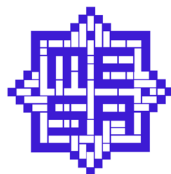


Discriminating Against Dissent: The Weaponization of Civil Rights Law to Repress Campus Speech on Palestine

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aaup
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Executive Summary

Over the past two years, the United States government has taken unprecedented steps to suppress campus speech – including scholarship, advocacy, and protest – opposing the state of Israel’s genocidal war against the Palestinian people in the Gaza Strip. This crackdown has paved the way for profound transformations in U.S. colleges and universities. A longstanding “Palestine exception”¹ to the First Amendment now threatens to give way to a new reality: Palestine is less an exception to academic freedom than it is a pretext for erasing the norm altogether, as part of an authoritarian assault on the autonomy of higher education and on the very idea of racial and gender equity.

Counterintuitively, the most important legal tool of repression against campus speech has been civil rights law – specifically, Title VI of the 1964 Civil Rights Act, which prohibits institutions that receive federal financial assistance from engaging in discrimination on the basis of “race, color, or national origin.” Over the past two decades, pro-Israel actors inside and outside the government have pushed for a reinterpretation of Title VI to include a broad notion of antisemitism that can be easily used to recast many criticisms of Israel as unlawful discrimination.

Title VI is enforced only against institutions; individual faculty, students, and staff cannot be investigated by the government or sued for violating Title VI. For this reason, pro-Israel actors have identified Title VI as a powerful instrument for prodding the government to indirectly suppress speech while avoiding the appearance of violating the First Amendment.² Since late 2023, pro-Israel groups have flooded school administrators and the federal government with claims of antisemitism, which have prompted a wave of investigations; in parallel, these organizations have filed numerous private lawsuits in federal court.

Under pressure from pro-Israel groups, the Biden administration took steps to advance the conflation of antisemitism and anti-Zionism and thereby rubber-stamped universities’ crackdown on critics. The Trump administration has gone even further, weaponizing antisemitism as a pretext to advance broader far right agendas in higher education. The American Association of University Professors (AAUP) has been at the forefront of resisting these efforts, including through litigation.³ As the AAUP recently noted, “[t]he Trump administration’s attempt to unmake the Civil Rights Act by hijacking the language of discrimination is nothing less than an attempt to rewrite the history of the nation.”⁴

While these policies have been primarily aimed at student protest, they also present a grave threat to academic freedom and to the field of Middle East studies in particular, whose scholarly mission depends on critical discussion of these issues.⁵ The Middle East Studies Association (MESA) launched its Academic Freedom Initiative (AFI) in response to these events, and AFI has been systematically tracking Title VI antisemitism claims against colleges and universities.

This report, jointly published by AAUP and MESA, is the first systematic study of data on the weaponization of Title VI antisemitism claims in higher education.⁶ We track the three principal forms that this weaponization has taken: (1) investigations by executive branch agencies, primarily the Department of Education (ED); (2) private lawsuits in federal court; (3) the Trump administration’s Task Force to Combat Antisemitism, a multi-agency effort that has assumed wide-ranging and unprecedented authority in regulating higher education.

The key findings of our study of government antisemitism investigations in higher education include:

- There has been a surge of government Title VI antisemitism investigations since October 7, 2023.
 - More investigations were opened in the last two months of 2023 (25) than in all previous years combined (24). Investigations broke record numbers in 2024 (39) and are on track to do so

again in 2025 (38, as of September 30).

- All but one of the 102 antisemitism complaint letters we have analyzed focus on speech critical of Israel; of these, 79% contain allegations of antisemitism that simply describe criticisms of Israel or Zionism with no reference to Jews or Judaism; at least 50% of complaints consist *solely* of such criticism.
- Antisemitism investigations have largely displaced some traditional forms of civil rights enforcement in higher education.
 - Between October 7, 2023 and the end of 2024, the Biden administration opened more antisemitism probes against colleges and universities (65) than for all other types of racial harassment combined (38).
 - The Trump administration appears to have halted racial harassment investigations altogether, while continuing to open new antisemitism probes.
- Antisemitism investigations are producing a new system of government surveillance and monitoring of campus speech. Under the guise of “anti-bias training,” schools are enforcing new policies to discourage and suppress speech critical of Israel.
 - Over 20 schools have entered into agreements to share internal data on discrimination complaints with the government, including the names of accusers, accused, and other individuals named in complaints.
- Pro-Israel and right-wing advocacy organizations – including those without any campus presence – have driven the surge in antisemitism investigations; in at least 78% of the complaints we analyzed, such groups either represent complainants or act as complainants themselves.
 - At least 24% of investigations were opened based on complaints by actors with no relation to the schools being investigated.
 - At least 15 investigations were opened based on complaints from a single conservative activist with no relation to any of the schools investigated.

We have also tracked private lawsuits against colleges and universities alleging antisemitism under Title VI. Our key findings include:

- Antisemitism lawsuits surged after October 7, 2023 (2 filed before that date, 26 since), but the pace of growth slowed in 2025, possibly reflecting a sense that government enforcement under the Trump administration is preferable to private litigation.
- No court has yet made a final judgment in favor of plaintiffs. In 9 cases, Title VI claims have been dismissed, including on free speech grounds; 9 lawsuits have settled, some of which resulted in even more draconian policy changes on campuses than government investigations.
- Antisemitism lawsuits are often litigated by pro-Israel advocacy organizations, frequently acting in partnership with law firms exhibiting both liberal and conservative political leanings.

Finally, we have paid particular attention to the multi-agency Task Force to Combat Antisemitism launched by the Trump administration in February 2025. Our key findings include:

- As part of the Antisemitism Task Force, ED has continued to open very high numbers of antisemitism probes even as its staff has been slashed by the Trump administration.
- In its high-profile campaigns against prestigious universities, the Task Force has systematically ignored the procedural requirements of Title VI, unlawfully cutting off vast sums of funding before any meaningful investigation, let alone findings.
- The Task Force is driven by a variety of political operatives with backgrounds in various parts of the Trump coalition, including dedicated Zionists and anti-diversity crusaders. These operatives have mostly occupied their positions on an interim basis, avoiding Senate confirmation processes or scrutiny of their qualifications, while treating the Task Force as a stepping stone to other patronage jobs in the Trump administration.

- Task Force efforts have led to agreements so far with Columbia and Brown Universities. In both cases, demands for suppressing criticism of Israel are largely an entree into more sweeping policy changes related to dismantling efforts at promoting racial and gender equity.
- The Trump administration is rolling out regulations that are aimed at streamlining the process of punitively withholding federal funds from colleges and universities on civil rights grounds.

Background: Recasting Anti-Zionism as Discrimination

Over the past two decades, pro-Israel advocates have worked to redefine civil rights law to treat campus speech opposing Zionism – which like any political opinion is ordinarily protected by the First Amendment – as a form of unlawful discrimination.

For the purposes of this report, *Zionism* is understood as a political movement with a specific vision of Jewish self-determination that supports a state for the Jewish people in the eastern Mediterranean. This movement has three core tenets: (1) all Jews in the world are a single nation; (2) as a nation, the Jewish people is entitled to a state of its own; (3) that state should be located somewhere in the area of the eastern Mediterranean historically known as Palestine, located between the Jordan River and the Mediterranean sea. It is important to note that many Zionists are not Jews and many Jews are not Zionists. Without taking a position on the first two tenets of whether all Jews are a nation or are entitled to statehood, scholars in Middle East Studies have long pointed out the contradiction between the Zionist project and the rights of the indigenous population of Palestine. As the historical movement that engaged in decades of organizing towards the establishment of a Jewish state in historic Palestine, Zionism was central to the creation of the state of Israel. In turn, support for the state of Israel and its fundamental laws and policies is a central commitment of Zionism. One of the most controversial features of Israel's legal system is that it confers on any person in the world it recognizes as a Jew the right to settle and automatically obtain citizenship, regardless of whether they have personal or familial ties with the country. As part of its commitment to realizing the Zionist project, the state of Israel provides all Jews, including newly arrived settlers, greater access to housing and other social benefits than to Palestinians – even to the minority of Palestinians who hold Israeli citizenship. The state of Israel also views the return of Palestinian refugees to their homeland – the majority of the Palestinian people – as presenting a demographic threat to the Zionist project.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on “race, color, or national origin” in programs that receive federal financial assistance, including universities and colleges.⁷ **Title VI only regulates institutions: individual faculty, staff, and students cannot be directly investigated by the government or sued for Title VI violations.**

There are three ways that schools can be found to have violated Title VI:

- (1) Directly engaging in prohibited forms of discrimination;
- (2) Failing to take reasonable steps in response to prohibited forms of discrimination that give rise to a hostile environment;
- (3) Retaliation against anyone complaining of prohibited forms of discrimination

Of these three types of violations, hostile environment claims are the most important for our analysis, since they potentially involve schools' ability and responsibility to discipline faculty, students, and staff. It is important to keep in mind that for the purposes of Title VI, it is not enough to ask whether an individual's actions are discriminatory, but rather whether they are a form of discriminatory harassment that is severe, pervasive, or persistent enough to result in denial of educational benefits. Actions need not be directed against a specific person in order to qualify as harassment.

There are two primary ways of enforcing Title VI: Government agencies can investigate institutions that they fund for violating Title VI. Such investigations in the education context are primarily carried out by the Department of Education's Office for Civil Rights (OCR), which is also responsible for enforcement of

other civil rights provisions, such as those pertaining to sex discrimination (including sexual harassment) under Title IX of the 1972 Education Amendments Act.⁸ Private parties can also file lawsuits in federal court against institutions that discriminate or show deliberate indifference to discriminatory harassment.⁹

OCR also issues occasional “Dear colleague letters” (DCLs) that outline guidance based on its interpretations of federal law. While DCLs are not legally binding, they have wide influence on how educational institutions formulate their own policies.

Early Efforts to Weaponize Civil Rights Law Against Critics of Israel Foreshadow Today’s Crisis

Traditionally, U.S. law primarily treated antisemitism through the lens of religious discrimination governed by First Amendment law. Over the past two decades, pro-Israel actors inside and outside the government have pushed to redefine Title VI policy to conflate antisemitism with anti-Zionism and with criticism of Israeli state policy.

A key figure in this story is Kenneth L. Marcus, a conservative movement lawyer and pro-Israel activist. In the 1990s, Marcus worked for the prestigious conservative boutique law firm Cooper Carvin, where his colleagues included future Texas Senator Ted Cruz.¹⁰ He also founded a political action committee for GOP-aligned Jewish voters, Young Jewish Leadership PAC, whose goals he described as supporting “a fiscally conservative United States and a militarily secure Israel.”¹¹ When George W. Bush was elected president, Marcus was among the young neoconservative lawyers appointed to federal government positions. He joined the Department of Housing & Urban Development (HUD) and then moved to the Department of Education’s Office for Civil Rights, where he served as deputy head before taking over in 2004.¹²

Over the past two decades, pro-Israel actors inside and outside the government have pushed to redefine Title VI policy to conflate antisemitism with anti-Zionism and with criticism of Israeli state policy.

In September 2004, Marcus issued a DCL proclaiming that OCR could exercise its jurisdiction to enforce Title VI to protect religious groups when they face discrimination “on the basis of shared ethnic characteristics,” such as “Arab Muslim, Sikh and Jewish students.”¹³ This was a significant departure from the text of Title VI, which specifically outlawed discrimination on the basis of “race, color, or national origin.” Marcus framed his argument primarily in terms of anti-Muslim and anti-Arab discrimination in the wake of 9/11:

As we pass the third anniversary of September 11, 2001, we must remain particularly attentive to the claims of students who may be targeted for harassment based on their membership in groups that exhibit both ethnic and religious characteristics, such as Arab Muslims, Jewish Americans and Sikhs. President George W. Bush and Secretary [of Education] Rod Paige have both condemned such acts of bigotry. As President Bush has said, “Those who feel like they can intimidate our fellow citizens to take out their anger don’t represent the best of America, they represent the worst of humankind, and they should be ashamed of their behavior.” OCR has conducted countless outreach initiatives since September 11, 2001, to assure members of affected communities that their civil rights will be protected.

Notwithstanding Marcus’ references to discrimination against Muslims, Arabs, and Sikhs after 9/11, OCR

did not take significant actions to protect these groups. Rather, the main effect of the letter was to bring antisemitism claims under the purview of Title VI.

