



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

March 14, 2024

Dear Colleague:

In recent months, the U.S. Department of Education's (Department) Office for Civil Rights (OCR) has seen a nationwide rise in complaints of discrimination against students, including against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian students in schools.¹ I write to remind you of schools' legal obligation under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI) to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.

Title VI, which prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance, extends to students who experience discrimination, including harassment, based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.²

Under Title VI, schools that receive federal financial assistance from the Department have a responsibility to address discrimination against students, including Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian students, when the discrimination: involves racial, ethnic, or ancestral slurs or stereotypes; is based on a student's skin color, physical features, or style of dress that reflects both ethnic and religious traditions; or is based on the country or region where a student is from or is perceived to have come from, including, for example, discrimination based on a student's accent or name, a student's limited English proficiency, or a student speaking a language other than English.

Harassing conduct can be verbal or physical and need not be directed at a particular individual. Under Title VI, harassment that creates a hostile environment means: unwelcome conduct based on race, color, or national origin, including shared ancestry or ethnic characteristics, that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school's education program

¹ This letter uses the term schools to refer to PreK-grade 12 schools and institutions of higher education.

² See *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332, 354-55 (S.D.N.Y. 2014) (giving deference to U.S. Department of Education Office for Civil Rights guidance in holding that Title VI prohibits discrimination based on shared ancestry and ethnic characteristics); see also 42 U.S.C. § 2000d, *et seq.*; 34 C.F.R. § 100.3(b)(1); and U.S. Department of Education Office for Civil Rights (OCR), [Harassment and Bullying Dear Colleague Letter](#) 5-6 (October 2010).

Title VI does not protect students from discrimination based solely on religion. OCR refers complaints of discrimination based exclusively on religion to the U.S. Department of Justice, which has jurisdiction on this issue with respect to public schools. See Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c.

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or activity. Schools must take prompt and effective action to respond to harassment that creates a hostile environment.³

If OCR finds a hostile environment based on shared ancestry or ethnic characteristics, and that the school knew or should have known of the hostile environment, OCR will evaluate whether the school met its obligation under Title VI to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring.⁴

OCR has developed a variety of resources to help educate the public on the importance of maintaining educational environments free from discrimination, including discrimination based on shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion or religious identity. Please see a list of resources below that you might find helpful. Additional resources are available on the [Shared Ancestry or Ethnic Characteristics](#) page of OCR’s website.

OCR is focused on ensuring equal educational opportunity free from discrimination for all students. OCR stands ready to fulfill the promise of Title VI – to ensure every student’s right to learn without discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics. In addition to investigating whether such discrimination has occurred and resolving investigations as needed, we are available to provide technical assistance trainings on the application of Title VI. Any school or community interested in requesting such training may contact OCR at OCR@ed.gov.

If you have questions or would like additional information or technical assistance, please visit our website at www.ed.gov/ocr or contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at OCR@ed.gov.

³ See, e.g., *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 670 n.14 (2d Cir. 2012) (citing school districts’ “longstanding legal duty to ‘take reasonable steps to eliminate’ racial harassment in its schools” (quoting OCR’s Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance, 59 Fed. Reg. 11448, 11450 (Mar. 10, 1994))). For additional information, please see OCR, [Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance](#) (March 1994); OCR, [Harassment and Bullying Dear Colleague Letter](#), 2-6 (October 2010); and OCR, [Race and School Programming Dear Colleague Letter](#), 4-6 (August 2023).

OCR interprets its regulations consistent with the requirements of the First Amendment to the U.S. Constitution, and all actions taken by OCR must comport with First Amendment principles. No OCR regulation should be interpreted to impinge upon rights protected under the First Amendment or to require recipients to enact or enforce codes that punish the exercise of such rights.

⁴ See OCR, [Race and School Programming Dear Colleague Letter](#), 2 (August 2023); see also, OCR, [Harassment and Bullying Dear Colleague Letter](#), 2-6 (October 2010).

Thank you for your commitment to providing to our nation's students an educational environment free from discrimination.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

Resources:

- U.S. Department of Education Office for Civil Rights, [Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics](#) (November 2023).
- U.S. Department of Education Office for Civil Rights, [Race and School Programming Dear Colleague Letter](#) (August 2023).
- U.S. Department of Education Office for Civil Rights, [Addressing Discrimination Against Jewish Students Dear Colleague Letter](#) (May 2023).
- U.S. Department of Education Office for Civil Rights, [Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#) (January 2023).
- U.S. Department of Education Office for Civil Rights, [Questions and Answers on Executive Order 13899 \(Combating Anti-Semitism\) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964](#) (January 2021).
- U.S. Department of Education Office for Civil Rights, [Know Your Rights: Title VI and Religion Fact Sheet](#) (January 2017).
- U.S. Department of Education Office for Civil Rights, [Combating Discrimination Against Jewish Students Fact Sheet](#) (January 2017).
- U.S. Department of Education Office for Civil Rights, U.S. Department of Justice Civil Rights Division, and White House Initiative on Asian Americans and Pacific Islanders, [Combating Discrimination Against Asian American, Native Hawaiian, and Pacific Islander \(AANHPI\) and Muslim, Arab, Sikh, and South Asian \(MASSA\) Students](#) (June 2016).
- U.S. Department of Education Office for Civil Rights, [Harassment and Bullying Dear Colleague Letter](#) (October 2010).
- U.S. Department of Justice Civil Rights Division Letter to U.S. Department of Education Office for Civil Rights, [Title VI and Coverage of Religiously Identifiable Groups](#) (September 2010).
- U.S. Department of Education Office for Civil Rights, [Title VI and Title IX Religious Discrimination in Schools and Colleges Dear Colleague Letter](#) (September 2004).
- U.S. Department of Education Office for Civil Rights, [First Amendment Dear Colleague Letter](#) (July 2003).

Anyone who believes that a school has discriminated against a student based on race, color, or national origin can file a complaint of discrimination with OCR. To file a complaint, visit [OCR's website](#).

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding agency policies and/or existing requirements under federal civil rights laws.