
Extorted Compliance: A Threat to Institutional Autonomy, Academic Freedom, and Shared Governance

(JULY 2026)

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It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment and creation. It is an atmosphere in which there prevail "the four essential freedoms" of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.

—US Supreme Court Justice Felix Frankfurter, concurrence in *Sweezy v. New Hampshire*

In a modern state, virtually all corners of society—even institutions that think of themselves as otherwise independent—are fiscally dependent on powerful national governments. States can leverage grants, payment for services, tax breaks, and regulatory enforcement to change the fiscal prospects of everything from the media to non-governmental organizations to law firms to universities. Once a leader realizes he can use the state budget to force compliance with whatever agenda he is pushing, then institutions that have become dependent on state funds, tax breaks, or regulatory forbearance are caught between caving in, making radical cutbacks, or experiencing institutional death. That's what's happening now with universities.

—Kim Lane Scheppele, professor of sociology, Princeton University

The Trump team's goal has not changed. They want an unprecedented—and flagrantly unconstitutional—degree of government oversight and control over American universities.

—Joseph Fishkin, professor of law, University of California, Los Angeles

Nobody will save us unless we fight together to save ourselves.

—Peter Sporn, professor of medicine, Northwestern University

Higher education in the United States and the faculty members central to its mission are under unprecedented, destructive, and sustained attack, part of a larger assault on democratic governance, civil society, and knowledge itself. The attack, accelerating over the past decade, has assumed differing forms in varied arenas: Members of Congress grill and intimidate university leaders; state governments impose restrictive controls over curricula and institutional governance; feckless trustees and entitled donors brazenly abuse their authority; efforts to abolish or weaken tenure and faculty governance gain traction; international faculty members and students face deportation for expressing disfavored opinions; entire fields of scholarship perceived as politically troublesome are denied funding; programs aimed at making education more accessible and inclusive are cynically assailed as discriminatory; campus media are censored; and student rights to free expression and assembly and to protest government and institutional policies are repressed, at times ruthlessly. Violations of individual professors' academic freedom of the sort with which the AAUP has long been concerned have surged as well, with professors disciplined, dismissed, harassed, or forced into exile for their expression as citizens or in their publications or teaching.¹ These trends are components of a far-reaching effort spearheaded by forces on the political Right to remake not only higher education but the entire political landscape, to some extent

as part of a broader international antidemocratic movement.²

One especially dangerous development has been the extraordinary and unprecedented effort by the federal government under the second Trump administration to compel universities and colleges to sign so-called compliance agreements, under which institutions are obligated to accept a laundry list of imposed conditions and policies—and sometimes pay a hefty ransom—in order to qualify for essential federal funding, including for existing and future research contracts, with no demonstrable connection to the government's expressed concerns. In these agreements, institutional autonomy is sacrificed to authoritarian state power by means of extortion.

The pretext for this effort—insofar as there has even been one—has been to counter alleged discrimination, principally antisemitism, although the Trump administration has also characterized as discriminatory a broad range of efforts to address the needs of an increasingly diverse student body. In this the Trump administration has, to some extent, built upon initiatives by the Obama administration and especially the Biden administration to address violations of Title IX, which bars sex discrimination, and Title VI, which prohibits discrimination based on race, color, and national origin, in programs and activities receiving federal funding. While well-intentioned and often welcome, these prior initiatives could at times improperly cross the line between legitimate regulation of behavior and illegitimate regulation of constitutionally protected expression. Moreover, as the AAUP has pointed out, they “have been used to create an enforcement apparatus that sidesteps

1. For examples, see AAUP, “Academic Freedom and Tenure: Muhlenberg College,” *Academe* 111 (Summer 2025): 2–33; Gavin Escott, “A Classroom Clash over Course Content Went Viral. Texas A&M Fired the Instructor and Removed 2 Administrators,” *Chronicle of Higher Education*, September 10, 2025, <https://www.chronicle.com/article/a-classroom-clash-over-course-content-went-viral-texas-a-m-fired-the-instructor-and-removed-2-administrators>; Ayden Runnels and Lindsey Bynam, “Texas State University Professor Fired Again After Court Revoked Initial Firing over ‘Inciting Violence,’” *Texas Tribune*, October 14, 2025, <https://www.texastribune.org/2025/09/26/texas-state-university-fired-professor-court-reinstatement>; Sharon Otterman, “Rutgers Expert on Antifa Flees to Spain After Death Threats,” *New York Times*, October 9, 2025, <https://www.nytimes.com/2025/10/08/nyregion/rutgers-professor-threats-antifa.html>; Mia Hilkwitz and Andrew Miller, “Letter from the Editors: IU Fires Student Media Director After He Refused to Censor the IDS,” *Indiana Daily Student*, October 14, 2025, <https://www.idsnews.com/article/2025/10/indiana-university-daily-student-print-paper-censorship-fired>; and Alice Speri, “Tenured US Professor Fired over Pro-Palestinian Protests Contests Dismissal,” *Guardian*, December 5, 2025, <https://www.theguardian.com/us-news/2025/dec/05/tenured-professor-fired-pro-palestinian-protests>.

2. The AAUP's December 2023 report on the assault on higher education in Florida concluded, “Florida and other states following suit are part of a global rise in right-wing, nationalistic political agendas that know well the power of a diminished sense of citizenship, increased surveillance, and increased obedience to the state to control citizens for generations to come. They know well that access to knowledge, free inquiry, and education that employs a critical lens to understanding our past and present injustices are among the biggest threats to their dreams of a nation built for uplifting only certain races or religions. They are also among the most powerful means for inculcating an expansive sense of citizenship, one that challenges authoritarian directives and narratives.” “Report of a Special Committee: Political Interference and Academic Freedom in Florida's Public Higher Education System,” *Academe* 110 (Summer 2024): 45. See also Eve Darian-Smith, *Policing Higher Education: The Antidemocratic Attack on Scholars and Why It Matters* (Johns Hopkins University Press, 2025).

long-established AAUP-recommended procedures of shared governance.”³

The Trump administration’s effort differs dramatically from that of previous administrations, however, and not only in its severity and scale. Its aggressively extortionate deal-making, preemptive cutoffs of funding, and cross-departmental enforcement efforts are both novel and largely illegal. Moreover, as the AAUP’s Committee A on Academic Freedom and Tenure wrote, “[T]here is no doubt that the Trump administration has wielded Title VI with the goals of discrediting institutions of higher education, undermining academic freedom and institutional autonomy, and unmooring the Civil Rights Act from its foundational commitments to addressing structures of discrimination that prevent or limit educational access.”⁴ It is increasingly obvious that the administration seeks to use its compliance agreements to redefine not only its own relationship with higher education institutions but also the very nature of higher education itself. The draft “Compact for Academic Excellence in Higher Education,” initially circulated by the Department of Education to nine institutions presumably considered open to such appeals and then “offered” to all higher education institutions, suggests that future funding may depend not on conformity to federal law or even administration policy but on loyalty to those in power.⁵ Hence, this effort by the government consolidates and intensifies in a single coordinated campaign the disparate assaults on institutional autonomy, academic freedom, and shared governance recorded above.⁶

These agreements, the federal government’s efforts to compel and enforce them, and the responses of higher education boards, administrations, and faculties are the subjects of this report.⁷ The report begins by citing long-standing AAUP positions on academic freedom and faculty governance. It then presents by way of background a survey of developments leading up to President Donald Trump’s second inauguration. The report goes on to summarize some of the more notable examples of the government’s efforts, focusing on institutions where federal funding was frozen or canceled and on the Trump administration’s proposed compact. This discussion is followed by detailed treatment of events at Columbia University, the administration’s initial target and the institution where the agreement reached was most onerous. The report then examines the roles of university trustees, presidents, and faculties in collaborating with, capitulating to, or resisting the compliance campaign. One important conclusion of the report is that resistance has been most effective—indeed, it may only have been effective—where faculty members have taken

3. AAUP, “On Title VI, Discrimination, and Academic Freedom,” *Academe* 112 (Summer 2026): 40. See also AAUP, “The History, Uses, and Abuses of Title IX,” *Academe* 102 (July–August 2016): 69–99.

4. AAUP, “On Title VI,” 39.

5. Katherine Knott, “Deciphering Trump’s Compact Invitation to All of Higher Ed,” *Inside Higher Ed*, October 15, 2025, <https://www.insidehighered.com/news/government/2025/10/15/trump-opens-compact-all-higher-ed-now-what>; the text of the proposed “compact,” which we examine in more detail below, is available at [https://www.insidehighered.com/sites/default/files/2025-10/Compact for Academic Excellence in Higher Education 10.1\[97\]\[39\].pdf](https://www.insidehighered.com/sites/default/files/2025-10/Compact%20for%20Academic%20Excellence%20in%20Higher%20Education%2010.1[97][39].pdf).

6. As one journalist wrote, “These various initiatives and policy changes are often regarded as discrete problems, but they comprise a unified assault. The Trump administration has launched a comprehensive attack on knowledge itself, a war against culture, history, and science.” Adam Serwer, “The New Dark Age,” *The Atlantic*, May 27, 2025, <https://www.theatlantic.com/ideas/archive/2025/05/trump>

-defund-schools-research-republicans/682742. See also Daniel Drezner, “The Trump Administration Is Trying to Kill American Higher Education,” *Drezner’s World*, Substack, May 28, 2025, <https://daniel.drezner.substack.com/p/the-trump-administration-is-trying>.

7. It should also be noted that the administration’s compliance campaign directed at individual institutions has been accompanied by a wave of suspensions and terminations of individual research grants. In general, there have been no stated criteria for these suspensions, which amount to some \$8 billion of funds in total. The government’s own research agencies, which provide funding for university research, have also faced an extraordinary assault that both colors and reflects much of the administration’s approach to universities themselves. Cuts to the nation’s science funding include more than \$1 billion in grants to the National Science Foundation, which sponsors much of the basic research at universities and federal laboratories, and \$4.5 billion to the National Institutes of Health. In 2025, 10,109 doctoral-trained experts in science and related fields left their federal jobs, representing 14 percent of the total number of PhDs in STEM or health fields employed at the end of 2024. See Alan Burdick, “A Crushing Year for Science in America,” *New York Times*, October 9, 2025, <https://www.nytimes.com/2025/10/09/climate/lost-science-newsletter.html>; Vivienne Walt, “Trump Slashed Science Funding. Now the U.S. Could Face a Costly Brain Drain,” *New York Times*, April 4, 2026, <https://www.nytimes.com/2026/04/04/business/dealbook/trump-brain-drain-academia.html>; and Monica Hersher and Jeffrey Mervis, “U.S. Government Has Lost More Than 10,000 STEM Ph.D.s Since Trump Took Office,” *Science*, January 26, 2026, <https://www.science.org/content/article/u-s-government-has-lost-more-10-000-stem-ph-d-s-trump-took-office>.

independent action. In reporting on events at specific colleges and universities, the joint subcommittee has relied principally upon facts of public knowledge and the contents of published documents. The subcommittee has also consulted with campus AAUP chapters at several of the institutions discussed.

I. Association Policy

From its inception, as the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* makes clear, the AAUP has considered academic freedom, shared governance, and the university's role in a democracy to be fundamentally intertwined. The Association has long insisted upon, and documented, the importance of academic freedom and shared governance in ensuring that colleges and universities fulfill their missions to search for knowledge, to teach the next generation, and to serve as critical counterpoints and sources of expertise for the public. These principles and policies guide the joint subcommittee's analysis of the current efforts to compel colleges and universities to comply with the political dictates of states and the federal government as well as the collaboration of administrators, boards, and donors in those efforts.

The 1915 *Declaration* defined the university's special place in a modern democracy as "an inviolable refuge" from "the tyranny of public opinion": "It should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world. . . . It is precisely this function of the university which is most injured by any restriction upon academic freedom; and it is precisely those who most value this aspect of the university's work who should most earnestly protest against any such restriction."⁸

Although they acknowledged the legal authority of trustees over institutions of higher education, the authors of the 1915 *Declaration* insisted that legal authority conveyed neither moral authority nor the necessary wisdom to control the academic and scholarly activity of colleges and universities. "University teachers should be understood to be, with respect to the conclusions reached and expressed by them,"

they declared, "no more subject to the control of the trustees, than are judges subject to the control of the president, with respect to their decisions."⁹

Yet like the judiciary, the crucial point was less the free speech rights of the individual scholar than the collective academic freedom of the scholarly community against the economic, cultural, political, and social pressures of conformity to the vicissitudes of popular opinion. As the 1915 *Declaration* put it, "It is, in short, not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession, that is asserted by this declaration of principles." To be sure, there can be no academic freedom of the scholarly community when the academic freedom of its individual members is denied. And the AAUP has, since its inception, taken up the defense of individual scholars' academic freedom. But in such cases, it is the autonomy of the scholarly community that is ultimately at stake.¹⁰

In the more than one hundred years since the 1915 *Declaration*, the AAUP has elaborated—often in partnership with representatives of campus administrations—a series of principles and policy standards to ensure that academic freedom is preserved against nonacademic judgment and that the academic authority of the faculty is maintained within institutions. Most important, the 1940 *Statement of Principles on Academic Freedom and Tenure* with its 1970 Interpretive Comments, the 1966 *Statement on Government of Colleges and Universities*, and the 1994 statement *On the Relationship of Faculty Governance to Academic Freedom* have reiterated the fundamental 1915 principles and elaborated both procedural standards for their implementation and justifications for their continued importance. Without belaboring the points, several issues stand out when considering the current crisis.

First, as both the 1915 *Declaration* and the 1940 *Statement of Principles* make clear, it is absolutely necessary to the preservation of academic freedom that prior to dismissal a faculty member be granted a hearing before a duly constituted faculty body. Again, the Association is not naive; it has recognized that administrations and governing boards often have the legal right to dismiss a faculty member without a hearing or to reject a hearing committee's recommendations

8. AAUP, "Declaration of Principles on Academic Freedom and Academic Tenure," *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 8–9.

9. AAUP, "Declaration of Principles," 6.

10. AAUP, "Declaration of Principles," 11.

without stating the reasons for their action. But should they do so, they would no longer be able to claim that their institution abides by long-standing principles of academic freedom. At the same time, both the 1915 and 1940 policy documents make clear the importance of academic tenure. Without the expectation of continuous tenure—defined as an appointment that can only be terminated for cause (as adjudicated by a faculty committee) or on grounds of bona fide financial exigency or program discontinuance—there can be no true academic freedom. The long movement by administrations to expand precarious employment has diminished academic freedom. Recent efforts by state governments and institutional governing boards to weaken or eliminate tenure protections intensify this process and are at odds with Association-supported principles and standards.

Second, the *Statement on Government of Colleges and Universities*, jointly formulated by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, makes clear that faculty authority over academic and educational decisions is a necessary condition for any realistic attempt to link knowledge and responsibility. Given that faculty members, not administrators or trustees, are most knowledgeable about the state of their disciplines and the workings of their classrooms, the faculty should have primary responsibility for decisions concerning the educational program, research, and the appointment or reappointment of members of the faculty. And given that the essential core of colleges and universities is the educational and research program, faculty governance bodies must be meaningfully consulted about areas where they may not have ultimate authority—for example, in budgetary and salary matters. Such a system of delegated authority and responsibility allows for professional expertise, not just power, money, or public opinion, to guide higher education decision-making.

Faculty authority is not only essential to fulfilling the mission of higher education; it is also essential to the preservation of academic freedom. *On the Relationship of Faculty Governance to Academic Freedom* puts it most clearly: “It is in light of these requirements that the allocation to the faculty—through appropriate governance processes and structures—of authority over faculty status and other basic academic matters can be seen to be necessary for the protection of academic freedom. It is the faculty—not trustees or administrators—who have the experience needed for assessing whether an instance of faculty speech constitutes a breach of a central principle of academic morality, and who have the expertise to form judgments of faculty

competence or incompetence.”¹¹

We point to these long-standing and normative principles and policy standards to highlight the extent to which current attacks threaten the ability of higher education to fulfill its mission in a democracy. We turn now to a consideration of specific issues and cases.

II. Context and Background

There can be little doubt that higher education in the United States faces an increasingly imposing set of challenges and that to some extent failure to adequately meet these challenges has opened the door to external attack. The long-term, debilitating defunding of public higher education by government—what one astute observer dubbed “the great mistake”¹²—and the neoliberal trend to run educational enterprises as if they were commercial businesses have contributed both to astronomical increases in tuition (and, consequently, student debt) and to the creation of a tiered faculty in which the majority are employed on a contingent, often part-time, basis with inadequate compensation and minimal authority. The growing influence of private donors and the emergence of an increasingly entitled administrative caste—often moving from institution to institution with little accountability—have also created vulnerabilities to interference by ill-intentioned outsiders, with disturbing implications for the responses of many institutions to the Trump administration’s demands. Such outsiders have included well-funded think tanks and pressure groups with detailed and highly partisan agendas for “reform.”¹³ At the same time, the ongoing “culture

11. AAUP, “On the Relationship of Faculty Governance to Academic Freedom,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 37.

12. Christopher Newfield, *The Great Mistake: How We Wrecked Public Universities and How We Can Fix Them* (Johns Hopkins University Press, 2016).

13. The most influential such agenda has been the Heritage Foundation’s Project 2025. See Katherine Knott, “Project 2025 Would Radically Overhaul Higher Ed. Here’s How,” *Inside Higher Ed*, July 11, 2024, <https://www.insidehighered.com/news/government/politics-elections/2024/07/11/how-project-2025-could-radically-reshape-higher-ed>. See also Rubén Martínez, “Neoliberal Philanthropy and Academic Freedom,” *Journal of Academic Freedom* 16 (2025): <https://www.aaup.org/JAF16/neoliberal-philanthropy-and-academic-freedom>; and Isaac Kamola, Aaron Supple, and Ralph Wilson, “From Direct to Diffuse Donor Influence: Charles Koch Foundation Funding in Higher Education, 1990–2024,” *Journal of Academic Freedom* 16 (2025): <https://www.aaup.org/JAF16/direct-diffuse-donor-influence-charles-koch-foundation-funding-higher-education-1990-2024>.

wars” that emerged in the 1990s have exacerbated polarization on many campuses as well as between the professoriate and both conservative politicians and elements of the broader public.

Even as governments have continued to decrease investment in education, legislators—of both major parties, but increasingly Republicans—have steadily increased demands for control. A turning point came in 2010 when the Republican Party gained full control of the General Assembly in North Carolina for the first time in more than a century. As an AAUP special report would document, “[G]overning board appointees were now more uniformly Republican, more interested in the political ideologies of campus actors, and less experienced with higher education than their predecessors,” and the state board of governors “began wading into campus-level matters . . . in thinly veiled defense of the legislative leadership.” The AAUP report “detailed patterns of political interference by the North Carolina legislature into the administration of the UNC system, overreach by the board of governors and boards of trustees into specific campus operations, outright disregard for principles of academic governance by campus and system leadership, institutional racism, and a hostile climate for academic freedom across the system.” The pattern would, with variations, be repeated in other states where Republicans enjoyed a virtual monopoly on political power.¹⁴

The first Trump administration, under Secretary of Education Betsy DeVos, embraced a privatizing agenda and evidenced little, if any, sympathy for faculty and student concerns but did not for the most part directly interfere in institutional governance, even as its inflamed rhetoric fueled attacks on both the faculty and expert knowledge.¹⁵ The first Trump administration did, however, move aggressively to restrict entry of both faculty members and students from China and several predominantly Muslim countries (the so-called travel ban), foreshadowing a much more aggressive approach to immigration in Trump’s

second term.¹⁶ The COVID-19 pandemic, and the racial awakening and subsequent backlash following the murder of George Floyd in 2020, intensified the administration’s emphasis on culture war issues, fueled by an emerging, if ungrounded, fear on the Right that so-called woke politics and culture threatened its very existence.¹⁷

With the election of President Joe Biden, action shifted to the states. In Florida, Governor Ron DeSantis and his allies in the legislature and on institutional governing boards enacted a series of laws and took administrative actions that, collectively, led an AAUP special committee to conclude in December 2023 that “academic freedom, tenure, and shared governance in Florida’s public colleges and universities currently face a politically and ideologically driven assault unparalleled in US history, which, if sustained, threatens the very survival of meaningful higher education in the state, with the direst implications for the entire country.”¹⁸

Control of the curriculum and the classroom were central to DeSantis’s self-proclaimed “war on woke.” The Florida laws and similar legislation adopted or introduced in at least a dozen other Republican-dominated states—often taken directly from “model” statutes developed by groups like the right-wing American Legislative Exchange Council—aimed to restrict the teaching of allegedly “divisive concepts”

14. AAUP, “Report of a Special Committee: Governance, Academic Freedom, and Institutional Racism in the University of North Carolina System,” *Academe* 108 (Summer 2022): 33–69.