Zionist activists were quick to exploit this opportunity. Within weeks of the Marcus DCL, the right-wing Zionist Organization of America (ZOA) filed a Title VI complaint with OCR alleging that pro-Palestine protests created a hostile antisemitic environment at the University of California Irvine. Marcus personally reviewed the complaint and ordered the opening of an investigation, bypassing standard procedure.¹⁴ It is worth noting that before entering government, Marcus argued in court that “investigations of protected political speech violate the First Amendment,” when he was representing property owners under investigation for discrimination as a result of protesting against government housing initiatives in their neighborhoods.¹⁵

In early 2005, Marcus left his post at OCR to become the staff director of the U.S. Commission on Civil Rights, a bipartisan advisory body on civil rights law. In addition to sponsoring hearings critical of affirmative action and overseeing staff cuts,¹⁶ Marcus advocated for using Title VI to police Middle East studies programs and crack down on speech critical of Israel on campuses.¹⁷ Marcus published a law review article titled “Anti-Zionism as Racism,” in which he opined “[t]o the extent that liberal or progressive voices have come to adopt anti-Zionist rhetoric, they have taken with it the anti-Semitic attitudes from which much anti-Zionism has been inseparable.”¹⁸ Citing various attempts by Zionist organizations to operationalize a definition of antisemitism, Marcus highlighted three key ways for recasting criticism of Israel or Zionism as antisemitism:

- Criticisms deemed excessively emotional or sensationalistic or unfair are “demonization” equivalent to antisemitic stereotypes of Jews as “evil” (e.g., blood libel);
- Criticisms of Israel that do not criticize other states at the same time and with the same severity are evidence of “double standards” and thus of anti-Jewish discrimination;
- Criticism of Zionism is tantamount to “denying the Jewish people ... the right of self-determination” and therefore rooted in anti-Jewish animus.¹⁹

This expansive conception of antisemitism provided pro-Israel actors powerful rhetorical tools to police the tone of anti-Israel speech, to put critics of Israel on the defensive, and to discourage analysis of the state of Israel’s fundamental political commitments.

Despite Marcus’ strident advocacy for using Title VI to stifle speech critical of Israel and of Zionism, other Bush administration officials at the Department of Education remained skeptical. Leery of expanding interpretations of anti-discrimination law for any reason, they walked back the 2004 Marcus DCL.²⁰ The Irvine investigation was closed with no finding of wrongdoing in November 2007.²¹

Revival of Antisemitism as “Shared Ancestry” Discrimination Under Obama

The expansion of Title VI to include antisemitism was revived in 2010, when the Anti-Defamation League (ADL) and a dozen other Zionist organizations (including the Institute for Jewish and Community Research, where Marcus held a senior role after having left government) wrote a letter to Secretary of Education Arne Duncan urging him to restore the 2004 Marcus policy.²² The ADL argued that “[t]hough ‘religion’ is not explicitly included in Title VI of the Civil Rights Act of 1964, harassment or intimidation that holds Jewish students responsible for the acts of other Jews, or of Israel is better understood as ethnic or ‘national origin’ discrimination than as religious discrimination.”²³

In September 2010, the Obama administration endorsed the Marcus DCL and elaborated on it, reasoning

that Title VI could apply to protect members of religious groups when “discrimination is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than its members’ religious practice.”²⁴ This gave rise to a new category of discrimination under Title VI policy, variously and more or less interchangeably described as “national origin involving religion” or “shared ancestry” discrimination.²⁵ OCR issued policy guidance on bullying and harassment later that year that included a hypothetical example involving antisemitism.²⁶

Accordingly, pro-Israel organizations, especially ZOA and the newly formed Louis D. Brandeis Center for Human Rights Under Law (headed by none other than Kenneth Marcus) began filing more antisemitism complaints with OCR. Lawyers serving on the Brandeis Center board also launched the first Title VI antisemitism lawsuit against UC Berkeley in 2011, alleging that a “mock checkpoint” held by student protesters (an attempt to draw attention to the treatment of Palestinians living under Israeli occupation) constituted an act of “terrorist incitement.”²⁷ The court dismissed the suit, holding that these acts were “pure political speech and expressive conduct, in a public setting, regarding matters of public concern, which is entitled to special protection under the First Amendment.”²⁸ The same complainants then asked for an OCR investigation, which was also unsuccessful. OCR confirmed that the complaint “describe[d] events that constituted expression on matters of public concern directed to the University community. In the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a reasonable student in higher education may experience.”²⁹

Although early attempts by pro-Israel actors to weaponize Title VI were ultimately unsuccessful, they nonetheless worked to chill speech through exerting pressure on affected schools to investigate and scrutinize faculty, staff, and student speech.³⁰ In a 2013 oped, Marcus explained his strategy to shift incentives for both institutions and individual students: “These cases – even when rejected – expose administrators to bad publicity. . . . If a university shows a failure to treat initial complaints seriously, it hurts them with donors, faculty, political leaders and prospective students.”³¹

Marcus also saw that Title VI was a powerful means to pressure students directly: “[n]eedless to say, getting caught up in a civil rights complaint is not a good way to build a resume or impress a future employer.”³² This is because individuals accused of discriminatory conduct in Title VI complaints (whether those sent to the Department of Education for investigation or those part of a private lawsuit) have no way under the law to formally respond or clear their name, since the nominal target of such complaints is the institution itself. This incentivizes the filing of frivolous complaints as a way to inflict reputational damage.

Anti-Zionism as Antisemitism Under the First Trump and Biden Administrations

The limited results of antisemitism investigations of the Obama years made clear that mere incorporation of antisemitism into Title VI as a means of policing speech critical of Israel through claims of discrimination would not be enough; it was necessary to push for interpretations of antisemitism that would cast anti-Zionism and other critiques of Israel as *presumptively* antisemitic. Yet the policies on antisemitism made no mention of Israel or Zionism.³³

During the first Trump administration, Marcus returned to government, this time as head of OCR. One of his first acts in office was to re-open an antisemitism investigation into Rutgers University based on a complaint by the ZOA, notwithstanding OCR’s determination after several years of investigation that there had been no violation.³⁴ Out of more than 700 appeals in recent years, it was one of only three to result in a reversal.³⁵ Furthermore, Marcus decided to employ the International Holocaust Remembrance Alliance

(IHRA) definition of antisemitism, which has been widely criticized for conflating criticisms of Israel and Zionism with antisemitism.³⁶ In particular, the IHRA definition includes examples that effectively proscribe anti-Zionism (“denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor”) and many criticisms of Israel (recasting them as “applying double standards”).

In 2019, Trump applied Marcus’ approach throughout the executive branch, issuing an executive order purporting to prohibit antisemitism as a form of discrimination under Title VI and requiring all agencies to “consider” the IHRA definition in Title VI enforcement.³⁷

The Biden administration did not rescind Trump’s executive order. Indeed, OCR under Biden was significantly more active in terms of developing Title VI policies on antisemitism. In May 2023, OCR issued updated guidance reaffirming the interpretation of Title VI to include antisemitism as a type of “shared ancestry” discrimination.³⁸ In September 2023, as part of its National Strategy to Counter Antisemitism, the Biden administration took steps to further clarify across the executive branch that antisemitism, along with other forms of religious discrimination rooted in perceptions of shared ancestry or ethnicity, was covered by Title VI.³⁹ While the Biden administration did not explicitly invoke the IHRA definition, it similarly conflated anti-Zionism with antisemitism, citing “efforts to delegitimize the State of Israel” and students “pay[ing] a social cost if they support the existence of Israel as a Jewish state” as examples of antisemitism.⁴⁰

Although early attempts by pro-Israel actors to weaponize Title VI were ultimately unsuccessful, they nonetheless worked to chill speech through exerting pressure on affected schools to investigate and scrutinize faculty, staff, and student speech.

After October 7, 2023, OCR moved quickly to expand Title VI enforcement regarding antisemitism in response to the surge in campus protests against the genocide in Gaza. On November 7, OCR head Catherine Lhamon issued a new DCL on shared ancestry discrimination that largely reaffirmed existing policies, albeit with one subtle but important addition: in analyzing whether harassment rises to the level of a hostile environment, OCR would now consider acts within the “totality of circumstances.”⁴¹ While OCR has used a totality of circumstances approach for analyzing other forms of discrimination, in the context of antisemitism investigations it opened the door to construing a hostile environment cumulatively on the basis of incidents by different actors over a period of time that may on their own otherwise constitute acts of protected speech.

On May 7, 2024, Lhamon went even further, issuing guidance that for the first time provided hypothetical examples of antisemitism that included acts of criticism or protest against Israel. These include: students protesting a screening by an Israeli filmmaker “about his observations from Israel”; campus mailboxes being stamped with the words “stop stealing Palestinian lands”; and protest chants of “colonizers aren’t welcome here.”⁴² In each of these hypothetical scenarios, some acts of protest are counted as discriminatory only because the fact patterns posit that they are directed at individuals based on the perception that they are Jewish. This affirms the tendency of pro-Israel advocates to mischaracterize political critiques as attacks on their identity. Rather than providing guidance on how to distinguish between protected speech and discriminatory harassment, the letter muddies the waters and fosters an impression that protest against Israel should be seen as presumptively antisemitic. Shortly after issuing this new guidance, OCR began to release its first wave of resolutions of post-October 7, 2023 antisemitism investigations, which rapidly mainstreamed a federal policy of prodding schools to conflate anti-Zionism with discrimination.

Title VI Investigations: Trends

In the education context, the Department of Education’s Office for Civil Rights (OCR) has historically been the primary agency responsible for enforcing Title VI through investigations of educational institutions. OCR receives complaints from the public and decides whether the allegations are sufficiently serious or well-supported to justify opening an investigation; they can also open investigations on their own initiative. Other agencies also have the ability to investigate schools under Title VI insofar as they provide federal funding to them.

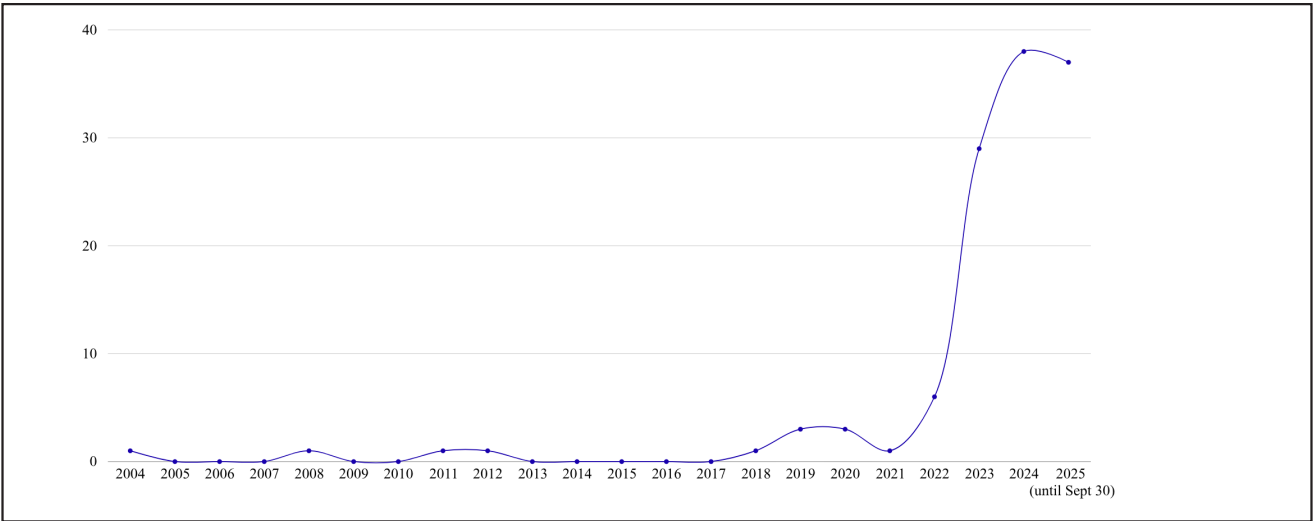
Investigations under Title VI, whether carried out by OCR or by other agencies, are directed at institutions only, not at students, faculty, or staff.

Post-October 7 Record Surge in Antisemitism Investigations

We have identified 126 antisemitism investigations against 89 colleges and universities since OCR first recognized antisemitism as a possible grounds for Title VI discrimination in 2004.⁴³ Several schools have faced multiple antisemitism investigations, including the University of California Berkeley (2012, 2022, 2024, 2025), Columbia University (2023, two in 2025), Harvard University (2023, two in 2025), and Northwestern University (2024, two in 2025).

Investigations were relatively uncommon until recently: 2019 was the first year in which more than one was opened. Prior to October 7, 2023, OCR had opened a total of only 24 antisemitism investigations. As protests swept college and university campuses with the onset of the genocidal war against the Palestinian people in the Gaza Strip, antisemitism complaints appear to have skyrocketed, as has the number of investigations.⁴⁴ Catherine Lhamon, the head of OCR under the Biden administration, said that during the autumn of 2023 her staff opened some investigations “within a day” of receiving antisemitism complaints, a “lightning-fast” pace suggesting minimal levels of scrutiny.⁴⁵ More probes were opened in the final two months of 2023 than all previous years combined. Antisemitism investigations reached record levels in 2023 and 2024 under the Biden administration and are on track to do so again in 2025 with the return of the Trump presidency. The Trump administration also created an interagency task force on antisemitism,⁴⁶ which mobilized the Departments of Justice and Health and Human Service to launch their own Title VI investigations of schools alongside the Department of Education.

