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Industry Update

Trump Administration Investigates 60 Universities for Antisemitism Amid Escalating Federal Oversight of Higher Education: Key Takeaways for Higher Ed Leaders

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Overview

The U.S. Department of Education's Office for Civil Rights (OCR) dispatched letters to 60 colleges and universities warning them of potential enforcement actions if they do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish students on campus.

The letters are addressed to all U.S. universities that are presently under investigation for Title VI violations relating to antisemitic harassment and discrimination.

The department's actions reflect the latest escalation in federal oversight of higher education institutions, with unprecedented scrutiny on how universities address campus protests, discrimination complaints and student conduct. The potential consequences are severe, including loss of federal funding, compliance mandates and legal action if universities are found to be failing in their obligations under Title VI, which prohibits discrimination on the basis of race, color or national origin in federally funded programs.

The investigations are part of a broader federal crackdown on universities, a priority for the Trump administration since returning to office in January. The focus has intensified around issues of antisemitism, race-based policies, DEI initiatives and campus speech protections, placing universities in the crosshairs of aggressive regulatory enforcement.

DOE Investigation: What Universities Need to Know

The Department of Education's announcement marks one of the largest civil rights investigations into higher education in U.S. history. The universities under investigation were identified based on:

- **Student and faculty complaints alleging antisemitic harassment tied to recent protests and campus unrest.**
- **Failure to adequately protect Jewish students** from discrimination and hostile environments.

- **Concerns that university policies or disciplinary actions** have allowed or even encouraged antisemitic conduct.

The Trump administration adopted an aggressive approach toward universities that it viewed as failing to sufficiently combat antisemitism. On January 29, 2025, President Donald J. Trump signed an executive order titled “Additional Measures to Combat Anti-Semitism.” This order expands upon the previous Executive Order 13899 from December 2019, reinforcing the administration’s commitment to addressing antisemitism, particularly within educational settings. The recent order directs federal agencies to use all available resources to counter the surge in antisemitic incidents on campuses and in public spaces.

The latest series of investigations will examine whether universities have upheld their responsibilities under Title VI, including whether they have:

- **Responded appropriately to reports of harassment or intimidation targeting Jewish students.**
- **Maintained policies that uphold free speech without allowing discriminatory behavior.**
- **Implemented effective mechanisms to prevent and address antisemitism on campus.**

Failure to comply could result in financial penalties, forced policy changes or even the loss of federal funding.

Part of a Larger Federal Crackdown on Universities

The 60 warning letters are the latest step in an ongoing federal push to increase scrutiny on higher education institutions, which has included:

- **DOE’s new stance on DEI and race-based policies.** The administration has ordered agencies to identify and dismantle race-conscious hiring, admissions and student aid programs under a new “merit-based” framework.
- **Expanded oversight of campus speech and protests.** The administration is instructing federal agencies to take stronger action against universities that fail to contain disruptions or protect all students from intimidation and harassment.
- **Executive order on antisemitism and Title VI enforcement.** President Trump recently signed an executive order strengthening the federal government’s authority to hold universities accountable for campus antisemitism.

These policy shifts reflect a significant break from the approach taken in prior administrations, bringing heightened regulatory, financial and reputational risks to institutions that fail to adapt.

The target letters also come just days after the Trump administration announced it was cutting \$400 million in federal research grants and contracts from Columbia University, citing the school’s failure to prevent antisemitic discrimination. This is one of the largest single financial penalties ever imposed on a university for a Title VI violation.

Arrest of Columbia Green Card Holder on Alleged Hamas Ties

Federal immigration authorities arrested Mahmoud Khalil, a Palestinian graduate student and legal permanent resident of the U.S., on March 8, 2025. Khalil, who had been active in pro-Palestinian campus protests, is accused of having links to Hamas, according to the departments of Homeland Security and State.

His arrest raises broader issues about government surveillance of campus activism and immigration enforcement against international students and scholars. The case is expected to generate legal challenges and intensify debates over academic freedom, civil liberties and national security policies.

Key Takeaways for Higher Education Institutions

1. **Federal oversight is intensifying.** The DOE's investigations into 60 universities signal a new level of federal intervention in higher education. The focus on antisemitism, DEI policies and free speech concerns is likely to expand.
2. **Financial risks are growing.** The Columbia funding cut demonstrates the real financial consequences of noncompliance. Universities must be prepared for potential funding reviews and loss of federal support if found in violation.
3. **Law enforcement involvement is increasing.** The arrest of a student tied to campus activism highlights the federal government's willingness to use immigration and law enforcement tools in conjunction with regulatory actions.
4. **University policies must be reassessed.** Institutions must immediately evaluate their policies on discrimination, harassment, campus speech and protest management to ensure compliance with evolving federal expectations.

Conclusion

The Department of Education's latest enforcement actions are a clear signal that federal scrutiny of universities is only intensifying. With ongoing investigations, funding threats and executive orders shaping policy, this is just the beginning, not the end, of heightened oversight in higher education. The regulatory landscape is still evolving, and institutions should expect more federal intervention, stricter compliance mandates and legal challenges in the months ahead.

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 any of the following Paul Hastings lawyers:

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