

Insights: Alerts

Federal Government Launched Four Investigations into Discrimination Against Jewish Students at Higher Education Institutions

February 4, 2025

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On January 29, 2025, President Trump signed an executive order combatting antisemitism in the United States. The executive order required the Department of Justice's ("DOJ") "immediate action...to protect law and order, quell pro-Hamas vandalism and intimidation, and investigate and punish anti-Jewish racism in leftist, anti-American colleges and universities."¹

In response to the executive order, the DOJ announced on February 3, 2025, a multi-agency Task Force to Combat Anti-Semitism "to root out anti-Semitic harassment in schools and on college campuses."² The DOJ's Civil Rights Division will coordinate the Task Force, which currently includes the U.S. Department of Education and U.S. Department of Health and Human Services ("HHS").

On the same day, HHS, through its Office for Civil Rights, announced the "initiation of compliance reviews for four medical schools following reports of antisemitic incidents during their 2024 commencement ceremonies[,] including displays of "offensive symbols and messaging" as well as "support for terrorist organizations."³ HHS indicated that the reviews will focus on whether the schools complied with Title VI of the Civil Rights Act of 1964 and Section 1557 of the Affordable Care Act to not discriminate on the basis of race, color or national origin.

Today, the *Wall Street Journal* reported on how the HHS investigations focus on the following medical schools: Harvard, Columbia, Brown and Johns Hopkins.⁴

The HHS press release notes how the medical schools receive federal funding and are required to comply with federal civil rights laws. It further provides: "The review will specifically examine whether the institutions acted with deliberate indifference regarding events that may have impacted Jewish students' rights to access educational opportunities and benefits."⁵

What can higher education institutions do to help protect all students, faculty and staff and prepare for increased federal scrutiny? Below are examples to consider:

1. Ensure your whistleblower hotline is operative and effective and that there is appropriate follow-up on any reports.

Even though these specific federal investigations reportedly concern 2024 commencement ceremonies, it is important to ensure that the hotline is functioning effectively, and that the institution is properly investigating reported concerns.

Based on the reports, conduct a timely, independent and thorough internal review and document the investigative steps and findings. In addition to having documented processes and results for these important issues, it will also help the institution be prepared for any inquiries from the Board of Trustees or government authorities.

2. Circulate reminders about your policies and procedures concerning free speech and open expression, assemblies and events.

For example, consider including:

- What activities are allowed and what is prohibited, including limitations on harmful speech such as harassment, threats of violence or disruptions to the educational environment;
- Who the policies apply to, such as students, faculty, employees, trustees, alumni and invited guests;
- Where the policies may apply, such as institution-hosted off campus events; and
- Whether flyers and symbols are permitted and if there are any limitations on where they can be displayed.

3. Confirm there is a clear process in place to monitor (and document as appropriate) any open expression, assemblies and events to ensure compliance with the applicable policies and procedures.

4. Circulate policies concerning how to respond to any unexpected federal government inquiries, including raids, search warrants and subpoenas.

Footnotes

¹Fact Sheet, President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism (January 30, 2025) at <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-forceful-and-unprecedented-steps-to-combat-anti-semitism/>.

²Press Release, U.S. Department of Justice, Justice Department Announces Formation of Task Force to Combat Anti-Semitism (February 3, 2025), <https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism>.

³Press Release, U.S. Department of Health and Human Services, HHS' Civil Rights Office Acts Swiftly to Combat Anti-Semitism (February 3, 2025), <https://www.hhs.gov/about/news/2025/02/03/hhs-civil-rights-office-acts-swiftly-combat-anti-semitism.html>.

⁴Liz Essley Whyte, *U.S. to Probe Reports of Antisemitic Incidents at Top Medical Schools*, Wall Street Journal, Feb. 4, 2025, https://www.wsj.com/us-news/education/u-s-to-probe-antisemitic-incidents-at-top-medical-schools-a49e7ac8?mod=us-news_lead_story.

⁵U.S. Department of Health and Human Services, HHS' Civil Rights Office Acts Swiftly to Combat Anti-Semitism, *supra* note 3.

Related People



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