

President Trump on Campus: New Higher Education Executive Orders

by Nicole Engisch, Alex Hontos, and Annie Boeckers

Higher educational institutions have experienced outsized attention in the early days of the second Trump Administration. A trio of three recent executive orders suggests that the Administration's focus on higher education is not finished—and may indeed just be getting started.

On April 23, 2025, President Trump issued three new Executive Orders titled, "Transparency Regarding Foreign Influence at American Universities," "Reforming Accreditation to Strengthen Higher Education," and "White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities." The EOs collectively suggest that change—and heightened scrutiny—may become the norm on campus for the remainder of the Trump Administration, at least until and unless the courts intervene.

Here's what to know about each EO:

1. Transparency Regarding Foreign Influence at American Universities (EO 14282)

It has long been the law that higher education institutions must disclose to the government certain foreign gifts. EO 14282 makes enforcement of those disclosures a priority. This EO follows a February 12, 2025, report by the U.S. Department of Education Office of Inspector General (Report No. I24DC0166), describing the improvement needed in the Federal Student Aid's ("FSA") oversight of institutions' reporting of foreign gifts and contracts under Section 117 of the Higher Education Act of 1965, 20 U.S.C. 1011f. This EO directs the Secretary of Education ("Secretary") to robustly enforce Section 117. Section 117 applies to institutions of higher education that (1) receive federal financial assistance, (2) offer a bachelor's degree or higher, or (3) offer a transfer program of not less than two years that is acceptable for credit towards a bachelor's degree, and it requires those institutions to semi-annually disclose to the U.S. Department of Education any gifts received from and contracts with a foreign source that

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individually or collectively reach a threshold of \$250,000 or more in a calendar year. In enforcing Section 117, the Secretary is directed to take appropriate steps to require universities to disclose with more specificity details about such foreign funding, including the “true source and purpose” of the funds.

According to EO 14282, the Secretary, and other executive departments, agencies, and offices will conduct audits and investigations to ensure compliance with 20 U.S.C. 1011f, and higher education institutions that fail to comply with the law will be held accountable. If an organization is noncompliant, it may be subject to a loss of federal funding, civil actions, or criminal penalties. The information reported under Section 117 is subject to a criminal statute, 18 U.S.C. § 1001, which may lead to fines or imprisonment for anyone who knowingly and willfully makes a materially false statement or submits a materially false document (including by concealing a material matter) to the government or an agent of the government. Further, EO 14282 directs the Department of Education to seek certifications of compliance from institutions of higher education—specifically linking those certifications to the False Claims Act (“FCA”).

Under the FCA, in short, a party that knowingly submits false claims for payment to the federal government may be liable under the FCA. FCA liability may be as much as three times the amount of loss to the United States (i.e., three times the amount of an institution’s federal grants or contracts) plus additional penalties for *each* FCA violation. While not clear on its face, EO 14282 seems to suggest that an institution may fail to comply with 20 U.S.C. 1011f in two ways: (1) if it outright fails to disclose any foreign funds to the federal government, or (2) it inadequately discloses foreign funds to the federal government.

Given this signal, institutions may consider proactively reviewing and assessing reporting practices to identify areas of risk and determine whether (1) the institution has previously received foreign funds, and those funds were *not* reported, or (2) whether there are ways to report the source and purpose of any foreign funds received by the institution going forward.

Institutions may need to review any information they have already disclosed to the federal government regarding the source and purpose of any foreign funds received to help the institution understand the organization’s risk exposure and get ahead of any potential investigation or audit.

2. Reforming Accreditation to Strengthen Higher Education (EO 14279)

In EO 14279, President Trump addresses college, law school, and medical school accreditation processes by directing the Secretary to hold accreditors accountable, including through denial, monitoring, suspension, or termination for poor performance or violations of federal law. EO 14279 is yet another initiative from the President to target “unlawful discrimination” in diversity, equity, and inclusion (“DEI”) initiatives. The EO identifies five new principles for accreditation agencies to follow when assessing a college or university’s accreditation to “realign” accreditation standards with what the EO

calls high-quality education as opposed to “discriminatory ideology.” The EO also suggests that the Administration expects “intellectual diversity” on campus, although that concept is undefined.

Assuming accreditors comply with the new guidance, colleges and universities that want to achieve or maintain accreditation status to receive access to federal student loans and Pell grants will be required to demonstrate that their institutions: (i) provide what the EO calls high-quality, high-value academic programs free from unlawful discrimination, and (ii) support and appropriately prioritize “intellectual diversity” amongst faculty. The Administration has made clear in this and other EOs and directives its intent to target certain DEI policies and practices that it considers to be illegal or unlawful. To the extent colleges and universities have not yet evaluated their admissions policies, learning objectives, and mission statements as they relate to DEI, they may want to consider evaluating how those policies and practices may affect accreditation status. Further, EO 14282 does not make clear what constitutes “intellectual diversity” and what kinds of specific criteria an accreditor would evaluate to determine the level of intellectual diversity amongst an institution’s faculty. However, institutions may choose to proactively run a risk analysis to determine whether faculty are particularly concentrated in any given category (political, ideological, etc.). At a minimum, higher education institutions may expect changes to accreditation processes—although legal challenges to EO 14282 are likely.

3. White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities (EO 14283)

EO 14283 provides that Historically Black Colleges and Universities (“HBCUs”) are integral to American students’ pursuit of prosperity and wellbeing. The Administration seeks to augment opportunities and resources for HBCUs by establishing the White House Initiative on Historically Black Colleges and Universities (“Initiative”), housed in the Executive Office of the President and led by an Executive Director designated by the President. The Initiative seeks to increase the private sector role, include the role of private foundations in strengthening HBCUs, upgrade institutional infrastructure, and provide professional development opportunities for HBCUs’ students to help build America’s workforce, as well as enhance HBCUs’ capabilities to serve young adults.

Although EO 14283 does not commit any new federal funding for HBCUs, the EO seeks to address funding barriers and increase affordability and retention rates. This EO does not require any proactive action or change from HBCUs. The Executive Director of the Initiative will submit an annual progress report to the President summarizing the impact on HBCUs and provide recommendations for improvement.

This EO revoked former President Joe Biden’s EO 14041 from September 3, 2021. The Biden EO initiative established a Board of Advisors within the Department of Education to provide advice to the president on advancing equity, excellence, and opportunity at HBCUs by recommending policies, programs, and initiatives. Although the goals of the Trump EO appear largely the same, the Trump EO moves the Board of Advisors within the Executive Office of the President. Further, within one week of signing EO 14041,

then President Biden announced an investment of nearly \$1.6 billion in funding for HBCUs. Because EO 14283 does not commit any new federal funding, we will have to wait and see whether President Trump separately commits any funds to further the Initiative.

Conclusion

Each of these recent EOs indicate that the Trump Administration's focus on higher education institutions is durable, detailed, and multi-faceted—and that the Administration is serious about leveling current enforcement and investigative tools to ensure that the higher education sector complies with the policies articulated by the United States government. While it is likely that these EOs will be challenged in court, affected institutions should act now to understand these new directives and assess internal compliance protocols to keep pace with the Administration's continued focus on higher ed.