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U.S. DEPARTMENT OF EDUCATION

December 31, 2015

Dear Colleagues:

On the eve of this new year, we are writing to enlist your help, as educational leaders, to ensure that your schools and institutions of higher education are learning environments in which students are free from discrimination and harassment based on their race, religion, or national origin. A focus on these protections, while always essential, is particularly important amid international and domestic events that create an urgent need for safe spaces for students.

Today, our country and the broader international community are facing a range of difficult and complicated issues, including how to provide protection and assistance to the historic levels of vulnerable individuals displaced from their homes due to conflict and persecution. This includes millions of families who are fleeing violence in Syria. These refugees have captivated so much attention and are fleeing precisely the type of senseless and violent attacks that have occurred here in the United States and elsewhere recently. The United States must continue to welcome these refugees seeking safety and a new start in life. At the same time, we remain deeply committed to safeguarding the safety and security of the American people. We can and must do both.

As we stand by our principles as a nation and continue to welcome refugees to our communities, we also must be vigilant about maintaining safe, respectful, and nondiscriminatory learning environments for all students in our schools and institutions. Of course, discrimination and harassment are not new, and they are not limited to the treatment of refugees or those who are associated with them.

We support your efforts to ensure that young people are not subjected to discrimination or harassment based on race, religion, or national origin, particularly at this time when fear and anger are heightened, and when public debate sometimes results in the dissemination of misinformation. Such inappropriate conduct in schools can take many forms, from abusive name-calling to defamatory graffiti to physical violence directed at a student because of a student's actual or perceived race or ancestry, the country the student's family comes from, or the student's religion or cultural traditions. If ignored, this kind of conduct can jeopardize students' ability to learn, undermine their physical and emotional well-being, provoke retaliatory acts, and exacerbate community conflicts.

We cannot permit discrimination or harassment in schools against students based on their actual or perceived race, religion, or national origin.* Moreover, because parents and students look to you for leadership, their hearing from you that such conduct is unconditionally wrong and will not be tolerated in our schools will make a real difference. In response to recent and ongoing issues, we also urge you to anticipate the potential challenges that may be faced by students who are especially at risk of harassment — including those who are, or are perceived to be, Syrian, Muslim, Middle Eastern, or Arab, as well as those who are Sikh, Jewish, or students of color. For example, classroom discussions and other school activities should be structured to help students grapple with current events and conflicting viewpoints in constructive ways, and not in ways that result in the targeting of particular students for harassment or blame.

In November, we convened campus leaders from around the country — university and college presidents, faculty, legal experts, and student leaders — to tackle the issue of racial harassment on campuses and to lay out solutions to foster supportive educational environments. Some of the steps identified by these leaders were shared in a previously published commentary, and we draw from their collective wisdom here as well in offering some steps that can help prevent any form of harassment and discrimination on the basis of race, religion, or national origin. We urge you — whether you lead a college or a pre-K-12 school — to use this moment as an opportunity to take steps that increase tolerance.

To be very clear, working to maintain safe learning communities does not, and must not, mean chilling free expression about the issues of the day — this work is about taking thoughtful steps to create space for open and constructive dialogue, while dealing swiftly with actions that create an unlawful hostile environment. Protecting free speech means protecting the ability of your students, faculty, staff, and members of the public to hold and express views that may be at odds with your institution's strongly held values. Schools should not ignore the dissonance that this creates, but should instead consciously use these moments as opportunities for reflection, discussion, and increased understanding.

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* A variety of federal laws prohibit such discrimination and harassment, although the authority to enforce those laws is divided among different Federal agencies. For example, the Department of Education and Department of Justice both enforce Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin by any entity (public or private) receiving Federal financial assistance. 42 U.S.C. § 2000d. Even though Title VI does not expressly prohibit discrimination based solely on religion per se, discrimination against persons belonging to religious groups violates Title VI when the discrimination is based on the religious group's actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members' religious practices. In addition, the Department of Justice enforces Title IV of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, national origin, and religion by public schools and colleges, 42 U.S.C. § 2000c-6, and the Equal Educational Opportunities Act, which prohibits discrimination on the basis of race, color, or national origin by public schools, 20 U.S.C. § 1703.

Working together with students, families, and community groups, schools can create safe learning environments in which all students are equally able to participate in a robust exchange of ideas by, for example:

- Valuing the diverse linguistic, cultural, racial, and ethnic backgrounds of all students.
- Encouraging students on all sides of an issue to express disagreement over ideas or beliefs in a respectful manner.
- Communicating a clear message to students that harassment and bullying will not be tolerated, and that school is a safe place for all students.
- Creating opportunities — including by engaging interfaith leaders or campus ministries and others in the school or community — for students to enhance their cultural competency by being exposed to various cultures and faiths, such as through co-curricular activities in which students work on service projects so they discover commonalities and appreciate differences.
- Encouraging students, staff, and parents to report all incidents of harassment and bullying so that the school can address them before the situation escalates.
- Having a system in place to intervene if a student's conduct could endanger others.
- Ensuring that information about the steps outlined above are easily understandable for all students, families, and school or college personnel — including those from diverse linguistic backgrounds.

