

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

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Topic: Academic Receivership

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In its [demand letter](#) to Columbia University, the federal government directed the school to “begin the process of placing the Middle East, South Asian, and African Studies department under academic receivership for a minimum of five years,” and required a full plan with concrete deadlines. Columbia [responded](#) by announcing the appointment of a new Senior Vice Provost, who is tasked by the [Resolution Agreement](#) with reviewing regional studies programs, beginning with the Middle East.

Understanding the implications of this action requires some background on how academic departments are normally structured and governed. Academic departments are generally led by a chair (and, likely, a vice-chair) selected from among the senior, tenured members of that academic department. Chairs are usually elected or appointed for a fixed term of a few years. While the department chair typically remains a professor and continues to engage in teaching or research, they take on additional administrative responsibilities, serving as the direct “boss” of the full members of the department. In that sense, they are simultaneously both faculty and administrator. When their term expires or they step down, they generally return to their faculty position before they took the chair.

However, while the faculty member serves as departmental chair, they are the boss of the department and have the same responsibilities (though often shared with faculty committees) that a supervisor does at any employer, including hiring, firing, and human resources disputes of all kinds. Some are good at this, others are not. And like any workplace, sometimes an academic department turns “toxic,” with factionism and hostility between and among many or all of its members and the chair. When this gets too severe, a university may decide to appoint a professor from outside the department to serve as chair for a while so that more neutral leadership can reorganize and get the department working properly again, much like a bankruptcy “receiver” is a neutral third party person that a court or lender puts in charge of a business in order to help reorganize it and get it working again.

Academic receivership is far less common than bankruptcy receivership, but it does happen. The Chronicle of Higher Education cites [instances](#) including that of the University of Cincinnati's economics department, which in 2002 ground to a halt over nasty disputes about teaching and research. Because no one in the economics department seemed capable of sorting out the mess, Cincinnati [installed a mathematics professor](#) as interim chair.

This is an extreme step, because it means that high-level decisions about academic work in a department are being made by someone who is not actually an expert in that discipline. This arrangement is in tension with one of the main pillars of academic freedom, which is that scholars who are experts in an area are the ones determining what needs to be taught, who will do so, and how. However, in the most extreme situations, it may be impossible to find someone in the same discipline at the university to take the job of chair. Academic receivership, then, is preferable to simply closing the department, which could also derail the education of students engaged in a given course of study.

But this kind of situation did not prompt the federal government to demand a receiver be put in charge of Columbia's Middle East, South Asian, and African Studies (MESAAS) department. No mention is made of any intractable conflicts that are making it impossible for the department to function, nor does it seem to be the case that it has such a problem. Instead, Columbia's MESAAS department has long been home to a number of [controversial pro-Palestinian scholars](#) and is seen by many as, in one critic's words, "[steeped in anti-Israel advocacy](#)." Given the surrounding context, the conclusion that the receivership is intended simply to change the department into one that is less pro-Palestinian is impossible to avoid.

Viewpoint diversity and the acceptance of dissenting voices is important if academic freedom is to flourish, and there is much to be said for universities that find themselves or their departments in a state of groupthink or ideological capture taking steps to remedy the situation. But allowing government agencies to order academic receiverships specifically to review curriculum and ensure the educational offerings of a department are "balanced" introduces a problem that is orders of magnitude worse. This would be seen, justifiably, as placing a "political commissar" in charge of the department in order to ensure compliance with the ruling regime's ideology, evoking apt comparisons to the defunct regimes of the Soviet Union or East Germany. What would result would not be an environment of academic freedom, but of propaganda and indoctrination.

Beyond its chilling effect, such an action also crosses a constitutional line. The Supreme Court has long recognized academic freedom as a "[special concern of the First Amendment](#)." That protection generally includes a university's right to determine, on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study. Government intervention into these core academic decisions with a purpose of altering a department's ideological orientation violates this principle. The federal government cannot lawfully dictate pedagogical methods, faculty appointments, or departmental governance in order to align with its preferred political viewpoint. Doing so turns universities into instruments of state orthodoxy, not centers of free inquiry.

While Columbia has not appointed an academic receiver, it did say in its response to the federal government that it had appointed a new Senior Vice Provost who would “conduct a thorough review of the portfolio of programs in regional areas across the University, starting immediately with the Middle East.” Columbia also announced that it would be appointing “new faculty members with joint positions in both the Institute for Israel and Jewish Studies and the departments of Economics, Political Science, and School for International and Public Affairs” to “reinforc[e] the University’s commitment to excellence and fairness in Middle East studies” and “contribute to a robust and intellectually diverse academic environment.” Whether or not these steps might be worthy on their own merits, to the extent they represent a capitulation by Columbia in response to political pressure, they send the dangerous message that government pressure on colleges to adopt preferred ideologies is likely to be effective.