15. In 2017, Secretary DeVos told students, “The fight against the education establishment extends to you too. The faculty, from adjunct professors to deans, tell you what to do, what to say, and more ominously, what to think.” Betsy DeVos, “Prepared Remarks at 2017 Conservative Political Action Conference,” February 23, 2017.

16. The AAUP supported legal challenges to this policy, but in 2018 the US Supreme Court, in a 5–4 decision, upheld the ban. “Trump v. Hawaii, 138 S. Ct. 2392 (2018),” AAUP, <https://www.aaup.org/brief/trump-v-hawaii-138-s-ct-2392-2018>. On recent events, see Judge William G. Young’s ruling in a lawsuit brought by the AAUP and the Middle East Studies Association challenging the Trump Administration’s ideological deportation policy: *Am. Ass’n of Univ. Professors v. Rubio*, No. 1:25-cv-10685 (D. Mass. Sept. 30, 2025).

17. The January 2021 report by the highly partisan President’s Advisory 1776 Commission was one product of this shift: See *The 1776 Report*, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2021/01/The-Presidents-Advisory-1776-Commission-Final-Report.pdf>. On fear of “wokeness,” see Stephen Dark, “American Paranoia: Right-Wing Conservatism from McCarthyism to Wokeism and the Death of Democracy,” *The Fifth Estate*, July 24, 2024, <https://thefifthestate.com.au/business/american-paranoia-right-wing-conservatism-from-mccarthyism-to-wokeism-and-the-death-of-democracy/>; and Michael Harriot, “War on Wokeness: the Year the Right Rallied Around a Made-Up Menace,” *Guardian*, December 21, 2022, <https://www.theguardian.com/us-news/2022/dec/20/anti-woke-race-america-history>.

18. AAUP, “Political Interference and Academic Freedom in Florida’s Public Higher Education System,” 44.

like critical race theory. The writers' group PEN America aptly labeled these laws "educational gag orders."¹⁹ At the same time, a concerted and coordinated national effort emerged to malign and eliminate campus programs that encourage diversity, equity, and inclusion (DEI). By May 30, 2024, "changes to offices, jobs, training, diversity statements, and other DEI-related activities as the result of bills, executive orders, system mandates, and other state-level actions" had been reported on 159 campuses in twenty-three states.²⁰

The onset of the Gaza war in October 2023 dramatically intensified and complicated what was already becoming a crisis. When Republicans in Congress interrogated the presidents of Harvard University, the Massachusetts Institute of Technology, and the University of Pennsylvania, demanding that they denounce and, by implication, suppress pro-Palestinian sentiments on their campuses, conflating political slogans with harassment, the presidents' attempts at nuanced responses were evasive and ineffective. Columbia University President Minouche Shafik's later effort in April 2024 to accommodate her inquisitors—failing totally to mention, much less defend, academic freedom—was even less successful.

When students from Columbia and Barnard College responded to Shafik's testimony by setting up tents on campus, her administration swiftly responded—against the expressed opposition of

faculty leaders—by inviting New York City police to arrest the protesters. That triggered a series of similar encampments and escalating confrontations across the country. By mid-June of 2024, more than 3,100 people had been arrested or detained on over seventy campuses nationwide. On many campuses, faculty members—some supporting the students and their demands (if sometimes critically), others simply advocating free speech rights or seeking to defuse potentially violent tensions—were arrested, often with little or no provocation, alongside their students.²¹

Campus turmoil over the Gaza conflict led to escalating charges of antisemitic and Islamophobic discrimination and harassment, sometimes lodged by outside actors, against students, faculty members, and administrators. The challenge to campus governance was profound. Unfortunately, far too often administrations failed to rise to the challenge, to the detriment of the faculty's academic freedom and the rights of student protesters. Charges of antisemitism and Islamophobia were not always groundless, especially at some institutions. But the repressive measures enacted in response to—or sometimes to preempt—organized demonstrations and even individuals' political expression, and the accompanying failure to adequately distinguish antisemitic expression from that critical of the Israeli state or its actions, only worsened the situation.

In response to charges of discrimination, between November 2023 and May 2024, as part of the Biden administration's "National Strategy to Counter Antisemitism," the US Department of Education's Office for Civil Rights (OCR) opened more than one hundred Title VI investigations into complaints alleging discrimination based on shared ancestry or ethnic characteristics, including antisemitism, boasting that "the previous [Trump] administration opened 27 such investigations in all four years." The Biden administration described this effort as "the most comprehensive and ambitious US government effort to counter antisemitism in American history."²²

19. PEN America, *Educational Gag Orders: Legislative Restrictions on the Freedom to Read, Learn, and Teach*, November 8, 2021, <https://pen.org/report/educational-gag-orders/>. For accounts of legislation in Texas, Tennessee, Ohio, North Carolina, and Florida, see Karma R. Chávez, David Barber, Sara Kilpatrick, Jay M. Smith, and Mike Budd, "Dispatches from States Under Legislative Attack," *Academe* 109 (Fall 2023): 18–29. These "divisive concepts" first appeared in a Trump executive order banning critical race theory in federal government trainings: Exec. Order No. 13950, 3 C.F.R. 433, 436 (2021).

20. "DEI Legislation Tracker," *Chronicle of Higher Education*, accessed May 30, 2024, <https://www.chronicle.com/article/here-are-the-states-where-lawmakers-are-seeking-to-ban-colleges-dei-efforts>; Samantha LaFrance, "Six Dangerous Bills That Would Censor Speech on Campuses across the Country," PEN America, February 7, 2024, <https://pen.org/six-dangerous-bills-that-would-censor-speech-on-campus-across-the-country/>. The onslaught on the state level has continued under the Trump administration. See Laura Benitez, Amy Reid, and Jonathan Friedman, "With a Wave of New Bills in 2025, State Legislators Cast a Web of Control over Higher Education," PEN America, July 24, 2025, <https://pen.org/with-a-wave-of-new-bills-in-2025-state-legislators-cast-a-web-of-control-over-higher-education/>.

21. "Where Protesters on U.S. Campuses Have Been Arrested or Detained," *New York Times*, June 17, 2024, <https://www.nytimes.com/interactive/2024/us/pro-palestinian-college-protests-encampments.html>. Institutions where faculty members were arrested or assaulted by police include Dartmouth College, Emory University, Indiana University, and New York University.

22. The White House, *The U.S. National Strategy to Counter Antisemitism*, May 2023, <https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>.

The Biden administration reached twenty-one resolution agreements involving race and national origin discrimination with higher education institutions in 2024. Unlike the compliance agreements compelled by the second Trump administration, these were preceded by and largely based on documented investigations by the OCR.²³ They mandated changes in policy, training programs, and climate surveys, as well as submission to the OCR of reports on “complaints alleging discrimination, including harassment, on the basis of shared ancestry.”

Of particular concern was the voluntary resolution agreement with the Biden OCR signed by the University of California in December 2024 regarding complaints of discrimination based on actual or perceived shared ancestry on the system’s Davis, Los Angeles, San Diego, Santa Barbara, and Santa Cruz campuses. That agreement granted the federal government more oversight of university operations than previous Title VI remedies typically would allow. Federal requests for information are routinely fulfilled by universities, but the scope and breadth of this agreement exceeded standard practice, veering into what one publication would later call a “McCarthy era move.”²⁴

The agreement required audits of responses by UC campuses to “all complaints and reports alleging discrimination, including harassment and disparate treatment, on the basis of actual or perceived national origin, including shared Jewish, Palestinian, Muslim, and/or Arab ancestry, or association with these national origins/ancestries.” It stipulated that this information be shared in “a sortable spreadsheet” that included the names of those who made a complaint or received the complaint; the names of all UC faculty

members, students, and staff about whom a complaint of discrimination had been made by any individual, even if the university had investigated the complaint and determined that it was unfounded; and the names and job titles of the individuals who received and processed the written complaint or oral report.²⁵

Such a release of personal identifiable information is beyond the scope of the OCR’s remit to enforce Title VI and is neither relevant to the aims of the law nor standard practice under it. As the AAUP and the Council of UC Faculty Associations would explain in a September 2025 letter to UC President James Milliken and UC General Counsel Charles Robinson, Title VI does not require that higher education institutions provide the OCR with the names either of those who filed complaints of discrimination with the schools or of those who are identified in such complaints. “OCR’s role is to ensure that recipients of federal financial assistance—that is, the schools themselves—are taking appropriate action to prevent, detect, and respond to discrimination within their programs,” they wrote. “OCR’s role is not to determine whether an individual employee of a school engaged in discrimination.” The letter emphasized that other major universities in similar agreements with the OCR had declined to turn over individual names of students, faculty members, and other employees because of “the risk to privacy and the likelihood of abuse.”²⁶

23. Institutions reaching agreements with the Biden administration included Brown University, the City University of New York, Drexel University, Lafayette College, Muhlenberg College, Rutgers University, Temple University, the University of California (multiple agreements), the University of Cincinnati, the University of Illinois, and the University of Michigan. For one example of an investigation conducted by the Biden OCR, see the department’s twenty-two-page complaint letter to the University of Illinois at Urbana-Champaign: U.S. Dep’t of Educ., Off. for Civil Rights, *Letter to Timothy L. Killeen*, OCR Case No. 05-20-2325 (Sept. 3, 2024), <https://ocracas.ed.gov/sites/default/files/ocr-letters-and-agreements/05202325-a.pdf>.

24. Sam Levin, “UC Berkeley Shares 160 Names with Trump Administration in ‘McCarthy Era’ Move,” *Guardian*, September 12, 2025, <https://www.theguardian.com/us-news/2025/sep/12/uc-berkeley-trump-administration-antisemitism>. For more details about standard federal antidiscrimination law protocols see AAUP, “On Title VI.”

25. Other institutions, notably CUNY in July 2024, agreed to similar audits but, in an effort to anonymize individuals, these agreements permitted substituting “unique identifiers” for individual names. How effective such measures may be remains questionable, however. *Resolution Agreement Between U.S. Dep’t of Educ., Off. for Civil Rights & City University of New York* (June 10, 2024), <https://ocracas.ed.gov/sites/default/files/ocr-letters-and-agreements/02222034-b.pdf>.

26. The letter came in response to the revelation that the University of California, Berkeley—a campus that was not party to the voluntary agreement—notification 160 faculty members, other employees, and students that it had released files from the campus civil rights office and UC police incident reports containing their names and contact information to the OCR, now under the Trump administration, as part of “reports or responses related to alleged antisemitic incidents.” The letter urged, “The University should never have entered into such an agreement, and it should not extend that agreement to cover any year beyond its current terms. And, given the bad faith that the Trump Administration has exhibited in weaponizing OCR’s enforcement tools—a significant new development since the University signed its voluntary resolution agreement—UC should not consider itself bound to provide [Personal] [Identifiable] [Information] under its auspices.” “UCs Should Not Release Personal Student and Employee Information,” AAUP, September 26, 2025, <https://www.aaup.org/news/ucs-should-not-release-personal-student-and-employee-information>.

Hence, when Donald Trump took office for a second term on January 21, 2025, the US higher education system was already reeling from unresolved (and arguably worsening) long-term internal problems and an intensifying series of external assaults, including by both the federal and state governments.

III. Governance by Extortion

Having come to prominence in part for his purported mastery of “the art of the deal,” President Trump has in his second term made deal-making central to governance. This has been evident in his approach to foreign trade, for example, in which he has sought to compel individual countries to bargain over tariff rates, with the United States demanding what it wants from each country separately. The administration’s depressingly successful campaign to force prominent law firms to provide millions of dollars in pro bono support to the regime’s favored causes provides another example.²⁷ As Kim Lane Scheppele writes, “There is no general policy, only particular extortion agreements. And we can expect that the regulation by deal will not end there. The format is similar across sectors: Trump withholds some benefit that his targets were promised in agreements, and he makes them beg to get those benefits back. It’s a strategy that uses the power of the government outside the development of general rules and therefore outside the law.”²⁸

It thus is hardly a surprise that Trump has applied a similar approach, centered on large and prestigious research institutions, to higher education. The assault began with a flurry of decrees. On January 29, 2025, the president signed an executive order aimed at combating antisemitism, which directed the secretary of education to submit a report with an inventory and analysis of complaints and investigations related

to Title VI. On February 3, the Justice Department announced a task force on school and campus antisemitism, bringing together representatives from the Departments of Education and Health and Human Services and other agencies. That same day, the Education Department announced investigations into Columbia, Northwestern, and Portland State Universities, UC Berkeley, and the University of Minnesota–Twin Cities for their handling of reported antisemitic harassment.²⁹ Subsequent investigations were announced at Duke University, George Mason University, George Washington University, UCLA, and the University of Virginia.

On March 10, 2025, the OCR sent letters to sixty institutions warning them of potential enforcement actions if they did not fulfill obligations under Title VI to protect Jewish students on campus. “The Department is deeply disappointed that Jewish students studying on elite US campuses continue to fear for their safety amid the relentless antisemitic eruptions that have severely disrupted campus life for more than a year,” wrote Secretary of Education Linda McMahon. “U.S. colleges and universities benefit from enormous public investments funded by U.S. taxpayers. That support is a privilege, and it is contingent on scrupulous adherence to federal antidiscrimination laws.”³⁰

On February 5, 2025, Trump signed an executive order compelling schools and colleges that receive federal funding to exclude transgender girls and women from girls’ and women’s sports or else be found in violation of Title IX. The next day

27. As one commentator has written, “Trump’s economic policy is best understood as rule by deal. He makes ad hoc agreements with domestic companies and deals with foreign nations that benefit particular businesses the president favors. Each deal is individually negotiated, unpredictable, and contingent on executive favor. Lacking clear policy goals and without a coordinating institution to enforce the terms of the agreements, many of these commitments may end up being as thin as the paper the press release announcing them was printed on.” Chris Hughes, “Rule by Deal,” *American Prospect*, November 10, 2025, <https://prospect.org/2025/11/10/trump-rule-by-deal/>.

28. Kim Lane Scheppele, “Bullying Universities,” *The Contrarian*, July 28, 2025, <https://contrarian.substack.com/p/trumps-regulation-by-deal>.

29. Exec. Order No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025); US Department of Justice, “Justice Department Announces Formation of Task Force to Combat Anti-Semitism,” news release, February 3, 2025, <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>; US Department of Education, “U.S. Department of Education Probes Cases of Antisemitism at Five Universities,” news release, February 3, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities>.

30. US Department of Education, “U.S. Department of Education’s Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment,” news release, March 10, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment>. The notion that government investment in higher education is somehow a “privilege” accorded universities rather than an essential program serving societal needs is remarkable.

the administration announced investigations into potential Title IX violations at the University of Pennsylvania and San José State University, citing the participation of transgender athletes in women's sports. On that day the National Collegiate Athletic Association announced that transgender women would no longer be able to compete on women's sports teams, citing Trump's order.³¹

The following week, on February 14, the Department of Education published a "Dear Colleague" letter that essentially directed colleges and universities receiving federal funding to dismantle all DEI programs, based on an expansive interpretation of the US Supreme Court's 2023 decision in *Students for Fair Admissions v. Harvard*.³² The letter asserted that virtually all race-conscious policies and programming violate the law. Although the American Federation of Teachers and the American Sociological Association, followed shortly by the American Civil Liberties Union and the National Education Association, quickly filed suits challenging the letter's constitutionality, on March 14, the OCR announced Title VI investigations into forty-five colleges over their partnerships with the PhD Project, a nonprofit that supports underrepresented doctoral students. In less than a year, thirty-one of those institutions had agreed to cut ties with the project. The OCR also placed six institutions under investigation for allegedly awarding race-based scholarships and one for allegedly

maintaining a program that segregated students based on race.³³

On July 29, 2025, Attorney General Pam Bondi issued a nine-page guidance memorandum to all federal agencies emphasizing "the significant legal risks of initiatives that involve discrimination based on protected characteristics," which went further than the "Dear Colleague" letter.³⁴ Bondi warned that "using race, sex, or other protected characteristics for employment, program participation, resource allocation, or other similar activities, opportunities, or benefits, is unlawful"; that "allowing men to compete in women's athletic competitions" is "unlawful"; and that "neutral criteria (e.g., 'cultural competence,' 'lived experience,' geographic targeting) that function as proxies for protected characteristics" may "violate federal law." A fact sheet issued in response to Bondi's memorandum by a coalition of civil rights organizations urged institutions to "continue to follow the law—not the Trump administration's inaccurate views."³⁵

In August 2025, a Maryland federal judge blocked enforcement of the "Dear Colleague" letter nationwide, finding that its guidance inappropriately "initiated a sea change in how the Department of Education regulates educational practices and classroom conduct." At least two other federal courts issued similar injunctions blocking enforcement. On January 21, 2026, the department agreed to dismiss its appeal of those rulings, thereby nullifying the

31. Exec. Order No. 14201, 90 Fed. Reg. 9279 (Feb. 11, 2025); US Department of Education, "U.S. Department of Education to Investigate Title IX Violations in Athletics," news release, February 6, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-investigate-title-ix-violations-athletics>; Christa Dutton, "After Trump's Order, the NCAA Bars Transgender Women from Competing in Women's Sports," *Chronicle of Higher Education*, February 6, 2025, <https://www.chronicle.com/article/after-trumps-order-the-ncaa-bars-transgender-women-from-competing-in-womens-sports>.

32. U.S. Dep't of Educ., Office for Civil Rights, *Dear Colleague Letter: SFFA v. Harvard* (Feb. 14, 2025), <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>. In January, the president issued executive orders aimed at eliminating "all . . . 'equity-related' grants or contracts" by federal agencies. That order was challenged by the AAUP and other organizations. "AAUP Case Challenging the Trump Administration's Executive Orders Seeking to Ban Diversity, Equity, and Inclusion Programs," AAUP, <https://www.aaup.org/aaup-case-challenging-trump-administrations-executive-orders-seeking-ban-diversity-equity-and>. The case is currently on appeal.

