

# Kenneth L. Marcus

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## ACADEMIC APPOINTMENTS AND PROFESSIONAL EXPERIENCE

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CITY UNIVERSITY OF NEW YORK, BARUCH COLLEGE,  
SCHOOL OF PUBLIC AFFAIRS (New York, New York)  
**Lillie and Nathan Ackerman Chair in Equality and Justice in America**  
January 2008-Present.

INSTITUTE FOR JEWISH AND COMMUNITY RESEARCH (SAN FRANCISCO)  
**Senior Research Associate**  
March 2008-Present.

U.S. COMMISSION ON CIVIL RIGHTS (Washington, D.C.)  
**Staff Director** (Administrative Agency Head)  
December 2004-January 2008.

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS (Washington, D.C.)  
Delegated the Authority of **Assistant Secretary of Education for Civil Rights,**  
**Deputy Assistant Secretary for Enforcement, Senior Counselor**  
August 2002-December 2004.

U.S. COMMISSION ON THE 50<sup>TH</sup> ANNIVERSARY OF *BROWN V. BOARD OF*  
*EDUCATION* (Washington, D.C.)  
**Commissioner** (representative of the U.S. Department of Education)  
2003-2004.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Washington, D.C.)  
**General Deputy Assistant Secretary for Fair Housing and Equal Opportunity** (FHEO),  
Delegated the Authority of **Assistant Secretary for FHEO**, November 2001-July 2002.

HOLLAND & KNIGHT, LLP (Washington, D.C.) (Rosenthal Practice Group)  
**Partner**, April-November 2001.

COOPER, CARVIN & ROSENTHAL, PLLC (Washington, D.C.) (Rosenthal Practice Group)  
**Partner, Counsel, Associate**, January 1998-April 2001.

MORRISON & FOERSTER, LLP (Washington, D.C.) (Rosenthal Practice Group)  
**Associate**, March 1996-December 1997.

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP (Washington, D.C.)  
**Associate**, September 1991-February 1996; **Summer Associate**, Summer 1990

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## EDUCATION

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**University of California at Berkeley School of Law** (Boalt Hall)  
J.D., May 1991  
Graduate Student Instructor for courses in Crime and Criminology,  
Legal and Moral Responsibility, and History of Philosophy of Law.

**Williams College** (Williamstown, Massachusetts)  
B.A. in Moral and Political Philosophy,  
*Magna cum Laude, Phi Beta Kappa*, May 1988

**Oxford University, Exeter College** (Oxford, England)  
Claude R. Lambe Fellow of the Institute for Humane Studies, George Mason University  
Matriculated exchange student, 1986-87.

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## TEACHING

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Courses Taught at Baruch College:

- Diversity Management
- Law and Educational Administration
- Law and Higher Education
- Public Administration and Modern Society

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## SELECTED PUBLICATIONS

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*Jurisprudence of the New Anti-Semitism*, Wake Forest Law Review (Forthcoming 2009)  
(symposium).

*Privileging and Protecting Schoolhouse Religion*, Journal of Law & Education (Forthcoming  
2008) (symposium).

*"Serious Consideration" of Race-Neutral Alternatives*, 57 Catholic University Law Review  
(with George La Noue) (Forthcoming 2008) (symposium).

*The Right Frontier for Civil Rights Reform*, 19 *George Mason Civil Rights Law Journal* (Forthcoming 2008).

*Diversity and Race-Neutrality*, *Northwestern University Law Review Colloquy* (Forthcoming 2008).

*Foreword* to Gary Tobin, Aryeh Weinberg and Jenna Ferrer, “The Uncivil University,” 2d ed. (Lexington Books, Forthcoming 2008).

*Higher Education, Harassment and First Amendment Opportunism*, 16 *William & Mary Bill of Rights Journal* (April 2008) (symposium).

*The Second Mutation: Israel and Political Anti-Semitism*, 2 *inFocus* 1 (Spring 2008), <http://www.jewishpolicycenter.org/article/114>, republished in SPME Faculty Forum at <http://www.spme.net/cgi-bin/articles.cgi?ID=3744>.

*The Resurgence of Campus Anti-Semitism*, 37 *Current Psychology* (2007) (partially reprinting *Anti-Zionism as Racism: Campus Anti-Semitism and the Civil Rights Act of 1964*).

*Anti-Zionism as Racism: Campus Anti-Semitism and the Civil Rights Act of 1964*, 15 *William & Mary Bill of Rights Journal* 837 (February 2007).

*The Most Important Right We Think We Have But Don't: Freedom from Religious Discrimination in Education*, 7 *Nevada Law Journal* (Fall 2006).

Dear Colleague Letter to elementary and secondary educational officials re segregated proms and other extracurricular activities (with Hon. R. Alexander Acosta, Assistant Attorney General for Civil Rights) (September 20, 2004).

Dear Colleague Letter to elementary, secondary, and post-secondary education officials re Title VI and Title IX Religious Discrimination in Schools and Colleges, U.S. Department of Education, Office for Civil Rights (September 13, 2004).

Dear Colleague Letter to post-secondary education officials re Title IX Grievance Procedures, Post-secondary Education, U.S. Department of Education, Office for Civil Rights (August 4, 2004).

Dear Colleague Letter to elementary and secondary education officials re Title IX Grievance Procedures, Elementary and Secondary Education, U.S. Department of Education, Office for Civil Rights (April 26, 2004).

## TESTIMONY

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Congressional testimony before U.S. House of Representatives Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies (regarding appropriations request of the U.S. Commission on Civil Rights) (March 29, 2007).