Figure 1: Title VI Antisemitism Investigations Against Colleges and Universities



Agency	October 2004- October 6, 2023	October 7- December 31, 2023	January 1- December 31, 2024	January 1- September 30, 2025
ED (based on complaints from public)	24	25	39	15
ED (government-initiated)				14
HHS				5
DOJ				3
Multi-agency (DHS, ED, General Services Administration)				1
Total	24	25	39	38

Antisemitism Investigations Almost Exclusively Target Speech and Protest Critical of Israel and Require Very Little Detail or Evidence to be Opened

We have gathered and analyzed the text of 102 antisemitism complaints filed with OCR⁴⁷, of which at least 92 led to the opening of investigations.⁴⁸ Complaints vary greatly in length and amount of detail and are subject to varying levels of redaction. Some are just a few sentences and lack any specificity in their allegations. A complaint against Eastern Washington University sent by the parent of a student consists of two paragraphs that cites the chanting of the slogan “from the river to the sea, Palestine will be free” as evidence of antisemitism and includes a photograph of a poster for a talk under the title “The Massacre in Gaza: Security or Genocide?” and simply ends with “please investigate the university.” This complaint was successful in prompting OCR to open an investigation, despite lacking any allegation of harassment or discrimination against Jewish people or Judaism.

Antisemitism complaints invariably concern speech and protest that is critical of Israel or Zionism. To date, we have identified only one investigation that alleges antisemitism without reference to Israel or Zionism.

In at least 81 of the complaint letters we have reviewed, criticisms of Israel or Zionism are treated as evidence of antisemitism in themselves even when those criticisms do not include any reference to Jews or Judaism. Most other complaints cannot be analyzed properly due to extensive redactions.

Of the 81 complaints mentioned above, 51 allege antisemitism *solely* on the basis of criticisms of Israel or Zionism without reference to Jews or Judaism otherwise. While it is possible, depending on context, to engage in antisemitic harassment without explicitly mentioning Jews or Judaism, many of these complaints explicitly or implicitly rely on the IHRA definition’s examples of antisemitism in: arguing that anti-Zion-

While the Biden administration did not explicitly invoke the IHRA definition, it similarly conflated anti-Zionism with antisemitism

ism is necessarily antisemitic; recasting speech supporting Palestinian armed resistance as antisemitic harassment; treating criticism of U.S. pro-Israel organizations' financial contributions to elected officials as tantamount to antisemitic stereotypes associating Jews with money; treating references to blood in protests (e.g. saying that supporters of Israel's bombing of Gaza have "blood on their hands") as invoking antisemitic tropes of blood libel.

In the other 30 complaints, criticisms of Israel or Zionism without any reference to Jews or Judaism are commingled with at least one alleged statement or act that refers derogatively to Jews or Judaism or is otherwise facially antisemitic (e.g., swastika graffiti). For example, a 24-page single-spaced complaint filed against Yale by the ADL and Brandeis Center bases its hostile environment analysis mostly on allegations that treat criticism of Israel as antisemitic, but also includes a single screenshot of a social media message received by a student containing an antisemitic slur – but without specifying whether the message even came from someone affiliated with the university.⁴⁹ Because a hostile environment analysis under Title VI allows for taking into consideration many different acts over a period of time, OCR policy encourages this commingling so as to conflate anti-Zionism and criticism of Israel with antisemitism.⁵⁰

Finally, there are 16 complaints that characterize statements or actions as antisemitic (e.g., references to "antisemitic chants" or "antisemitic slogans") without providing any description or detail.⁵¹ One complaint to Cornell University consisted of a single paragraph alleging that a certain professor "has spread so much hate and lies. Pushing people towards violence. He is supporting Hamas [sic] and their beliefs. He is literally brain washing students to hate and discriminate towards a certain religions [sic]- Jews."⁵²

One-third of the complaints (34) reviewed contain at least one allegation treating the use of slogans calling for Palestinian freedom or supporting Palestinian resistance as evidence of antisemitism. Over half of these mention variations of the slogan "from the river to the sea, Palestine will be free." Legal scholars have argued that treating slogans calling affirmatively for Palestinian freedom as antisemitic necessarily relies on stereotypes of Palestinians as violent and deceitful and is itself arguably discriminatory.⁵³

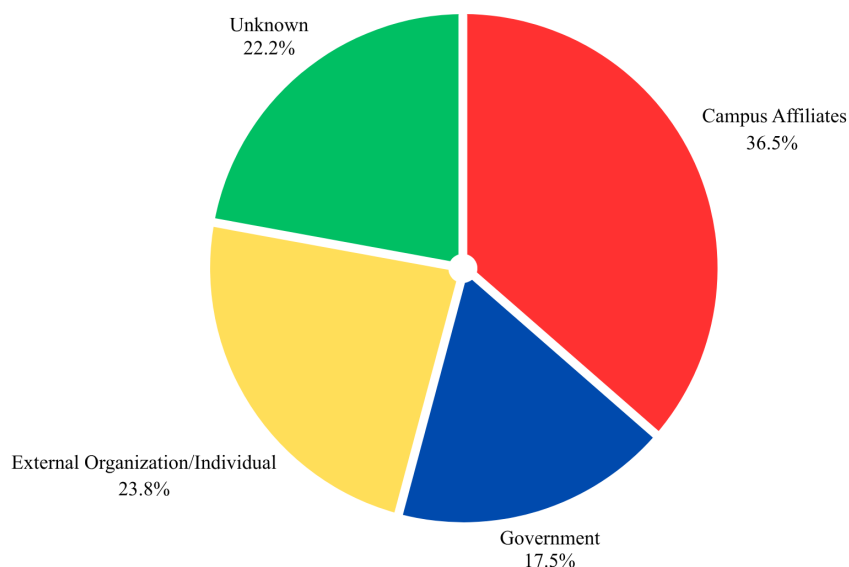
More probes were opened in the final two months of 2023 than all previous years combined.

While student speech or activity is the primary subject of antisemitism complaints, approximately one-third (30) made at least one allegation concerning named faculty members or staff. Of these, 10 complaints related to classroom conduct, and 20 dealt with public statements, including on social media.

Off-Campus Zionist Advocacy Organizations Have Been Critical to Driving Antisemitism Investigations

Discrimination complaints to OCR can come from anyone; there is no requirement that the complainant be affiliated with the institution that is the subject of the complaint. Complaints can even be submitted anonymously. Of the antisemitism investigations in our dataset, at least 30 (24%) originated with external organizations or individuals – a number which could possibly be significantly higher given that the identity of complainants is unknown in 22% of cases.

Figure 2: Complainant Types in Title VI Antisemitism Investigations



Campus affiliates include students, staff, faculty, student organizations, alumni, and parents of students

Unsurprisingly, Zionist and right-wing advocacy organizations have been central to driving the growth of antisemitism investigations, being involved in at least 62 (78%) of the complaints we have analyzed that led to OCR antisemitism investigations, whether in representing complainants or in acting as complainants themselves. Unsurprisingly, the Brandeis Center has been the most prolific, prompting at least 18 investigations. Other pro-Israel actors range from older organizations such as the Anti-Defamation League and Zionist Organization of America to newer groups that emerged specifically in culture war politics over campus activism like StandWithUs and Jewish On Campus. One complaint, against UC Berkeley Law School, was submitted by the head of the International Legal Forum, an organization funded by Israel's Strategic Affairs Ministry.⁵⁴ Other complaints are pursued by right-wing organizations that are primarily invested in dismantling affirmative action and other forms of racial liberalism, such as the Evangelical-oriented American Center for Law & Justice.⁵⁵

A single right-wing agitator, Zachary Marschall, has instigated at least 15 such investigations, which then became the basis for “scoops” in his journalistic writing for the right-wing outlet *Campus Reform*.⁵⁶ At Johns Hopkins University, a campus pro-Israel activist publicly complained that Marschall did not contact or coordinate with Zionist students there, worrying that “the investigation can portray Jewish student life [at Hopkins] as worse than it actually is, and drive away Jewish prospective students.”⁵⁷

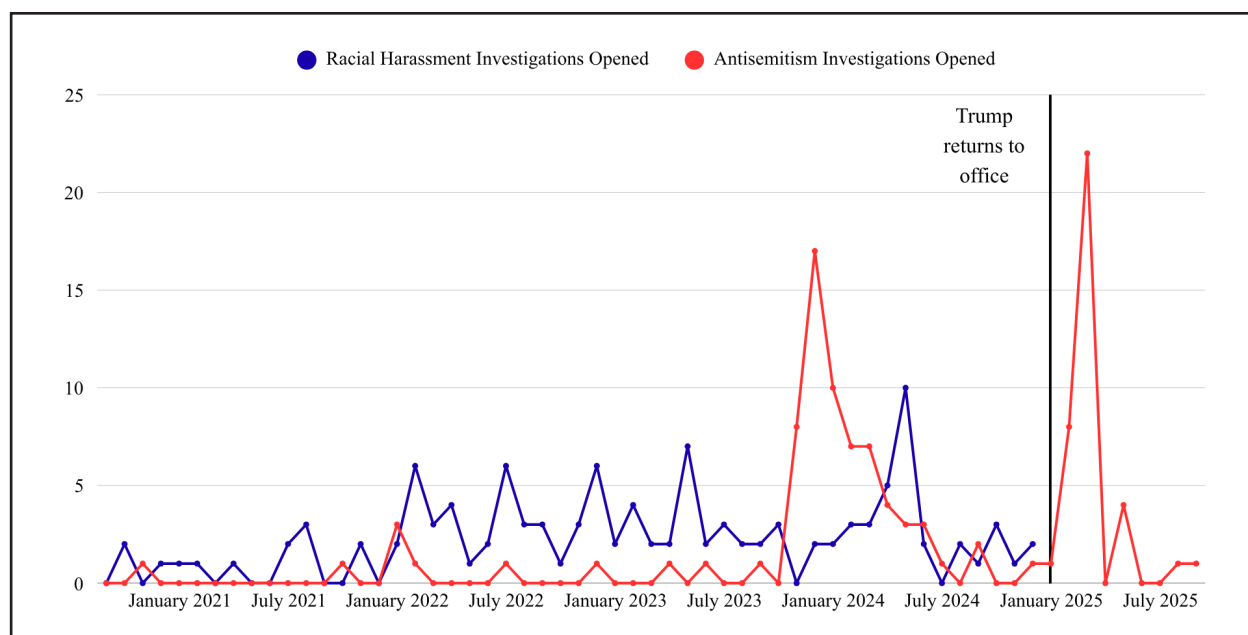
Figure 3: Pro-Israel and Right-Wing Organization Involvement in Title VI Complaints

Organization	Complaints Filed as Representative, Complainant, or Both	Investigations Opened
Louis D. Brandeis Center for Human Rights Under Law	22	18
Campus Reform/Zachary Marshall	15	15
StandWithUs	10	8
Anti-Defamation League	6	5
American Center for Law & Justice	6	3
Jewish On Campus	5	5
Zionist Organization of America	7	5
Arnold & Porter (Baruch Weiss) ⁵⁸	4	4

Campus Antisemitism Investigations Outstripped Racial Harassment Investigations Under Biden and Supplanted Them Altogether Under Trump

Traditionally, racial harassment investigations, which cover discrimination against African-Americans, Latinos, Asian-Americans, and other recognized racial minorities, have been a core part of OCR's enforcement mission. Yet after October 7, 2023, antisemitism investigations began to overtake racial harassment investigations in the higher education context.⁵⁹ Between October 7 and December 31, 2023, OCR opened only four investigations for racial harassment in post-secondary educational institutions, as opposed to 25 for antisemitism. During 2024, the final year of the Biden administration, OCR opened 38 campus antisemitism investigations, as opposed to 34 for racial harassment.

Figure 4: Title VI Racial Harassment vs. Antisemitism Investigations Opened Per Month



Moreover, available data suggests that the Biden administration at some points treated racial harassment claims with greater scrutiny than antisemitism allegations. In fiscal year 2023 (October 1, 2022 to September 30, 2023), OCR received a total of 1,045 racial harassment complaints for both K-12 and post-secondary schools. It opened investigations in only a third of those cases. In contrast, 61% of complaints of shared ancestry discrimination in that period led to the opening of an investigation.⁶⁰ The shift in investigative priorities from racial harassment to antisemitism is difficult to explain purely as a result of trends in the number and type of complaints received: from FY 2023 to FY 2024, the total number of racial harassment complaints received by OCR fell by 7%, but the number of investigations dropped by nearly 19%.⁶¹

Under Trump, ED appears to have brought racial harassment investigations to a halt altogether, even as it has accelerated the opening of antisemitism probes. In January 2025, OCR froze all new racial harassment investigations, alongside numerous other categories of enforcement; after the moratorium was officially lifted in March, the Trump administration's evisceration of OCR's funding and staff and shuttering of regional offices (which employed the vast majority of civil rights investigators) has led to largely the same result.⁶²

Under the Biden Administration, Schools Signed Agreements Allowing the Federal Government Extraordinary Powers to Surveil and Repress Campus Speech

Although violations of Title VI can result in an institution losing federal funding, this never occurred before the second Trump administration. Instead, the most common outcomes of OCR investigations are dismissal of the complaint, voluntary mediation between the complainant and the school, or a resolution agreement between the school and OCR in which the school agrees to take certain steps in exchange for closure of the investigation. OCR generally does not publicize dismissals or mediation agreements, so it is difficult to determine how many investigations have been closed or to tally various outcomes.

