



CAMPUS COUNSEL

A Legal Blog Written for Administrators, HR professionals, in-house counsel, and deans at colleges and universities

Trump Executive Order Focuses on Campus Free Speech and Student Loans

BY CHELSIE A. VOKES • MARCH 27, 2019

On March 21, 2019, President Trump signed the [Executive Order on Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities](#) (the “Order”). As summarized below, the Order focused on campus free speech and student loan debt.

Campus Free Speech

In the Order, President Trump directs colleges to protect free speech on campus. For public colleges, this means adhering to the First Amendment. For private colleges, the Order states that they must follow their “stated institutional policies regarding freedom of speech.”

The Order directs specified federal agencies, including but not limited to the National Science Foundation and the Department of Health and Human Services, to, “in coordination with the Director of the Office of Management and Budget, take appropriate steps, in a manner consistent with applicable law, including the First Amendment, to ensure institutions that receive Federal research or education grants promote free inquiry, including through compliance with all Federal laws, regulations and policies.” Under the Order, research and education grants do not include federal student aid.

The Order raises many [questions](#) for institutions, including what is meant by “free inquiry” and whether this requires colleges do more than protect “free speech” under the First Amendment.

Several organizations submitted comments expressing concerns about the Order, including the [Association of American Universities](#), the [American Council on Education](#) and the [American Association of State Colleges and Universities](#). Generally, these organizations expressed a commitment to free speech on campus, but conveyed that the Order was unnecessary and procedurally improper.

Student Loan Debt

The Order also addresses student loan debt, with an emphasis on transparency. On or before January 1, 2020, the Order directs the Office of Federal Student Aid to create a website and mobile application where federal student loan borrowers can find out how much they owe, how much their monthly payment will be when they enter repayment, and details regarding their repayment options. This information is currently available to borrowers, but not in one location.

Further, the Order seeks to expand the Department of Education's existing [College Scorecard](#), a tool for students seeking to compare the cost and value of colleges and universities. In particular, the Order calls for the inclusion of program-level data regarding students' median earnings, debt and loan repayments, as well as graduate program data. This is different from the current College Scorecard, which only encompasses institution-level and undergraduate data.

Client Tip: Read the Order in full. In light of the Trump Administration's apparent emphasis on free speech, now is a good time for all institutions, public and private, to review their free speech policies. In addition, institutions should look out for agency interpretations regarding what it means to promote "free inquiry," and whether this duty overlaps with free speech.