33. Eric Hoover, "In Sweeping Letter, Ed. Dept. Says SCOTUS Ruling Applies to All Race-Conscious Programs," *Chronicle of Higher Education*, February 16, 2025, <https://www.chronicle.com/article/in-sweeping-letter-ed-dept-says-scotus-ruling-applies-to-all-race-conscious-programs>; "Office for Civil Rights Initiates Title VI Investigations into Institutions of Higher Education," news release, March 14, 2025, <https://www.ed.gov/about/news/press-release/office-civil-rights-initiates-title-vi-investigations-institutions-of-higher-education>; Megan Zahneis, "Trump Went After the PhD Project. Now 31 Campuses Have Agreed to Sever Ties with It," *Chronicle of Higher Education*, February 19, 2026, <https://www.chronicle.com/blogs/the-trump-agenda/trump-went-after-the-phd-project-now-31-campuses-have-agreed-to-sever-ties-with-it>.

34. U.S. Dept. of Just., *Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination* (July 29, 2025), <https://www.justice.gov/ag/media/1409486/dl>.

35. NAACP Legal Defense Fund, "The Department of Justice's 'Guidance for Recipients of Federal Funding on Unlawful Discrimination': What You Need to Know," <https://www.naacpldf.org/wp-content/uploads/2-LDF-et-al.-Fact-Sheet-on-AG-Bondi-DEIA-Memo.pdf>.

letter, and on February 18, the district court issued a final ruling, permanently enjoining the government from enforcing, relying on, or reviving it.³⁶ However, Bondi's memorandum on DEI remains, and other federal agencies (including the Department of Justice and the Equal Employment Opportunity Commission) continue to pursue enforcement actions against what they characterize as unlawful DEI programs. The dismissal simply means that the Department of Education can no longer attempt to enforce the specific interpretations and requirements prescribed by its February 2025 "Dear Colleague" letter.

A. Assault on the Ivies

These federal policy statements were accompanied by an escalating series of demand letters addressed to individual institutions, with the Trump administration in some instances freezing or otherwise withholding federal funding to extort compliance.³⁷ By September 2025, nearly \$6 billion in federal funding had been put on hold at nine major universities, principally prominent private institutions.³⁸ Although

legally and historically shielded from direct government intervention,³⁹ private universities, especially those with medical schools, have grown increasingly dependent on government grants to support their research missions, making them in critical respects as vulnerable to government pressure as their directly state-funded public counterparts.

On March 7, 2025, the Trump administration announced it was canceling \$400 million in federal grants and contracts to Columbia over its "continued inaction" in the face of alleged discrimination against Jewish students and gave the university a week to make sweeping changes in its handling of student discipline, policing, and admissions in order just to begin negotiations. We discuss Columbia's experience at length in section IV, below.

On April 28, 2025, the Education Department found that the University of Pennsylvania had violated Title IX by allowing Lia Thomas, a transgender athlete, to compete on a women's sports team in 2021 and 2022. The department demanded that the university vacate honors won by Thomas and apologize to female athletes whose experiences, the department says, were "marred by sex discrimination." In July, Penn would become the first institution to strike a deal with the administration. The university agreed to erase Thomas from its record books; to bar transgender athletes from future competition; and to send personal apology letters "to each impacted female swimmer," among other concessions. In exchange, the Trump administration restored \$175 million in federal research funding frozen amid the investigation.⁴⁰

36. Jessica Blake, "Education Dept. Drops Appeal of Court Order Blocking Anti-DEI Guidance," *Inside Higher Ed*, January 22, 2026, <https://www.insidehighered.com/news/government/politics-elections/2026/01/22/ed-drops-appeal-order-blocking-anti-dei-guidance>; American Civil Liberties Union, "Department of Education Backs Down on Unlawful Directive Targeting Educational Equity," news release, February 18, 2026, <https://www.aclu.org/press-releases/department-of-education-backs-down-on-unlawful-directive-targeting-educational-equity>.

37. Although withholding of funds had always been a possible response to institutions found noncompliant with OCR regulations, that sanction had never once in twenty-two years been invoked by a prior administration, much less invoked before a final determination had been reached. At least one institution, Northwestern University, learned that \$790 million of federal funding had been frozen only when, the university president informed the community, it was "notified by members of the media." Jerry Wu, Leah Schroeder, Isaiah Steinberg, David Samson, and Lily Ogburn, "Federal Government Freezes \$790 Million in Funding for Northwestern," *Daily Northwestern*, April 8, 2025, <https://dailynorthwestern.com/2025/04/08/top-stories/federal-government-freezes-790-million-in-funding-for-northwestern/>.

38. Katherine Knott, "5 Charts Breaking Down Trump's Funding Freezes Against Universities," *Inside Higher Ed*, August 28, 2025, <https://www.insidehighered.com/news/government/2025/08/28/trumps-funding-freezes-against-universities-5-charts>. The nine universities and the amounts frozen are Harvard (\$2.7 billion), Cornell (\$1 billion), Northwestern (\$790 million), UCLA (\$589 million), Brown (\$510 million), Columbia (\$400 million), Princeton (\$210 million), the University of Pennsylvania (\$175 million), and Duke (\$108 million). The picture is even more dramatic if one counts cancellations of individual

grants unassociated with demands for institutional compliance. According to the Center for American Progress, "[F]ederal data on grant terminations show that the administration has targeted more than 4,000 grants for termination to over 600 universities and colleges across the country, affecting institutions in every state." "Mapping Federal Funding Cuts to U.S. Colleges and Universities," Center for American Progress, July 23, 2025, <https://www.americanprogress.org/article/mapping-federal-funding-cuts-to-us-colleges-and-universities/>.

39. See, for example, *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518, 567 (1819), (holding that the Contract Clause prohibits states from impairing Dartmouth's charter by transforming the university into a public institution through amending the charter).

40. US Department of Education, "U.S. Department of Education's Office for Civil Rights Finds the University of Pennsylvania Has Violated Title IX," news release, April 28, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-finds-university-of-pennsylvania-has-violated-title-ix>; US Department of Education, "U.S. Department of Education Announces

In October, when Penn was included among the initial nine institutions invited to sign the administration's proposed compact, nearly two thousand people, including 676 faculty members, signed a petition declaring that "Penn's backroom deals with the Trump administration and its earlier concessions to threats have, as predicted, simply emboldened the administration to come back for more." The signatories called on the Penn administration to "pursue other measures to combat possible funding restrictions, like temporarily raising the rate of spending on the endowment and collaborating with other institutions to pursue legal remedies for the restoration of unconstitutionally withheld funds."⁴¹

the University of Pennsylvania Has Entered into a Resolution Agreement to Resolve its Title IX Violations," news release, July 1, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-university-of-pennsylvania-has-entered-resolution-agreement-resolve-its-title-ix-violations>; Katherine Knott, "Trump Admin. Reportedly Restores Federal Funding to Penn," *Inside Higher Ed*, July 3, 2025, <https://www.insidehighered.com/news/quick-takes/2025/07/03/penn-gets-funding-back-after-agreeing-trumps-demands>. On January 28, 2026, the Department of Education completed its investigation of San José State University, finding that participation of a transgender volleyball player had violated Title IX. The department warned that the university risked "imminent enforcement action" if it didn't voluntarily resolve the violations by acceding to a list of demands, not all of which pertained solely to athletics. On March 9, in contrast to Penn's capitulation, the California State University system filed suit against the move on behalf of San José State, becoming the only university other than Harvard to do so. The Education Department then threatened to withhold student financial aid to San José State, which amounts to about 13 percent of the university's nonoperating revenue. Steve Henson, "Department of Education Finds San Jose State Violated Title IX Regarding Transgender Volleyball Player," *Los Angeles Times*, January 28, 2026, <https://www.latimes.com/sports/story/2026-01-28/san-jose-state-violated-title-ix-regarding-transgender-volleyball-player-department-of-education>; Kate Hidalgo Bellows, "The Trump Feud You Haven't Heard About," *Chronicle of Higher Education*, March 25, 2026, <https://www.chronicle.com/article/the-trump-feud-you-havent-heard-about>.

41. "Just Say No to Trump's Compact for Academic Extortion," <https://actionnetwork.org/petitions/just-say-no-to-trumps-compact-for-academic-extortion>. For a chilling examination of events at Penn, see Jordan Heller, "How Trump Made Penn Quake in Its Boots," *New Republic*, May 31, 2026, <https://newrepublic.com/article/210098/trump-attack-university-pennsylvania-speech-antisemitism>. Heller's account, published as this report was in production, alleges that, as a consequence of the settlement, "anything deemed offensive to the Trump administration, which could thereby put federal funding to the university at risk, can elicit unwanted attention from Penn's Office of General Counsel."

Settlements soon followed with Columbia and Brown. Changes to Brown's former policies centered on enhanced reporting and surveillance and aligning institutional practices with the Trump administration's anti-DEI and anti-transgender positions. This included a requirement to report all allegations of antisemitism appearing on student course evaluations to the OCR, which would, one faculty member pointed out, "effectively recruit students to government monitoring" and provide the government with a broad bank of anonymous reports that could be mined for "anything that looks off color or that can be used as a pretense to claim Brown isn't holding up its end."⁴²

In early November 2025, Cornell University joined the group of Ivy institutions that were reaching deals, agreeing to pay a \$30 million fine and invest an equal amount in agricultural and farming programs. Cornell also agreed to provide anonymized undergraduate admissions data to the federal government on a quarterly basis and to "conduct annual surveys to evaluate the campus climate for Cornell students, including the climate for students with shared Jewish ancestry." After a lengthy hold-out, Northwestern University capitulated to several of the administration's demands in a November 28 agreement that restored most, but not all, of the \$790 million withheld since February (discussed in section V, below).⁴³

Harvard University, founded in 1636 and with an endowment of some \$53 billion, is the nation's oldest, wealthiest, and arguably most prestigious

42. Alexander Gourevitch, "What Is Brown's Deal?" *Brown Daily Herald*, August 6, 2025, <https://www.browndailyherald.com/article/2025/08/gourevitch-what-is-browns-deal>.

43. Kate Hidalgo Bellows, "Cornell Will Pay \$60 Million and Provide Admissions Data in Deal to Restore Federal Funding," *Chronicle of Higher Education*, November 7, 2025, <https://www.chronicle.com/article/cornell-will-pay-60-million-and-provide-admissions-data-in-deal-to-restore-federal-funding>; Cornell AAUP, "Statement on Cornell's Agreement with Federal Government," November 7, 2025, <https://aaup-cornell.org/statements-and-opinions-from-the-cornell-aaup-chapter-members-and-allied-organizations/>; Josh Moody, "Northwestern Settles with Trump Administration," *Inside Higher Ed*, December 1, 2025, <https://www.insidehighered.com/news/government/politics-elections/2025/11/29/northwestern-settles-trump-administration>; Northwestern AAUP, "Statement from NU AAUP on the University's 'Resolution Agreement,'" *Academe Blog*, December 1, 2025, <https://academeblog.org/2025/12/01/statement-from-nu-aaup-on-the-universitys-resolution-agreement/>.

higher education institution, with some twenty-four thousand undergraduate and graduate students and employing more than two thousand faculty members.⁴⁴ It has emerged as a focus of the administration's ire and a major battleground in the fight to resist government intrusion. As of this writing, Harvard has not yet resolved its conflict with the administration, although it won—with the prodding and leadership of its faculty—a significant victory when a court ordered the government to release frozen funds.

On March 31, 2025, three federal agencies announced they would review \$255.6 million in federal contracts with Harvard and \$8.7 billion in grants to the university over concerns that the institution had not done enough to combat alleged antisemitism. Three days later, Trump's antisemitism task force demanded that Harvard eliminate DEI programs, remove race as a factor in admissions and hiring, and cooperate with immigration orders from the Department of Homeland Security or risk losing its federal funding.⁴⁵ The administration asserted that Harvard had "failed to live up to . . . civil rights conditions that justify federal investment" and laid out a list of conditions that Harvard had to satisfy to "maintain [its] financial relationship with the federal government." The final arbiter of compliance with these conditions would be the government, which would retain the right to audit Harvard (or review final audit reports by third parties) until at least the end of 2028.

On April 11, 2025, the AAUP and its Harvard chapter filed a lawsuit challenging the government's

authority to freeze federal money to the university, arguing that the action violated the First Amendment.⁴⁶ Three days later, Harvard announced it would not comply with the administration's demands. In response, the White House's Joint Task Force on Antisemitism froze more than \$2 billion in grants and contracts. On April 21, Harvard filed its own suit against the freezing of contracts, which was soon joined with the faculty suit. In May, Education Secretary McMahon told Harvard that it would not receive any new federal grants, alleging that the university "has made a mockery of this country's higher education system." McMahon's letter cited a list of purported failures, from plagiarism allegations involving its previous president to international student admissions decisions. A week later the administration terminated the \$2 billion in grants it had previously frozen. The assault continued through the summer of 2025, with the Trump administration threatening, among other things, to take over patents owned by the university.⁴⁷

On September 3, 2025, US District Court Judge Allison Burroughs awarded summary judgment to both Harvard and its AAUP chapter. Judge Burroughs wrote,

[T]he Freeze Orders, on their face, purport to explain the decision to terminate funding as based on Harvard's failure to address antisemitism or uphold civil rights laws. It is difficult, however, if not impossible, for this Court to view that explanation as "reasoned" when the administrative record reflects that, before freezing nearly \$2.2 billion in federal grants, the agencies considered little, if any, data regarding the antisemitism problem at Harvard, disregarded the substantial policy and other changes Harvard had taken and is continuing to take to address the issue, and failed to weigh the importance of any particular grant or to evaluate whether a particular grant recipient had engaged

44. Office of Institutional Research and Analytics, "Fact Book," Harvard University, <https://oir.harvard.edu/factbook/>. In addition to the undergraduate Harvard College, the university includes a graduate School of Arts and Sciences and Schools of Engineering and Applied Sciences, Business, Dentistry, Divinity, Education, Government, Law, Medicine, and Public Health.

45. Brock Read, "Trump Administration to Review \$9 Billion in Federal Funding to Harvard," *Chronicle of Higher Education*, March 31, 2025, <https://www.chronicle.com/article/trump-administration-to-review-9-billion-in-federal-funding-to-harvard>; Maya Stahl, "Trump Demands Harvard Eradicate DEI to Preserve Its Federal Funding," *Chronicle of Higher Education*, April 4, 2025, <https://www.chronicle.com/article/trump-demands-harvard-eradicate-dei-to-preserve-its-federal-funding>; Megan Zahneis, Sarah Brown, and Kate Hidalgo Belows, "As Trump Freezes Billions in Funding, Harvard Steels Itself for a Fight," *Chronicle of Higher Education*, April 14, 2025, <https://www.chronicle.com/article/harvards-president-says-the-university-will-not-comply-with-trumps-demands>.

46. *AAUP—Harvard Faculty Chapter v. Dep't of Justice*, No. 1:25-cv-10910, 2025 U.S. Dist. LEXIS 171326 (D. Mass. Sept. 3, 2025).

47. Collin Binkley and Jocelyn Gecker, "Trump Administration Says Harvard Will Receive No New Grants Until It Meets White House Demands," Associated Press, May 5, 2025, <https://apnews.com/article/harvard-trump-grant-f677055d7536ab1478ee9b836ca11bf7>; Natalie Andrews and Sara Randazzo, "Trump Administration Threatens to Take Over Harvard's Patents," *Wall Street Journal*, August 8, 2025, <https://www.wsj.com/us-news/education/harvard-patents-trump-d4297409?st=pDue15>.

in antisemitic behavior before cutting off critical research.⁴⁸

The judge concluded that the administration's actions "have jeopardized decades of research and the welfare of all those who could stand to benefit from that research, as well as reflect a disregard for the rights protected by the Constitution and federal statutes."⁴⁹

Nonetheless, on September 19, 2025, the Education Department announced new restrictions on Harvard's access to federal student aid, requiring the university to disburse aid to students and then get reimbursed from the government and secure a bond of \$36 million to "cover potential liabilities and ensure that Harvard meets its financial obligations to both students and the Department." On September 30, the Department of Health and Human Services announced that it had referred Harvard for suspension and debarment proceedings. The announcement that these penalties would have "government-wide effect" suggested that the Trump administration would block Harvard's eligibility for all government grants, not just those issued by the Department of Health and Human Services. On December 18, the Trump administration filed a notice of appeal of Judge Burroughs's judgment with the US Court of Appeals for the First Circuit.⁵⁰

Negotiations—or, at least, rumors of negotiations—between Harvard and the administration continued into

2026, with little, if any, progress but much bombast from the White House. On February 2, *The New York Times* reported that the Trump administration had dropped a demand for a \$200 million payment to the government. Yet only six hours after the *Times* reported the story, Trump claimed it was wrong, attacked the *Times* and Harvard, and announced he would seek \$1 billion "in damages" from the university. "This should be a Criminal, not Civil, event, and Harvard will have to live with the consequences of their wrongdoings," he said in a social media post.⁵¹ In a video posted to social media on February 6, Secretary of Defense Pete Hegseth announced that beginning in the 2026–27 academic year, his department would discontinue all graduate-level professional military training, fellowships, and certificate programs for active-duty service members at Harvard. He claimed that officers returned from Cambridge "full of globalist and radical ideologies that do not improve our fighting ranks."⁵²

A week later, the Trump administration filed a lawsuit, arising from a Justice Department investigation into admissions practices at Harvard's law and medical schools, charging that Harvard had failed to comply with a federal investigation into whether its admissions processes are discriminatory. On March 20, 2026, the administration filed an additional suit alleging that "Harvard has failed to enforce its rules or meaningfully discipline the mobs that occupy its buildings and terrorize its Jewish and Israeli students. The United States cannot and will not tolerate these failures and brings

48. See *AAUP v. DOJ*, 2025 LEXIS 171326, at *72-73.

49. *Id.*, at *79 (consolidated with *President and Fellows of Harvard College v. HHS*, Case No. 25-cv-11048-ADB); see also "Court Rules in Favor of the AAUP in Harvard Grant Termination Case," AAUP, <https://www.aaup.org/about/programs/legal-program/aaup-litigation/court-rules-favor-aaup-harvard-grant-termination-case>; and Eric Kelderman, "'A Robust Victory': Federal Judge Says Harvard Should Have Billions of Research Dollars Restored," *Chronicle of Higher Education*, September 3, 2025, <https://www.chronicle.com/article/a-robust-victory-federal-judge-says-harvard-should-have-billions-of-research-dollars-restored>.

50. Francie Diep, "The Federal Government Moves to Prevent Harvard from Receiving Future Research Funding," *Chronicle of Higher Education*, September 30, 2025, <https://www.chronicle.com/blogs/the-trump-agenda/the-federal-government-moves-to-prevent-harvard-from-receiving-future-research-funding>. See also Michael C. Bender, "Harvard Blasts Administration over 'Distorted' Civil Rights Investigation," *New York Times*, September 30, 2025, <https://www.nytimes.com/2025/09/30/us/politics/harvard-response-trump.html>; and Eric Kelderman, "Trump Administration Will Challenge Harvard's Court Win," *Chronicle of Higher Education*, December 19, 2025, <https://www.chronicle.com/blogs/the-trump-agenda/trump-administration-will-challenge-harvards-court-win>.

51. Michael C. Bender, Michael S. Schmidt, and Alan Blinder, "Trump Is Said to Have Dropped Demand for Cash from Harvard," *New York Times*, February 2, 2026, <https://www.nytimes.com/2026/02/02/us/politics/trump-harvard-payment.html>; Eric Kelderman, "Trump Walked Back a Demand for a Harvard Payment. Then He Doubled Down," *Chronicle of Higher Education*, February 3, 2026, <https://www.chronicle.com/blogs/the-trump-agenda/trump-walked-back-a-demand-for-a-harvard-payment-then-he-doubled-down>.

