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ACTA Speaks Out Against Sexual Assault Guidelines

“Sexual assault on campus cannot and should not be condoned. And the best place to start is by calling it a crime.”

That was ACTA’s message for the Department of Education’s Office of Civil Rights, which recently issued new guidelines for dealing with sexual assault on college campuses.

The guidelines attempt to crack down on campus sexual violence, which everyone can agree is an urgent goal. But they do so by mandating that colleges and universities adjudicate charges of sexual assault internally. This means that a college approached by a student who claims to have been sexually assaulted would need to conduct an investigation independent of the criminal justice system, convene a disciplinary panel, and render a verdict—possibly expelling the accused student.

Colleges are simply not equipped to do this. They lack the courts’ power to subpoena

and the expertise of attorneys, judges, and police. In the face of ambiguous evidence, they are ill-equipped to determine the validity of a charge.

What’s more, the new rules also generate serious due-process concerns for falsely accused students. In accordance with a 2011



Department of Education rule, many schools use a “preponderance of evidence” standard to evaluate sexual assault charges. In other words, they require only that an incident be more than 50%

likely to have occurred before they discipline the accused with a punishment up to and including expulsion.

Students, then, are sometimes suspended or expelled for charges in which the evidence is not even strong enough to bring the case to court, much less obtain a conviction. As the Duke lacrosse case proved several years

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Register Now for ATHENA Roundtable 2014!

Join us as thought leaders across education, philanthropy, and media gather to advance bold ideas to transform and enhance higher education. **ATHENA Roundtable 2014** will be held on November 7 in New York City at Columbia University’s Italian Academy theatre. The conference will culminate in a gala dinner for the presentation of the 10th annual **Philip Merrill Award** (read about winner on back of this issue). **Register at GoACTA.org today!**

www.goacta.org

info@goacta.org

1-888-ALUMNI-8

Harvey Stenger, President
Binghamton University
Binghamton, NY

“I want to thank you for sending me a copy of your most recent *Getting What You Pay For?: A Look at America’s Top-Ranked Public Universities* and the kind note that accompanied it. It was exceptionally well produced, and I always like to see how other campuses are meeting the challenges of the higher education environment. It was truly rewarding to see Binghamton mentioned so often in such a publication.”

John D. Hutson, Class of 1953
Denison University
Granville, OH

“If I hear of this happening at Denison, you can delete my name from the list of President’s Associates. The students have a right to protest. The administration has a right and a responsibility to overrule, control, and enlighten the protesters, and to admonish any faculty who oppose the free discussion of ideas.”

Editor’s Note: The comment above was sent to the president of Denison College in response to an ACTA story about disinvitations of graduation speakers. Read more about “disinvitation season” on page 4 of this issue.

Maribel Wong
Bill of Rights Institute
Washington, DC

“Thank you so much for coming to Constitutional Academy and inspiring students to be intentional about higher education. The students are so grateful for your time and have all been inspired in different and unique ways.”

Editor’s Note: ACTA Vice President of Policy Michael Poliakoff spoke to high school students at the Bill of Rights Institute’s Constitutional Academy in July.

Ted Sebastianelli
Facebook comment, April 22, 2014

“Tell it like it is!”

Editor’s Note: The comment above was in response to ACTA’s report Getting What You Pay For?.

Rev. Dr. G. Daniel McCall, Minister Emeritus
Reid Memorial Presbyterian Church
Augusta, GA

“Thank you for this [ACTA’s D-Day Survey] and for all the important work you do! As a 25+ years college trustee, I continue to appreciate the much needed ministry of ACTA and am glad to be a supporter.”

D-Day Survey Reveals Historical Illiteracy

Don’t know much about history? You’ll fit in at college. 2014 marked the 70th anniversary of D-Day, June 6, 1944, the day that Allied forces invaded Nazi-occupied France and the tide of WWII decisively turned. In honor of that day, ACTA commissioned a survey of basic historical knowledge about the invasion.

The results were sobering. Among college graduates, only slightly more than half could identify the date of D-Day as June 6, 1944. More than 40% did not recognize Franklin Roosevelt as the president during D-Day—with some marking Harry Truman or Dwight Eisenhower and a fair number indicating that they simply didn’t know. Almost one in ten thought that D-Day occurred at Pearl Harbor!

College graduates did a bit better than students with no college education, but not nearly well enough. And is it any wonder? ACTA’s What Will They Learn?™ project found that only 18% of colleges require a survey course in American history or government. Students are just not gaining a foundational understanding of American history.