In hostile environment investigations, OCR rarely investigates alleged acts of discrimination themselves

but rather is focused on how schools respond to reports of discrimination based on the knowledge they had at the time. The findings of these investigations are summarized in “outcome letters.” We have gathered and analyzed 25 outcome letters in antisemitism investigations, dating back to 2012. In 14 of these letters, OCR indicated concern that schools were potentially not in compliance with their Title VI obligations. These are not official findings that schools have violated the law, but can set in motion the process that can eventually lead to a cutoff of federal funds.

A single right-wing agitator, Zachary Marschall, has instigated at least 15 such investigations

Regardless of whether OCR has expressed concerns over institutions’ handling of discrimination complaints, schools nonetheless have strong incentives to accept resolution agreements with OCR in exchange for closing investigations. We have identified 25 resolution agreements affecting 34 schools (some resolution agreements cover multi-campus systems such as the University of California and the City University of New York).

The resolution agreements, which exhibit high degrees of uniformity, are an emerging blueprint for a system of federal surveillance of campus speech and dissent. They have several common features:

- Revised anti-discrimination policies to include antisemitism and other shared ancestry claims. OCR provides very detailed language for school policies and institutes various monitoring and approval benchmarks;
- Required training for campus affiliates, including students, on revised anti-discrimination policies. Schools must send training materials to OCR for review and approval and provide detailed information on when trainings are administered and by whom, as well as figures for numbers of students and employees trained;
- Administering campus climate surveys to gather data on perceptions of antisemitism and other discrimination. Schools must present survey results and proposed follow-up actions for OCR review;
- Some resolution agreements at large universities with their own police forces require campus police officers to report any allegations of discrimination they encounter to relevant university authorities, blurring the line between disciplinary processes and criminal investigation;⁶³
- Beginning in 2024, nearly all antisemitism resolution agreements have required schools to turn over spreadsheets listing all internal complaints of shared ancestry discrimination received in recent academic years. The spreadsheets must include detailed information about each complaint, including in many cases the names of accusers and those accused, as well as those involved in investigating complaints. The schools must also make additional information, in some cases full case files, available to OCR for review. Fifteen agreements with these provisions have been concluded, encompassing more than 20 schools.⁶⁴

Figure 5: Schools that Have Agreed to Share Data on Internal Complaints of Shared Ancestry Discrimination with OCR⁶⁵

Institution	Date of Agreement	Notes
University of Michigan	June 14, 2024	Academic years 2024-2025 and 2025-2026
City University of New York (Baruch College, Brooklyn College, Hunter College, Law School, Queens College, Central Office)*	June 17, 2024	Academic years 2023-2024 and 2024-2025
Lafayette College	June 20, 2024	Academic years 2024-2025 and 2025-2026
Drexel University	July 31, 2024	Academic years 2024-2025 and 2025-2026
Brown University*	July 8, 2024	Academic years 2023-2024 and 2024-2025
University of Illinois Urbana-Champaign	September 3, 2024	Academic year 2023-2024
Temple University	November 24, 2024	Academic years 2024-2025 and 2025-2026
University of California (UCLA, UCSB, UCSD, UCD, UCSC)	December 18, 2024	Academic year 2024-2025
University of Cincinnati	December 19, 2024	Academic years 2024-2025 and 2025-2026
Rutgers University	January 2, 2025	Academic years 2023-2024 and 2024-2025
Johns Hopkins University	January 6, 2025	Academic years 2024-2025 and 2025-2026
Lehigh University	January 10, 2025	Academic years 2024-2025 and 2025-2026
University of Washington	January 14, 2025	Academic year 2024-2025
Emory University*	January 15, 2025	Academic years 2023-2024 and 2024-2025
Harvard University*	January 17, 2025	Academic years 2023-2024 and 2024-2025; this resolution agreement responds to a complaint of anti-Palestinian discrimination

OCR Investigations Concerning Discrimination against Palestinian, Arab, Muslim, and Associated Students are Far Fewer and Produce Nearly Identical Outcomes as Antisemitism Investigations

We have identified 23 OCR investigations alleging shared ancestry discrimination on anti-Palestinian, anti-Arab, or anti-Muslim grounds, as well as 2 investigations concerning discrimination against Jewish students for identifying as anti-Zionist. All but two were opened after October 7, 2023. In 16 of the cases, the complainants were students or other campus affiliates; in 8 cases the complainant is unknown; we have only identified one case in which the complainant is an external organization.

So far, these investigations have only resulted in two resolution agreements: notably, they have both produced the exact same policies as the antisemitism investigations – policies that are far more likely to be used against critics of Israel. This is because resolution agreements in all shared ancestry cases do not refer specifically to any specific type of shared ancestry discrimination – their terms apply equally to antisemitism as well as anti-Palestinian/anti-Arab/anti-Muslim racism.

OCR's resolution agreement for the CUNY system simply consolidated claims of antisemitism with those for anti-Palestinian/anti-Arab/anti-Muslim discrimination.⁶⁶ Harvard University, in response to an anti-Palestinian discrimination investigation, agreed to share with OCR a spreadsheet of internal complaint data for all shared ancestry complaints – including antisemitism. To date, Harvard has not made such a concession in any of the antisemitism investigations against it.⁶⁷

The shift in investigative priorities from racial harassment to antisemitism is difficult to explain purely as a result of trends in the number and type of complaints received

Title VI Lawsuits: Trends

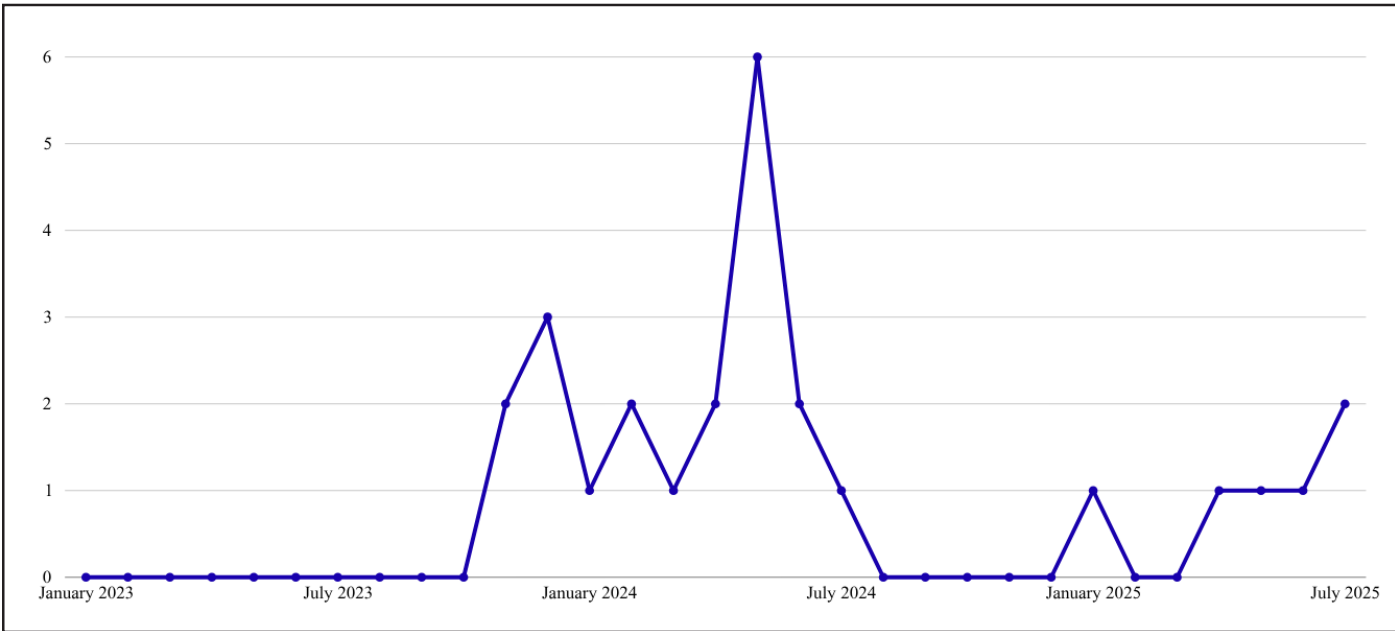
In addition to investigations by executive branch agencies such as the Department of Education, Title VI can also be enforced by private lawsuits filed in federal court. Title VI lawsuits face considerable challenges compared to investigations: while anyone can ask the government to open a Title VI investigation for free, litigation tends to be much more resource-intensive. Moreover, Title VI private lawsuits face a higher legal standard than agency investigations: they must show that universities intentionally discriminated or acted with deliberate indifference, while agency investigations must merely show that institutions failed to take reasonable steps to address a hostile environment.

At the same time, plaintiffs in litigation enjoy several potential advantages, including (a) more influence over the process than someone who complains to the government and must simply wait until the outcome of the investigation (if any); (b) the possibility of obtaining monetary damages or a financial settlement; (c) the possibility of obtaining more information directly from institutions through discovery.

Antisemitism Lawsuits Reached Record Numbers After October 7, But Growth has Slowed Under the Trump Administration

We have identified 28 antisemitism lawsuits under Title VI, against 21 institutions.⁶⁸ As is the case with government investigations, the number of lawsuits after October 7, 2023 has increased dramatically: only two were filed before that date. But unlike government investigations, the rate of new antisemitism lawsuits slowed significantly in 2025. This may reflect a perception among potential litigants that the Trump administration’s aggressive invocation of antisemitism in cracking down on schools makes complaining to OCR a more appealing option than going to court and possibly being assigned to an unsympathetic judge.

Figure 6: Title VI Antisemitism Lawsuits in Filed Federal District Courts



Antisemitism Lawsuits are Mostly Litigated by Zionist Non-Profits Working with Leading Corporate Law Firms, or by Smaller Conservative Law Firms with Close Ties to the Trump Administration

As is the case with OCR investigations, Zionist advocacy groups are actively involved as plaintiffs and as counsel, working alongside other right-wing forces as well as major corporate law firms with diverse political leanings. The Brandeis Center has been involved in six lawsuits, including the first one against UC Berkeley. In its suit involving a complaint against the University of Pennsylvania, the Brandeis Center was represented by Paul, Weiss, Rifkin, Wharton & Garrison LLP, a prominent and traditionally Democratic-leaning firm.⁶⁹ Paul Weiss filed the suit in 2024, long before the firm's much-criticized "capitulation" deal with the Trump administration.⁷⁰ The Lawfare Project, a right-wing Zionist organization, has sued four schools, working in cooperation with Simpson Thatcher & Bartlett and Arnold & Porter.

Right-wing law firms in the orbit of the Trump administration have also been significant players in antisemitism litigation. Most prominent has been the Trump-aligned law firm Kasowitz LLP (better known as Kasowitz Benson Torres), which has sued and obtained settlements with New York University, Harvard, and Columbia. The New School was sued by the boutique law firm co-founded by Harmeet Dhillon, Trump's assistant attorney general for civil rights. The lead attorney in a 2024 antisemitism suit against the University of Virginia, Gregory J. Brown, was subsequently appointed as Dhillon's deputy at the Justice Department and went on to oversee a Title VI antisemitism investigation against George Washington University.

No Antisemitism Title VI Lawsuits Have Resulted in a Legal Finding of Discrimination To Date

To date, no antisemitism Title VI lawsuits have proceeded to trial or resulted in a judgment for plaintiffs.

Title VI allegations have been dismissed in nine lawsuits, two of which are currently on appeal. While reasons for dismissal have varied, judges have in some cases exhibited skepticism toward the weaponization of antisemitism claims and raised concerns about First Amendment protections. In the only appellate decision so far, the First Circuit declined to characterize Palestine protests at the Massachusetts Institute of Technology as antisemitic harassment, rejecting attempts "to stifle anti-Zionist speech by labeling it inherently antisemitic."⁷¹

"However noble the objective of nondiscrimination, institutions cannot be threatened with civil liability for declining to censor First Amendment protected speech," noted district court judge Gerald Austin McHugh in rejecting Title VI claims against Haverford College.⁷² "Title VI is not a portal for students ... to advance their view of how contentious issues should be handled on campus."⁷³ In dismissing an antisemitism lawsuit against the University of Pennsylvania, judge Mitchell Goldberg noted that allegations "even when read in the most favorable light, could [not] be interpreted as antisemitic ... at worst, Plaintiffs accuse Penn of tolerating and permitting the expression of viewpoints which differ from their own."⁷⁴ Even in a case that ultimately greenlit some Title VI claims against Cooper Union, judge John Cronan cautioned that "interpreting Title VI to impose liability for a hostile environment created in part by pure speech on matters of public concern would cast significant doubt on the statute's constitutionality."⁷⁵

There have been only four cases in which courts have found Title VI allegations sufficiently plausible to survive a motion to dismiss or grant a preliminary injunction. No Title VI antisemitism case has gone to trial as of this date.

