

# Policy Brief: Freedom to Learn and De-Politicizing Higher Education

## The Higher Education Act of 1965

The primary federal law governing American higher education is The Higher Education Act of 1965 (“the HEA”), which was designed to increase access to postsecondary schooling. Its best-known provision is Title IV, which authorizes federal financial aid programs, including student loans. Colleges and universities work hard to preserve their Title IV eligibility because tuition dollars from Title IV comprise, on average, 30% of a school’s income. Schools’ contractual agreements with the federal government, called Program Participation Agreements or “PPAs,” govern their obligations. Policymakers can amend the HEA’s eligibility criteria to encourage policy reform at individual institutions. NAS has proffered *Freedom to Learn*, a series of amendments to the HEA that would reform higher education finances, guarantee liberty and equal opportunity, and reorient America’s colleges to serve America’s national interest.<sup>1</sup>

### Easy money, administrative bloat, and the student debt crisis

The HEA authorizes loans to students regardless of their preparation for college and makes students solely responsible for repayment even though almost all of the loan money goes to the school. Schools then use this income to pay for expensive, unnecessary staff. Thus, “easy money” and “administrative bloat” are the main causes of uncontrolled tuition increases and the consequent student debt crisis.<sup>2</sup>

### “Social justice” activism threatens true education

“Social justice” activists use a culture and regulatory apparatus of speech and thought control to impose leftist policies on campus. They reduce human conduct to a power struggle among identity groups, often based on race and sex. Their ideology transforms education from the search for truth and knowledge into radical political activism. America needs extensive regulatory reform to prevent higher education from being completely deformed by these “social justice” activists, who have captured much of college administration and the professoriate.

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1 *Freedom to Learn: Amending the Higher Education Act* (National Association of Scholars, 2021), <https://www.nas.org/reports/freedom-to-learn>.

2 See also Neetu C. Arnold, *Priced Out: What College Costs America* (National Association of Scholars, 2021), <https://www.nas.org/reports/priced-out>.

## Canceled liberty

“Social justice” activists abuse school procedures to harass or terminate students, faculty, and staff who dare to question “social justice” ideology. Visiting speakers, often the only remaining dissenting voices on campuses, suffer “disinvitation,” “shout-downs,” or even assault. College administrations restrict free speech to tiny “free speech zones” and use “bias response teams” to intimidate and punish dissenting faculty, staff, and students.

## Equality of Opportunity betrayed

Colleges have long used “diversity” initiatives to disguise race and sex preferences and to encourage neo-segregation on campus.<sup>3</sup> New “anti-racism” programs, going by names such as “Critical Race Theory” and “Diversity and Inclusion,” now require faculty, staff, and students to affirm their support for these discriminatory practices. Colleges now use higher education as a tool to make students support identity politics rather than equal opportunity and individual merit.

## National interest abandoned

America’s colleges were founded to educate American students and serve the American national interest. Mercenary college administrations now allow hostile nations such as China to commit technological espionage and buy the use of schools as a means to exert soft power in America.<sup>4</sup> Worst of all, colleges alienate American students from their own country by slandering its history and character.

## Recommendations

- **Condition Title IV funding to reductions in tuition and administrative bloat.** Congress should amend 20 U.S.C sec. 1087c to condition a school’s Title IV funding on reducing its tuition each year and on reducing its non-instructional expenditures by at least 50% from the amount spent on September 1, 2019. States should condition state appropriations similarly.
- **No money for schools with diversity bureaucracies, free speech zones, “bias response teams,” divisive concepts, or cancel culture.** Congress should amend 20 U.S.C sec. 1087c to ensure that no school receiving federal funds can adopt “free speech zones,” “bias response teams,” or “cancel culture” norms, since they violate free expression and free inquiry. Nor should they be permitted to adopt or sponsor programs that rely on Critical Race Theory, or any similar, divisive concepts which substitute group identity or hatred for equal opportunity and individual merit.

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<sup>3</sup> See also Dion J. Pierre and Peter W. Wood, *Separate but Equal, Again: Neo-Segregation in American Higher Education* (National Association of Scholars, 2019), <https://www.nas.org/reports/separate-but-equal-again>.

<sup>4</sup> See also Rachelle Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education* (National Association of Scholars, 2017), <https://www.nas.org/reports/outsourced-to-china>.

- **Require an Intellectual Freedom Charter.** As a condition of Title IV funding, schools must enact a Charter of Principles of Intellectual Freedom affirming the right of free thought and speech and the need for intellectual diversity among faculty, so as to provide real protections to unpopular or politically incorrect speech and intellectual inquiry.
- **Rededicate colleges to their country.** Policy makers should ensure that students learn factual knowledge of American history based on historical documents and historical context, not “social justice” activism. Congress should amend section 117 of the Higher Education Act to require schools to disclose all foreign money received and to eliminate campus centers sponsored by hostile nations such as China’s Confucius Institutes.

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