

COMPACT FOR ACADEMIC EXCELLENCE IN HIGHER EDUCATION

INTRODUCTION

American higher education is the envy of the world and represents a key strategic benefit for our Nation. In turn, the U.S. university system benefits in a variety of ways from its extraordinary relationship with the U.S. government. These include (i) access to student loans, grant programs, and federal contracts; (ii) funding for research directly or indirectly; (iii) approval of student and other visas in connection with university matriculation and instruction; and (iv) preferential treatment under the tax code. To advance the national interest arising out of this unique relationship, this Compact for Academic Excellence in Higher Education represents the priorities of the U.S. government in its engagements with universities that benefit from the relationship. Institutions of higher education are free to develop models and values other than those below, if the institution elects to forego federal benefits.

1 – EQUALITY IN ADMISSIONS

Discriminatory admissions processes reflect a fundamental misunderstanding not only of Civil Rights law and the U.S. Constitution, but of the damaging impacts such practices have on individuals and our Nation as a whole. Treating certain groups as categorically incapable of performing — and therefore in need of preferential treatment — perpetuates a dangerous badge of inferiority, destroys confidence, and does nothing to identify or solve the most pressing challenges for aspiring young people.

Therefore, no factor such as sex, ethnicity, race, nationality, political views, sexual orientation, gender identity, religious associations, or proxies for any of those factors shall be considered, explicitly or implicitly, in any decision related to undergraduate or graduate student admissions or financial support, with due exceptions for institutions that are solely or primarily comprised of students of a specific sex or religious denomination.

University admissions decisions shall be based upon and evaluated against objective criteria published on the University's website and available to all prospective applicants and members of the public.

Institutions shall have all undergraduate applicants take a widely-used standardized test (i.e. SAT, ACT, or CLT) or program-specific measures of accomplishment in the case of music, art, and other specialized programs of study. Universities shall publicly report anonymized data for admitted and rejected students, including GPA, standardized test score, or other program-specific measures of accomplishments, by race, national origin, and sex.

2 – MARKETPLACE OF IDEAS & CIVIL DISCOURSE

Truth-seeking is a core function of institutions of higher education. Fulfilling this mission requires maintaining a vibrant marketplace of ideas where different views can be explored, debated, and challenged.

Therefore, signatories to this compact commit themselves to fostering a vibrant marketplace of ideas on campus. A vibrant marketplace of ideas requires an intellectually open campus environment, with a broad spectrum of ideological viewpoints present and no single ideology dominant, both along political and other relevant lines. Signatories commit themselves to revising governance structures as necessary to create such an environment, including but not limited to transforming or abolishing institutional units that purposefully punish, belittle, and even spark violence against conservative ideas. Given the importance of academic freedom to the marketplace of ideas, signatories shall adopt a policy protecting academic freedom in classrooms, teaching, research, and scholarship. Such policies also shall recognize that academic freedom is not absolute, and universities shall adopt policies that prevent discriminatory, threatening, harassing, or other behaviors that abridge the rights of other members of the university community.

Signatories commit to rigorous, good faith, empirical assessment of a broad spectrum of viewpoints among faculty, students, and staff at all levels and to sharing the results of such assessments with the public; and to seek such a broad spectrum of viewpoints not just in the university as a whole, but within every field, department, school, and teaching unit.

Signatories acknowledge that the freedom to debate requires conditions of civility. Civility includes protections against institutional punishment or individual harassment for one's views. Universities

shall neither support nor permit a heckler's veto through, for example, disruptions, violence, intimidation, or vandalism. Universities shall be responsible for ensuring that they do not knowingly: (1) permit actions by the university, university employees, university students, or individuals external to the university community to delay or disrupt class instruction or disrupt libraries or other traditional study locations; (2) allow demonstrators to heckle or accost individual students or groups of students; or (3) allow obstruction of access to parts of campus based on students' race, ethnicity, nationality, or religion.¹ Signatories commit to using lawful force if necessary to prevent these violations and to swift, serious, and consistent sanctions for those who commit them.

While universities should protect debate and academic freedom, harassment falls outside permissible bounds. Signatories shall adopt policies prohibiting incitement to violence, including calls for murder or genocide or support for entities designated by the U.S. government as terrorist organizations. All signatories shall adopt policies consistent with all legal requirements, including those of the Department of Education's Office for Civil Rights.

The university shall impartially and vigorously enforce all rights and restrictions it adopts with respect to free speech and expression.

3 – NONDISCRIMINATION IN FACULTY AND ADMINISTRATIVE HIRING

¹ As one federal judge recently noted, in disbelief:

In the year 2024, in the United States of America, in the State of California, in the City of Los Angeles, Jewish students were excluded from portions of the UCLA campus because they refused to denounce their faith. This fact is so unimaginable and so abhorrent to our constitutional guarantee of religious freedom that it bears repeating, *Jewish students were excluded from portions of the UCLA campus because they refused to denounce their faith*. UCLA does not dispute this. Instead, UCLA claims that it has no responsibility to protect the religious freedom of its Jewish students because the exclusion was engineered by third-party protesters. But under constitutional principles, UCLA may not allow services to some students when UCLA knows that other students are excluded on religious grounds, regardless of who engineered the exclusion.