Antisemitism Lawsuits have Resulted in Far-Reaching Policy Changes Beyond What Has Been Mandated by the Federal Government

Seven antisemitism lawsuits have resulted in settlements favorable to plaintiffs, in some cases producing even more far-reaching policy changes than OCR resolution agreements.⁷⁶ The NYU and Harvard settlements both included adoption of the IHRA definition of antisemitism into their policies.⁷⁷ Moreover, both schools added virtually identical language to their anti-discrimination policies that treat Zionism as a protected identity on the grounds that “[f]or many Jewish people, Zionism is a part of their Jewish identity.”⁷⁸ Under these policies, excluding individuals from activities or events on the basis of commitment to Zionism – a political ideology – or “disseminating tropes, stereotypes, and conspiracies about Zionists” could constitute discrimination.⁷⁹ It is highly significant that these universities have voluntarily accepted this definition of antisemitism – and that NYU settled relatively early in the litigation, even before a preliminary hearing on the lawsuit’s plausibility. The argument that anti-Zionism is necessarily antisemitism simply because many Jews believe it to be intrinsic to their identity as Jews conflicts with significant court precedent rejecting Title VI discrimination claims grounded in subjective or cultural beliefs.⁸⁰

Settlements have also resulted in significant payouts for plaintiffs. The Harvard and NYU settlements included undisclosed monetary sums. In a separate lawsuit, a Columbia student and former soldier in the Israeli army alleged discrimination after being suspended for several weeks for spraying protesters with a chemical substance that required them to seek medical attention. Columbia never even filed a formal rebuttal to the allegations and within two months commenced settlement negotiations that resulted in a \$395,000 payment to the student.⁸¹

Only a Handful of Lawsuits Alleging Discrimination Against Palestinian, Arab, Muslim, and Associated Students Have Been Filed, None Have Reached Resolution So Far

To date, we have identified six Title VI lawsuits alleging anti-Palestinian, anti-Arab, or anti-Muslim discrimination, all filed since 2024. None have been resolved so far.⁸² There is also a lawsuit brought on behalf of an African-American woman who was fired without due process from her position as a diversity, equity, and inclusion (DEI) administrator at the University of Michigan after the Anti-Defamation League accused her of making antisemitic comments in a private conversation.

The Trump Administration Antisemitism Task Force

Within its first few weeks, the Trump administration created a multi-agency Task Force to Combat Antisemitism, significantly scaling up the weaponization of antisemitism allegations against higher education beyond the Department of Education (ED).⁸³ The Task Force is officially coordinated by the Department of Justice's Civil Rights Division, with participation by the Departments of Education and Health and Human Services (HHS), as well as the General Services Administration (GSA).

In several high profile cases, the Task Force has used antisemitism as a wedge in order to make a series of other demands reflecting a right-wing vision for higher education, including dismantling diversity, equity, and inclusion (DEI) efforts and transgender protections.

Background on the Antisemitism Task Force

The Task Force has been driven mostly by mid-level political appointees who are neither career civil servants nor serving in positions requiring Senate approval. They hail from different parts of the Trump coalition, tying together commitments to Zionism and opposition to racial and gender equity.

The Task Force is coordinated by Leo Terrell, Senior Counsel to the Assistant Attorney General for Civil Rights. Terrell is a former civil rights attorney and Fox News commentator who gained notoriety for his attacks on “DEI nonsense” and on the Movement for Black Lives.⁸⁴ Terrell, an African-American man, has been the public face of the Task Force, especially on Fox News. Terrell was criticized for resharing a social media post by prominent white nationalist Patrick Casey proclaiming that “Trump has the ability to revoke someone’s Jew card.”⁸⁵ The original post in question was in reference to a Trump statement, simultaneously both anti-Palestinian and antisemitic, claiming that Senate Minority Leader Chuck Schumer “is a Palestinian as far as I’m concerned. You know, he’s become a Palestinian. He used to be Jewish. He’s not Jewish anymore. He’s a Palestinian. Okay.”

Another key player is Josh Gruenbaum, a former private equity manager who serves as commissioner of the Federal Acquisition Service, a unit of the General Services Administration that oversees much of the federal government’s civilian contracting. Gruenbaum, who is aligned with Elon Musk’s Department of Government Efficiency (DOGE) effort, was also a pro-Israel activist in law school⁸⁶ and has spoken of his role on the Task Force in terms of his own upbringing in an Orthodox Jewish community and his commitment to Israel:

I think for me, specifically as an American Jew, post-Oct. 7, a lot of issues that bubbled up for the Jewish community became even more in focus for me. So when the election started taking shape, and Trump won, and Elon Musk and the rest of the crew announce this DOGE [Department of Government Efficiency] effort – for me, it was like this coming of everything I’ve been trying to put together.⁸⁷

Other key players in the Task Force are conservative legal activists, many of whom have held their positions on an acting basis without Senate approval as a stepping stone to other jobs.

- The current head of OCR, Craig Trainor, has filled the position on an interim basis. During most of his time at OCR, Trainor has been awaiting Senate approval to serve as assistant secretary for fair housing and equal opportunity at the Department of Housing and Urban Development. Trainor previously worked in the House Judiciary Committee staff, where he was involved in Republican-led investigations of campus antisemitism. Before entering government, Trainor worked at the America First Policy Institute under Pam Bondi, now Trump’s attorney general.

- ED acting general counsel Thomas E. Wheeler, who was brought in without having previously worked in the agency, made the Task Force a key priority during his brief tenure. He told journalists he was interested in serving in that role on a short-term basis only because he “[had] no interest in going through” Senate confirmation for that position.⁸⁸ Wheeler is a longtime fixture in Indiana GOP circles and is close to former Vice President Mike Pence. Wheeler served at ED and on the Task Force for only a few months before being appointed in July as the interim U.S. attorney for the southern district of Indiana.
- HHS acting general counsel Sean Keveney was placed in the department as deputy general counsel during the first Trump administration and since emerged as a key figure on the Task Force and as an enthusiastic implementer of HHS Secretary Robert Kennedy’s anti-vaccine agenda. Keveney was appointed as chief counsel of the Food & Drug Administration in August.
- DOJ’s Civil Rights Division coordinates the Task Force. The Assistant Attorney General for Civil Rights, Harmeet Dhillon, is a long-time conservative activist who was part of the legal team for the 2020 Trump presidential campaign.
- The Task Force has retained Steven Davidoff Solomon, a professor at the University of California Berkeley Law School, as an adviser.⁸⁹ While Solomon’s academic expertise is in corporate law rather than anti-discrimination or civil rights, he has a long track record of pro-Israel advocacy. In 2015, Solomon helped sue the American Studies Association for adopting a boycott of Israeli academic institutions, working in collaboration with Eugene Kontorovich, at the time a Northwestern University law professor who is also an Israeli settler with a residence in the occupied West Bank.⁹⁰ In October 2023, Davidoff praised a law firm for rescinding an employment offer to a student who had written an open letter “that pointedly refused to condemn Hamas” and called on other firms to take similar steps.⁹¹

The Department of Education has Increased Antisemitism Investigations, Even While Being Gutted by the Trump Administration

As noted above, the Department of Education’s Office for Civil Rights (OCR) is on track to exceed the annual record for antisemitism Title VI investigations of colleges and universities in 2025. And unlike preceding administrations, Trump’s OCR has launched a number of probes on its own initiative rather than in response to complaints from the public. New investigations continued to be opened, albeit at a slower rate, even after ED slashed half of OCR’s staff and closed 7 of its 12 regional offices.

The Task Force’s structure also reflects a broader sidelining of the Department of Education (ED). The involvement of HHS and GSA has significantly raised the stakes of Title VI enforcement, as the amount of federal funding to universities that they control far outweighs that of the ED. HHS oversees the National Institutes for Health, whose funding of medical research at teaching hospitals is a crucial revenue stream for many universities. HHS has been particularly aggressive, seeking depositions of university leaders and in the case of Columbia’s former president Katrina Armstrong, leaking a transcript of the deposition to conservative media.⁹²

In recent months and possibly in response to the dismantling of ED, the Department of Justice’s Civil Rights Division appears to have taken a more direct role in campus antisemitism investigations, issuing findings of violations against George Washington University and UCLA during the summer of 2025. The Department of Justice also announced an antisemitism investigation against the University of California system under Title VII of the 1964 Civil Rights Act, which forbids discrimination by employers.⁹³ The Equal Employment Opportunity Commission, also acting under Title VII, has pursued antisemitism cases against Columbia University and opened a probe of the California State University system.

The Antisemitism Task Force Invokes Title VI but Has Largely Disregarded Title VI Procedures

The Task Force garnered headlines for its threats to cut federal funding to Ivy League universities. The most high-profile efforts have violated established Title VI procedures and were not based on any factual findings of discrimination. Prior to cutting off funding, Title VI requires the conclusion of a formal investigation, including opportunity for institutions to rebut allegations in a hearing. A full written report submitted to relevant Congressional committees is required 30 days before cutoffs take effect. Moreover, funding cutoffs should be limited to the specific program where discrimination has taken place.⁹⁴ The Antisemitism Task Force did not follow any of these procedures.

On March 3, 2025, the Task Force announced a “comprehensive review” of Columbia University’s federal grants “in light of ongoing investigations for potential violations of Title VI of the Civil Rights Act.”⁹⁵ Four days later, the Task Force canceled \$400 million of federal funding to Columbia.⁹⁶ The cancellation of federal funding for Title VI violations is unprecedented, even more so in a situation where investigations have hardly begun much less arrived at any conclusion. Within weeks, Columbia agreed to many of the Task Force’s initial demands. These included pledges to:⁹⁷

- Adopt a definition of antisemitism modeled on the IHRA definition, which includes “certain double standards applied to Israel” and “celebrating violence against” Israelis⁹⁸
- Appoint a senior vice provost charged with scrutinizing Middle East studies programs in order to “review the educational programs to ensure the educational offerings are comprehensive and balanced” and “review all aspects of leadership and curriculum”
- Ban most protests in academic buildings
- Require student demonstrations to conform to university anti-discrimination policies
- Maintain a private police force of at least 36 officers with the power to remove and arrest protesters
- Centralize student disciplinary issues in the provost’s office

Similarly, the Trump administration’s campaign against Harvard University made allusions to Title VI but was not based on the results of any Title VI investigation.⁹⁹ In response to a 30-day deadline for meeting with the Task Force, Harvard immediately began a series of steps to punish Palestine-related speech and research: it removed the faculty leadership of the university’s Center for Middle Eastern Studies, suspended a research relationship with Birzeit University in Palestine, and shuttered a program on religion and conflict at Harvard Divinity School.¹⁰⁰ These steps failed to mollify the Trump administration or forestall a funding freeze, leading both the AAUP and Harvard to file lawsuits. On September 3, a federal judge in Boston ruled the Trump administration’s actions unlawful.¹⁰¹

In the meantime, it was only months *after* cutting off funding that the Trump administration determined that Harvard was in violation of Title VI.¹⁰² This decision, however, was not taken on the basis of an investigation but relied primarily on a report by Harvard’s own Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias, which was itself based on surveys and focus groups to assess perceptions of antisemitism, explicitly describing itself as “not an investigatory body.”¹⁰³

The Trump administration has moved on to large public universities in its weaponization of antisemitism. On May 9, the Justice Department’s Civil Rights Division opened an investigation against the University of California system and on July 29 issued preliminary findings that UCLA had violated Title VI. Again, the Justice Department neither afforded UCLA a hearing, nor did it inform Congress, as legally required. Finally, a finding of discrimination by the Justice Department should only concern the (limited) programs funded by that agency.¹⁰⁴ Instead, multiple other agencies immediately canceled or suspended support totaling over half a billion dollars. The Trump administration began to make demands for sweeping chang-

es at UCLA nearly identical to those made elsewhere, in one instance referring to UCLA's medical school by the name of Northwestern University's medical school instead.¹⁰⁵ The AAUP, together with the graduate students' union and every UC staff union, filed a lawsuit challenging the cuts that is currently pending.¹⁰⁶

The Trump Administration's Agreements with Universities Use Repression of Palestine Speech as a Wedge to Further Right-Wing Agendas on Racial and Gender Equity

The Trump administration has so far reached agreements with two universities in their campaign against higher education. Unlike OCR resolution agreements, these settlements are signed by high-level cabinet officials, Attorney General Pam Bondi, HHS Secretary Robert Kennedy, and Education Secretary Linda McMahon. While they grew out of government efforts citing Title VI, their scope is far broader.