52. Sara Custer, "Department of Defense Severs Academic Ties with Harvard," *Inside Higher Ed*, February 10, 2026, <https://www.insidehighered.com/news/quick-takes/2026/02/10/departments-defense-severs-academic-ties-harvard>. On February 27, Hegseth extended the ban to MIT; Princeton, Yale, Brown, Georgetown, Johns Hopkins, Columbia, George Washington, Tufts, Saint Louis, and Carnegie Mellon Universities; the College of William & Mary; Middlebury College; and Queen's University in Ontario, calling them politically liberal institutions with "wicked ideologies." Chris Cameron, "Pentagon to Curb Ties with Top Universities and Think Tanks," *New York Times*, February 28, 2026, <https://www.nytimes.com/2026/02/28/us/politics/pentagon-universities-think-tanks.html>.

this action to compel Harvard to comply with Title VI, and to recover billions of dollars of taxpayer subsidies awarded to a discriminatory institution.” Just days later the Education Department announced it was opening two more Title VI investigations of Harvard.⁵³

B. Public Universities Under Pressure

Although the Trump administration has informed public institutions that they will also be subject to Title VI investigations, it has, by and large, not yet employed the kind of extortionate approach it has used with the Ivies and other prestigious private universities. Of course, in states with reliably Republican governments, extortion may not be necessary, as legislatures and governors can be trusted to implement the president’s agenda—indeed, they arguably have pioneered it. And the administration has mostly shied away from frontal assaults on public universities in Democratic-led states or those where government is divided. One notable exception, however, has been the administration’s vigorous effort to bring the University of California system, and especially its UCLA campus, to heel.

The University of California includes ten campuses, nine of which teach both undergraduate and graduate students. The other campus, University of California, San Francisco, is devoted to professional and graduate training in the health sciences.⁵⁴ The

Trump administration began its assault on UC in late July 2025, when it froze \$584 million in scientific and medical grants to UCLA, citing the university’s alleged “discrimination” in admissions and its alleged failure to “promote a research environment free of antisemitism.” The decision came after the Justice Department “dispatched teams of career civil-rights lawyers to California in March, pressuring them to rapidly ‘find’ evidence backing a preordained conclusion: that the UC system and four of its campuses had illegally tolerated antisemitism,” according to an extensive investigation by *The Chronicle of Higher Education* and *ProPublica*.⁵⁵

Attorney General Bondi said UCLA would pay a “heavy price” for acting with “deliberate indifference” to the civil rights of Jewish and Israeli students. The university was notified of the decision in a nine-page July 29 letter signed by Assistant Attorney General Harmeet Dhillon.⁵⁶ It came even as the university was announcing that it had agreed to pay \$6.45 million to settle a lawsuit brought by three Jewish students and a professor who alleged they had faced antisemitism during the Palestine solidarity encampment in spring 2024. Under the settlement UC must pay the plaintiffs a total of \$200,000 and provide organizations that “combat antisemitism” with \$2.33 million.⁵⁷

53. Josh Moody, “DOJ Sues Harvard,” *Inside Higher Ed*, February 13, 2026, <https://www.insidehighered.com/news/government/politics-elections/2026/02/13/doj-sues-harvard>; Eric Kelderman, “DOJ’s Lawsuit Against Harvard Signals Fresh Interest in Scrutinizing Admissions,” *Chronicle of Higher Education*, February 13, 2026, <https://www.chronicle.com/blogs/the-trump-agenda/dojs-lawsuit-against-harvard-signals-fresh-interest-in-scrutinizing-admissions>; Sonel Cutler, “Justice Dept. Again Sues Harvard, Alleging ‘Failures’ to Combat Antisemitism,” *Chronicle of Higher Education*, March 20, 2026, <https://www.chronicle.com/blogs/the-trump-agenda/justice-dept-again-sues-harvard-alleging-failures-to-combat-antisemitism>; Michael C. Bender and Alan Blinder, “Trump Administration Targets Harvard with Two New Investigations,” *New York Times*, March 23, 2026, <https://www.nytimes.com/2026/03/23/us/politics/harvard-trump-antisemitism.html>.

54. In fall 2024, UC enrolled 236,370 undergraduates and 63,219 graduate and professional students. In addition to its primary educational mission, the university also operates six medical centers and physician networks and three national laboratories. UC’s 2025–26 budget is approximately \$53 billion. The system receives about \$17 billion in federal funding each year. “Fall Enrollment at a Glance,” University of California, <https://www.universityofcalifornia.edu/about-us/information-center/fall-enrollment-glance>; Gabriel Petek, “The 2025–26 Budget: University of California,” Legislative Analyst’s Office, February 2025, <https://lao.ca.gov/Publications/Report/4998>.

55. “We were told what the outcome will be: ‘You have one month to find evidence to justify a lawsuit and draft a complaint against the UC system,’ said Ejaz Baluch, a senior trial attorney in the civil-rights division who worked on the investigation before leaving the Justice Department in May.” “The incredibly short timing of this investigation is just emblematic of the fact that the end goal was never to conduct a thorough, unbiased investigation,” Jen Swedish, who was the deputy chief of the Justice Department’s employment-litigation section until May, said in an interview. “The end goal was to file a damn complaint—or have something to threaten the university.” Katherine Mangan and Peter Elkind, “The Shakedown: How Trump’s Justice Department Pressured Lawyers to ‘Find’ Evidence that UCLA Had Tolerated Antisemitism,” *Chronicle of Higher Education*, December 12, 2025, <https://www.chronicle.com/article/the-shakedown>.

56. US Department of Education, Office for Civil Rights, letter to UCLA on notice of findings, July 29, 2025, <https://www.justice.gov/crt/media/1409416/dl?inline>; Jaweed Kaleem, “Trump Freezes \$300 Million in UCLA Science and Medical Research Funding, Citing Antisemitism,” *Los Angeles Times*, July 31, 2025, <https://www.latimes.com/california/story/2025-07-31/trump-freezes-nih-nsf-funding-ucla>.

57. Josephine Murphy, “UC to Pay \$6.45M to Settle Antisemitism Lawsuit over Pro-Palestine Encampment,” *Daily Bruin*, July 29, 2025, <https://dailybruin.com/2025/07/29/uc-to-pay-6-45m-to-settle>

The Trump administration followed up with a twenty-eight-page draft resolution agreement that would require UCLA to pay a \$1 billion fine and place an additional \$172 million in a fund for individual claimants whose civil rights had allegedly been violated. The proposal included commitments involving DEI, transgender students, and other topics found in agreements signed by other institutions. Most ominously, the draft agreement would give the government access to “all UCLA staff, employees, facilities, documents, and data related to the agreement” not protected by attorney-client privilege. The Justice Department set a deadline of September 2, 2025, for approval, threatening to sue if an agreement was not reached.⁵⁸

The UC administration refused to make the proposal public and in August named a working group including ten of the twenty-four university regents to negotiate with the Justice Department. Governor Gavin Newsom—amid an ultimately successful campaign to redistrict California’s congressional delegation in response to a mid-decade partisan effort by Texas Republicans—called the demands “extortion” and “ransom,” declaring that California would not “bend the knee” to Trump and instead would sue. As governor, Newsom is an ex officio and voting member of the board, but he cannot (or may not wish to) control its actions, which have been secretive and cautious, even as Trump’s congressional allies increased the pressure.⁵⁹

In late August, the House Education and Workforce Committee gave UC two weeks to submit “all documents and communications” tied to complaints of antisemitism made since September 1, 2021, at the UCLA and UC San Francisco medical

schools. The committee requested communications with UCLA’s medical school dean, administrators who work on diversity or restorative justice-related programs, and several other staff members as well as data on specific events and courses, including one on “structural racism and health equity.” It also asked for email correspondence from administrators “referring or relating to antisemitism or the terms Jewish, Israeli, Israeli, Palestine, or Palestinian.”⁶⁰

It would fall to the faculty to take an aggressive approach in response.⁶¹ In June 2025, faculty members at UC Berkeley filed a lawsuit challenging the Trump administration’s removal of federal grant funding. That suit was later joined by UCLA researchers who receive funding from the National Institutes of Health (NIH). On September 22, 2025, US District Judge Rita F. Lin of the Northern District of California issued a preliminary injunction restoring the grants, ruling that they had been suspended under form letters unspecific to the funded research, a likely violation of the Administrative Procedures Act, which regulates executive branch rulemaking. In addition to rescinding the medical grant freezes, Judge Lin directed the government to restore several Department of Defense and Department of Transportation grants to UC schools.⁶² The UC regents and administration were not party to the suit.⁶³

On September 16, 2025, the national AAUP, the Council of UC Faculty Associations, and unions representing more than one hundred thousand University of California employees filed suit to block the effort

-antisemitism-lawsuit-over-pro-palestine-encampment. The organizations include Hillel at UCLA, the Academic Engagement Network, the Campus Impact Network of the Jewish Federation Los Angeles, and the Anti-Defamation League. The remaining \$3.6 million went to plaintiffs’ legal expenses and fees.

58. “Confidential Rule 408 Communication,” University of California Office of the President, August 8, 2025, https://ucop.edu/communications/_files/confidential-rule-408-communication-ucla-08-08-25.pdf; Jaweed Kaleem, “Here Are the Details of Trump’s \$1.2-Billion Call to Remake UCLA in a Conservative Image,” *Los Angeles Times*, September 15, 2025, <https://www.latimes.com/california/story/2025-09-15/trump-doj-proposed-settlement-demand-letter-ucla-university-of-california>.

59. Jaweed Kaleem, “UC Marks Red Lines as It Moves to Negotiate with Trump Administration over \$1-Billion Fine,” *Los Angeles Times*, August 25, 2025, <https://www.latimes.com/california/story/2025-08-25/uc-ucla-trump-newsom-regents-research-grant-cuts-suspensions>.

60. Jaweed Kaleem, “GOP Widens UC Antisemitism Investigations, Hitting UCLA, UC San Francisco Medical Schools,” *Los Angeles Times*, August 25, 2025, <https://www.latimes.com/california/story/2025-08-25/ucla-ucsf-medical-school-house-education-committee>. A similar letter was also sent to the University of Illinois College of Medicine.

61. The UCLA faculty has also been engaged in an ongoing battle with campus administration over budgetary transparency and decision-making. Chris Newfield, “Liner Note 48. The Faculty’s Budget Fight at UCLA,” *Remaking II: Long Revolution*, February 23, 2026, <https://utotherescue.blogspot.com/2026/02/liner-note-48-facultys-budget-fight-at.html>.

62. *Thakur v. Trump*, Case No. 25-cv-04737-RFL (N.D. Cal. Sept. 22, 2025) (order granting prel. inj.).

63. Jaweed Kaleem, “UC Berkeley Law Professors Take On a Case for Colleagues: Fighting Trump Research Cuts,” *Los Angeles Times*, June 25, 2025, <https://www.latimes.com/california/story/2025-06-25/trump-lawsuit-university-of-california-researchers>; Jaweed Kaleem and Daniel Miller, “Federal Judge Orders Trump to Restore \$500 Million in Frozen UCLA Medical Research Grants,” *Los Angeles Times*, September 22, 2025, <https://www.latimes.com/california/story/2025-09-22/rita-lin-federal-judge-restores-ucla-nih-grants>.

to restrict funding and fine UCLA. “We’re doing this because the UC administration has not yet,” said Anna Markowitz, president of the UCLA Faculty Association. While the suit focused on the actions taken against UCLA, it argued that they affect the system as a whole and could harm large numbers of UC employees. The suit also cited grant cuts or changes at other campuses, including Davis and San Diego, prior to the UCLA shakedown.⁶⁴ The Council of UC Faculty Associations separately went to court under the California Public Records Act, successfully compelling the university to make public the Trump administration’s UCLA draft agreement.⁶⁵

On November 14, Judge Lin ruled on the suit filed by the AAUP and other faculty groups. She issued a preliminary injunction ordering an end to the administration’s “blanket policy of denying any future grants” and barring the government “from seeking payments” from the university “in connection with any civil rights investigation” under Title VI or Title IX. Judge Lin said the government was “engaged in a concerted campaign to purge” certain viewpoints from American universities, and that “the undisputed record” showed that administration officials had “engaged in coercive and retaliatory conduct in violation of the First Amendment and the Tenth Amendment.”⁶⁶

On February 13, 2026, the Trump administration dropped its appeal of Judge Lin’s ruling. Eleven days later, however, the Justice Department’s Civil Rights Division filed suit against UCLA for allegedly creating a hostile work environment for Jewish and Israeli faculty and staff members. The Department of Justice claimed that UCLA “ignored, and continues to ignore, gross and repeated violations of viewpoint-neutral time, place, and manner restrictions . . . directed against Jewish and Israeli employees. Jewish and Israeli faculty have been physically threatened, had their classrooms disrupted, and had their workplaces

papered with disturbing images. Jewish professors have been, and continue to be, subjected to ostracism and harassment by their colleagues and students, while their colleagues and supervisors not only have failed to report those acts as required but have even participated in them.”⁶⁷

The suit marked a shift in the administration’s approach. It called for none of the remedies—the billion-dollar fine, changes in faculty hiring, limits on international students—demanded just months earlier. Instead of focusing on students as victims of discrimination, the suit cast Jewish faculty and staff as the victims. It focused on events surrounding the pro-Gaza encampment at UCLA, which in April 2024 was violently attacked by a pro-Israel mob and was subsequently dispersed by police, who arrested two hundred protesters. In March 2025, some of those protesters had filed suit against university officials, alleging violations of their civil rights and rights to free expression. The suit also alleged that UC officials discriminated against pro-Palestinian supporters and failed to protect members of the encampment from the attackers. The students and faculty members, along with members of the public, sued individuals they alleged had attacked the encampment as well.⁶⁸

“To me, what is most striking about the [Justice Department’s] complaint is how sweeping the assertions are, and how thin the evidence is, that the protests against the Gaza war . . . were antisemitic,”

64. Complaint, *Am. Ass’n of Univ. Professors v. Trump*, No. 3:25-cv-07864-RFL (N.D. Cal. Sept. 16, 2025), ECF No. 1; Jaweed Kaleem, “UC Employees, Not Waiting on Leaders, Sue Trump for ‘Financial Coercion’ over UCLA Cuts,” *Los Angeles Times*, September 16, 2025, <https://www.latimes.com/california/story/2025-09-16/university-of-california-faculty-sue-trump-over-ucla-fine-research-cuts>.

65. Jaweed Kaleem, “Under Court Order, UC Publicly Releases Trump Administration’s \$1.2-Billion Settlement Proposal,” *Los Angeles Times*, October 24, 2025, <https://www.latimes.com/california/story/2025-10-24/uc-publicly-release-trump-ucla-1-2-billion-settlement-offer>.

66. Order Granting Mot. for Prelim. Inj., AAUP, No. 25-cv-07864-RFL (N.D. Cal. Nov. 14, 2025), ECF No. 90.

67. Complaint, *U.S. v. Regents of the Univ. of Cal.*, No. 2:26-cv-01946 at * (C.D. Cal. Feb. 24, 2026); US Department of Justice, “Justice Department Files Suit Against University of California for Antisemitic Hostile Work Environment,” news release, February 24, 2026, <https://www.justice.gov/opa/pr/justice-department-files-suit-against-university-california-antisemitic-hostile-work>; Katherine Mangan, “University of California Is Sued by Justice Department, Escalating a Long-Running Feud,” *Chronicle of Higher Education*, February 24, 2026, <https://www.chronicle.com/blogs/the-trump-agenda/trump-administration-sues-university-of-california-accusing-it-of-tolerating-antisemitism>. On May 6, 2026, the Justice Department announced that UCLA’s medical school violated federal antidiscrimination laws with admissions policies favoring Black and Hispanic applicants with lower qualifications than white and Asian applicants. See Michael C. Bender and Alan Blinder, “Justice Dept. Accuses U.C.L.A. Medical School of Bias Against White and Asian Applicants,” *New York Times*, May 6, 2026, <https://www.nytimes.com/2026/05/06/us/politics/justice-department-ucla-medical-school-race-admissions.html>.

68. Mikhail Zinshteyn, “Students and Faculty Sue Administrators Over Last Spring’s UCLA Pro-Palestinian Protests,” *Cal Matters*, March 20, 2025, <https://calmatters.org/education/higher-education/2025/03/ucla-protest/>.

commented UCLA law professor Joseph Fishkin. “You will not read in this complaint that a substantial number of the students who participated in protests the DOJ alleges were antisemitic, were Jewish. Indeed, some of these Jewish students were beaten by the pro-Israel mob who attacked the encampment.”⁶⁹

On October 22, 2025, the University of Virginia became the first public university to sign a compliance agreement with the Trump administration. Founded in 1819 by Thomas Jefferson, UVA enrolls some twenty-six thousand students and boasts an endowment of over \$10 billion. Unlike other universities in previous agreements, UVA was not required to pay a penalty. This was also the first agreement based primarily on the Justice Department’s guidance on DEI rather than on alleged mishandling of antisemitism. The university agreed to abide by the terms of Attorney General Bondi’s July 2025 memorandum in admissions, hiring, programming, and other areas. The memorandum’s provisions had been presented as “non-binding suggestions” designed to “minimize the risk of [legal] violations.” But by agreeing to abide by those suggestions, UVA in effect accepted them as obligatory, “so long as that guidance remains in force and to the extent consistent with relevant judicial decisions.” Failure to comply could threaten the university’s federal funding, as the administration retains the right to resume investigation, pursue enforcement actions, or terminate federal funding if at any point the government determines that the university is making “insufficient progress toward compliance.” In other words, “Far from extricating itself from government oversight, the agreement subjects the university to ongoing federal monitoring and the risk of draconian financial penalties if the federal government decides, in its sole discretion, that the university has not complied.”⁷⁰ The UVA faculty senate, meeting on October 24, 2025, responded to the agreement with a no-confidence vote in Interim President Paul Mahoney. Its executive council expressed “grave concerns regarding the content of the agreement, its

ambiguity, what it binds the university and its future president to.”⁷¹

The Trump administration had begun pressuring UVA in April. In June, the university’s president, James Ryan, resigned under pressure from the Justice Department and from members of the university’s board of visitors appointed by Republican Governor Glenn Youngkin, a Trump ally (discussed in section V, below).⁷² In Virginia, battles over public higher education have pitted Democratic legislators against Republican-appointed boards at UVA and two other public institutions, George Mason University and the Virginia Military Institute. But just weeks after the agreement was signed, the state’s political environment changed dramatically with the landslide election of Democrat Abigail Spanberger as governor, along with Democratic victories in races for lieutenant governor and attorney general and wins that expanded the Democratic legislative majority. Democrats had criticized UVA’s deal as a capitulation, and Spanberger had denounced Ryan’s forced resignation as “a clear infringement upon academic freedom.”⁷³ Within hours of her inauguration, she appointed ten new members to UVA’s seventeen-member board, having sought and received the resignations of five Youngkin appointees, although not before those appointees had

69. Joey Fishkin (@fishkin.bsky.social), “Well, the DOJ has done it: they have filed a lawsuit against the University of California over antisemitism,” Bluesky, February 24, 2026, <https://bsky.app/profile/fishkin.bsky.social/post/3mfn4ztepbs2p>.

70. Serena Mayeri and Amanda Shanor, “Beware Bespoke Deals with Trump,” *Chronicle of Higher Education*, November 24, 2025, <https://www.chronicle.com/article/beware-bespoke-deals-with-trump>.