Frankel v. Regents of Univ. of California, 744 F. Supp. 3d 1015, 1020 (C.D. Cal. 2024) (emphasis in original).

A steadfast commitment to rigorous and meritocratic selection based on objective and measurable criteria in the appointment process is pivotal for the University's sustained excellence. Consistent with the requirements of Title VII of the Civil Rights Acts and other federal employment discrimination statutes, no factor such as sex, ethnicity, race, national origin, disability, or religion shall be considered in any decision related to the appointment, advancement, or reappointment of academic, administrative, or support staff at any level, except as described in section 9 or otherwise provided by Title VII or other federal employment discrimination statutes.

4 - INSTITUTIONAL NEUTRALITY

Signatories shall maintain institutional neutrality at all levels of their administration. This requires policies that all university employees, in their capacity as university representatives, will abstain from actions or speech relating to societal and political events except in cases in which external events have a direct impact upon the university.

Policies requiring institutional neutrality must apply with equal force to all of the university's academic units, including all colleges, faculties, schools, departments, programs, centers, and institutes.²

² As the President of Dartmouth recently explained:

Consider a student interested in majoring in a certain subject. Upon going to the department homepage to discover course offerings, the student is slapped in the face with an official statement excoriating his own political ideology. How comfortable would that student feel taking a class in that department? Our Principles of Institutional Restraint permit departments to issue public statements only on limited issues directly related to their academic expertise. Rather than publishing these proclamations on their homepages, departments must create new webpages specifically dedicated to public statements and endorsements. This ensures that departments promote their academic missions, not their social or political beliefs.

Sian Leah Beilock, "Dartmouth's Bottom-Up Approach to Institutional Neutrality," WALL STREET JOURNAL (Dec. 20, 2024), *available at* <https://www.wsj.com/opinion/dartmouths-bottom-up-approach-to-institutional-neutrality-college-higher-education-politics-59a03d19>.

All university members, including students, faculty, and staff, are encouraged to comment on current events in their individual capacities, provided they do not purport to do so on behalf of the university or any of its sub-divisions.

5 – STUDENT LEARNING

Signatories commit to grade integrity and the use of defensible standards for whether students are achieving their goals, with each grade reflecting the quality, breadth, and depth of the student's achievement. Signatories acknowledge that a grade must not be inflated, or deflated, for any non-academic reason, but only rigorously reflect the demonstrated mastery of a subject that the grade purports to represent. Signatories will use public accountability mechanisms to demonstrate their commitment to grade integrity, such as publishing grade distribution dashboards with multiyear trendlines, public statements that explain student outcomes and any unusual upward trends, and comparisons with peer institutions.

6 - STUDENT EQUALITY

Students shall be treated as individuals and not on the basis of their immutable characteristics, with due exceptions for sex-based privacy, safety, and fairness. Women's equality requires single-sex spaces, such as bathrooms and locker rooms, and fair competition, such as in sports. Institutions commit to defining and otherwise interpreting "male," "female," "woman," and "man" according to reproductive function and biological processes. Otherwise, immutable characteristics, particularly race, do not permit unequal treatment, including in grading as well as access to buildings, spaces, scholarships, programming, and other university resources.

Student equality includes equality in discipline. Signatories shall maintain clear and consistent disciplinary standards that apply equally to all students, faculty, and staff. These standards should promote fairness, due process, and equal treatment, and should be administered in a manner consistent with institutional policies and applicable law. These standards shall never favor or disfavor any person because

of his or her membership in a racial, ethnic, national, or religious group, or a group based on sex, sexual orientation, or gender identity.

7 - FINANCIAL RESPONSIBILITY

Too many young adults have become saddled with life-altering debt that has affected, among other things, their ability to have a family or purchase a home. Universities have a duty to control their costs, including by eliminating unnecessary administrative staff, reducing tuition burdens, engaging in transparent accounting and regular auditing for misuse of funds, and cutting unnecessary costs. Signatories acknowledge that universities that receive federal funds have a duty to reduce administrative costs as far as reasonably possible and streamline or eliminate academic programs that fail to serve students. Towards this end, signatories to this compact commit to freezing the effective tuition rates charged to American students for the next five years.

Further, universities poorly equip students when they fail to inform them about likely life earnings for students' chosen majors or admit students without the skills or support needed to succeed. Universities shall publicly post statistics about average earnings from graduates in each academic program and shall refund tuition to students who drop out during the first academic term of their undergraduate studies.

Signatories shall responsibly deploy their endowments to the public good. Any university with an endowment exceeding \$2 million per undergraduate student will not charge tuition for admitted students pursuing hard science programs (with exceptions, as desired, for families of substantial means).