Columbia and the Trump administration arrived at a full agreement on July 23, which confirmed the measures pertaining to antisemitism and student protest previously acceded to by the university.¹⁰⁷ The agreement, however, also went far beyond Title VI enforcement and antisemitism to include banning DEI initiatives and race-conscious admissions and hiring; providing detailed data on admissions as well as on faculty and staff hiring and promotion for external auditing; and sharing disciplinary data regarding international students with the government.¹⁰⁸ Columbia also agreed to pay \$200 million to the government as part of the settlement and \$21 million to settle related employment discrimination claims.¹⁰⁹

Under the agreement, Columbia must provide regular reports and extensive data on its obligations to an external monitor jointly chosen with the federal government, Bart Schwartz, co-founder and chairman of Guidepost Solutions.¹¹⁰ In June 2025, Guidepost Solutions sponsored an event to "help Israel rebuild."¹¹¹ According to AAUP senior counsel Aaron Nisenson, the Columbia agreement's reliance on dangerously subjective criteria such as "merit" in admissions and hiring allows the Trump administration "to insinuate itself into core activities of the university—admissions, hiring, and promotion—and drive the creation of the ideological culture that it truly seeks."¹¹²

One week after Columbia, Brown University also reached a settlement with the Trump administration to restore \$510 billion in federal funds that had been blocked in April 2025. The agreement requires Brown to hire an external party approved by the U.S. government to conduct a "climate survey" on perceptions of antisemitism and to share the results and proposed follow-up steps to the government for further approval and monitoring.¹¹³ Brown also agreed to hand over data on all internal complaints of national origin discrimination, including names of accusers and accused, for the 2024-2025 and 2025-2026 academic years.¹¹⁴ Moreover, the agreement requires Brown to review all course evaluations filled anonymously out by students for "any reports of antisemitism" and to forward them to the university's diversity office for possible investigation.¹¹⁵

As with the Columbia agreement, the antisemitism provisions are only part of a much longer laundry list of right-wing culture war priorities: Brown also accepted measures meant to exclude transgender students from certain dormitories and facilities, as well as certain athletic facilities and activities; pledged not to provide gender affirming treatment to minors; and will turn over admissions data for auditing to ensure that the university is not attempting to advance racial or ethnic diversity.¹¹⁶ Brown also agreed to pay \$50 million to state workforce development funds in Rhode Island.¹¹⁷

The Trump Administration is Aiming to Rewrite Federal Regulations to Bolster its Weaponization of Civil Rights Law Against Colleges and Universities

The Trump administration's ED has announced its intention to amend federal regulations concerning enforcement of Title VI and Title IX. It seeks to “streamlin[e] the process by which OCR seeks termination of Federal financial assistance to institutions that intentionally violate Federal civil rights laws and refuse to voluntarily come into compliance.”¹¹⁸ The text of the proposed rule has not yet been released but once available there should be a time period for members of the public to submit comments.

The point of contact listed for the proposed rule is David Samberg, a political appointee to OCR who previously was investigative counsel for the House of Representatives Committee on Education & the Workforce, where he worked on the antisemitism hearings that interrogated university presidents for their handling of campus protests.¹¹⁹

Recommendations

The American Association of University Professors and Middle East Studies Association recommend the following:¹²⁰

1. Faculties, administrations, and governing boards must refuse to comply with unlawful federal government demands based on Title VI investigations that impinge on institutional autonomy, faculty academic freedom (including the faculty's role in governance), student academic freedom, and freedom of expression of faculty members, students, and staff.
2. Administrations and governing boards must publicly affirm their commitment to defending academic freedom—defined as the protection of teaching, research, and intramural and extramural speech—and support faculty members under attack.
3. Administrations and governing boards must respect the importance of faculty involvement in shared governance processes when creating or changing institutional policies and in determining responses to governmental demands for information or institutional actions. They must entertain faculty resolutions that protect unpopular teaching and research as well as controversial speech and forms of expressive activity.
4. Administrations and governing boards must commit to ensuring that internal grievance and complaint procedures (including those based on Title VI) provide adequate procedural safeguards. For example, people should not be locked out of their campus housing or denied email access while being subject to a Title VI investigation. Prehearing suspensions and dismissals must not occur. At a very minimum, procedural safeguards for those accused of Title VI harassment should be no less robust than for those in the Title IX context.¹²¹
5. Faculties, administrations, and governing boards must not engage in anticipatory obedience, including by eliminating programs; scrubbing websites; removing particular words or phrases from syllabi, course materials, and course titles and descriptions; or reporting on community members—faculty members, staff, or students—whose political speech or intellectual work may make them targets for governmental discipline or deportation. Pressure from politicians, donors, and trustees must be resisted because it creates a slippery slope for other forms of censorship and control.
6. Administrations and governing boards must provide support for international faculty members, staff, and students who are subject to governmental discipline or threatened with deportation.
7. Administrations and governing boards must reject overly broad definitions of antisemitism, including the International Holocaust Remembrance Alliance definition. Rules prohibiting certain words and phrases, attributing a determinate meaning to a word or phrase (for example, treating genocide, settler colonialism, intifada, or from the river to the sea as antisemitism per se), and utilizing such definitions to impose disciplinary measures for their use must be rejected. Such rules violate academic freedom and contradict basic understandings of the use and meaning of language, which is always subject to interpretation and context.
8. Schools that have already handed over personally identifiable information (e.g., names) to the government regarding individuals connected to antisemitism and other shared ancestry complaints should immediately implement harm reduction measures to protect those named from unwarranted consequences.¹²² Schools that signed agreements with the government in 2024 to hand over such data in the future should consider themselves no longer bound to provide personally identifiable information in light of more recent court findings concerning the Trump administration's pretextual use of antisemitism allegations.¹²³

Appendix: Methods

The Department of Education's Office for Civil Rights (OCR) generally does not provide figures for investigations opened, instead preferring to publish statistics concerning complaints received. Thus, investigation data used in this report had to be compiled manually by MESA's Academic Freedom Initiative (AFI).

From 2013 until January 2025, OCR routinely posted a list of currently open investigations and classified them by type of discrimination alleged. OCR data generally classifies antisemitism investigations under the categories of "national origin involving religion" in the online database, a term that also include anti-Muslim, anti-Arab, and anti-Palestinian discrimination. When an investigation was closed for whatever reason, it would simply disappear from the list without explanation. AFI therefore used archived versions of the OCR website to reconstruct a list of past national origin involving religion investigations.

OCR has also made available three types of documents: complaints that lead to the opening of investigations; outcome letters that describe the conduct and results of investigations; and resolution agreements that schools voluntarily sign to bring investigations to a close. In many investigations, some of these documents may not exist or be available, especially if they were resolved through mediation. When documents are available, there are sometimes redactions that make them difficult to interpret. Nearly all of this public data stopped being shared after January 2025, except the list of currently open shared ancestry investigations, which continues to be updated irregularly.

Although most national origin involving religion/shared ancestry investigations involve antisemitism allegations, that is not always the case. Therefore in order to ascertain which of these investigations involved antisemitism claims (or claims involving anti-Palestinian/anti-Arab/anti-Muslim discrimination), AFI gathered and analyzed complaint materials, outcome letters, and resolution agreements that the OCR website has made available. This data was supplemented by surveying the websites of outside advocacy organizations that publicized their own efforts to prompt investigations.

Data on Title VI antisemitism lawsuits was gathered using the docket search function on Bloomberg Law and supplemented with internet news searches.

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Endnotes

- 1 See, e.g., LIZ JACKSON ET AL., THE PALESTINE EXCEPTION TO FREE SPEECH: A MOVEMENT UNDER ATTACK IN THE U.S. (Palestine Legal & Center for Constitutional Rights, 2015), <https://ccrjustice.org/sites/default/files/attach/2015/09/Palestine%20Exception%20Report%20Final.pdf>.
- 2 See Evelyn Douek & Genevieve Lakier, *Title VI as a Jawbone*, KNIGHT FIRST AMENDMENT INSTITUTE: DEEP DIVE (Sept. 26, 2024), <https://knightcolumbia.org/blog/title-vi-as-a-jawbone>.
- 3 See, e.g., Am. Ass’n of Univ. Professors—Harvard Faculty Chapter v. Dep’t of Justice, No. 1:25-CV-10910 (D. Mass. 2025); Am. Ass’n of Univ. Professors v. Rubio, No. 1:25-CV-10685 (D. Mass. 2025); Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump, No. 1:25-cv-00333-ABA (D. Md. 2025), appeal docketed, No. 25-CV-1189 (4th Cir. 2025).
- 4 AM. ASS’N OF UNIV. PROFESSORS, ON TITLE VI, DISCRIMINATION, AND ACADEMIC FREEDOM 1-2 (Sept. 2025), <https://www.aaup.org/sites/default/files/2025-09/TREP-On-Title-VI-September-2025.pdf>.
- 5 One of the main organizations involved in the weaponization of Title VI has also published a white paper laying out a blueprint for policing Middle East studies. See LOUIS D. BRANDEIS CTR. FOR HUM. RTS. UNDER LAW, *THE MORASS OF MIDDLE EAST STUDIES: TITLE VI OF THE HIGHER EDUCATION ACT AND FEDERALLY FUNDED AREA STUDIES* (Nov. 2014), https://brandeiscenter.com/wp-content/uploads/2023/09/antisemitism_whitepaper-1.pdf.
- 6 For a fuller explanation of the methods used in this report, see the Appendix.
- 7 42 U.S.C. § 2000d.
- 8 See 20 U.S.C. §§ 1681–1688.
- 9 Numerous Congressional inquiries into colleges and universities have also invoked Title VI and sought to browbeat administrators into repressing campus speech and turning over information on faculty, staff, and students. See, e.g., *Holding Campus Leaders Accountable and Confronting Antisemitism: Hearing Before the H. Comm. on Educ. & the Workforce*, 118th Cong. 77 (2023). These efforts are beyond the scope of this study but are the subject of ongoing research and tracking by MESA AFI.
- 10 Cooper, Carvin, & Rosenthal’s founders met while working to implement Ronald Reagan’s agenda in the Department of Justice’s civil rights division. See *How Cooper Carvin Came Apart*, LAW.COM (May 1, 2001, 12:00 AM), <https://www.law.com/article/almID/900005524015/?slreturn=20250826135239>.
- 11 Kenneth L. Marcus, *Jewish Leadership PAC Fundraiser*, C-SPAN2, at 1:53–1:58 (Aug. 7, 1996), <https://www.c-span.org/program/public-affairs-event/jewish-leadership-pac-fundraiser/58364> (introducing neo-conservative commentator William Kristol at a fundraiser).
- 12 Marcus was hired as the deputy assistant secretary for civil rights enforcement but then when the assistant secretary position was vacated, he was “delegated the authority of the assistant secretary,” which was neither a formal appointment nor an acting appointment, sparking confusion at the time. See Sean Cavanagh, *Title of Federal Civil Rights Official Questioned*, EDUCATION WEEK (Apr. 21, 2004), <https://www.edweek.org/education/title-of-federal-civil-rights-official-questioned/2004/04>.
- 13 Dep’t of Educ. Office for C.R., Letter from Kenneth L. Marcus, Deputy Assistant Sec’y for Enf’t (Sept. 13, 2004), <https://www.ed.gov/about/offices/list/ocr/religious-rights2004.html>.
- 14 See KENNETH L. MARCUS, JEWISH IDENTITY AND CIVIL RIGHTS IN AMERICA 21 (2010) (“This was not standard protocol. OCR resolves most cases within its 12 regional offices.”).
- 15 Yaman Salahi & Nasrina Bargzie, *Talking Israel and Palestine on Campus: How the U.S. Department of Education can Uphold the Civil Rights Act and the First Amendment*, 12 HASTINGS RACE & POVERTY. L. J., 155, 185 n.145 (2015) (citing Brief of Plaintiffs-Appellees at 27, *White v. Lee*, 227 F.3d 1214, No. 99- 15098 (9th Cir. Dec. 29, 1999)).
- 16 See Darryl Fears, *Civil Rights Agency Closes, Cuts Decried*, WASH. POST (May 25, 2005), <https://www.washingtonpost.com/archive/politics/2005/05/26/civil-rights-agency-closings-cuts-decried/0e5395ed->

4f7e-4f9d-950a-e94d9a590c9e.

17 See U.S. COMM’N ON C.R., *BRIEFING REPORT: CAMPUS ANTI-SEMITISM* 2-3 (July 2006), <https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf>.

18 Kenneth L. Marcus, *Anti-Zionism as Racism: Campus Anti-Semitism and the Civil Rights Act of 1964*, 15 WM & MARY BILL RTS. J. 837, 845 (2007).

19 *Id.* at 848.

20 See MARCUS, *JEWISH IDENTITY*, *supra* note 14, at 46-48.

21 Press Release, Zionist Organization of America, Federal Government Initiates New Investigation Into UC Irvine’s Response to Campus Anti-Semitism (June 6, 2008), <https://zoa.org/2008/06/101438-federal-government-initiates-new-investigation-into-uc-irvines-response-to-campus-anti-semitism/>.

22 See Press Release, Anti-Defamation League, ADL Urges Education Secretary To Protect Jewish Students On Campus From Intimidation And Harassment (Mar. 17, 2010), <https://www.adl.org/resources/press-release/adl-urges-education-secretary-protect-jewish-students-campus-intimidation>.

23 *Id.* (citation modified).

24 Letter from Thomas E. Perez, Assistant Att’y Gen. for Civ. Rts. to Russlynn H. Ali, Assistant Sec’y of Educ. for C.R. re: Title VI and Coverage of Religiously Identifiable Groups 1 (Sept. 8, 2010), https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf.

