

MODEL POLICY | Higher Education Reform Initiative

HIGHER EDUCATION ACADEMIC EXCELLENCE AND ACCOUNTABILITY ACT

PURPOSE OF THIS ACT

The purpose of this act is to enact a package of needed higher education reforms, in line with the goals of the Trump Administration's Compact for Excellence in Higher Education. U.S. higher education plays a vital role in preparing citizens for participation in a free and self-governing society. Public and private institutions of higher education benefit from public subsidies, tax exemptions, and other State supports. In exchange for these privileges, institutions bear an obligation to:

- Uphold federal antidiscrimination law.
- Ensure academic integrity, institutional neutrality, and transparency.
- Provide for a free and open marketplace of ideas
- Mitigate cost growth, foreign influence, excessive foreign student enrollment, and grade inflation.

This act pertains to all State public institutions of higher education and private institutions receiving State funds.

SECTION 1

The legislative code annotated is amended by adding the following language as a new part:

01: Short Title

This part shall be known and may be cited as the "State Higher Education Academic Excellence and Accountability Act."

02: Definitions

As used in this part, unless the context otherwise requires:

- (1) "Institution" means any public institution of higher education within the State, and any private institution that receives direct State appropriations, participates in State-administered student aid, or benefits from State tax exemptions.
- (2) "State funds" includes all appropriations, grants, scholarships, or financial aid funded by State revenues.
- (3) "Department" means the State Department of Higher Education or equivalent agency.

03: Equality in admissions and financial support

- (1) Institutions shall not consider, explicitly or implicitly, any factor such as race, ethnicity, national origin, sex, religion, political belief, sexual orientation, or gender identity in admissions, scholarships, or financial aid decisions, except where:
 - A. The institution is a single-sex or religious institution consistent with its mission; or
 - B. The preference is expressly permitted under Title VI or Title IX of the Civil Rights Act or other federal law.
- (2) Admissions criteria shall be objective, published, and publicly available, including standardized testing or other program-specific measures of accomplishment.
- (3) Each institution shall annually publish anonymized admissions data including GPA, standardized test scores, and acceptance or rejection rates disaggregated by race, national origin, and sex.

04: Marketplace of ideas and civil discourse

- (1) Institutions shall adopt and enforce policies that protect academic freedom and open inquiry, prohibit institutional endorsement or suppression of lawful speech, and ensure neutrality on political and social controversies.
- (2) Institutions shall prevent and punish disruptions of classroom instruction, research, or public events, including "heckler's veto" activities.
- (3) Each institution shall conduct an annual campus climate survey of faculty, staff, and students to assess the breadth of viewpoints and the state of free expression, with results published online.

05: Faculty and administrative hiring

- (1) All hiring, promotion, and tenure decisions shall be merit-based and free from consideration of race, ethnicity, national origin, sex, or religion, except as permitted by Title VII or subsection 10 of this section.
- (2) Institutions shall annually certify compliance through an attestation signed by the president and provost.

06: Institutional neutrality

- (1) Institutions shall maintain institutional neutrality on political, social, and ideological matters, except where external events directly affect the institution's operation.
- (2) Institutional neutrality applies to all sub-units, including departments, schools, and centers.
- (3) Faculty and students may express personal opinions in their individual capacities, provided they do not purport to represent the institution.

07: Student learning and grade integrity

- (1) Institutions shall ensure grading reflects objective academic performance and not non-academic factors.
- (2) Institutions shall publish grade distribution dashboards by course and department, with multiyear trend data.

08: Students equality and fairness

- (1) Institutions shall define “male” and “female” consistent with biological and reproductive characteristics for purposes of athletics, privacy, and safety.
- (2) Disciplinary standards shall be uniform, transparent, and equally applied to all students, faculty, and staff.

09: Financial responsibility and transparency

- (1) Institutions shall:
 - A. Freeze tuition rates for State residents for a period of five years following enactment;
 - B. Publicly disclose program-level graduate earnings and average student debt;
 - C. Refund tuition to students who withdraw during their first academic term; and
 - D. Accept full transfer credit from the Joint Service Transcript for military veterans.
- (2) Institutions with endowments exceeding \$2 million per undergraduate student shall not charge tuition for students pursuing hard science programs, except for students from families of substantial means.

10: Foreign entanglements

- (1) Institutions shall maintain compliance programs under federal Know-Your-Customer (KYC) and anti-money laundering (AML) laws, including:
 - A. A designated compliance officer;
 - B. Suspicious activity reporting; and
 - C. Training for personnel.
- (2) Institutions shall limit foreign undergraduate enrollment to no more than 15 percent of total enrollment, with no more than 5 percent from any single foreign country.
- (3) All foreign donations, gifts, and contracts exceeding \$50,000 shall be disclosed to the Department within 30 days and made publicly available.

11: Religious and other exceptions

Nothing in this Act shall prohibit:

- (1) Religious or single-sex institutions from maintaining mission-related preferences;
- (2) Bona fide occupational qualifications under Title VII; or
- (3) The exercise of constitutionally protected religious freedom.

12: Enforcement and oversight

- (1) The Department shall oversee implementation and may:
 - A. Require annual certification of compliance;
 - B. Conduct audits or investigations; and
 - C. Publish an annual compliance report.



- (2) Institutions found in material violation shall lose eligibility for State funding and student aid for not less than one year.
- (3) Repeat violations shall result in a two-year loss of eligibility.
- (4) Institutions in violation shall refund any State funds received during the year of the violation.

13: Severability

If any provision of this Act is held invalid, the remaining provisions shall remain in effect.

SECTION 2.

This act takes effect upon becoming a law, the public welfare requiring it.



AMERICA FIRST POLICY INSTITUTE

