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## Industry Update

# Trump Administration's New Executive Order Targets Campus Antisemitism: What Higher Education Institutions Need to Know

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On January 29, 2025, President Donald J. Trump issued an executive order (EO) titled "[Additional Measures to Combat Anti-Semitism](#)," escalating federal efforts to address antisemitism within institutions of higher education. A [fact sheet](#) subsequently released by the White House asserts the EO "takes forceful and unprecedented steps to marshal all Federal resources to combat the explosion of anti-Semitism on our campuses and in our streets since October 7, 2023."

The directive intensifies federal scrutiny on universities regarding antisemitism, a top priority of the Trump Administration. During his first term, President Trump issued [Executive Order 13899](#), which called for enforcing Title VI of the Civil Rights Act against antisemitic discrimination.

### Key Provisions of the Executive Order

- **Agency Reporting Requirements:** Within 60 days, leaders of each executive department and agency are mandated to submit reports identifying all civil and criminal authorities or actions that could be utilized to combat antisemitism. This includes detailing pending court and administrative complaints against higher education institutions related to antisemitic incidents post-October 7, 2023.
- **Department of Justice (DOJ) Initiatives:** The DOJ is tasked with analyzing court cases involving higher education institutions accused of civil rights violations stemming from antisemitic incidents after October 7, 2023. The analysis will specify whether the Attorney General plans to take actions such as filing statements of interest or intervening in these cases.
- **Enhanced Enforcement:** The Attorney General is encouraged to utilize appropriate civil rights enforcement authorities, notably 18 U.S.C. § 241. This statute criminalizes conspiracies to injure, threaten or intimidate individuals in the U.S. exercising their constitutional or legal rights.
- **Educational Oversight:** The Secretary of Education is directed to provide an inventory and analysis of all Title VI complaints and administrative actions related to antisemitism that have been pending or resolved since October 7, 2023.

- **Immigration Considerations:** The Secretaries of State, Education and Homeland Security are instructed to develop recommendations to inform higher education institutions about the grounds for inadmissibility under 8 U.S.C. § 1182(a)(3). This section of the Immigration and Nationality Act outlines criteria for the removal of individuals engaged in terrorist activities or posing security threats.

### Heightened Federal Scrutiny

President Trump's decision to issue this EO comes amidst unprecedented federal scrutiny into institutions of higher education concerning their handling of antisemitism on campus, not only by the executive branch, but also by Congress.

In December 2023, Congress held a [hearing](#) examining the responses of university leaders to antisemitism on campus. Presidents from prominent universities, including Harvard and the University of Pennsylvania, faced intense questioning regarding their institutions' codes of conduct and related responses to antisemitic incidents on campus. The hearing led to significant backlash, culminating in the resignations of University of Pennsylvania President Liz Magill on December 9, 2023, and Harvard President Claudine Gay on January 2, 2024. Though testimony on this issue has chiefly taken place in front of the U.S. House Committee on Education and the Workforce, additional congressional probes have originated from the U.S. House and Senate judiciary committees.

Federal actions against universities and other institutions of higher education are only likely to escalate.

Just this past week, the U.S. Department of Education's Office for Civil Rights announced [investigations](#) into five institutions of higher education where widespread antisemitic harassment has been reported.

### Implications for Higher Education Institutions

The EO mandates comprehensive reviews and reporting from federal agencies, signaling a likely surge of investigations and enforcement actions related to antisemitism in educational settings. Institutions of higher education should prepare for heightened scrutiny regarding their policies, response mechanisms and overall campus climate as it relates to antisemitism.

Universities are encouraged to proactively assess their codes of conduct and related policies and practices to ensure they align with federal directives and effectively address antisemitic incidents. It is crucial for institutions of higher education to stay abreast of evolving federal guidelines and to evaluate their internal policies and procedures to foster a safe and inclusive environment for all students.

Paul Hastings has deep experience working with universities and higher education institutions on regulatory compliance, federal investigations and enforcement actions. We will continue to closely monitor these developments and are available to support institutions as they continue confronting heightened government scrutiny.



*If you have any questions concerning these developing issues, please do not hesitate to contact either of the following Paul Hastings lawyers:*

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