71. Josh Moody, “UVA Settles with Justice Department,” *Inside Higher Ed*, October 22, 2025, <https://www.insidehighered.com/news/governance/executive-leadership/2025/10/22/uva-settles-justice-department>; Jessica Blake, “What Did the University of Virginia Agree To?” *Inside Higher Ed*, October 24, 2025, <https://www.insidehighered.com/news/government/2025/10/24/what-did-university-virginia-agree>; Michael C. Bender and Michael S. Schmidt, “University of Virginia Makes Deal with White House to Halt Investigations,” *New York Times*, October 22, 2025, <https://www.nytimes.com/2025/10/22/us/politics/university-of-virginia-trump-agreement.html>; University of Virginia Faculty Senate, “Resolution on the Signing of the Agreement with the US Department of Justice,” October 24, 2025, <https://facultysenate.virginia.edu/resolution-on-the-signing-of-the-agreement-with-the-us-department-of-justice>.

72. Jessica Blake and Katherine Knott, “Under Pressure from Trump, UVA President Resigns,” *Inside Higher Ed*, June 27, 2025, <https://www.insidehighered.com/news/government/politics-elections/2025/06/27/university-virginia-president-resigns-after-trumps>.

73. Stephanie Saul, “Democrat’s Win May Upend a Conservative Push in Virginia Universities,” *New York Times*, November 10, 2025, <https://www.nytimes.com/2025/11/10/us/politics/spanberger-democrat-virginia-higher-education.html>; “Spanberger Statement on Resignation of UVA President Jim Ryan,” news release, June 27, 2025, <https://abigailspanberger.com/spanberger-statement-on-resignation-of-uva-president-jim-ryan/>.

managed to hire a new permanent president—after a search marred by serious process concerns—over the objections of faculty members, students, campus administrators, and Spanberger herself. She also acted to revamp the boards of George Mason and VMI. The fate of the agreement under the Spanberger administration is therefore uncertain.⁷⁴

C. The Trump “Compact”: From Stick to Carrot?

The Trump administration’s compliance campaign, begun in earnest with the March 7, 2025, demand letter to Columbia, had by October 1 yielded agreements at only three institutions, with UVA, Cornell, and Northwestern added to the list later. To be sure, the indirect impact of the campaign on other institutions, public and private, cannot be minimized, but to some it might seem the campaign could be floundering. If nothing else, it had begun to appear that the strategy of picking off vulnerable institutions one by one would be insufficient to achieve the sort of sweeping transformation of the country’s higher education system the administration sought.⁷⁵ Hence, on October 1 the administration adopted a new approach, more as a supplement to its original efforts than as a replacement for them.

On that date a letter sent to the presidents of nine universities introduced the administration’s proposed “Compact for Academic Excellence in Higher Education.” Signed by Secretary of Education McMahon; May Mailman, senior adviser for special

projects at the White House; and Vincent Haley, director of the Domestic Policy Council, the letter described an agreement that would confer access to federal funds in exchange for acceptance of a list of demands. This compact purported to offer “multiple positive benefits” and “substantial and meaningful federal grants” to those universities that would abide by its provisions. The institutions approached by the administration included the University of Arizona, Brown University, Dartmouth College, MIT, the University of Pennsylvania, the University of Southern California, the University of Texas, Vanderbilt University, and the University of Virginia. On October 14, 2025, the administration extended the offer to sign the compact to any US higher education institution.

The ten-page compact—“the most sweeping pile of unconstitutional conditions that any American constitutional lawyer has ever seen in the wild”⁷⁶—can be said to summarize the Trump program for higher education. It mandates policies in eight areas and reflects proposals and arguments made by right-wing think tanks and pressure groups for years, including most recently in the Heritage Foundation’s Project 2025.⁷⁷ Its concluding paragraph outlines the document’s arguably most chilling and dangerous provisions:

Adherence to this agreement shall be subject to review by the Department of Justice. Universities found to have willfully or negligently violated this agreement shall lose access to the benefits of this agreement for a period of no less than 1 year. Subsequent violations of this agreement shall result in a loss of access to the benefits of this agreement for no less than 2 years. Further, upon determination of any violations, all monies advanced by the U.S. government during the year of any violation shall be returned to the U.S. government. Finally, any private contributions

74. Stephanie Saul, “Virginia’s New Governor Moves Swiftly to Overhaul State University Boards,” *New York Times*, January 17, 2026, <https://www.nytimes.com/2026/01/17/us/politics/spanberger-virginia-uva-board.html>; Josh Moody, “UVA Presidential Hire Raises Process Concerns,” *Inside Higher Ed*, January 7, 2026, <https://www.insidehighered.com/news/governance/executive-leadership/2026/01/07/uva-presidential-hire-raises-process-concerns>; Judith Wilde and James Finkelstein, “Vanishing Act: How UVA’s Presidential Search Missed What Took Us an Hour to Find,” *Augusta Free Press*, January 11, 2026, <https://augustafreepress.com/news/vanishing-act-how-uvas-presidential-search-missed-what-took-us-an-hour-to-find/>.

75. As Joseph Fishkin points out, “An authoritarian needs to establish control over the entire higher education sector, not just a handful of institutions. But the truth is, this government does not have the legal leverage or even the staff to negotiate bespoke agreements with the thousands of colleges and universities in the United States.” “Rejecting the Compact Is an Opportunity,” *Inside Higher Ed*, October 21, 2025, <https://www.insidehighered.com/opinion/views/2025/10/21/rejecting-compact-opportunity-opinion>. There was also Trump’s well-known propensity to lose interest and move on.

76. Joseph Fishkin, “The Art of Replacing the Law with the Deal,” *Balkinization*, October 4, 2025, <https://balkin.blogspot.com/2025/10/the-art-of-replacing-law-with-deal.html>.

77. Key provisions of the compact include prohibitions on considering race, sex, sexual orientation, gender identity, or nationality in admissions and hiring; a requirement to potentially abolish, overhaul, or limit departments viewed as hostile to conservative ideas; speech policies designed to limit student protests and encourage the use of law enforcement in their suppression; and a cap of 15 percent on international undergraduate enrollment.

to the university during the year(s) in which such violation occurred shall be returned to the grantor upon the request of the grantor.

Of course, the government cannot claim the right under current law to withhold any of the alleged “benefits” of the agreement. But a university, by signing such a contract, would in effect yield that right to the government. As Professor Fishkin put it, “The point here is to turn ‘benefits’ to which universities are now entitled under federal law into ‘benefits of this agreement’ which the university agrees in writing to give the Justice Department the power to suspend” for violation of any of the enumerated commitments, as determined solely by the Justice Department.⁷⁸

By October 20, 2025—an initial deadline to submit “limited, targeted feedback”—seven of the nine institutions originally invited to sign the agreement had rejected it outright. Only the University of Texas and Vanderbilt expressed interest. Beyond the original group, only three smaller, conservative-leaning institutions—Grand Canyon University, Valley Forge Military College, and New College of Florida—expressed a willingness to sign.⁷⁹ Otherwise, reaction was swift and overwhelmingly negative.⁸⁰ The American Association of Colleges and Universities and the American Council of Learned Societies were among many higher education organizations to issue statements critiquing the proposal. On October 17, the American Council on Education issued a statement endorsed by thirty-six national organizations, including the two forementioned as well as the AAUP, which declared, “[T]he compact’s prescriptions threaten to undermine the very qualities that make our system exceptional. The conditions it outlines

run counter to the interests of institutions, students, scholars, and the nation itself. It would impose unprecedented litmus tests on colleges and universities as a condition for receiving ill-defined ‘federal benefits’ related to funding and grants.” The statement continued, “The compact offers nothing less than government control of a university’s basic and necessary freedoms—the freedoms to decide who we teach, what we teach, and who teaches—as outlined by Justice Frankfurter seventy-five years ago.”⁸¹

A broad array of legal scholars spanning the political spectrum also weighed in with arguments that the compact would unconstitutionally violate the First Amendment. A politically diverse group of six prominent experts on academic freedom, including two who formerly served as the AAUP’s general counsel, one of whom also served as chair of Committee A, wrote, “Some of us believe that colleges today are failing in important ways to promote independence of mind and protect academic freedom, but we are united in the conviction that an attempt to solve this problem by government intervention, even if in the form of conditions for eligibility for grants, will be counterproductive.” According to an analysis by the Knight First Amendment Institute at Columbia, “The compact is unprecedented. It would place both private and state universities under invasive federal control, allowing the government to dictate acceptable fields of study and academic departments as well as the appropriate mix of viewpoints among faculty, students, and staff.”⁸²

Critical analysis of the compact has been so extensive that there is little to be gained by delving further into its provisions and problems here, especially given

78. Fishkin, “The Art of Replacing the Law with the Deal.”

79. Katherine Knott, “How Universities Are Responding to Trump’s Compact,” *Inside Higher Ed*, October 24, 2025, updated November 4, 2025, <https://www.insidehighered.com/news/government/2025/10/24/how-universities-are-responding-trumps-compact>. New College gained notoriety in 2023 when the DeSantis regime engineered a right-wing takeover of its board. AAUP, “Political Interference and Academic Freedom in Florida’s Public Higher Education System.” The institution was placed on the AAUP’s list of institutions sanctioned for their infringements of generally accepted standards of academic governance the following year.

80. Josh Moody, “Higher Ed Sounds Off on Proposed Compact,” *Inside Higher Ed*, October 6, 2025, <https://www.insidehighered.com/news/governance/trustees-regents/2025/10/06/higher-ed-sounds-proposed-compact>.

81. “Statement by Higher Education Associations in Opposition to Trump Administration Compact,” American Council on Education, October 17, 2025, <https://www.acenet.edu/News-Room/Pages/Statement-Trump-Administration-Compact.aspx>.

82. Robert P. George, Tom Ginsburg, Robert C. Post, David M. Rabban, Jeannie Suk Gersen, and Keith E. Whittington, “Our Politics Differ, But We Agree: Trump’s ‘Compact’ Violates Academic Freedom,” *Chronicle of Higher Education*, October 16, 2025, <https://www.chronicle.com/article/our-politics-differ-but-we-agree-trumps-compact-violates-academic-freedom>; Amanda Shanor and Serena Mayeri, “A Brief Legal Analysis of the Department of Education’s Proposed Compact for Higher Education,” *Knight First Amendment Institute Blog*, October 15, 2025, <https://knightcolumbia.org/blog/a-brief-legal-analysis-of-the-department-of-educations-proposed-compact-for-higher-education>.

that the Trump administration has intimated that it may offer a revised version.⁸³ We must, however, take note of Professor Fishkin's astute observation that the compact represented "an opportunity," because "now collective action does not necessarily require affirmative acts like banding together to file a lawsuit (although several are warranted). Collective action can simply take the form of nonacquiescence. All university leaders need to do is . . . nothing. . . . By opening the compact so broadly, the government is risking, or inviting, an equally broad response: a recognition throughout the vast American higher education sector that the integrity and value of our whole enterprise depend on independence from government control."⁸⁴

IV. The Crisis at Columbia

As the first target of the Trump compliance campaign and signatory to its most burdensome (and most publicized) agreement, Columbia University—already dealing with significant academic freedom, free speech, and shared governance issues surrounding its handling of Gaza protests and other matters—provides a kind of worst-case scenario and object lesson for other institutions and thus merits more extensive treatment.

Established in 1754 as King's College in New York City, Columbia now encompasses an undergraduate college, engineering school, and adult School of General Studies; graduate programs in the arts and sciences; and ten graduate professional schools. A medical center offers degrees in medicine, nursing, dentistry, and public health. Students at Barnard College, an affiliated but independently incorporated undergraduate women's college founded in 1889, may

enroll in Columbia classes, and Barnard faculty with tenure are considered members of the Columbia faculty.⁸⁵ In the fiscal year ending in June 2024, Columbia claimed net assets of \$19.8 billion. The university's total operating revenues for 2024 totaled \$6.5 billion, of which some \$1.3 billion came from government grants and contracts.⁸⁶

Given the prominence at Columbia and Barnard of protests, demonstrations, encampments, and building occupations over the Gaza war, with often heated conflicts between protesters and counterprotesters, it is not surprising that Columbia would provide an initial target for a government administration eager to exploit campus unrest and charges of antisemitism for its own purposes. Yet claims by the White House that Columbia had been unduly lax in disciplining disrupters were belied by widespread charges from students and faculty members that numerous actions by the university's administration, especially at Barnard, had been overly and aggressively repressive, fueling rather than resolving conflicts.⁸⁷ Columbia's location in New

83. For additional examples of that criticism, see Erwin Chemerinsky, "Trump's 'Compact' With Universities Is Just Extortion," *New York Times*, October 2, 2025; Genevieve Lakier, "The Unconstitutional Conditions Doctrine and the Compact for Excellence," *Divided Argument*, October 3, 2025, <https://blog.dividedargument.com/p/the-unconstitutional-conditions-doctrine>; Robert Post and Tom Ginsburg, "A Compact for Control," *Inside Higher Ed*, October 7, 2025, <https://www.insidehighered.com/opinion/views/2025/10/07/compact-control-opinion>; Amanda Anderson, "When Viewpoint Diversity Means Conformity," *Chronicle of Higher Education*, October 7, 2025, <https://www.chronicle.com/article/when-viewpoint-diversity-means-conformity>; and letter from forty-one University of Virginia law faculty members to University Counsel Clifton Iler, October 17, 2025, <https://static1.squarespace.com/static/583f590eff7c50a521b0d8c4/t/68f91a1573e7b61b483e2383/1761155605147/Law+Professors+Letter+%2810-16--FINAL+FINAL+FINAL%29.pdf>.

84. Fishkin, "Rejecting the Compact Is an Opportunity."

85. "Statistics and Facts," Columbia University, <https://www.columbia.edu/content/statistics-and-facts>. In 2024, Columbia's student body numbered 9,731 undergraduates (4,944 in Columbia College), 21,411 graduate students, and 4,556 students at the medical center. An additional 3,269 students were enrolled at Barnard. The Graduate School of Arts and Sciences offers thirty-one PhD programs and forty-six MA programs. Professional degree programs include Schools of Architecture, Planning, and Preservation; Arts; Business; Climate; Engineering; International and Public Affairs; Journalism; Law; Professional Studies; and Social Work.

86. "Consolidated Financial Statements June 30, 2024, and 2023," Columbia University, https://www.finance.columbia.edu/sites/www.finance.columbia.edu/files/content/Finance%20Documents/Financial%20Reports/Columbia%20University%202024%20Financials_signed.pdf. Total revenue includes some \$1.8 billion in patient-care revenue at the medical center. Barnard claimed slightly more than a billion dollars in net assets. "Financial Statements and Report of Independent Certified Public Accountants," Barnard College, <https://barnard.edu/sites/default/files/inline-files/Fiscal%20Year%202024%20Financial%20Statements.pdf>.

87. "Joint Press Release from the Barnard College and Columbia University Chapters of the American Association of University Professors," AAUP@CU, May 16, 2024, <https://www.aaupcu.org/statements-events-campaigns>; Joseph A. Howley, "A Year Under the Palestine Exception at Columbia University," *Nation*, May 7, 2024, <https://www.thenation.com/article/society/columbia-barnard-palestine-protests-gaza/>; "Open Letter from Concerned Faculty from Columbia University, Barnard College, and Teachers College," *Academe Blog*, May 27, 2025, <https://academeblog.org/2025/05/27/open-letter-from-concerned-faculty-from-columbia-university-barnard>

York, “a global city, which is also a major center of Jewish and Arab migration,” all but guaranteed that campus conflicts over Gaza would resonate more than at most other campuses.⁸⁸ With the exception, perhaps, of UCLA, at no other university did protests against the Gaza war attract more outside intervention than at Columbia.

On March 7, 2025, the Federal Task Force to Combat Antisemitism announced the cancellation of \$400 million in federal grants and contracts to Columbia, charging that the university had failed to protect Jewish students and employees.⁸⁹ Days after the task force’s announcement, the NIH revealed that over half of Columbia’s \$400 million cancellation would derive from its grants. Grant recipients received notices from the NIH that read, “This project has been terminated due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students.” No suggestion was made, much less evidence offered, that any participant in the canceled studies was in any way implicated in the alleged improper actions.

On March 13, in a letter to Katrina Armstrong, the CEO of Columbia’s medical center, who at the time was serving as interim university president, the Departments of Education and Health and Human Services and the General Services Administration provided a list of demands upon which the restoration of funding to Columbia would be conditioned. These included abolition of the University Judicial Board, implementation of a mask ban, and granting

of “full law enforcement authority, including arrest and removal of agitators,” to public safety officers. The letter also called for placing the Middle Eastern, South Asian, and African Studies Department under “academic receivership.” The university was directed to meet the demands by March 20 to begin “formal negotiations” with the administration.

On March 21, Columbia announced a series of actions in response to the government’s demands. Among other things, the administration said it would ban some masks on campus, hire thirty-six “special officers who will have the ability to remove individuals from campus and/or arrest them,” and place the Middle Eastern, South Asian, and African Studies Department and the Center for Palestine Studies under the purview of a senior vice provost—to be appointed by the university president—who would supervise the curriculum and contingent faculty appointments. The university also agreed to officially adopt the International Holocaust Remembrance Alliance’s controversial definition of antisemitism, which the AAUP and others, including the definition’s author, have criticized as inappropriate for an academic context and detrimental to academic freedom.⁹⁰ In response, Secretary of Education McMahon said that the actions would not guarantee restoration of funds, but could put Columbia “on the right track.”

The announced concessions met with considerable criticism from faculty members, especially after it was revealed that some actions had already been planned before the government’s grant cancellations. On March 25, the AAUP and the American Federation of Teachers filed suit on behalf of their members against the Columbia cuts. A request for a preliminary injunction was denied, however, and the case was dismissed on grounds of lack of standing.⁹¹ On March 28, Armstrong resigned, and Claire Shipman, a journalist, alumna, and cochair of Columbia’s board of trustees, was named acting president. The resignation

-college-and-teachers-college/. On Barnard, see the December 19, 2023, letter to President Laura Rosenbury from the New York Civil Liberties Union: “NYCLU Warns Barnard College New Faculty Speech Policy Violates Academic Freedom,” news release, December 21, 2023, <https://www.nyclu.org/press-release/nyclu-warns-barnard-college-new-faculty-speech-policy-violates-academic-freedom>.

88. “Hillel International estimates, according to its own definitions, that there are roughly 5000 Jewish students at Columbia. Whatever their personal political views, whether they support Israel or not, the claims made on their behalf by Israeli and American politicians mean that those students find themselves enrolled in the conflict, whether they like it or not, and on terms they did not choose. The same goes for the much smaller constituency of Arab and Muslim students.” Adam Tooze, “Chartbook 365: Defend Columbia. But from What? A Globalized University Caught in the Crosshairs of Polycrisis,” Chartbook, March 27, 2025, <https://adamtooze.substack.com/p/chartbook-365-defend-columbia-but>.

89. Unless otherwise indicated, information in this narrative comes principally from coverage in the *Columbia Daily Spectator*.

90. “Legislative Threats to Academic Freedom: Redefinitions of Antisemitism and Racism,” *Academe* 108 (Summer 2022): 70–73; Kenneth S. Stern, “A Bad Deal: By Adopting the IHRA Definition of Antisemitism, Universities Are Sacrificing Academic Freedom,” Knight First Amendment Institute, September 5, 2025, <https://knightcolumbia.org/content/a-bad-deal-why-using-the-ihra-definition-of-antisemitism-on-campus-is-incompatible-with-academic-freedom-and-students-right-to-open-inquiry>. Stern was the principal author of the International Holocaust Remembrance Alliance’s definition.