25 *American Ass’n of Univ. Professors*, *supra* note 4, at 5-6.

26 See Letter from Russlyn H. Ali, Assistant Sec’y of Educ. for C.R. re: Harassment and Bullying 5 (Oct. 26, 2010), <https://www.mass.gov/doc/commission-to-review-statutes-relative-to-implementation-of-the-school-bullying-law-testimony-6/download> (“[H]arassment against students who are members of any religious group triggers a school’s Title VI responsibilities when the harassment is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members’ religious practices”).

27 Complaint at 5, *Felber v. Yudof*, 851 F.Supp.2d (N.D. Cal. 2011) (No. 11-CV-1012).

28 *Felber v. Yudof*, 851 F.Supp.2d 1182, 1188 (N.D. Cal. 2011); see also JACKSON ET AL., *THE PALESTINE EXCEPTION*, *supra* note 1, at 86-87.

29 JACKSON ET AL., *THE PALESTINE EXCEPTION*, *supra* note 1, at 87.

30 See Salahi & Bargzie, *Talking Israel and Palestine on Campus*, *supra* note 15.

31 Kenneth L. Marcus, *Standing Up for Jewish Students*, JERUSALEM POST (Sept. 9, 2013), <https://www.jpost.com/opinion/op-ed-contributors/standing-up-for-jewish-students-325648>.

32 *Id.*

33 See Naomi Zeveloff, *Coming Up Empty on Title VI*, THE FORWARD (Mar. 13, 2012), <https://forward.com/news/152691/coming-up-empty-on-title-vi/>.

34 See Letter from Ctr for Const. Rts. et al. to Kenneth L. Marcus, Assistant Sec’y of Educ. for C.R. (Nov. 30, 2018), <https://ccrjustice.org/letter-civil-rights-groups-demand-doe-assistant-secretary-marcus-end-attacks-free-speech>.

35 See Letter from Palestine Legal et al. to Sandra Bruce, Deputy Inspector Gen., Dep’t of Educ. 8-9 (May 20, 2020), <https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/5ec593062f7cf-c3aa7e3deac/1590006534631/Letter+from+Civil+Rights+Groups+to+Office+of+Inspector+General.pdf>.

36 See Int’l Holocaust Remembrance All., Working Definition of Antisemitism (May 26, 2016), <https://holocaustremembrance.com/resources/working-definition-antisemitism>. For critiques, see, e.g., Letter from Am. C.L. Union to Miguel Cardona, Sec’y of Educ., re: Reject Definitions of Anti-Semitism that Encompass Protected Speech (Feb. 6, 2024), <https://www.aclu.org/documents/reject-definitions-of-anti-semitism-that-encompass-protected-speech>; Letter from Palestine Legal et al. to Catherine E. Lhamon, Ass’t Sec. of Educ. re: Reiterating call to reject IHRA and its underlying conflation of anti-Zionism and antisem-

itism that is causing severe anti-Palestinian racism (Jan. 16, 2024), https://static1.squarespace.com/static/548748b1e4b083fc03ebf70e/t/65aaa8b70566f016b04683fc/1705683174095/01.16.2024_OCR+IHRA+Letter_final.

37 See Combating Anti-Semitism, Exec. Order No. 13899, 84 Fed. Reg., 68779 (Dec. 11, 2019).

38 See Letter from Catherine E. Lhamon, Assistant Sec’y of Educ. for C.R. re Antisemitism (May 25, 2023), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/antisemitism-dcl.pdf> (explaining that Title VI covers situations where students are “subjected to ethnic or ancestral slurs; harassed for how they look, dress, or speak in ways linked to ethnicity or ancestry (e.g., skin color, religious attire, language spoken); or stereotyped based on perceived shared ancestral or ethnic characteristics”).

39 See Press Release, The White House, Fact Sheet: Biden-Harris Administration Takes Landmark Step to Counter Antisemitism (Sept. 28, 2023), <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/09/28/fact-sheet-biden-harris-administration-takes-landmark-step-to-counter-antisemitism/> (specifying that the departments of Agriculture, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, Treasury, and Transportation will ensure that antisemitism is covered by their understandings of Title VI).

40 Press Release, The White House, The U.S. National Strategy to Counter Antisemitism 11, 40 (May 25, 2023), <https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>.

41 Letter from Catherine E. Lhamon, Assistant Sec’y of Educ. for C.R., re: Discrimination, including Harrassment, Based on Shared Ancestry or Ethnic Characteristics 2 (Nov. 7, 2023), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>.

42 Letter from Catherine E. Lhamon, Assistant Sec’y of Educ. for C.R. re: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics 8-9 (May 7, 2024) (citation modified), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>.

43 We have also identified 30 shared ancestry/national origin cases involving religion investigations of post-secondary educational institutions where the basis for alleged discrimination is not known. It is likely that many of these are also antisemitism cases.

44 OCR has not disclosed the actual number of antisemitism complaints it received, instead publishing figures for shared ancestry complaints in general – most of which presumably allege antisemitism. See Appendix.

45 American Jewish Committee, *Campus Crisis: How the U.S. Department of Education is Fighting Antisemitism*, at 10:08 (YouTube, Dec. 7, 2023), <https://www.youtube.com/watch?v=COEspiflno0>.

46 Press Release, Department of Justice, Justice Department Announces Formation of Task Force to Combat Anti-Semitism (Feb. 3, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>; see also, Additional Measures to Combat Anti-Semitism, Exec. Order No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025).

47 All complaints quoted or described in this report are on file with MESA AFI.

48 There are complaints publicized by the advocacy groups that file them which were followed by the opening of investigations, but it is not clear if the investigations were prompted by those particular complaints. Moreover, if a complaint leads to an investigation that is subsequently settled through mediation, then the government will generally not publicize information about that complaint.

49 E-mail from L. Rachel Lerman, General Counsel for the Brandeis Center, et al. to Catherine R. Lhamon, Assistant Sec’y for C.R., Civil Rights Violations at Yale *12 (Apr. 12, 2024) (filing complaint with OCR), <https://brandeiscenter.com/wp-content/uploads/2025/03/Yale-OCR-Complaint-2024-Final-redacted-03-20-25.pdf>

50 See Lhamon, Protecting Students from Discrimination, *supra* note 42.

51 Because many complaint letters contain multiple redactions, the figures in this paragraph should

be treated as conservative estimates.

52 Complaint at *3, Submission #735618 (Oct. 18, 2023), <https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ny-cornell-1-compandnotlet.pdf> (attaching complaint to email correspondence with Cornell administration).

53 See Noah Zatz, *Palestinian Freedom, Antisemitism Accusations, and Civil Rights Law*, LAW & POLITICAL ECONOMY PROJECT BLOG (Nov. 20, 2023), <https://lpeproject.org/blog/palestinian-freedom-antisemitism-accusations-and-civil-rights-law/>.

54 Complaint at *19, from Gabriel Groisman & Arsen Ostrovsky to Office for C.R., U.S. Dep't of Educ., Case No. 09-23-2079 (Nov. 18, 2022), <https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ny-cornell-1-compandnotlet.pdf>.

55 See, e.g., Complaint, from Jordan Sekulow & Benjamin P. Sissney to Office for C.R., U.S. Dep't of Educ., Case No. 02-25-6901 (May 15, 2024), [http://media.aclj.org/pdf/ACLJ-Title-VI-Complaint-to-OCR-re-Columbia-\(5.15.24\)_Redacted.pdf](http://media.aclj.org/pdf/ACLJ-Title-VI-Complaint-to-OCR-re-Columbia-(5.15.24)_Redacted.pdf).

56 See Andrew Lapin, *Meet Zachary Marschall, the Jewish conservative who leads the nation in campus antisemitism investigations*, JEWISH TELEGRAPHIC AGENCY (Mar. 7, 2024), <https://www.jta.org/2024/03/07/united-states/meet-zachary-marschall-the-jewish-conservative-who-leads-the-nation-in-campus-antisemitism-investigations>.

57 *Id.*

58 Arnold & Porter is a major international law firm; all of its Title VI complaints were brought by a single attorney, Baruch Weiss, who is a former senior lawyer in the Departments of the Treasury and Homeland Security under the George W. Bush administration. See Baruch Weiss & Mark. B. Rotenberg, *Lawfare: Protecting Jews in court*, SAPIR JOURNAL, May, 13, 2025, <https://sapirjournal.org/activism/2025/lawfare/>.

59 The overall number of racial harassment complaints and investigations is far higher than for shared ancestry, but the bulk of racial harassment complaints concern K-12 schools, whereas for shared ancestry investigations the focus tends to be on post-secondary schools.

60 See CATHERINE E. LHAMON, U.S. DEP'T OF EDUC. OFFICE FOR C.R., REP. TO THE PRESIDENT AND SECRETARY OF EDUC. UNDER SECTION 203(B)(1) OF THE DEP'T OF EDUC. ORG. ACT, FY 2024, 27 (2024), <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>. While antisemitism complaints make up the bulk of shared ancestry discrimination complaints, the category also includes complaints of anti-Arab, anti-Muslim, anti-Sikh, and other religion-associated forms of discrimination. The Department of Education does not publish figures on how many antisemitism complaints it receives. See Appendix.

61 Compare *id.*, 21, with CATHERINE E. LHAMON, U.S. DEP'T OF EDUC. OFFICE FOR C.R., REPORT TO THE PRESIDENT AND SECRETARY OF EDUCATION, FY 2023, 16 (2023), <https://www.ed.gov/sites/ed/files/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2023.pdf>.

62 See *infra* at page 23.

63 See Resolution Agreement between the University of California System and U.S. Dep't of Educ., Office for C.R., 09-22-2257, III.A.5 (Dec. 18, 2024) (related complaint numbers omitted); Resolution Agreement between the University of Illinois Urbana-Champaign and U.S. Dep't of Educ., Office for C.R., 05-20-2325, I.4.c (Sept. 3, 2024); Resolution Agreement between the University of Michigan and U.S. Dep't of Educ., Office for C.R., 15-24-2066/2128, I.7.b.ii (Jun. 14, 2024) (all on file with authors).

64 Resolution agreements for sexual harassment investigations under Title IX sometimes include similar provisions requiring the disclosure of the names of accusers and accused to OCR, but this appears to be a relatively rare practice. Going back to 2015, we have identified only 6 such agreements with colleges or universities and 10 with K-12 school systems. This is despite the fact that Title IX complaints are

far more numerous than shared ancestry ones (there were 5.25 times more sexual harassment complaints than shared ancestry ones during the Biden administration). See Miguel Cardona, U.S. Dep't. of Ed., Office for C.R., Protecting Civil Rights: Highlights of Activities, Office for Civil Rights 2021-2025, 14, 19 (2025), <https://www.ed.gov/media/document/protecting-civil-rights-109409.pdf>.

The disparity is even greater when considering racial harassment investigations: we have identified only three resolution agreements that require schools investigated for racial harassment to share names of accusers and accused, none concerning colleges or universities. Racial harassment complaints are also far more numerous than shared ancestry ones (the ratio was 6:1 during the Biden administration). See *id.* at 12, 14.

65 Schools marked by an asterisk are allowed to share a “unique identifier” in place of a name, but those agreements also allow the government to obtain names through requests for additional information.

66 See Resolution Agreement between the City University of New York System and U.S. Dep't of Educ., Office for C.R., 02-22-2034 (June 10, 2024) (related case numbers omitted).

67 Harvard also settled antisemitism lawsuits with private parties at the same time, see discussion *infra* at page 23.

68 One of these lawsuits does not directly raise a Title VI claim, but cites the Administrative Procedure Act to challenge the Department of Education's decision to close an antisemitism Title VI investigation against the University of Pennsylvania. Complaint at 6, *Brandeis Ctr. v. U.S. Dep't of Educ.*, No. 24-CV-01982 (D.D.C. 2025).

69 *Id.* at 1.

70 *Id.* The complaint in this case was signed by Paul Weiss' chairman, Brad Karp. In the immediate aftermath of the October 7 attack, Karp personally composed and sent an email to all employees in the firm proclaiming “[w]e, as a community, stand in solidarity with Israel.” Justin Henry, *Am Law 100 Partners Push Firms to Break Silence Over Hamas Attack*, LAW.COM (Oct. 12, 2023), <https://www.law.com/2023/10/12/am-law-100-partners-push-firms-to-break-silence-over-hamas-attack-405-129980/>; see also, Emma Goldberg, *As Gaza War Rages, Business Leaders, Often Vocal, Tread Lightly*, N.Y. TIMES, Nov. 8, 2023, at A1.

71 *StandWithUs Ctr. for Legal Justice v. Mass. Inst. of Tech.*, No. 24-1800 at *32 (1st Cir. Oct. 21, 2025), *aff'g* 742 F. Supp. 3d 133 (D. Mass. 2024). The district court had parroted claims that protests “posed a genuine threat to the welfare and safety of Jewish and Israeli students,” even as it also declined to hold MIT liable for violating Title VI in its handling of the protests. 742 F. Supp. 3d at 142.