Syndicated columnist Cal Thomas received our message with alarm. He devoted an entire column to our survey, which appeared in nearly 100 newspapers nationwide with a total circulation of more than 2.7 million. Thomas quoted ACTA’s Michael Poliakoff, who articulated the problem for higher education: “We aren’t adequately preparing the next generation for the challenges of career and community with this apathetic approach to our national heritage. These college graduates are unlikely to understand the cost of maintaining our nation’s freedom.” Indeed they aren’t—and our colleges and universities must change course if future generations are to understand the principles for which men sacrificed on D-Day. ●

What do college graduates know about D-Day?

When was D-Day?
45% chose incorrectly.

Who was the Supreme Allied Commander on D-Day?
Nearly 30% could not identify Dwight Eisenhower.

The President of the United States during the D-Day invasion was...
More than 40% chose the wrong answer.

Accreditors Run Scared, ACTA Files Amicus Brief

The lengths to which some accreditors will go to avoid accountability is astounding.

The Southern Association of Colleges and Schools (SACS) has a history of overstepping its authority as an accrediting body. In 2012, in the midst of a power struggle at the University of Virginia between the board and president, SACS placed UVa “on warning”—improperly injecting itself into matters of internal university governance. ACTA stood against this overreach, filing a complaint with the Department of Education against SACS’s abuse of its power.

This must have given the accreditors at SACS quite a scare. Why else would they have moved to get ACTA President Anne Neal recused from June’s meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). NACIQI is the body that advises the Secretary of Education on matters related to accreditation, and SACS’s compliance report was up for renewal. To remove Neal from the meeting, SACS sought and

received an opinion from the Department of Education’s attorney that concluded she could never again participate on NACIQI when it came to matters related to SACS. Even more shocking, Neal was given no opportunity to respond to the request for recusal before the finding was issued and was not provided with a copy of the opinion until she requested it.

Neal refused to take this unprecedented move lying down. Prior to her recusal, she delivered a powerful statement pointing out the flaws in the Department’s finding, stating that it “amounts to little more than criminalizing policy differences.” “The regulated entity has run to the regulators,” Neal said, “to ask them to oust a critical voice.”

Her statement highlighted the striking similarity between her own treatment and the way institutions are often treated by accrediting bodies. “If I push back, I find myself accused of criminal behavior. In the case of institutions that ... push back against accreditors, something even more terrifying and coercive is threatened: the



potential loss of Title IV money.”

While the accreditors may have scored a minor victory against a critic of the status quo, ACTA has not been slowed in taking action against accretor overreach. In fact, we’ve now taken the fight to the courts. Along with the John W. Pope Center for Higher Education Policy and the Judicial Engagement Project, ACTA has filed an amicus brief in the Fourth Circuit Court of Appeals challenging the constitutionality of the accreditors’

(continued on 4)

Sexual Assault Guidelines, *continued from 1*

ago, false accusations of rape do happen, and the rights of the accused must not be forgotten.

ACTA’s plan is much simpler and more effective: if a college encounters an accusation of sexual assault, it should turn the matter over to the police. The legal system can take over the matter and prosecute it in accordance with the law and evidence. This frees universities from the responsibility of performing an investigation far outside of their competence; it affords full legal protections to the accused; and it treats sexual assault as the

grave crime that it is. It would also allow institutions to focus on fostering a culture of academic seriousness.

“In accordance with a 2011 Department of Education rule, many schools use a ‘preponderance of evidence’ standard to evaluate sexual assault charges. In other words, they require only that an incident be more than 50% likely to have occurred before they discipline the accused with a punishment up to and including expulsion.”

ACTA joins a chorus of organizations in objecting to the new policy. Education reform groups such as FIRE; mainstream educational organizations such as the American Council on Education; and the Rape, Abuse, and Incest National Network, which is the largest anti-sexual assault organization in the United States, have called on the government to return sexual abuse cases to the courts. ●

Taking on Cancellation of Commencement Speakers

What do former Secretary of State Condoleezza Rice, women’s rights activist Ayaan Hirsi Ali, and IMF Managing Director Christine Lagarde have in common? All three were scheduled to speak at college or university graduation ceremonies—until political pressure stopped them.

2014 was perhaps the worst example of an annual display of intolerance on campus. In what has come to be called “Disinvitation Season,” students and faculty protest graduation speakers to whose political opinions they object. Sometimes they pressure the university into withdrawing its invitation or embarrass the speaker into canceling the event.

When students at Brandeis University protested the choice of Hirsi Ali, the administration re-

scinded her invitation. Rice was scheduled to be Rutgers University’s commencement speaker and Lagarde had been chosen by Smith College, but protests and student petitions at both schools caused the speakers to back out of those events.

In our last issue, we described how ACTA forcefully opposed such tactics. In a letter to the *New York Times*, ACTA President Anne Neal wrote, “In rescinding an honorary degree to Ayaan Hirsi Ali, Brandeis University has abandoned academic freedom and responsibility.” We also spoke out against the protests of Rice, Lagarde, former UC Berkeley chancellor Robert Birgeneau, and others.

