

# The Facts on Civil Rights and Academic Freedom

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## Overview

The U.S. Department of Education enforces civil rights in higher education—investigating discrimination, holding institutions accountable for legal violations, and protecting students. Through statutes like Title VI of the Civil Rights Act, the department has helped ensure students are not excluded from opportunity on the basis of race, ethnicity, or national origin. But recent shifts in federal enforcement strategy have turned civil rights law into a tool for political intervention. Instead of protecting marginalized students, the federal government is increasingly using civil rights enforcement to restrict academic programming, override institutional policy, and punish colleges that resist ideological demands.

## Key Challenges

Recent federal actions have reversed the enforcement of civil rights law in higher education, using Title VI as a mechanism to pressure institutions into compliance with partisan priorities rather than protecting students from discrimination. This shift has serious implications for institutional autonomy, the integrity of civil rights enforcement, and the long-standing role of the Department of Education in upholding equal opportunity in education.

- **OCR used to punish, not protect:** The Department of Education’s Office for Civil Rights (OCR) has launched rushed Title VI investigations into colleges over diversity programs and antisemitism—often before reviewing complaints. In cases against Harvard and Penn, officials threatened to withhold funding and implied guilt before reaching any conclusions, turning civil rights enforcement into political punishment. In the meantime, mass firings to OCR have resulted in mass [dismissal](#) of the majority of civil rights claims to the Department without investigation.
- **Federal threats undermine institutional autonomy:** In late June, UVA President Jim Ryan resigned after Department of Justice officials threatened to cut off student aid, visas, and research funding unless the university dismantled its diversity, equity, and inclusion programs—marking a sharp escalation in federal overreach into campus governance.
- **State laws restrict academic freedom:** New laws in states like Florida, Texas, and North Carolina tie public funding to bans on DEI, limits on curriculum, and political control over hiring. These laws give state leaders sweeping authority over campus decisions and chill teaching on race, gender, and American history.

## Policy Goals

Policymakers should restore civil rights enforcement to its original purpose: protecting students from discrimination through fair, timely, and depoliticized investigations. At the same time, they should safeguard academic freedom, uphold institutional autonomy, strengthen shared governance, and rebuild the Office for Civil Rights to ensure it can carry out its mission effectively.

- **Civil Rights Enforcement:** Restore civil rights enforcement to its original purpose—protecting students from discrimination. Investigations should be impartial, follow due process, and not be used to punish institutions for political disagreement.
- **OCR Capacity:** Rebuild staffing and capacity at the Office for Civil Rights to ensure timely, credible investigations that protect students' rights without politicizing enforcement.
- **Academic Freedom:** Safeguard the right of faculty to teach and research freely, especially on topics like race, gender, and history, without fear of state or federal retaliation.
- **Institutional Autonomy:** Ensure colleges and universities retain authority over curriculum, hiring, and programming decisions, free from political conditions tied to funding.
- **Shared Governance:** Reinforce shared governance models that balance leadership across boards, faculty, administrators, and students—protecting against unilateral political control.