72 *Landau v. Corp. of Haverford Coll.*, No. CV-24-2044, 2025 WL 1796473 at *2 (E.D. Pa. June 30, 2025).

73 *Id.* at *7.

74 *Yakoby v. Trs. of Univ. of Pa.*, No. CV23-4789, 2025 WL 1558522, at *7 (E.D. Pa. 2025).

75 *Gartenberg v. Cooper Union for the Advancement of Sci. & Art*, 765 F. Supp. 3d 245, 264 (S.D.N.Y. 2025).

76 We classified settlements as favorable to plaintiffs if they were reached without a decision on a motion to dismiss or after Title VI counts survived a motion to dismiss. In addition, a lawsuit against San Francisco State University was settled during the pendency of appeal, and a case against UC Berkeley was settled after two initial complaints were dismissed; neither settlement involved monetary payouts to plaintiffs.

77 In a 2020 resolution agreement with OCR, NYU agreed to accept the IHRA definition for its internal antidiscrimination policies, but declined to adopt the examples that accompany the definition, some of which include anti-Zionist statements as examples of antisemitism. After the 2025 court settlement, NYU revised its policies to adopt both the IHRA definition as well as the accompanying examples. See REPORT OF THE GOVERNANCE COMMITTEE TO THE TENURED/TENURE TRACK FACULTY SENATE COUNCIL RE CONCERNS REGARDING MAKING POLICY BY SETTLING LAWSUITS (Jan. 23, 2025), <https://www.nyu.edu/content/dam/nyu/facultyGovernance/documents/Committee%20Report-1-30-25.pdf>

- 78** Compare NYU's Guidance and Expectations on Student Conduct (Aug. 22, 2024), <https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/office-of-the-provost/provostial-communications/guidance-and-expectations-on-student-conduct.html> with Harvard and Students Against Antisemitism Announce Settlement of Lawsuit (Jan. 21, 2025) <https://www.harvard.edu/media-relations/2025/01/21/press-release-settlement-harvard-saa>.
- 79** NYU's Guidance, *supra* note 78; Harvard and Students Against Antisemitism, *supra* note 78.
- 80** See Benjamin Eidelson & Deborah Hellman, *Antisemitism, Anti-Zionism, and Title VI: A Guide for the Perplexed*, 139 HARV. L. REV. F. 1, 10 (2025) (“[A] conception of what ‘race’ means that would extend to ‘cultural practices,’ as opposed to ‘immutable characteristics,’ runs headlong into a wall of contrary case-law”) (internal quotation marks omitted).
- 81** See Letter from Roberta A. Kaplan, counsel for plaintiff, to Judge Jesse Furman, *Doe v. Columbia*, 24-CV-2870 (S.D.N.Y. June 11, 2024); REPUBLICAN STAFF REP., U.S. HOUSE OF REPRESENTATIVES COMM. ON EDUC. & THE WORKFORCE, ANTISEMITISM ON COLLEGE CAMPUSES EXPOSED 52 (Oct. 31, 2024), https://edworkforce.house.gov/uploadedfiles/10.30.24_committee_on_education_and_the_workforce_republican_staff_report_-_antisemitism_on_college_campuses_exposed.pdf.
- 82** A lawsuit against the University of Maryland on behalf of its campus chapter of Students for Justice in Palestine resulted in a \$100,000 settlement but it was based on First Amendment claims rather than Title VI. See Press Release, Palestine Legal, Civil Rights Groups Announce Historic \$100K Settlement from University of Maryland for Unlawfully Suppressing Pro-Palestinian Student Speech (Aug. 6, 2025), <https://palestinelegal.org/news/umd-settlement>.
- 83** See Justice Department Announces Formation of Task Force to Combat Anti-Semitism, *supra* note 46.
- 84** See Peter Elkind & Katherine Mangan, *The Leader of Trump's Assault on Higher Education Has a Troubled Legal and Financial History*, PROPUBLICA (Aug. 27, 2025), <https://www.propublica.org/article/leo-terrell-universities-lawsuits-antisemitism>.
- 85** See Martin Pengelly, *Leo Terrell, Trump's antisemitism chief, shares post by prominent neo-Nazi*, THE GUARDIAN (Mar. 17, 2025), <https://www.theguardian.com/us-news/2025/mar/17/leo-terrell-trump-neo-nazi-tweet>.
- 86** See NYU Law Student Bar Association, Meeting Agenda, at 1 (Mar. 3, 2015), https://www.law.nyu.edu/sites/default/files/upload_documents/SBA%20Meeting%20030315_0.pdf.
- 87** Gabby Deutch, *The Private Equity Investor Using the Federal Bureaucracy to Tackle Antisemitism*, JEWISH INSIDER (Mar. 11, 2025), <https://jewishinsider.com/2025/03/josh-gruenbaum-federal-acquisition-service-antisemitism-trump/>.
- 88** Lesley Weidenbener, *Indianapolis attorney is part of Trump push to change culture on campus*, THE INDIANA LAWYER (Apr. 25, 2025), <https://www.theindianalawyer.com/articles/indianapolis-attorney-is-part-of-trump-push-to-change-culture-on-campus>.
- 89** See *Expert Adviser*, 65 TRANSCRIPT MAGAZINE (Fall 2025), <https://transcript.law.berkeley.edu/issue/fall-2025/opening-briefs/>.
- 90** See Press Release, Brandeis Center, Lawsuit: ASA's Boycott of Israel Violates Law; Professors Sue American Studies Association (Apr. 20, 2016), <https://brandeiscenter.com/lawsuit-asas-boycott-israel-violates-law-professors-sue-american-studies-association/>; Eugene Kontorovich & Steven Davidoff Solomon, *Those Israel Boycotts Are Illegal*, WALL ST. J. (Dec. 1, 2015), <https://www.wsj.com/articles/those-israel-boycotts-are-illegal-1449013865?msockid=2c62d340d1486a2b03f4c53ad0276b3e>. As of 2024, Kontorovich is a resident of the Neve Daniel settlement near Bethlehem. See Saw You at Sinai (@sawyouatsinai), Instagram, <https://www.instagram.com/p/C2Pi0s3IbZE/>.
- 91** Steven Davidoff Solomon, *Don't Hire My Anti-Semitic Law Students*, WALL ST. J. (Oct. 15, 2023), <https://www.wsj.com/opinion/dont-hire-my-anti-semitic-law-students-protests-colleges-universities-jews-palestine-6ad86ad5?msockid=2c62d340d1486a2b03f4c53ad0276b3e>.
- 92** See Eliana Johnson, *'No Specific Memory': Columbia University's Armstrong Tells Feds She Can't*

- Recall Specifics of Any Anti-Semitic Incident on Campus*, WASHINGTON FREE BEACON (Apr. 6, 2025), <https://freebeacon.com/campus/columbia-university-armstrong-cant-recall/>.
- 93** See Press Release, Dep't of Just., U.S. Justice Department Launches Investigation of University of California Under Title VII of the Civil Rights Act of 1964 (Mar. 5, 2025), <https://www.justice.gov/opa/pr/us-justice-department-launches-investigation-university-california-under-title-vii-civil>.
- 94** See 42 U.S.C. § 2000d-1.
- 95** Press Release, Gen. Servs. Admin., HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses (Mar. 3, 2025), <https://www.gsa.gov/about-us/newsroom/news-releases/hhs-ed-and-gsa-announce-additional-measures-to-end-antisemitic-harassment-03032025>.
- 96** See Press Release, Dep't of Health and Hum. Servs., DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth \$400 Million (Mar. 7, 2025), <https://www.hhs.gov/press-room/task-force-cancels-columbia-university-grants.html>.
- 97** See COLUMBIA UNIVERSITY, ADVANCING OUR WORK TO COMBAT DISCRIMINATION, HARASSMENT, AND ANTISEMITISM AT COLUMBIA (Mar. 21, 2025), <https://president.columbia.edu/sites/default/files/content/03.21.2025%20Columbia%20-%20FINAL.pdf>.
- 98** See COLUMBIA UNIVERSITY TASK FORCE ON ANTISEMITISM, REPORT #2: COLUMBIA UNIVERSITY STUDENT EXPERIENCES OF ANTISEMITISM AND RECOMMENDATIONS FOR PROMOTING SHARED VALUES AND INCLUSION 44 (Aug. 2024), <https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf> (citing IHRA-adopted definition of antisemitism).
- 99** See Letter from Leo Terrell, Senior Counsel to the Assistant Att'y Gen. for C.R. to Alan Garber, President, Harvard University (Feb. 27, 2025) (“[W]e write to notify you that we are aware of allegations that your institution may have failed to protect Jewish students and faculty members from unlawful discrimination”).
- 100** See Brief of Middle East Studies Assoc. of North America, Inc. as Amicus Curiae in Support of Plaintiff’s Motion for Summary Judgment at 4-6, *Harvard v. HHS*, No. 1:25-CV-11048 (D. Mass. June 9, 2025).
- 101** Memorandum and Order, 1, *Harvard v. HHS*, No. 25-CV-11048 (D. Mass. Sept. 3, 2025).
- 102** See Email from Paula M. Stannard, Director of HHS, Office for C.R., to Alan Garber, President of Harvard Univ. re: Notice of Violation: Harvard University (OCR Trans. No. DO-25-607451-RV-CRR-Rac) (June 30, 2025), <https://www.hhs.gov/sites/default/files/harvard-title-vi-notice-violation.pdf>.
- 103** See *id.*, at 10-11.
- 104** See *supra*, note 7.
- 105** See Jaweed Kaleem, *Here are the details of Trump’s \$1.2-billion call to remake UCLA in a conservative image*, L.A. TIMES (Sept. 15, 2025) (“The document shows signs of being hastily put together. Nouns and verbs occasionally do not match in tense. ... A sentence about medical facilities references the ‘Feinberg School of Medicine,’ which is at Northwestern University.”), <https://www.latimes.com/california/story/2025-09-15/trump-doj-proposed-settlement-demand-letter-ucla-university-of-california>.
- 106** See Complaint at 1, *Am. Assoc. of Univ. Professors v. Trump*, No. 3:25-CV-7864 (N.D. Cal. Sept. 16, 2025).
- 107** See Resolution Agreement Between the United States of America and Columbia University, Dep’t of Justice, Office of C.R., ¶¶ 12, 26, 27, 31 (July 23, 2025), <https://president.columbia.edu/sites/default/files/content/July%202025%20Announcement/Columbia%20University%20Resolution%20Agreement.pdf>.
- 108** See *id.*, at ¶¶ 15, 16, 18, 19, 23.
- 109** See *id.*, at ¶ 10.
- 110** See *id.*, at ¶ 40.
- 111** See Meghnad Bose (@meghnadbose93), X (Jul. 23, 2025 at 09:10 PM), <https://x.com/meghnadbose93/status/1948204032188657900>.
- 112** Aaron Nisenson, *Government Intrusion at Columbia Has Only Just Begun*, ACADEME BLOG (Aug. 1,

2025), <https://academeblog.org/2025/08/01/government-intrusion-at-columbia-has-only-just-begun/>.

113 See Resolution Agreement between the United States of America and Brown University, ¶ 13.c (July 30, 2025), https://www.brown.edu/sites/default/files/brown-and-united-states-resolution-agreement_July-30-2025.pdf.

114 See *id.*, at ¶ 13.d. A similar provision in Brown’s 2024 ED OCR resolution agreement covers a slightly earlier, if overlapping, time period (academic years 2023-2024 and 2024-2025). The 2025 settlement version also includes HHS OCR as a recipient of the data alongside ED OCR. See also, Brown University Resolution Agreement with Dep’t of Justice, OCR Complaint No. 01-24-2116, at 4.A (July 3, 2024) (on file with authors).

115 Resolution Agreement between the United States of America and Brown University, *supra* note 113, at ¶ 13.f.

116 See *id.*, at ¶¶ 11-12, 14-17.

117 See *id.*, at ¶ 9.

118 Procedures for Investigations and Enforcement of Title VI Violations, RIN 1870-AA21 (Dep’t of Educ., proposed rule, 2025).

119 See Samuel Lovett, *Inside Trump’s Office of Civil Rights, where ‘white men replace minorities,’* THE TIMES (July 30, 2025, 12:35 PM), <https://www.thetimes.com/us/american-politics/article/ocr-trump-civil-rights-doe-bd7gzfc27>.

120 These recommendations are largely based on guidance previously issued by AAUP. See *Am. Ass’n of Univ. Professors*, *supra* note 4, at 10-11.

121 See 34 C.F.R. § 106.45 (2025).

122 See Letter from the Am. Ass of Univ. Professors & Council of Univ. of California Faculty Association to James Miliken, President, University of California & Charles Robinson, General Counsel, University of California, at 3-4 (Sept. 25, 2025), <https://www.aaup.org/sites/default/files/2025-09/2025.09.25-AAUP-CUCFA-Letter-to-UCOP.pdf>.

123 See, e.g., Memorandum and Order 54, *Harvard v. HHS*, *supra* note 101 (“[C]onclud[ing] that the [the Trump administration’s] sudden focus on antisemitism was, at best ... arbitrary and, at worst, pretextual”).