Universities should also make efforts to expand professional opportunities for America's military service members and veterans. To that end, signatories shall commit to accepting full transfer credits from the Joint Service Transcript of military service members and veterans enrolling in undergraduate and graduate programs, applying it to general education course requirements and, where relevant, major-specific course requirements.

8 – FOREIGN ENTANGLEMENTS

All universities must comply with anti-money laundering, Know-Your-Customer (“KYC”), and foreign gift disclosure obligations imposed by the federal government and the rules and regulations overseen by the United States Treasury Department’s Office of Foreign Assets Control and Financial Crimes Enforcement Network (“FinCen”), the U.S. Department of Justice (“DOJ”), and the Department of Education (“ED”). This mandatory compliance is to assist the federal government in detecting, preventing, and eradicating criminal and terrorist financing and activity. By entering into this Agreement, universities agree to take all necessary steps to comply with applicable anti-money laundering laws, KYC laws and related regulations, and foreign gift and contract disclosure requirements. All students, staff, and faculty must comply with KYC and anti-money laundering laws.

By entering into this Agreement, universities agree to maintain an anti-money laundering and KYC program in accordance with the Bank Secrecy Act, as amended by the USA PATRIOT Act, and other applicable federal laws and regulations including Section 117 of the Higher Education Act. The program is reasonably designed to prevent university services from being used to facilitate money laundering and the financing of terrorist activities, and to ensure transparency and public accountability. The program includes the following:

A. Procedures to verify counterpart identification and retain necessary identifying and transactional information;

B. A designated compliance officer to coordinate compliance with the program and make timely disclosures to federal agencies;

C. Suspicious activity reporting procedures and document retention guidelines for any suspicious activity reports and supporting documentation; and

D. Training and education of appropriate university personnel concerning their responsibilities under the program, including suspicious activity reporting.

Concerns regarding transactions that are unusually large or that appear suspicious and questions regarding money laundering in general should be directed to the university's Treasury Management Office.

Federal permission for foreign student visas is intended to further America's national interest to the extent the selected foreign students exhibit extraordinary talent that promises to make America stronger and more economically productive, and the selected students are introduced to, and supportive of, American and Western values, ultimately increasing global understanding and appreciation for the United States and our way of life. Universities that rely on foreign students to fund their institutions risk, among other things, potentially reducing spots available to deserving American students, and if not properly vetted, saturating the campus with noxious values such as anti-Semitism and other anti-American values, creating serious national security risks.

Therefore, no more than 15 percent of a university's undergraduate student population shall be participants in the Student Visa Exchange Program, and no more than 5 percent shall be from any one country. For schools presently over the 15 percent population, incoming matriculating classes should meet the 15 percent cap. Signatories pledge to select those foreign students on the basis of demonstrably extraordinary talent, rather than on the basis of financial advantage to the university; to screen out students who demonstrate hostility to the United States, its allies, or its values; and to provide instruction in American civics to all foreign students. Universities shall share all known information about foreign students, including discipline records, upon request and as relevant, with the Department of Homeland Security and the Department of State.

As a recipient of significant funding and other benefits from the U.S. government, all universities shall promptly and fully disclose all funding from any foreign institutions and individuals. No foreign funding may in any way encourage or restrict the hiring of any persons or the teaching of any particular perspective or the admission of any foreign student or group of students. Failure to fully disclose all direct and indirect foreign funding shall be a violation of this compact.

9 – EXCEPTIONS

Notwithstanding the forgoing, a religious institution may maintain preferences for religious affiliation or belief in hiring and admissions, a single-sex institution may maintain sex-based preferences, and any institution may maintain preferences in admissions for American citizens. Nothing in this agreement limits or displaces the limited exemptions for bona fide occupational qualifications based on religion, national origin, or sex provided by Title VII; the protections or exemptions provided by Title VII for religious employers and religious organizations; or the ministerial exemption recognized by the Supreme Court.

10. ENFORCEMENT

The leadership of an academic institution is directly responsible for its strategy, success, and adherence to legal and governmental requirements. On an annual basis the university's President, Provost, and Head of Admissions shall be required to certify the University's adherence to the principles contained herein.

The university annually shall conduct, or hire an external party to conduct, an independent, good faith, empirically rigorous, and anonymous poll of its faculty, students, and staff, providing them the opportunity to evaluate the university's performance against this compact. The results of such surveys shall be made public and available on the university's website.

Adherence to this agreement shall be subject to review by the Department of Justice. Universities found to have willfully or negligently violated this agreement shall lose access to the benefits of this agreement for a period of no less than 1 year. Subsequent violations of this agreement shall result in a loss of access to the benefits of this agreement for no less than 2 years. Further, upon determination of any violations, all monies advanced by the U.S. government during the year of any violation shall be returned to the U.S. government. Finally, any private contributions to the university during the year(s) in which such violation occurred shall be returned to the grantor upon the request of the grantor.