91. *Am. Ass’n of Univ. Professors v. U.S. Dept. of Just.*, No. 1:25-cv-02429, 2025 WL 1684817 (S.D.N.Y. Mar. 25, 2025).

came shortly after the leaking of the transcript of a Zoom call with seventy-five faculty members in which Armstrong claimed that the announced pledges notwithstanding, there would be “no change to masking” and “no change to our admissions procedures.” She also promised that Columbia would not put the Middle Eastern, South Asian, and African Studies Department under “academic receivership,” telling faculty members that the “discipline remains independent” and “has not been moved to my office.”

In May 2025, *The New York Times* reported that Columbia’s trustees were reviewing the role in student affairs of the university senate, established in the 1970s in the wake of the 1968 student rebellion. The review went beyond the Trump administration’s demands, although a Republican-led congressional committee had charged earlier that the senate was “instrumental in thwarting discipline against antisemitic and pro-terror conduct violators.” That belief was shared by at least some trustees.⁹² In June, the university began to implement changes to student disciplinary procedures. In its March 21, 2025, announcement, Columbia agreed that “the University Judicial Board (UJB) will be situated within and overseen by the Office of the Provost, who reports to the President of Columbia” and that each five-member hearing panel would be composed only of administrators and faculty members. The university statutes state, however, that the five members of the board should consist of at least one student, one faculty member, and one staff member but no more than two of any group. The university senate’s executive committee fills vacancies on the board.

Trustees then informed the Senate Committee on the Rules of University Conduct that they would unilaterally reform the UJB without senate approval, according to a statement the committee delivered to a May 2, 2025, senate plenary. The statutes state that any changes to the rules must be passed by the senate before moving to the trustees for approval. The committee acknowledged that the disciplinary framework “may have flaws” but requested that the trustees collaborate with the committee and that the senate develop any changes through the revision process outlined in the statutes. “What the Statutes plainly do not

contemplate is revision by Trustee fiat,” the statement read.

On June 18, 2025, Acting President Shipman released the results of a campus climate survey conducted by the campus Task Force on Antisemitism. That body had come under criticism for both its composition—Columbia faculty members in Jewish studies, experts on antisemitism, had been passed over in favor of nonexperts—and its work.⁹³ The survey found that “Columbia’s Jewish and Muslim students were significantly less comfortable on our campus than their peers here during the 2023–2024 academic year.” It concluded that “a majority of our Jewish students felt they were not accepted here because of their religious identity,” suggesting a major problem with antisemitism. But a careful analysis in the *Columbia Spectator* offered an “alternate, more accurate framing” that describes “a campus community struggling with grief, moral urgency, intense polarization, and the failure of University administration to broker the ensuing tension in a constructive manner.” That analysis also noted that “the ongoing emphasis on antisemitism minimizes Islamophobia and ignores the trauma and fear arising from the unduly punitive responses to pro-Palestinian protests both from outside of Columbia and from University administration.”⁹⁴

93. Robert Newton, “Updates on Columbia and the Columbia Antisemitism Task Force,” *Academe Blog*, October 2, 2024, <https://academeblog.org/2024/10/02/updates-on-columbia-and-the-columbia-antisemitism-task-force/>.

94. Melanie Wall, J. Blake Turner, Sharon Schwartz, John Santelli, Jeffrey Fagan, Susan Essock, Marwa Elshakry, and Lila Davichi, “Reframing the Narrative on Antisemitism at Columbia: What the Data Says,” *Columbia Spectator*, July 26, 2025, <https://www.columbiaspectator.com/opinion/2025/07/26/reframing-the-narrative-on-antisemitism-at-columbia-what-the-data-says/>. Given the centrality of charges of antisemitism to the Trump administration’s assault not only on Columbia but also on US higher education as a whole, it is worth quoting at some length from this cogent analysis:

The findings presented in the task force’s report fall short of capturing the range of experiences of Jewish students on campus. . . . [M]any Jewish students have reported feeling alienated for criticizing Israel’s assault on Gaza and some have been targeted by alumni and professors, or labeled as “self-hating Jews” for their support of Palestinian rights. In addition, Jewish students, like students of all backgrounds, have been exposed to threats, harassment, administrative punishment, arrest, and physical attacks for participating in a noble tradition of Columbia student protests against global injustices. Therefore framing all of the “immense challenges faced by our Jew-

92. Sharon Otterman, “Could Columbia Change Who Gets to Set the Rules on Protests?” *New York Times*, May 6, 2025, <https://www.nytimes.com/2025/05/06/nyregion/columbia-university-senate-review.html>.

On July 20, 2025, *The New York Times* reported that ten Columbia officials, including Acting President Shipman, had met in Washington with representatives of the Trump administration to negotiate a settlement. Three days later Columbia announced that it had agreed to settle its civil rights investigations and that the government would restore a “vast majority” of federal grants. Columbia agreed to codify all commitments it had made in March and, among other things, to

- pay \$200 million over three years to the federal government to settle its alleged Title VI violation and an additional \$21 million into a fund to directly compensate Columbia employees who experienced antisemitism on campus;
- reveal to the federal government admissions data of both rejected and admitted students, including their race, GPA, and standardized test performance and report “all disciplinary actions involving student visa-holders resulting in expulsions or suspensions”; and
- ensure that its hiring processes and admissions policies are “merit-based” and do not “use personal statements, diversity narratives, or any applicant reference to racial identity as a means to introduce or justify discriminatory practices” in both admissions and hiring.

Of critical importance, the agreement provided for a “resolution monitor,” funded by the university, entitled “to audit Columbia’s admissions, demand documents, interview Columbia employees, and

ensure compliance with the agreement.”

The agreement was unprecedented in many ways. As Columbia law professor David Pozen wrote, it

marks the first time that antisemitism and DEI have been invoked as the basis for a government-enforced restructuring of a private university. The agreement was engineered by a novel collaboration among the Department of Education, the Department of Health and Human Services, the General Services Administration, and the White House, which pooled their resources to ratchet up the pressure on Columbia (with some help on the side from the Department of Justice). The agreement is also the first to require a college to fork over money to the government as a condition of receiving money from the government, bringing a new brand of pay-to-play into the world of scientific and medical research.

And let’s not forget that the agreement grows out of the executive branch’s first-ever cutoff of congressionally appropriated funds to a college, so as to punish that college and impel it to adopt sweeping reforms, without any pretense of following the congressionally mandated procedures. . . .

In short, the agreement gives legal form to an extortion scheme—the first of its kind!—that defies the relevant statutes as well as the constitutional separation of powers and the First Amendment.⁹⁵

“This agreement resolves multiple federal agency investigations and protects Columbia’s academic mission, research enterprise, and independence,” Acting President Shipman wrote in an email message to the Columbia community. Shipman stressed that the

ish students” as a problem of antisemitism as Columbia’s prevailing discourse does, oversimplifies and obscures these complex and painful realities. . . .

These threats to our students are likely to only worsen now that Columbia has declared its intention to adopt the highly problematic International Holocaust Remembrance Alliance definition of antisemitism that conflates criticism of Israel with antisemitism.

Similarly, journalist Arno Rosenfeld concluded, in an op-ed in the venerable Jewish periodical *Forward*, “This data suggests that the campus antisemitism crisis we’re so familiar with might be more accurately understood as a failure by university leaders to manage the toxic political climate around Israel that is negatively impacting everyone involved.” “Columbia’s Settlement Won’t Solve Its Campus Crisis. Here’s What Could,” *Forward*, July 30, 2025, <https://forward.com/news/antisemitism-decoded/759358/columbias-settlement-wont-solve-its-campus-crisis-heres-what-could/>.

95. David Pozen, “The Art of the Deal Comes to Columbia,” *Chronicle of Higher Education*, July 24, 2025, <https://www.chronicle.com/article/the-art-of-the-deal-comes-to-columbia>. In a commentary on Pozen, Adam Tooze wrote: “The Trump administration’s governance by bullying is clearly a departure in style, tone and ferocity. But at the same time, it is very much . . . of a piece with the increasingly crude style of ‘lawfare’ and ad hoc deal-making that characterizes much of American corporate, business and public life today. . . . Isn’t this routine of civil lawfare simply the model that we are seeing the Trump administration transpose to the White House and from there to the law firms themselves and now extend to the previously more polite domains of the administrative state?” Adam Tooze, “Chartbook 399: Columbia University, the Trump Administration and ‘Ad Hoc Governance’: Iterations of the ‘Unstate,’” *Chartbook*, July 24, 2025, <https://adamtooze.substack.com/p/chartbook-399-columbia-university>.

agreement was “carefully crafted to protect the values that define us,” declaring that Columbia “retains control over its academic and operational decisions,” yielding to the government no “authority to dictate faculty hiring, university hiring, admissions decisions, or the content of academic speech. . . . This was our north star, and we did not waver from it.” Shipman wrote, “Columbia’s governance remains in our control. The federal government will not dictate what we teach, who teaches, or which students we admit.”⁹⁶

Others were quick to voice skepticism about such claims. AAUP Senior Counsel Aaron Nisenson pointed out how “innocuous terms” disguise potential avenues of governmental control. “Admissions must be based on ‘merit.’ Hiring and promotions must be grounded in ‘academic and professional merit.’ However, these terms are inherently subjective and ambiguous,” he wrote. “Ask fifteen different people to define merit, and you will get fifteen different answers. This ambiguity creates a massive opening for the Trump administration to impose interpretations that fit its ideological goals.” Moreover, Nisenson pointed to article 51 of the agreement, which states that the “United States and its consultants and agents will have access to all Columbia staff, employees, facilities, documents and data related to the Agreement” and can bring new charges for Title VI or other violations, the broad scope of which suggests a potentially frightening level of government surveillance.⁹⁷

In a lengthy and detailed analysis, attorneys and staff at Columbia’s Knight First Amendment Institute agreed. “The settlement narrows Columbia’s autonomy with respect to admissions, the hiring and promotion of faculty, and curriculum—all aspects of what the Supreme Court has called the ‘essential freedoms’ of the university,” they wrote. “It imposes new rules relating to protest on campus and student discipline that should be entirely the province of the university to decide. It also supplies the Trump administration with ongoing leverage by requiring the university to satisfy nebulous contractual terms and burdensome reporting

requirements under the threat of litigation if its compliance is deemed to be less than satisfactory. In addition, the settlement creates a monitoring and surveillance regime that is certain to chill the exercise of freedoms that are central to the university’s mission.”⁹⁸

In a July 29, 2025, press release, the Columbia AAUP chapter declared that the agreement “settles nothing”: “Far from being a legal settlement, the Agreement merely fulfills the Trump administration’s desire to dominate a prominent university, to diminish its autonomy, and to silence critical speech. This Agreement and the many concessions that have preceded it will ineluctably transform Columbia for the worse and stain its reputation in the eyes of the world.”

“We are already inhabiting a changed university,” the release continued.

In this changed university, the Board of Trustees and an Acting President chosen from that Board are making unprecedented concessions to the federal government about matters such as admissions, faculty hiring, and the oversight of departments and curriculum that have historically been exercised by the faculty and university Senate. Consultation with the elected representatives of the faculty has been replaced by ad hoc listening sessions and dean-dominated special committees. The powers of the Senate have been curtailed, and further review of its operations is threatened. Students engaging in political protest . . . face punishments of unprecedented severity. Soothing rhetoric assuring us that we have remained true to our “north star” is, in these circumstances, laughable.⁹⁹

98. Jameel Jaffer, Alex Abdo, Katy Glenn Bass, Nadine Farid Johnson, and Larry Siems, “What the Columbia Settlement Really Means,” *Knight First Amendment Institute Blog*, August 4, 2025, <https://knight.columbia.org/blog/what-the-columbia-settlement-really-means>.

99. Columbia University Chapter of the American Association of University Professors, “An Agreement That Settles Nothing,” *Academe Blog*, July 29, 2025, <https://academeblog.org/2025/07/29/an-agreement-that-settles-nothing/>. In an August 2025 survey of Columbia faculty members, 73.5 percent of respondents reported that “their speech and/or pedagogical practice in the classroom has been altered or affected in the past eighteen months.” Nearly 40 percent said that they or someone they knew in their unit had been “subject to review, disciplinary procedures, or been the object of formally registered complaints on the basis of their teaching and/or research.” CUAAP, “Chapter Update,” November 17, 2025, <https://aapupdate.beehiiv.com/p/chapter-update-nov-17-2025>.

96. Joseph Zuloaga and Nadia Knoblauch, “‘Ending a Period of Considerable Institutional Uncertainty’: Shipman Addresses \$200 Million Settlement with Trump Administration in Email to Columbia Community,” *Columbia Spectator*, July 23, 2025, <https://www.columbia-spectator.com/news/2025/07/23/ending-a-period-of-considerable-institutional-uncertainty-shipman-addresses-200-million-settlement-with-trump-administration-in-email-to-columbia-community/>.

97. Aaron Nisenson, “Government Intrusion at Columbia Has Only Just Begun,” *Academe Blog*, August 1, 2025, <https://academeblog.org/2025/08/01/government-intrusion-at-columbia-has-only-just-begun/>.

A large group of concerned alumni, formed in response to the government's assault, acknowledged that the Trump administration had "put Columbia's administration in an agonizing position, pitting the welfare of Columbia's faculty, staff, and students—and the fate of critical research projects—against considerations of institutional independence, academic freedom, constitutional democracy and rule of law." Acknowledging that "to castigate a victim of extortion for making a bargain feels unsympathetic and unfair," the group nonetheless determined that "it seems impossible to avoid the conclusion that Columbia's decision to enter into the settlement was a grievous mistake. It was a surrender to an unprecedented and extralegal campaign of governmental extortion."

The group echoed the skepticism of many that the Trump administration would even abide by the agreement's terms. "An Administration so ready to use blatantly unconstitutional means in pursuit of flagrantly unconstitutional ends cannot be trusted to adhere to any settlement. . . . The various disclaimers in the agreement are little protection against an Administration that operates by power, not law—and indeed revels in flouting legal restraints and shattering norms of fair process and regularity."

The alumni group presciently observed that Columbia's acquiescence would "make it more difficult for other universities and the myriad other institutions and people who are and will be targets of similar ruinous threats to resist such extortion. The dilemma between individual interest and duties to foundational norms and broader society has been a brutal reality in authoritarian societies throughout history and across the globe. For a leading institution of American society to meekly surrender to such blatant illegality and to betray and imperil its core mission and values is a profoundly dispiriting and potentially significant defeat in the struggle to preserve a free society."¹⁰⁰

V. Capitulation, Collaboration, or Resistance?

US higher education has, in effect, become a target of a massive extortion racket. As the American Council of Learned Societies put it, the Trump administration's

compliance campaign offers "a Hobson's Choice, give up privileged access to the public funding that supports vital research or make the university into an arm of the federal government."¹⁰¹ It might appear churlish to fault victims of this criminal scheme, as the Columbia alumni group acknowledged, for seeking to bargain their way out of it. Nonetheless, choices must be, have been, and are being made. College and university trustees, presidents and other administrators, and faculty members—as well as, in a different way, students and alumni—have been and are being compelled to decide. Is it more effective to comply or even to collaborate with the federal government's demands, maybe in hopes of lessening the damage but maybe, too, because what is demanded is not all that worse than or even different from what may already exist or have been planned? Or do such efforts lead inexorably to capitulation? Or, most important, is there a path of determined opposition to be forged?

It would be ideal if the higher education community could respond to the Trump administration's compliance campaign and all similar external threats with a unified and effective movement of resistance. Certainly, the overwhelmingly negative initial response to the administration's proposed compact suggests this possibility. Unfortunately, however, the higher education community is divided. Those divisions are a product of the decades-long festering of the sorts of challenges summarized earlier in this report—the long-term collapse of public funding, commercialization, the decline and weakening of tenure and the rise of precarious employment, meddling donors, administrative bloat and the erosion of shared governance, political polarization, and the impact of unending "culture wars"—all of which the Trump administration has cynically exploited to advance an agenda that, if adopted, would not only fail to address these problems but, in fact, would exacerbate them. Hence, the response has not been unified, much less entirely effective.

From the record of events described in this report, we cannot but conclude that most trustees and administrators have at best been caught flat-footed, and some appear even to have welcomed governmental

100. "Statement of Columbia Alumni for Academic Freedom on the Settlement Agreement Between the Trump Administration and Columbia University," *Academe Blog*, August 1, 2025, <https://academeblog.org/2025/08/01/statement-of-columbia-alumni-for-academic-freedom-on-the-settlement-agreement-between-the-trump-administration-and-columbia-university/>.

101. "ACLS Statement Against White House 'Compact for Academic Excellence in Higher Education,'" American Council of Learned Societies, October 6, 2025, <https://www.acls.org/news/acls-statement-regarding-white-house-compact-for-academic-excellence-in-higher-education/>.

intrusion.¹⁰² Moreover, in seeking to resolve the crisis, too many have prioritized defense of their own interests with respect to faculty members, employees, and students over their institution's mission. Sadly, the Trump administration and many university administrators "share a common vision of the university as a hierarchical institution run from the top down, with students and faculty forced to obey rather than participating in a system of shared governance"—hence their willingness to compromise or, worse, to adopt as their own elements of the Trump administration's program.¹⁰³ Only where the faculty and faculty organizations—the AAUP, other unions, and faculty senates—have taken initiative has resistance been successful. While the authors of this report fervently desire that the entire higher education community—trustees, administrators, faculty members, staff, students, and alumni—will unite against the current assault and urge all to work as tirelessly as possible toward that goal, we cannot but conclude that such unity will be won only if the real problems that have emerged in recent decades are more resolutely addressed and only if the faculty is central to that effort.

A. Trustees and Presidents

College and university boards, private and (if less obviously) public, have long been dominated by business executives and their associates, with at most—but rarely—token faculty or student representation. Indeed, the AAUP was founded in good measure as a response to such domination.¹⁰⁴ The 1915 *Declaration*

of Principles on Academic Freedom and Academic Tenure observed, "[A]s the governing body of a university is naturally made up of men who through their standing and ability are personally interested in great private enterprises, the points of possible conflict [with scholarly views] are numberless. When to this is added the consideration that benefactors . . . themselves belong to the more prosperous and therefore usually to the more conservative classes, it is apparent that, so long as effectual safeguards for academic freedom are not established, there is a real danger that pressure from vested interests may, sometimes deliberately and sometimes unconsciously, sometimes openly and sometimes subtly and in obscure ways, be brought to bear upon academic authorities."¹⁰⁵

Over the years, however, the higher education community has been more or less successful in ameliorating some of the dangers associated with such domination, as represented by the *Statement on Government of Colleges and Universities*, whose guidance has been widely accepted. "The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers—the president and the deans—and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation," the *Statement on Government* declares. "When ignorance or ill will threatens the institution or any part of it, the governing board must be available for support. In grave crises it will be expected to serve as a champion.

102. Examples of the latter group include the trustees of public universities in Florida, North Carolina, and Texas, as well as Vanderbilt University Chancellor Daniel Deirmeier. Brant Bingamon, "The Right-Wingification of UT Continues," *Austin Chronicle*, February 19, 2026, <https://www.austinchronicle.com/news/the-right-wingification-of-the-university-of-texas-continues/>; Kate Hidalgo Bellows, "Higher Ed's Most Divisive Chancellor," *Chronicle of Higher Education*, February 18, 2026, <https://www.chronicle.com/article/higher-eds-most-divisive-chancellor>.

103. John K. Wilson, "Northwestern's Complicity with the Trump Regime," *Inside Higher Ed*, December 1, 2025, <https://www.insidehighered.com/opinion/columns/debatable-ideas/2025/12/01/north-westerns-complicity-trump-regime>.

