

HIGHER EDUCATION LAW

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Federal Court Enforces EEOC Subpoena to UPenn in Antisemitism Probe

On March 31, 2026, U.S. District Judge Gerald J. Pappert of the Eastern District of Pennsylvania issued a significant [decision](#) enforcing an Equal Employment Opportunity Commission (EEOC) subpoena directed to the University of Pennsylvania (UPenn). Judge Pappert's decision addresses the EEOC's authority to obtain names and contact information for employees potentially affected by or witness to alleged antisemitic harassment. The ruling compels compliance with the subpoena, though it includes a limitation barring disclosure of any employee's affiliation with any specific organization. The decision has potential implications for employers responding to EEOC investigations nationwide.

What the Court Held

The court held that the EEOC may compel production of employee names and contact information relevant to its charge alleging religious discrimination and hostile work environment, so long as UPenn does not reveal any employee's ties to particular campus groups. In reaching its decision, the court emphasized the U.S. Supreme Court's instruction to construe "relevance" in the subpoena context generously and rejected constitutional challenges to the demand. Notably, the decision reinforces the generous relevance and low burden standards governing EEOC subpoenas, confirming that courts will order compliance absent a showing of undue burden or clear overbreadth.

Background and Procedural Posture

- **Facts:** The EEOC is investigating allegations that UPenn faculty and staff faced antisemitic harassment, including incidents connected to campus protests after the Oct. 7, 2023 attack in Israel and the ensuing war in Gaza. Unlike data on race and sex, employers are not required to maintain employment data regarding religion. The agency therefore sought evidence of names and contact details for employees associated with campus groups and academic programs "related to the Jewish religion," staff who filed complaints, attendees of 2024 listening sessions held by the University's antisemitism task force and recipients of a survey on antisemitism.
- **Prior Proceedings:** After UPenn declined to produce certain categories—particularly contact information for employees whose identification could reveal their Jewish faith or affiliations—the EEOC filed a subpoena enforcement action. At a March 10, 2026 hearing, the court explained that the subpoena met the "low bar" for enforcement and has now granted the EEOC's application, with a carveout precluding disclosure of affiliations with specific Jewish-related organizations.
- **Scope:** This federal district court order binds the parties in this matter. While not precedential nationwide, it applies well-established Supreme Court standards for EEOC subpoenas and will be persuasive for employers responding to similar requests in other jurisdictions.

Key Takeaways

- **Legal Standard Clarified:** Courts are likely to construe "relevance" to EEOC subpoenas generously and enforce requests for potential victim and witness contact information tied to a facially valid charge, rejecting constitutional challenges absent exceptional circumstances.
- **Compliance Exposure:** Employers may be compelled to produce sensitive employee-identifying information in religion-based harassment investigations; failure to comply may risk enforcement actions and potential sanctions.
- **State-law Interaction:** State privacy or employment laws rarely override federal subpoena obligations; however, employers should ensure awareness of applicable privacy requirements.

Who Is Affected

This decision primarily affects institutions of higher education and other employers facing EEOC investigations into religion-based harassment or hostile work environment allegations, in Pennsylvania and beyond. Employers operating across multiple jurisdictions should assess how local privacy frameworks and existing EEOC guidance intersect with the federal standards applied here.

Open Questions and Next Steps

Open issues include the contours of permissible privacy carveouts (such as limits on disclosing affiliations with specific organizations), the handling of highly sensitive identifiers and how courts will weigh undue-burden arguments tied to assembling contact lists. UPenn may seek further judicial review, and the EEOC may issue associated guidance. Employers should monitor any appellate activity in the case and be on the lookout for agency guidance.

Bottom Line

This decision reinforces the broad scope of the EEOC's subpoena power and the low bar for the relevance standard governing enforcement. Employers should promptly review protocols and policies on how data on employees are maintained, update documentation where needed and train stakeholders on the applicable legal standards to reduce risk and position themselves for agency scrutiny under this framework.

Bond continues to monitor these developments and will provide further updates as they arise. For questions or assistance, contact [Brit Schoepp-Wong](#), [Rachel Kreutzer](#) or any member of the [higher education practice](#).

