,

Jason Shvili, Contributing Editor

Facts and Logic About the Middle East (FLAME)

P.S. The riots, vandalism and illegal trespassing on American college campuses have sharpened the knives of the Israel haters. It's become clear that the "pro-Palestinian" protesters are purely anti-Israel and support the genocide of Jews "between the river and the sea." Scandalously, we've also seen hard evidence that university administrators are willing to ignore or openly support the antisemitic hate speech and harassment of Jewish students—though they would never permit such behavior against other minorities. I hope you'll agree that we supporters of Jewish students and hate-free campuses need to speak out. FLAME's new hasbarah—explanatory message—"Stop Terrorism on Campus"—calls for four actions to eliminate campus outlaws and to restore rights to all students. Please review this convincing, fact-based editorial, which FLAME has scheduled for publication in the Washington Post, Wall Street Journal, New York Post, Chicago Tribune, Tampa Bay Times and Los Angeles Times on July 7. This piece will also be sent to all members of Congress, Vice President Harris and President Biden. If you agree that this kind of public relations effort on Israel's behalf is critical, I urge you to support us with a donation.

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