104. Hans-Joerg Tiede, *University Reform: The Founding of the American Association of University Professors* (Johns Hopkins University Press, 2015). See also J. McKeen Cattell, ed., *University Control* (The Science Press, 1913) and, later, Upton Sinclair, *The Goose-Step: A Study of American Education* (pub. by author, 1923), which documented, in painstaking detail, the interconnections among university trustees, presidents, and major business interests.

105. AAUP, "Declaration of Principles," 8. These comments concerned private institutions. With respect to public institutions, the statement added,

[I]t has sometimes happened that the conduct of the institution has been affected by political considerations; and where there is a definite governmental policy or a strong public feeling on economic, social, or political questions, the menace to academic freedom may consist in the repression of opinions that in the particular political situation are deemed ultra-conservative rather than ultra-radical. The essential point, however, is not so much that the opinion is of one or another shade as that it differs from the views entertained by the authorities. The question resolves itself into one of departure from accepted standards; whether the departure is in the one direction or the other is immaterial.

Today, the principal danger lies in the repression by a conservative, even reactionary, government of opinions that are essentially liberal, if inaccurately deemed radical by their critics.

Although the action to be taken by it will usually be on behalf of the president, the faculty, or the student body, the board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution.”¹⁰⁶

Unfortunately, such advice has in recent years increasingly been ignored. The response of many institutions to the COVID-19 pandemic was one example. A 2021 AAUP special report on COVID-19 and academic governance concluded that the pandemic “presented the most serious challenges to academic governance in the last fifty years.” The report found that too many presidents and trustees, faced with stressful conditions, “suddenly began operating in a state of panic after years of fiscal mismanagement,” claiming the pandemic as justification to unilaterally alter “their institutions’ governance structure, curriculum, and labor force, thus creating an acute crisis in academic governance.”¹⁰⁷ Similarly, the crisis posed by the second Trump administration has too often been met by silence when there is a need to speak out, by timidity when boldness is called for, and even by enthusiasm on the part of those who have seized on some of the government’s demands as an opportunity to impose more autocratic management and unilaterally implement changes already in the works. As when state legislatures began intervening in curricular and other matters, more than a few boards and presidents not only have acquiesced but also have sought ways to act in compliance in advance of any direct pressure to do so.¹⁰⁸

Historically, college and university presidents have often been able to control and even shape the boards to which they report, much as some corporate boards may be beholden to a chief executive officer instead of the other way around. But as presidents now tend to serve shorter terms and frequently move from institution to institution, trustees may assert themselves in ways that might not have been likely fifty years ago. So, too, might prominent and wealthy donors and

alums, even if they are not board members.

For example, former Penn President Elizabeth McGill, after she was lambasted by congressional Republicans in 2023, was compelled to resign along with the board chair under pressure from a group of trustees incited by prominent donor Marc Rowan, CEO of asset management firm Apollo Global Management. Rowan followed up by circulating a letter to the trustees calling for unilateral changes by trustee fiat to “instruction of students” and for the imposition of “criteria for qualification and admission for membership in the Faculty” and of a “Code of Conduct” to constrain campus speech. Together, according to Penn’s AAUP chapter, these actions amounted to “a hostile takeover of the core academic functions of the University of Pennsylvania.”¹⁰⁹ It therefore came as little surprise that in 2025 Penn became the first university to sign a compliance agreement with the Trump Education Department. Rowan would later claim to have “played a part” in formulating the administration’s proposed compact.¹¹⁰

Lee Bollinger served as president of Columbia from 2002 to 2023, a time of significant growth and transformation for the university. A constitutional law professor and expert on the First Amendment and academic freedom, Bollinger had also spoken out in defense of higher education during the first Trump administration.¹¹¹ During his two decades in office, however, business leaders on the board recruited trustees with comparable backgrounds who might assist in ambitious projects like developing the university’s new West Harlem campus, expanding its medical

106. AAUP, “Statement on Government of Colleges and Universities,” *Policy Documents and Reports*, 12th ed. (Johns Hopkins University Press, 2025), 122.

107. “Special Report: COVID-19 and Academic Governance,” *Academe* 107 (Summer 2021): 35, 37.

108. The Association warned of this danger at the beginning of Trump’s second term. AAUP, “Against Anticipatory Obedience,” *Academe* 111 (Summer 2025): 39–41.

109. “Statement of the AAUP-Penn Executive Committee on Marc Rowan’s Questions to Penn Trustees,” *Academe Blog*, December 12, 2023, <https://academeblog.org/2023/12/12/statement-of-the-aaup-penn-executive-committee-on-marc-rowans-questions-to-penn-trustees/>.

110. Marc Rowan, “Academia Is Broken. Trump’s University ‘Compact’ Can Help Fix It,” *New York Times*, October 10, 2025, <https://www.nytimes.com/2025/10/10/opinion/trump-compact-universities-rowan.html>.

111. Lee Bollinger, “2019 Commencement Address,” Columbia Office of the President, May 22, 2019, <https://president.columbia.edu/content/2019-commencement-address>. Bollinger, however, also vigorously resisted an ultimately successful unionization campaign by graduate student employees. See Hank Reichman, “Noble Words and Foul Deeds at Columbia,” *Academe Blog*, December 20, 2016, <https://academeblog.org/2016/12/20/noble-words-and-foul-deeds-at-columbia/> and “My Alma Mater Is an Embarrassment,” *Academe Blog*, February 2, 2018, <https://academeblog.org/2018/02/02/my-alma-mater-is-an-embarrassment/>.

center, and remaking its financial portfolio.¹¹² During his tenure, Bollinger may not have needed or sought the trustees' involvement in academic matters, but the consequences once he retired were dire: The board was ill-equipped to understand, or even hear, the concerns of the faculty and students. President Shafik, of course, failed miserably, and her interim replacement did not fare any better. Eventually, the trustees themselves took over the administration, naming one of their own as acting president.¹¹³

Both the Penn and Columbia boards operated during the crisis almost entirely in secret. Inevitably, rumors on both campuses of potential fissures, even factions, among the trustees have thrived. At Harvard and the University of California, governing boards have also operated in strict secrecy: It is virtually impossible to determine whether negotiations with the Trump administration are underway, much less how they have been proceeding, even as faculty organizations at both institutions have taken the lead in dragging the government into court. Secrecy is an enemy of both shared governance and academic freedom. If the higher education community is to mount effective resistance to external threats, boards of trustees and the administrations they appoint must become more transparent.

In the public sector, political pressures on universities to accede to the Trump program may be intense, although counterpressures exist as well. Virginia is a case in point. The OCR began investigating George Mason University after receiving complaints that policies under its first Black president, Gregory

Washington, violated Title VI by making hiring decisions on the basis of diversity rather than excellence and by creating a hostile environment for Jewish students and faculty members.¹¹⁴ The university had already been cited by the Heritage Foundation in 2023 for the "radical content" on its websites and for its DEI initiatives. Washington was hired in 2020 with a board mandate, motivated by GMU's designation as a minority-serving institution, to diversify the faculty and bring its composition more in line with that of a student body that in 2024 was almost half people of color. The Trump administration sought to overrule that mandate.

In response to the OCR's initial inquiries, GMU renamed its DEI office and made other adjustments. In August 2025, the OCR found that GMU had violated Title VI. "In 2020, University President Gregory Washington called for expunging the so-called 'racist vestiges' from GMU's campus," Craig Trainor, acting assistant secretary for the OCR, wrote. "Without a hint of self-awareness, President Washington then waged a university-wide campaign to implement unlawful DEI policies that intentionally discriminate on the basis of race." A proposed resolution agreement would require the university to review its hiring practices and policies and remove "any provisions that require or encourage the use of race to favor or disfavor any candidate." The OCR also demanded that Washington issue a widely shared personal apology for "promoting unlawful discriminatory practices."¹¹⁵ President Washington adamantly rejected charges of bias leveled against him.

Under the administration of Governor Youngkin, the GMU board and that of the University of Virginia were transformed from largely nonpartisan, if often

112. "The majority of Columbia's trustees (10 of 19, or 53 percent) have close ties to the financial sector. Only four have had careers largely outside the private sector, and only a single trustee holds an academic appointment." Executive Committee of the Columbia University AAUP, "Columbia's Board of Trustees Must Change," *Columbia Spectator*, January 27, 2026, <https://www.columbiaspectator.com/opinion/2026/01/27/columbias-board-of-trustees-must-change/>. Columbia's board members are selected in a secretive process controlled by the board's own trusteeship committee.

113. On January 25, 2026, the board announced the appointment of Jennifer Mnookin, dean of the UCLA Law School, as Columbia's next president, effective July 1, 2026. Columbia's AAUP chapter has launched a campaign to reform Columbia's board. Declaring a "profound and widespread" crisis of confidence in the board, the chapter called for open competition and competitive direct election for half of all board seats. Columbia University Chapter of the American Association of University Professors, "Call to Action: Reform the Columbia Board of Trustees," December 2, 2025, <https://www.aaupcu.org/statements-events-campaigns>.

114. GMU was established as a branch campus of the University of Virginia in 1957 but became independent in 1972. It now enrolls over forty thousand students. George Mason's research funding for 2024 totaled \$262 million, and its research expenditures doubled over the preceding five years. It is governed by a sixteen-member board of visitors, with members appointed by the governor for four-year terms. "Key Facts," George Mason University, accessed May 22, 2026, <https://www.gmu.edu/about/key-facts>.

115. Jasper Smith, "Education Dept. Finds Faculty-Diversity Efforts at George Mason U. Were Discriminatory," *Chronicle of Higher Education*, August 22, 2025, <https://www.chronicle.com/article/education-dept-finds-faculty-diversity-efforts-at-george-mason-u-were-discriminatory>; James Finkelstein, Bethany Letiecq, and Tim Gibson, "The Plot to Oust the President of George Mason University," *Chronicle of Higher Education*, July 22, 2025, <https://www.chronicle.com/article/the-plot-to-oust-the-president-of-george-mason-university>.

conservative, bodies to ones dominated by “extreme partisan activists with direct ties to influential right-wing organizations.”¹¹⁶ It was therefore widely assumed that the board would respond to the OCR’s demands and fire Washington. But there was a catch. Virginia Democrats had sued to prevent Youngkin’s most recent appointees from taking office, and by August, the GMU board lacked a quorum because only six of the sixteen trustee positions were occupied.¹¹⁷ The proposed resolution agreement was thus left unsigned, and Washington refused to apologize, instead calling the Trump administration’s demands “a stark departure from the spirit in which civil rights law was written: not to erase difference, but to protect individuals from exclusion and to enable equal opportunity for all.” He pointed out, as well, that the university’s definition of diversity does not refer only to racial diversity but instead encompasses “diversity of origin, identity, circumstance, and thought.”

The faculty senate and the GMU AAUP chapter, along with “dozens of Jewish faculty and students,” disputed the allegations against Washington as a “pretext for the undemocratic and unlawful dismissal of a president who is supported by the university community.”¹¹⁸ In response, the OCR threatened to investigate these groups—which has not happened so far. With the inauguration of a Democratic governor, the board has been bolstered by appointees supportive of Washington. Still, congressional Republicans have continued the assault.

116. James Finkelstein, Bethany Letiecq, and Tim Gibson, “The Transformation of George Mason University’s Board: Part I,” *Academe Blog*, February 8, 2025, <https://academeblog.org/2025/02/08/the-transformation-of-george-mason-universitys-board-part-i/>.

117. Jasper Smith, “Virginia Democrats Block College Board Appointees, Leaving George Mason’s Without a Quorum,” *Chronicle of Higher Education*, August 28, 2025, <https://www.chronicle.com/article/virginia-democrats-block-college-board-appointees-leaving-george-masons-without-a-quorum>.

118. “Resolution of the George Mason University Faculty Senate Affirming President Washington’s Leadership in Advancing Mason’s Core Values,” July 24, 2025, <https://facultysenate.gmu.edu/wp-content/uploads/2025/07/Approved-Faculty-Senate-Resolution-.pdf>; “Statement on the U.S. Department of Education’s OCR Findings, from the Executive Committee of the George Mason University Chapter of the American Association of University Professors,” August 22, 2025, <https://aaupmason.org/letters-statements/>; “Jewish Faculty at George Mason Issue Public Statement: Not in Our Name—We Stand with President Washington,” Stand with Mason, July 26, 2025, <https://standwithmason.com/voice-of-supporter/jewish-faculty-at-george-mason-issue-public-statement-not-in-our-name-we-stand-with-president-washington/>.

On November 6, 2025, the House Judiciary Committee released an interim staff report that accused Washington of lying when he testified before the committee about the university’s diversity programs, recommending a referral to the Justice Department for prosecution.¹¹⁹

At the University of Virginia, where Youngkin appointees retained a working majority on the board of visitors (prior to Governor Spanberger’s election), President James Ryan, who had served for seven years, did not survive a similar assault. On March 7, 2025, the university dissolved its central DEI office, moving some “legally permissible” programs to other divisions. Although the university had not yet heard from the OCR or any other agency, like many colleges and universities, it moved in a spirit of anticipatory obedience. Still, board members and conservative alumni groups demanded more. Soon the Department of Justice launched an investigation into alleged Title VI violations. In late June, President Ryan agreed to resign.

On November 14, 2025, Ryan released a remarkable twelve-page letter describing in detail the events that led to that decision. It provides a dramatic account, on a deeply personal level, of the sorts of maneuvering among trustees, administrators, and the Trump administration that have characterized not only negotiations at UVA but undoubtedly those at other institutions. According to Ryan’s account, he was led to believe that his resignation was a condition demanded by the government for a restoration of funding, but it now seems more likely that “a small cadre of board members seized on an intense political moment to oust Ryan for their own purposes, gaslighting him into believing he had no choice but to go.”¹²⁰

119. Jasper Smith, “House Republicans Say George Mason’s Leader Broke the Law. His Lawyer Sees ‘a Political Lynching,’” *Chronicle of Higher Education*, November 6, 2025, <https://www.chronicle.com/article/house-republicans-say-george-masons-leader-broke-the-law-his-attorney-sees-a-political-lynching>.

120. Jack Stripling, “The Plot Against Jim Ryan,” *Chronicle of Higher Education*, November 14, 2025, <https://www.chronicle.com/article/the-plot-against-jim-ryan>. Ryan wrote, “The Board and University leaders set policy; the DOJ enforces the law. Too often, people within the DOJ and on our own Board have implied that if we were following policies that they did not favor, we were somehow doing something illegal. . . . We were committed to following the actual law. . . . At the same time, I was never going to give up the core values of UVA or my own principles simply to satisfy the prevailing political winds or the political ambitions of some.” Jim Ryan, letter to faculty senators, November 14, 2025, <https://www.documentcloud.org/documents/26278550-jim-ryan-letter/>.

One other university president at an institution targeted by the government was forced to resign under pressure. In April, the Trump administration froze \$790 million in research funding for Northwestern University, in Evanston, Illinois, forcing the institution to lay off more than four hundred employees. In 2024, Northwestern President Michael H. Schill had signed an agreement with an encampment of pro-Palestinian protesters that was widely criticized by conservatives, who said Schill should have brought in police, which led to the Trump administration's charges that the university was improperly tolerant of antisemitism. It would later emerge that the mayor of Evanston had refused a request by Schill to mobilize city police officers to remove the protesters, thus compelling Schill to negotiate.¹²¹

Hoping to restore the frozen funding and, according to some, pressured by prominent trustees, Schill agreed to require antibias training that effectively mandated agreement with the International Holocaust Remembrance Alliance's controversial definition of antisemitism. To register for classes, students had to view a video produced by the Jewish United Fund of Metropolitan Chicago that included material the university's own administrators thought inappropriate. At least three hundred students were initially prohibited from registering because they refused to watch the video, which one academic observer described as "full of tendentious flourishes, lies by omission, evasive banalities, and meaningless jargon." That observer aptly described the requirement as "mandating that students view political propaganda as a condition of enrollment."¹²²

121. Jerry Wu, Leah Schroeder, Isaiah Steinberg, David Samson, and Lily Ogburn, "Federal Government Freezes \$790 Million in Funding for Northwestern," *Daily Northwestern*, April 8, 2025, <https://daily.northwestern.com/2025/04/08/top-stories/federal-government-freezes-790-million-in-funding-for-northwestern/>; Josh Moody, "Northwestern Cutting 425 Jobs," *Inside Higher Ed*, July 30, 2025, <https://www.insidehighered.com/news/quick-takes/2025/07/30/northwestern-cutting-425-jobs>.

122. Tom Perkins, "Northwestern Students Blocked from Enrollment After Refusing Controversial Antisemitism Training," *Guardian*, September 27, 2025, <https://www.theguardian.com/us-news/2025/sep/27/northwestern-university-classes>; Len Gutkin, "The Review: Northwestern Turns the Screws on Students," *Chronicle of Higher Education*, September 29, 2025, <https://www.chronicle.com/newsletter/the-review/2025-09-29>. Graduate student employees who declined to view the video sued Northwestern, but on October 20 a federal judge declined to issue a temporary restraining order. See "Judge:

On September 4, 2025, Schill submitted his resignation.¹²³ On November 28, the Departments of Justice and Education announced an agreement with Northwestern to restore federal funding. The university agreed to pay the government \$75 million, second only to Columbia's \$221 million, and to invalidate the agreements reached by Schill with protesters, along with other provisions. "It was the best and most certain method to restore our federal funding both now and in the future," Interim President Henry Bienen said. According to one critic, "Northwestern officials made an agreement with the Trump administration, not because they were forced to, but because they wanted to do it."¹²⁴

To be sure, some university presidents have been outspoken in their opposition to the compliance campaign. And quite a few have publicly announced their rejection of the proposed compact. MIT was the first of the nine initially invited institutions to do so. President Sally Kornbluth—who in 2023 had been mercilessly grilled by congressional Republicans, along with her counterparts at Harvard and Penn (both of whom soon lost their positions)—made her response public. She expressed disagreement with several of the government's demands, arguing that they "would restrict freedom of expression and our independence as an institution" and that "the premise of the document is inconsistent" with MIT's belief that funding should be based on merit.¹²⁵

Northwestern Can Block Enrollment for Students Resisting Antisemitism Training," *Times of Israel*, October 22, 2025, <https://www.timesofisrael.com/judge-northwestern-can-block-enrollment-for-students-resisting-antisemitism-training/>.

123. Katherine Mangan, "Northwestern U.'s President Was Singled Out by Republican Critics. Now He's Resigning," *Chronicle of Higher Education*, September 4, 2025, <https://www.chronicle.com/article/northwestern-u-s-president-was-singled-out-by-republican-critics-now-hes-resigning>. See also the Northwestern AAUP chapter president's assessment of the resignation and Schill's presidency: Jacqueline Stevens, "NU AAUP Dispatches: Fighting Northwestern Truthiness, the Dis-appointment of Michael Schill," *Daily Northwestern*, September 22, 2025, <https://dailynorthwestern.com/2025/09/22/opinion/nu-aaup-dispatches-fighting-northwestern-truthiness-the-dis-appointment-of-michael-schill/>.

124. Wilson, "Northwestern's Complicity."

125. Josh Moody, "MIT Rejects Proposed Federal Compact," *Inside Higher Ed*, October 10, 2025, <https://www.insidehighered.com/news/governance/executive-leadership/2025/10/10/mit-rejects-proposed-federal-compact>.