Congressional testimony before U.S. House of Representatives Committee on the Judiciary, Subcommittee on the Constitution (regarding fiscal and management practices of the U.S. Commission on Civil Rights) (March 17, 2005) (text available at <http://judiciary.house.gov/OversightTestimony.aspx?ID=313>).

Congressional testimony before the U.S. House of Representatives Committee on Financial Services, Subcommittee on Housing and Community Opportunity and Subcommittee on Oversight and Investigations (regarding enforcement of fair housing laws and rights of disabled persons) (June 25, 2002) (text available at <http://www.hud.gov/offices/cir/test062502.cfm>); <http://financialservices.house.gov/media/pdf/062502km.pdf> (pdf format); [http://commdocs.house.gov/committees/bank/hba82683.000/hba82683\\_0.HTM](http://commdocs.house.gov/committees/bank/hba82683.000/hba82683_0.HTM)).

Testimony before California Postsecondary Education Committee (regarding race-neutral alternatives in post-secondary education) (June 3, 2003) (summary available at [http://www.cpec.ca.gov/Commission/Agenda0307/Tab\\_01.PDF](http://www.cpec.ca.gov/Commission/Agenda0307/Tab_01.PDF)).

## SELECTED SPEECHES AND PRESENTATIONS

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“Diversity and Race-Neutrality,” 15<sup>th</sup> Annual Education Law Conference, University of Southern Maine and University of Maine School of Law, Portland, Maine, July 29, 2008.

“What’s Wrong with Anti-Semitism,” Summer Research Workshop, “Studying Antisemitism in the 21st Century: Manifestations, Implications, Consequences,” Center for Advanced Holocaust Studies, U.S. Holocaust Memorial Museum, Washington, D.C., July 22 & 25, 2008.

Panelist, “Is There a Political Orthodoxy on Campus that Harasses and Punishes Opposition?” (plenary), “Are Libel Laws Being Used to Stifle Free Inquiry?,” and “Middle East Studies Departments: Who Controls and Influences Them?,” Conference on “How Free is the University?,” University of Southern California, Los Angeles, California, June 15, 2008.

“Silence is an Ally of Hate: Campaigning Against Anti-Semitism on College Campuses,” Annual National Conference on Race and Ethnicity in Higher Education (NCORE), Orlando, Florida, May 30, 2008

“Civil Rights at the Right Frontier?,” University of Colorado School of Law, Boulder, Colorado, April 23, 2008.

“Privileging and Protecting Schoolhouse Religion,” American Association of Law Schools Annual Meeting, Joint Meeting of Section on Education Law and Section on Law & Religion: “Faith at the Schoolhouse Gate: Analyzing Religious Speech in Public Schools,” New York, New York, January 3, 2008.

“Campus Anti-Semitism,” Anti-Defamation League of New Jersey, Cherry Hill, New Jersey, December 13, 2007.

“Anti-Semitism on American College Campuses,” Stanford University, Palo Alto, California, November 14, 2007.

“Anti-Israelism and Anti-Semitism on American College Campuses,” San Jose State University, November 14, 2007.

“Hammered with a Pipe Wrench: First Amendment Opportunism in Higher Education,” College of William & Mary, Marshall-Wythe School of Law, Symposium: “Conflicts 101: Higher Education and the First Amendment,” Williamsburg, Virginia, October 25, 2007.

“Ending Anti-Semitism on College Campuses,” University of Southern California, October 17, 2007.

“Campus Anti-Semitism,” University of California at Irvine, April 26, 2007.

“Anti-Semitism on College Campuses,” National Jewish Women’s Council, Rockville, Maryland, April 24, 2007.

“Campus Anti-Semitism,” University of Michigan at Ann Arbor, March 27, 2007.

“Campus Anti-Semitism,” Wayne State University, Detroit, Michigan, March 27, 2007.

“Campus Anti-Semitism and the Civil Rights Act of 1964,” Columbia University Law School, New York, New York, November 20, 2006.

“Campus Anti-Semitism,” StandWithUs National Student Conference, Santa Monica, California, November 10, 2006.

“The USCCR Public Education Campaign,” Founders’ Conference, Institute for Jewish and Community Research, Beverly Hills, California, October 29, 2006.

“Civil Rights in the 21<sup>st</sup> Century,” University of Tulsa School of Law, Tulsa, Oklahoma, March 2, 2006.

Moderator, University of the District of Columbia Law School Symposium, “Election Reform: Voting Rights for the New Millennium,” panel on “Challenging the Mechanisms of Voting,” Washington, D.C., September 30, 2005.

“Brown v. Board of Education Today,” Southwestern School of Law, Los Angeles, California, November 15, 2004.

“OCR Enforcement of Title IX,” National Collegiate Athletics Association Title IX Seminar, Chicago, Illinois, May 18, 2004.

Opening address, National Lawyers' Association Foundation Symposium, "The First Amendment: Freedom 'of' Religion or Freedom 'from' Religion?," Arlington, Virginia, May 4, 2004.

Opening address, 18<sup>th</sup> Annual Heman Sweatt Symposium on Civil Rights, University of Texas at Austin, April 22, 2004.

Keynote address, "New Initiatives at the Department of Housing and Urban Development," Conference on Testing and Investigating for Fair Housing Violations, John Marshall School of Law, Chicago, Illinois, April 13, 2002.

Keynote address, "Issues and Challenges in Fair Housing and Equal Opportunity," Fair Housing Conference 2002, Lincoln Commission on Human Rights, Lincoln, Nebraska, April 11, 2002.