

## Federal Mandates and Campus Rights: FIRE's Response to Title VI Pressure at Columbia

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Topic: Enforcement of Existing Disciplinary Policies

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In its [demand letter](#) to Columbia University, the federal government directed Columbia to “complete disciplinary proceedings for Hamilton Hall and encampments,” asserting that “meaningful discipline means expulsion or multi-year suspension.” Columbia [responded](#) by outlining its disciplinary actions to date — including suspensions, expulsions, and temporary degree revocations — and the [Resolution Agreement](#) includes a further commitment to continued enforcement of university rules.

To start, fundamental fairness requires that college disciplinary procedures be consistent and transparent. As Supreme Court Justice Felix Frankfurter once observed, “The history of American freedom is, in no small measure, the history of procedure.” While Columbia should impose proportional sanctions upon findings of responsibility for misconduct, the result of disciplinary proceedings cannot be preordained and must be based upon the evidence presented in each individual case.

If students perceive Columbia's rules and/or procedures to be unevenly enforced, they will have no confidence in that disciplinary process. The remedy is the same at Columbia as in any other American institution: maintaining a principled commitment to due process, regardless of the viewpoints expressed. Procedural safeguards matter most when speech is unpopular and when the pressure to punish is strongest. When a university circumvents its processes for political expedience, expression on campus is chilled.

The university's processes must not just *be* fair in practice. They must also be sufficiently transparent so they are *seen* to be fair. This requires respecting the core tenets of fair process: access to all relevant evidence, the right to a hearing and cross examination, the right to assistance of counsel, and, when necessary, the right to appeal erroneous outcomes. Columbia's [Anti-Discrimination and Discriminatory Harassment Policies & Procedures for Students](#) is deficient on each of these counts.

Columbia's process and policies must also be known and understood by students. Surveys, including FIRE's [own](#) 2024 Student Encampment Protests survey, regularly show that students don't trust campus administrators to have their backs when speech controversies arise and are too often unaware of what their university's speech policies are in the first place. In our nationwide survey, roughly 3 in 10 students surveyed said they are “not sure” if occupying buildings on campus is allowed.

Columbia must do more to inform students about what policies and procedures are in place on campus. Ignorance is no defense to wrongdoing. However, setting expectations for the line between protected and unprotected expression can help students avoid unintentionally crossing that line.

Finally, and perhaps most importantly, the results of Columbia's disciplinary proceedings for Hamilton Hall and various encampment participants must neither be, nor be perceived as being, preordained. In a campus proceeding, there are no greater penalties than suspension, expulsion, or degree revocation. To justify such sanctions, the factual determinations made at the conclusion of a fair process must be similarly significant. It is also critical that those found responsible for similar conduct in concurrent proceedings receive similar sanctions — and that those sanctions be consistent with punishments for those who engaged in similar conduct in the past. If Columbia cannot demonstrate consistency in this area, students and faculty will rightfully suspect they are being punished for their beliefs as much as their conduct.