Many university presidents have signed on to letters that in general terms reject “undue government intrusion in the lives of those who learn, live, and work on our campuses.”¹²⁶ But too few have publicly rejected specific policies or demands, either as individuals or on behalf of their institutions. One exception has been Patricia McGuire, who has served as president of Trinity Washington University in the District of Columbia since 1989. McGuire has long been an outspoken voice on many contemporary cultural and political issues and a powerful advocate for academic freedom. On social media she called the proposed compact “sheer political extortion, and no institution that calls itself a college or university should agree to this blatant attack on higher education’s purpose.”¹²⁷

Of course, it can be argued that such a stance may come more readily at institutions not yet directly targeted by the government or not reliant on federal funding. But some leaders at institutions at least indirectly affected by the compliance campaign have also at times been vocal. At the end of the first Trump administration in 2020, the Department of Education launched an investigation of Princeton University after President Christopher Eisgruber acknowledged and vowed to address systemic racism at the institution.¹²⁸ The Biden administration did not pursue the case. When Trump returned to office, a report from Campus Reform, an organization devoted to exposing “leftist bias” on campuses, charged Princeton’s Students for Justice in Palestine with antisemitism, a violation of Title VI as Trump’s Education Department was now defining it. In response, the administration froze \$210 million in grants. Half the money was later restored, however, after a visit from the secretary of energy to the Princeton Plasma Physics Lab.¹²⁹

While presidents of other institutions where funds were frozen have largely remained silent, Eisgruber struck back at the Trump administration’s actions, warning in public statements that concessions to the deals being offered would lead only to more concessions and endanger academic freedom. At a meeting of the Association of American Universities in April 2025, he reportedly confronted the presidents of Washington University in St. Louis and Vanderbilt University, “all but accusing them of carrying water for the Trump administration.”¹³⁰ In an interview, Eisgruber expressed empathy for university leaders who “have to make almost impossible choices under these circumstances.” He argued nonetheless that if universities felt forced to make compromises, they should be “clear and honest” about the trade-offs. “Part of standing up for principle is being clear when circumstances require you temporarily to give up on a principle that really matters,” he said. “I don’t think you should say under those circumstances that everything is fine.”¹³¹

It must be noted, however, that Princeton under Eisgruber has hardly been a model of shared governance and free expression. There is no faculty senate or other independent collective faculty body; faculty meetings are called into existence by the president and chaired by him. Faculty committees are constituted by the president and are advisory to him. A system of “free expression facilitators” appointed by the administration to monitor “protests, demonstrations, and contentious programs” has been criticized for treating critics of Israel more strictly than proponents.

Wesleyan University in Connecticut accepts more federal funding for science research than any other small college or university. It received nearly \$6 million in federal grant funding in 2023, including some \$2.1 million from the Department of Health and Human Services and \$2.5 million from the National

126. American Association of Colleges and Universities, “A Call for Constructive Engagement,” April 22, 2025, <https://www.aacu.org/newsroom/a-call-for-constructive-engagement>. As of this writing, this statement has been signed by more than 660 college and university presidents.

127. Moody, “Higher Ed Sounds Off.”

128. Anemona Hartocollis, “Princeton Admitted Past Racism. Now It Is Under Investigation,” *New York Times*, September 17, 2020, <https://www.nytimes.com/2020/09/17/us/princeton-racism-federal-investigation.html>.

129. Cynthia Torres, “No Deal Linked to Reinstated Research Grants, Eisgruber Says,” *Daily Princetonian*, September 28, 2025, <https://www.dailyprincetonian.com/article/2025/09/princeton-news-adpol-eisgruber-interview-reinstated-research-grants-no-deal-federal>

-government. “Eisgruber said that he did not know the rationale for the restoration, nor had the federal government meaningfully communicated the reason for the suspensions to the University in the first place.”

130. Rose Horowich, “The Elite-University Presidents Who Despise One Another,” *The Atlantic*, August 11, 2025, <https://www.theatlantic.com/ideas/archive/2025/08/trump-university-presidents/683803/>.

131. Cynthia Torres, “In ‘Terms of Respect,’ Eisgruber Attempts to Set the Higher Education Record Straight,” *Daily Princetonian*, October 1, 2025, <https://www.dailyprincetonian.com/article/2025/10/princeton-news-eisgruber-book-interview-terms-of-respect-trump-administration>.

Science Foundation.¹³² In 2020, Wesleyan settled a Title IX complaint with the federal government that had alleged failure to attend to sexual harassment. Yet Wesleyan President Michael Roth has been an outspoken and widely quoted critic of the Trump administration's compliance campaign and its policies in general. In an interview with *The New Yorker*, he said, "[W]anting to have nice conversations is not going to stop people who are bent on authoritarianism." A longtime critic of the boycott, divestment, and sanctions movement, Roth has nonetheless supported the rights of pro-Palestinian student demonstrators. "Anti-antisemitism can be appropriated by any political movement. They can use that as a vehicle for persecuting researchers and institutions that are not aligned with the ideology of the person in charge," he said. On speaking out, Roth declared, "I think my job as a leader of the university is to speak up for the values that we claim to believe in, especially when they're at odds with people with enormous power."¹³³

B. The Faculty

If there has been a silver lining to the cloud that is the Trump compliance campaign, it has been the mobilization of the faculty. Faculty senates, unions, AAUP chapters, and ad hoc groups have issued statements. Individual faculty members have published op-eds. Petitions of support have multiplied like mushrooms after a storm. This mobilization has been critical to successful efforts to constrain the compliance campaign. Take, for just one example, Northwestern University, where faculty activism stood as a formidable obstacle against temptations to comply with the administration's demands, even if in the end those efforts did not succeed.

On March 18, 2025, a letter signed by 287 faculty members, approximately 10 percent of Northwestern's tenure-line faculty, was submitted to the board of trustees. "Malicious and bad faith attacks—on faculty, students, staff, our president, our provost, our

research, and our curriculum—should not go unchallenged," the letter declared. "Nothing less than free speech, academic freedom, rights of assembly, rights of due process, and rights to dissent are on the line." It added, "We would never expect members of the Board of Trustees to have uniform opinions since we ourselves disagree on points of substance. We do expect Board members to share our concern when constitutional and human rights are objectively under attack."¹³⁴ Then, on April 9, barely twenty-four hours after news broke that the government had frozen \$790 million in federal funding, the faculty senate voted to endorse a statement calling on the university to stand "resolute in protection of academic freedom, First Amendment rights, and the rule of law."¹³⁵

On April 17, 2025, faculty members and students at Northwestern organized a Day of Action for Higher Education, joining a national movement organized by the AAUP and others that spanned more than 150 campuses. During this event, the university announced that it would use alternative sources to continue funding research projects affected by federal stop-work orders.¹³⁶ On April 21, for the first time in its history, the Northwestern Faculty Assembly—a meeting open to the entire full-time faculty, tenure-track and non-tenure-track—achieved a quorum, defined as 10 percent of those eligible to attend. By vote of 338–83, the meeting approved a resolution submitted by the university's AAUP chapter with ten provisions, including the following:

- The Board of Trustees, President, Provost, Deans, and the Faculty Senate shall actively defend academic freedom, including by publicly and steadfastly opposing an organized campaign that is bent on restricting our scholarly and public dialogues, including on Israel and other governments in the Middle East and elsewhere. The university's

132. National Center for Science and Engineering Statistics, "Data: Wesleyan U.," National Science Foundation, accessed May 22, 2026, <https://ncesdata.nsf.gov/profiles/site?method=report&tin=U3588001&id=h3>.

133. Molly Fisher, "Q&A: A University President Makes a Case Against Cowardice," *New Yorker*, April 3, 2025, <https://www.newyorker.com/news/q-and-a/a-university-president-makes-a-case-against-cowardice>. We acknowledge that in campus affairs faculty members have criticized Roth for a top-down approach to institutional governance.

134. 287 NU faculty, "LTE: An Open Letter from Faculty to the Board of Trustees," *Daily Northwestern*, April 9, 2025, <https://daily.northwestern.com/2025/04/09/uncategorized/lte-an-open-letter-from-faculty-to-the-board-of-trustees/>.

135. Sophia Gutierrez, "The 790 Million Dollar Question," *NBN Magazine*, accessed May 22, 2026, <https://northbynorthwestern.com/the-790-million-dollar-question/>.

136. Sasha Draeger-Mazer and Ridhima L. Kodali, "Faculty, Students Rally in Support of Higher Education on Day of Action," *Daily Northwestern*, April 18, 2025, <https://dailynorthwestern.com/2025/04/18/campus/faculty-students-rally-in-support-of-higher-education-on-day-of-action/>.

legal resources shall be used to defend the rights of Northwestern University and its faculty, students, and staff from unlawful federal actions, including from censorship of teaching and research on identities and diversity.

- Northwestern shall rely on First Amendment standards in all policies for which speech and behavior, including demonstrations, may be reviewed for purposes of discipline.
- Northwestern shall not release to any government body names and records unless obligated by court orders.
- The Northwestern Board of Trustees shall amend its by-laws to create eight positions of faculty visitors who will have the right to attend all board meetings and review all records to which the trustees have access, the positions to be assumed based on election by those attending Faculty Assemblies, notwithstanding any Faculty Assembly By-laws requiring a quorum.¹³⁷

President Schill declined even to acknowledge, much less respond to, the resolution. A May 1 communication from Schill nonetheless emphasized the university's decision to support research subject to stop-work orders, most of which were funded by the Department of Defense. Research grants already terminated by the NIH were left in limbo.

Early in the crisis, Northwestern faculty members, with the cooperation of the campus AAUP chapter and the graduate employees union, organized the Concerned Faculty Group, with members from the schools of arts and sciences, education and social policy, engineering, law, communications, journalism, and medicine.¹³⁸ In the wake of Columbia's capitulation, the group publicly called on "Northwestern's leadership to resist the administration's attack on fundamental democratic principles by refusing to 'make a deal' with the administration." They continued,

Acquiescence to the administration's tactics would make Northwestern complicit in an assault on

higher education, which is an essential bulwark of civil society. . . .

We know that some university leaders hope to protect the future of higher education by negotiating agreements with the Trump administration. . . .

But consenting to an agreement like Columbia's will weaken Northwestern and fail to prevent future interference in our mission. . . . The way forward is to not give in to the lawlessness of the Trump administration—it is to stand up for American institutions of higher education.¹³⁹

More than a hundred Jewish faculty and staff members also signed a public statement "to defend the values of academic freedom, pluralism and independence that animate Northwestern. . . . [T]hat US government leaders are making unwarranted threats to our university and stripping rights from students, faculty, and researchers nationwide in the name of Jews is deeply offensive to us," the statement declared. "We come from different points on the political compass. We express our identities as Jews in myriad ways. But we are united by the conviction that our Jewishness must not be used as a cudgel to silence the vigorous exchange of ideas that lies at the heart of university life. To punish Northwestern financially or to limit academic freedom in the name of protecting Jewish students could itself spark antisemitism—and would be an injustice to those very students and an injury to American society at large."¹⁴⁰

On October 15, the faculty assembly achieved a quorum for a second time. President Schill had declined to attend the April meeting, but now Interim President Bienen told the faculty, "I want to do a deal with the federal government. I don't want to get into suits with the federal government." Bienen said that the university had still not received notice of what the government wanted in return for restoring funding. "I can confirm that I won't put my name to any agreement which hinders the autonomy of the University

137. John K. Wilson, "Northwestern AAUP Resolution Approved by Faculty Assembly," *Academe Blog*, April 29, 2025, <https://academeblog.org/2025/04/29/northwestern-aaup-resolution-approved-by-faculty-assembly/>.

138. Northwestern Concerned Faculty Group, "The University Under Threat," accessed May 22, 2026, <https://www.theuniversityunderthreat.org/home>.

139. Northwestern Concerned Faculty Group, "LTE: Northwestern Faculty Group Opposes 'Dealmaking' with Lawless Trump Administration," *Daily Northwestern*, July 29, 2025, <https://dailynorthwestern.com/2025/07/29/lateststories/lte-northwestern-faculty-group-opposes-dealmaking-with-lawless-trump-administration/>.

140. "Statement from Jewish Faculty and Staff at Northwestern University," *Academe Blog*, April 23, 2025, <https://academeblog.org/2025/04/23/statement-from-jewish-faculty-and-staff-at-northwestern-university/>.

to teach what it wants, to hire who it wants, to have students that it wants,” he emphasized, calling these “red lines” not to be crossed. The assembly then voted 595–4, with eight abstentions, to oppose “any capitulation on the part of Northwestern University” to the demands of the administration’s compact “or similar demands that undermine constitutional rights, democratic principles, faculty governance, institutional autonomy, and academic freedom.”¹⁴¹

Unfortunately, the agreement signed by Bienen did capitulate to several of the Trump administration’s demands. By agreeing to abide by the government’s definitions of merit-based admissions and hiring, gender identity, and discrimination, Northwestern opened the door to new false complaints leading to additional penalties or funding freezes on illegal grounds. Northwestern could have filed suit against the administration, a move that would have been strengthened by the victories already won by Harvard and UC faculty groups. The university would surely have been on solid legal ground had it done so. But Northwestern officials did not file suit.

It should not come as much of a surprise that faculty organizations have initiated all but one of the legal actions against the Trump administration’s extortion.¹⁴² As previously noted, a lawsuit filed by the AAUP and the AFT on behalf of faculty members at Columbia failed for lack of standing. But the national AAUP and its Harvard chapter successfully initiated a lawsuit—joined by the United Auto Workers, the union representing Harvard’s postdoctoral scholars, non-tenure-track faculty members, and graduate and undergraduate student employees—that the university itself was later compelled to join. Also, as previously

noted, although the University of California has failed to publicly resist the Trump administration’s demands—claims to resistance by Governor Newsom notwithstanding—it was the AAUP, the Council of University of California Faculty Associations, and campus unions whose legal action led to Judge Lin’s sweeping November 14 ruling that restored funding and barred the government from “seeking payments” from the university as a condition of support.¹⁴³

In a powerful op-ed written before the Harvard suit had been decided, Kirsten Weld, president of the Harvard AAUP chapter, and Andrew Manuel Crespo, the chapter’s general counsel and professor of law, explained the importance of such actions, not only for Harvard but for higher education more broadly:

The role of faculty is fundamental. We are the teachers, researchers, and writers who have committed our professional lives to learning and free inquiry, working together with students to advance truth with rigor, independence, and integrity for the collective benefit of society. That commitment means that, unlike our distant governing boards, we will not give up so easily—no matter what kind of deals are signed in our name. . . .

Members of university boards can retreat to their day jobs, but for the broader university community, the Trump administration’s attacks are truly existential. It is our colleagues who have seen their clinical trials suspended, their years-long collaborative projects canceled, and—especially if they work on topics disfavored by the Trump administration, like climate change, racial and gender equity, or Middle East politics—their speech chilled or suppressed on issues central to their professional expertise. While the restoration of unlawfully canceled funding is critical, achieving that cannot come at the expense of academic freedom and intellectual independence. . . .

If trustees are willing to engage in extortionate backroom dealings with political operatives, it must be the role of faculty, students, and alumni to protect academic freedom, university independence and free speech. . . .

141. Cayla Labgold-Carroll, “NU Faculty Assembly Hears from President Bienen, Votes on Two Resolutions in Second-Ever Quorum,” *Daily Northwestern*, October 16, 2025, <https://dailynorthwestern.com/2025/10/16/campus/nu-faculty-assembly-hears-from-president-bienen-votes-on-two-resolutions-in-second-ever-quorum/>; Cayla Labgold-Carroll, “Northwestern Faculty Assembly Passes Resolution Opposing Trump Compact, Amends Bylaws,” *Daily Northwestern*, Oct. 20, 2025, <https://dailynorthwestern.com/2025/10/20/campus/northwestern-faculty-assembly-passes-resolution-opposing-trump-compact-amends-bylaws/>.

142. This despite the fact that, as one analysis concludes, such litigation has been significantly more successful than not. Jessica Blake, “As Lawsuits Against Trump Pile Up, Strategies Shift and Battle Lines Become Clear,” *Inside Higher Ed*, April 3, 2026, <https://www.insidehighered.com/news/government/courts/2026/04/03/lawsuits-against-trump-pile-strategies-shift>.

143. In the sole case in which a university has sued the Trump administration independently of any faculty group, the California State University system on March 9, 2026, filed suit on behalf of San José State University against the Trump administration’s demands concerning a transgender athlete.

Corporate boards of trustees are not synonymous with the universities themselves, and they are not the ones most motivated to defend the core values of higher education. We are. And we won't capitulate.¹⁴⁴

Resistance has been, and will be, most effective—indeed, it may only be effective—when faculty members mobilize and take independent action.

VI. Conclusion

It has often been noted that illiberal authoritarians always seek to undermine and ultimately control autonomous institutions: the judiciary and the bar, the media, and colleges and universities. In its first year the second Trump administration has assaulted all three. In each case, the targets have been tarred as “elitist” and unresponsive to “popular” will. But as the AAUP's founders recognized, if universities are to serve the common good in a democracy, they must remain autonomous, un beholden to the vagaries of popular opinion and political winds. To be sure, the agreements discussed in this report and the proposals advanced by the Trump administration's proposed compact claim to affirm academic freedom and promise not to interfere with the curriculum. But such promises ring hollow.

“If universities can be subject to drastic financial penalties anytime the federal government decides ‘in its sole discretion’ that the university is not complying, it is difficult to believe there will not be strong incentives for administrators, faculty, and students to avoid any speech or conduct that might attract negative attention from the Trump administration,” two commentators on the agreements warn. “Whether explicit or implicit, such federal control cuts to the heart of the freedom of inquiry that allows universities to contribute to the innovations, economic prosperity, and creation of knowledge that have made American higher education the envy of the world.”¹⁴⁵

In that light, we recall the words of the AAUP's 1956 special report on the abuses of the second Red Scare:

We cannot censure the justified public interest in colleges and universities, or be unmindful of

the extremely difficult task confronting academic administrations that seek to preserve educational and research opportunities in order to serve the general welfare in spite of the suspicions of a public which, at times, has been confused by complicated issues or led astray by demagogic appeals. The temptation to yield a little in order to preserve a great deal is strong. . . . Yet to yield a little is, in such matters, to run the risk of sacrificing all. . . .

[W]e deem it to be the duty of all elements in the academic community—faculty, trustees, officials and, as far as possible, students—to stand their ground firmly even while they seek, with patient understanding, to enlarge and deepen popular comprehension of the nature of academic institutions and of society's dependence upon unimpaired intellectual freedom.¹⁴⁶

In those dark days colleges and universities were called upon to stand against the tide of public opinion. Today the threat comes from a government that, although it has gained some support for its efforts, is, we are convinced, increasingly alienating the public. The danger today is much greater than in the past because the power of the state has been ruthlessly unleashed to an unprecedented degree, yet opportunities to resist exist and support is not difficult to muster if the will to act is there. As the Concerned Faculty Group at Northwestern put it, “[P]rincipled leadership must defend academic freedom, protect political dissent and resist participating in federal efforts to chill speech, punish protest and weaponize antisemitism for political ends.” There is no alternative. ■

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144. Kirsten Weld and Andrew Manuel Crespo, “Harvard Faculty Won't Cave to Trump Demands,” *Boston Globe*, August 14, 2025, <https://www.bostonglobe.com/2025/08/14/opinion/harvard-trump-faculty-trustees/>.

145. Mayeri and Shanor, “Beware Bespoke Deals with Trump.”

146. “Academic Freedom and Tenure in the Quest for National Security: Report of a Special Committee of the American Association of University Professors,” *AAUP Bulletin* 42, no. 1 (Spring 1956): 97.

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