This work is admittedly hard, but we have the responsibility and the opportunity to challenge ourselves to go beyond our past efforts and create settings where our foundational American values of inclusiveness, religious tolerance, and welcoming refugees and other immigrants are openly embraced. Together, we can make sure that our nation's students do not experience discrimination or harassment and, instead, are getting a good education in environments that are structured to enhance learning and produce open and constructive exchanges of ideas. Succeeding in this effort is essential to expanding opportunity for all students.

Below, we provide a short list of government resources that can help you engage in these efforts. If you have questions or need assistance in these matters, please let us know. Thank you for your help on this critical issue.

Sincerely,

/s/ /s/

Arne Duncan John B. King, Jr.

Addendum

Resources to assist school officials, educators, students, families, and communities in promoting more positive school climates include:

- The National Center on Safe Supportive Learning Environments, safesupportivelearning.ed.gov, offers tools, training, and technical assistance to schools, institutions of higher education, families, and communities to contend with many factors that affect the conditions for learning and impede the building and maintenance of safe and supportive learning environments, such as bullying, harassment, and violence;

- StopBullying.gov, www.stopbullying.gov, serves as a clearinghouse for all Federal anti-bullying resources and information about State laws and model policies to stop bullying and protect children; and

- The Department of Education has collected resources for immigrants, refugees, asylees, and other new Americans at www.ed.gov/about/overview/focus/immigration-resources.html.

Additional resources about bullying and harassment of students on the basis of race, religion, and national origin include:

- U.S. Department of Justice, Community Relations Service, *Twenty Plus Things Schools Can Do to Respond to or Prevent Hate Incidents Against Arab-Americans, Muslims, and Sikhs*, www.justice.gov/crs/pubs/20-plus-things.pdf;

- U.S. Department of Education, Office for Civil Rights, *Checklist for a Comprehensive Approach to Addressing Harassment*, www.ed.gov/ocr/checklist.html;

- New York Office of Temporary and Disability Assistance, Bureau of Refugee and Immigrant Assistance, *Anti-Bullying Instructional Resources*, otda.ny.gov/programs/bria/documents/WtOS-Anti-Bullying-Resource.pdf; and

- U.S. Department of Justice, Community Relations Service, *Programs for Managing School Multicultural Conflict*, www.justice.gov/crs/pubs/school-multicultural-conflict.pdf.

Federal resources describing students' rights and schools' obligations under Federal laws addressing bullying and harassment on the basis of race, religion, and national origin include:

- U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), www.ed.gov/ocr/letters/colleague-201010.pdf;

- U.S. Department of Education, Office for Civil Rights, *Dear Colleague Letter: First Amendment* (July 28, 2003), www.ed.gov/ocr/firstamend.html;

- U.S. Department of Education, Office for Civil Rights, *Investigative Guidance: Racial Incidents and Harassment Against Students at Educational Institutions* (Mar. 10, 1994), www.ed.gov/ocr/docs/race394.html;

- U.S. Department of Justice, Civil Rights Division, *Federal Protections Against National Origin Discrimination* (Aug. 2010), www.justice.gov/crt/publications/natorigin2.pdf;

- U.S. Department of Justice, Civil Rights Division, *Protecting the Religious Freedom of All: Federal Laws Against Religious Discrimination* (Aug. 2015), www.justice.gov/crt/combating-religious-discrimination-and-protecting-religious-freedom-10; and

- U.S. Department of Justice, Civil Rights Division, *Harassment Fact Sheet*, www.justice.gov/crt/about/edu/documents/eosaapimassa.pdf.

Some of the resources above are available in other languages:

- U.S. Department of Education, Office for Civil Rights offers many of its resources in other languages at www.ed.gov/ocr/docs/howto-index.html;

- U.S. Department of Justice, Civil Rights Division, *Federal Protections Against National Origin Discrimination* (Aug. 2010) is available in several languages at http://www.justice.gov/crt/publications;

- U.S. Department of Justice, Civil Rights Division, *Harassment Fact Sheet* is available in Punjabi at www.justice.gov/crt/about/edu/documents/eosaapimassapunjabi.pdf; and

- The White House Initiative on Asian Americans and Pacific Islanders and its partners have translated basic information from StopBullying.gov into several AAPI languages at https://acttochange.org/#resources.