

[Columbia's Dilemma Redux](#)

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Body

In our recent co-authored essay, "[Thoughts on Columbia University's Dilemma and a Proposed Solution](#)," New York Law Journal Online, June 17, 2025, we explored problems relating to the proliferation of Antisemitic disturbances at Columbia and the failure of the University to deal with them effectively. We particularly called out Columbia's University Senate for its unwarranted leniency toward student protestors and urged the University trustees in exercise of their fiduciary responsibilities, to assume a pre-eminent role in the governance of the University, especially with respect to disciplinary matters. [Author's Note: Both authors were involved on a pro bono basis with the issuance of the Stand Columbia Society's Sunlight Report mentioned in their prior essay, mentioned above.]

On July 24, 2025, the Trump administration and Columbia University announced the resolution of a civil rights investigation into Antisemitism at Columbia under which Columbia would pay a fine of \$200 million to the government and an additional \$21 million to settle employment discrimination claims. The settlement restored Columbia's access to approximately \$1.3 billion in federal funding that had been frozen.

The purpose of this note is not to decipher the agreement but instead to comment on how it dealt with two principal issues involving Antisemitism at Columbia.

The first issue involved student discipline, an on-going problem, as Columbia has faced often out-of-control demonstrations and building occupations.

In our previous essay, we noted that:

At the center of this is the manner and scope and thoroughness of the student disciplinary process that has been in place to deal with the chaos on campus. Student Discipline at Columbia operates in a diffuse manner. Although Columbia's Trustees have the ultimate fiduciary responsibility in this area, both the Administration and the University Senate have authority to administer discipline for misconduct.

The complexity of a multi-disciplinary system, as exists here leads to fragmentation, overlap, poor coordination and disagreement over jurisdiction. Notably, last Spring, the University Senate demanded-and the Administration ceded - exclusive jurisdiction over the protests. Eleven months then elapsed, fraught with procedural slowdowns and the Senate's reluctance to administer discipline, before the processes concluded with expulsions and suspensions. In that time, the lack of discipline placed Columbia at considerable legal and financial risk. This process has worked

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poorly at Columbia and the University Senate must shoulder substantial blame. The Administration is also at fault for caving to the Senate's demands, although recently, its response to the Butler Library demonstrations have been encouraging.

Now, as a result of the agreement, both rule-making and enforcement of student discipline have been moved from the left-leaning and often ineffectual University Senate to the office of the Provost, an important change that should import greater transparency and accountability into the disciplinary process. Columbia's Trustees ought to be commended for taking this step, as is their prerogative under Columbia's 1810 charter issued by the New York state Legislature, which grants them the "full power and authority to direct and prescribe the course of study, and the discipline to be observed in the said college."

The new disciplinary process should be aided by Columbia's incorporation of the International Holocaust Remembrance Alliance's (IHRA) definition of Antisemitism into its antidiscrimination policies. That definition provides that Antisemitism is a certain perception of Jews which may be expressed as hatred towards Jews. Many contemporary examples of Antisemitism are provided, two of which are mentioned as follows:

• denying the Jewish people their rights to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor, and

• applying double standards by requiring of it a behavior not expected or demanded of any other democratic society.

Critics of the definition suggest that it does not allow for legitimate criticism of Israel, its leaders or its actions.

The second issue not covered by the Agreement but one we believe needs further attention was a proposal initially sought by the administration at the outset of the conflict—a proposal that involved removing certain faculty members from their affiliation with the University and placing the Department of Middle Eastern, South Asian & African Studies (MESAAS), with which they were affiliated into an academic receivership. There is certainly sufficient evidence to support the claim that the reforms sought at Columbia due to the rampant Antisemitism of students and some faculty are incapable of being dislodged by "merely ... updating policies while leaving intact an ideological ecosystem that treats Jewish students as outsiders, Zionism as genocidal, and framed as an illegitimate state that is not granted the rights and sovereignty afforded to every state around the globe." (Samuel Abrams, American Enterprise Institute, "[A Settlement Won't Fix Columbia's Anti-Semitism Problem](#)".)

Unfortunately, Antisemitism has become woven into the culture at Columbia. And that culture has produced a "...worldview that paints Jews as oppressors, Israel as an illegitimate state, and Jewish students as morally suspect by virtue of their heritage, their faith or their ties to the Jewish people and land." (Id.)

Certain faculty members have equated Zionism with genocide; others have outwardly supported Hamas and justified violence against Israel as "resistance." Jewish students who have come into contact with these faculty members have often been intimidated and silenced and therefore wronged.

At the forefront of the academic faculties embracing a fundamentally rampant anti-Israeli and Antisemitic bias is MESAAS. As far back as 2004, certain pro-Israeli students produced a film entitled "Columbia Unbecoming" that alleged that certain Professors affiliated with MESAAS intimidated Jewish students. One such academic who was a focus of the film was a Palestinian Professor, Joseph Massad, who described Israel as a racist, settler-colonial state.

Massad was accused of using his class "as a soapbox" for anti-Israel protests and one student said Massad described Palestinians as the new Jew and the Jews as the new Nazi." Then President Bollinger issued a statement about "the disturbing and offensive nature of incidents described in the film.

Nevertheless, such criticism of Professor Massad was met by counter-assertions that the Massad controversy was part of a larger campaign to reign in academic freedom.

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When the barbarities of Hamas took place on Oct. 7, Professor Massad described them as "awesome" and a "stunning victory of the Palestinian resistance."

Massad wasn't the only one. A visiting Professor at the Department, Mohamed Abdou, who is no longer affiliated, claimed he "was with Hamas and Hezbollah."

It is also claimed that another member of the MESAAS Department, Professor Mahood Mamdani (incidentally the father of the current Democratic Party nominee for Mayor of New York City) acted as a "faculty guard" at the encampment erected by pro-Hamas protestors, preventing Jewish students from accessing Columbia's lawns.

It is evident from reports received from Jewish students that MESAAS remains a Department filled with virulent Antisemitism within a florid anti-Israel environment.

The proposal advanced by the Trump Administration to place the Department in an academic receivership is, in our view, an appropriate recommendation. Such an administrative act is undertaken by a university when it is convinced that an academic department is failing to meet its academic goals or is being mismanaged. Such was the case in the past with Columbia's English Department which was placed into receivership as a result of internal struggles within the department and its failure to maintain excellent levels of teaching and scholarship.

The failure of Columbia in permitting this hot house of Antisemitism to masquerade as a legitimate purveyor of high-level, balanced scholarship, necessitates stronger action on the part of the University. The agreement by Columbia to appoint a new senior vice provost to oversee its Center for Palestine Studies and MESAAS is a small but important step in the process to eliminate Antisemitism. Hopefully the heightened oversight this appointment will bring to the problems will have a positive effect.

We are not entirely persuaded that this step, that is no more than a temporary band aid will prove useful. We recognize the legitimacy of some of the criticism directed toward placing the Department into a receivership- especially the criticism that such a move might have First Amendment repercussions.

Yet, at the same time, it is appropriate to note that an academic department that fills its slots with friends and allies, promotes them without rigorous academic oversight and allows a culture of Antisemitism to be pervasive, should not be allowed to continue to operate in such a way as to damage the mission of Columbia University. That is why the remedy of academic receivership should not be relegated to the dustbin.

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