

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

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Topic: University Judicial Board

In its [demand letter](#) to Columbia University, the federal government instructed the institution to “abolish the University Judicial Board (UJB) and centralize all disciplinary processes under the Office of the President,” including giving the President authority to suspend or expel students and handle appeals. Columbia [responded](#) by restructuring the UJB under the Office of the Provost and eliminating student panelists, while retaining presidential authority over appeals. This structure will continue under the [Resolution Agreement](#), which makes clear that the “Provost will have final approval of all panel members and appellate Deans.”

To begin with, the federal government should not dictate which university office or official must oversee campus disciplinary processes. Private institutions have discretion to design systems that reflect their values and ensure fairness, so imposing such changes through unilateral federal demand raises serious concerns.

Federal anti-discrimination laws such as Title VI and Title IX require recipients of federal funds like Columbia University to ensure that their educational programs do not discriminate based on protected class statuses like race, color, national origin, and sex. To that end, the government may require schools receiving federal funds to follow certain procedural due process requirements, and [in the Title IX context, it has done so](#). Generally speaking, these requirements include written notice, some kind of hearing before an impartial fact-finder, access to evidence, and the right to confront witnesses from the opposing side.

However, there is no foundation in federal law for demanding that all disciplinary processes be conducted under the jurisdiction of a particular university office or official. While some institutions do place the disciplinary process under the jurisdiction of the college president, most have it as part of their student affairs department, and some even have entirely student-run systems. Many schools also include at least some students on disciplinary panels, in an effort to provide a closer analog to “a jury of one’s peers” and ensure that outcomes are more likely to be seen as reasonable by those most directly affected by the rules.

Prior to the demands made by the federal government, Columbia’s University Judicial Board consisted of 5 members, with at least one student, faculty, and staff member, and no more than two from each category. These members were appointed each year by the

University Senate, which is made up largely of students and faculty members from across Columbia's schools and divisions. While Columbia did not entirely abolish the University Judicial Board as the government demanded, it did practically the same thing by removing students as members and placing the final selection of members in the hands of the Provost rather than the University Senate. As a result, student input has been effectively eliminated from both the panel itself and the selection of the panel.

Again, there is no justification in federal law for such a demand. While the government would be justified in demanding reforms to a university judicial process that produces clearly biased outcomes to ensure that it complies with antidiscrimination law, it's worth noting, however, that this demand was made before any formal finding that Columbia violated Title VI — and those findings still have not been made public. Instead, in this case, the federal government has effectively enabled Columbia administrators to “take over” the University Judicial Board — a development university administrators might welcome — while claiming they had no choice but to do so. Given the performance of Columbia administrators since October 7, 2023, there is no reason to assume that their performance in the disciplinary process will be any more just or accurate than the prior arrangement. But it will reduce the disciplinary process's legitimacy among students, who will rightly resent the decrease in their own representation.