ACTA was pleased that efforts to disinvite former Mayor Michael Bloomberg as Harvard’s commencement speaker failed, and we were delighted by his call at

the podium for “governing bod[ies]” of universities—their boards of trustees—to protect intellectual diversity and free speech when students and faculty will not. This is the same oversight we called for in last year’s trustee guide, *Free to Teach, Free to Learn*.

Some administrators are taking the charge seriously. Dr. Scott Miller, president of Bethany College, quoted Neal in a piece in the *Huffington Post* that drew attention to the similarities between the political climate on campuses today and during the 1960s. He agreed that campuses had become, once again, “islands of intolerance where a small group of closed-minded students and faculty can cut off discussion.”

ACTA is here, ready to defend academic freedom and help trustees and alumni turn the tide. ●

ACTA Files Amicus Brief, *continued from 3*

actions. On the basis of sound legal precedent, we argue that the delegation of virtually unchecked authority to private membership organizations like accrediting agencies jeopardizes the political accountability the constitutional separation of powers was designed to ensure.

“The constitutional problems raised here surely present another good reason that Congress should consider an overhaul of the Higher Education Act to decouple accrediting bodies from their gatekeeping role,” said Dr. Michael Poliakoff, ACTA vice president of policy. “Accreditors have an important role to play in peer review and assessment of educational quality. But so long as accreditors are gatekeepers to Title IV funds, institutions will face uncontrolled interference that undermines their autonomy.”

Every day, more people are recognizing the need to break the accreditation monopoly and end accretor overreach. On every front, the good fight continues. ●

Doug White Raises the Alarm at ACTA Donor Salon



On a warm evening in early June, two dozen ACTA supporters assembled in the library of the Cosmopolitan Club in New York City. The spectacular views of Midtown captivated the guests’ attention—but only until the guest of honor, Columbia professor and expert on philanthropy Doug White, began to speak. White riveted the audience with his tale of how Princeton University came to misuse the Robertson family’s gift, ultimately valued at \$900 million. White tells this story in his acclaimed new book, *Abusing Donor Intent: The Robertson Family’s Epic Lawsuit Against Princeton University*.

In his remarks, White raised the alarm for donors, warning that the Princeton case is not an isolated incident but merely an incredible example of an all-too-common disregard of donor intent at colleges and universities.

Advising college and university donors is central to ACTA’s mission, and we advised the Robertson family on its case. We are proud that White’s book prominently notes ACTA’s high-profile involvement—and we are currently working with other families on their gifts to colleges.

ACTA hosts events with leading experts throughout the year. It’s our way of saying “thank you!” to our donors for their support. ●



New Directory Features Over 50 Oases of Excellence

ACTA is pleased to announce the launch of our new online directory of over 50 “Oases of Excellence”—specific programs established at institutions across the country that promote the study of American history, Western civilization, political theory, economics, leadership, and the Great Books.

For years, ACTA has been encouraging alumni and donors to support these “Oases.” While many seek to influence colleges and universities through donations to institutions’ general operating funds, these funds often end up underwriting an unacceptable status quo of curricular mediocrity, historical illiteracy, and political correctness. By targeting support toward select programs, alumni and donors can fight back against prevailing campus orthodoxy.

“These programs are an effective way to change the culture of the academy from the inside,” remarked ACTA President Anne Neal in a press release. “Instead of blindly writing checks, it is time donors target their giving to initiatives that provide students with a broad-based education in foundational texts and ideas.”

Our “Oases of Excellence” directory is a one-stop-shop where anyone is able to learn about the different programs

that are out there, who runs them, and the kind of work they do. Some of the “Oases” we feature have already taken a great deal of pride in having made ACTA’s list. The Ashbrook Center at Ashland University, the McConnell Center at the University of Louisville, and the Rochester Institute of Technology Center for Statesmanship, Law, and Liberty are just some of the programs publicly noting their inclusion in ACTA’s new initiative.

This new resource was made possible through the generous support of **John R. Wilson**, a long-time supporter of ACTA. It builds on ACTA’s previous efforts, such as last year’s “Alumni to the Rescue” online townhall, to educate alumni about how to influence their alma maters through philanthropic support.

As part of the initiative, ACTA will be using our social media network to inform supporters about events and initiatives at the “Oases.” If you want to stay up-to-date on the great work these programs are doing around the country, follow us on Facebook at [Facebook.com/GoACTA](https://www.facebook.com/GoACTA) and Twitter at [@GoACTA](https://twitter.com/GoACTA). ●

Featured Donor: Robert M. Kurtz Jr.

Robert M. Kurtz Jr. is a successful businessman, generous philanthropist, and longtime friend of ACTA. A donor for over a decade, Mr. Kurtz and his wife Marilyn are members of ACTA’s Society of Fellows. