

Faculty Senate

Draft Resolution
October 14, 2025



MICHIGAN STATE
UNIVERSITY

Whereas, the United States Secretary of Education has requested that nine other universities enter in a “Compact for Academic Excellence in Higher Education,” and

Whereas, the “Compact” contains provisions antithetical to the missions and traditions of the public, land-grant universities, and

Whereas, the “Compact” violates long-standing legal decisions regarding the Firstⁱ and Fourteenthⁱⁱ Amendments, and violates the Unconstitutional Conditions Doctrine of the Supreme Court of the United States,ⁱⁱⁱ and

Whereas, Michigan State University stands for American academic values of the highest standard, including universal right to free speech^{iv} and academic freedom^v; therefore be it,

Resolved, That the Faculty Senate of Michigan State University firmly opposes the “Compact”, and

Resolved, That the Faculty Senate of Michigan State University stands in solidarity with faculty, students, and staff at other institutions rejecting the “Compact”, and

Resolved, That the Faculty Senate calls on President Guskiewicz and the Board of Trustees to reject this, or any similar compact that compromises the mission, values, and independence of Michigan State University.

ⁱ Section 2 of the “Compact” forces signatory institutions to “transform or abolish institutional units that purposefully punish, belittle, or even spark violence against conservative ideas” thereby granting special favor for a particular viewpoint. This is a violation of the First Amendment.

ⁱⁱ Section 6 of the “Compact” mandates institutions “commit to defining and otherwise interpreting ‘male,’ ‘female,’ ‘woman,’ and ‘man’ according to reproductive function and biological processes.” This is designed to exclude transgender individuals from single-sex spaces and sports and would likely be challenged as unconstitutional sex-based discrimination under the Equal Protection Clause of the 14th Amendment.

ⁱⁱⁱ The Unconstitutional Conditions Doctrine holds that the government cannot use its power to grant benefits (like federal funding) to indirectly coerce people or institutions into giving up their constitutional rights. The

Faculty Senate

Draft Resolution
October 14, 2025



MICHIGAN STATE
UNIVERSITY

entire idea of a compact is based on the premise that an institution must agree to these terms of 'elect to forego federal benefits' including student loans, research funding, and the institution's tax-exempt status. These and other provisions are financial inducements that are so great that they become coercive and, therefore, an unconstitutional violation of state and institutional autonomy.

^{iv} Section 8 of the "Compact" requires universities to "screen out [foreign] students who demonstrate hostility to the United States, its allies, or its value." This would require an institution to deny admission based on an applicant's political beliefs. This would be a form of viewpoint discrimination that violates First Amendment principles.

^v Section 4 of the "Compact" requires university employees to "abstain from actions or speech relating to societal and political events" which runs afoul of courts recognition that academic speech related to scholarship and teaching warrants special protection under the First Amendment.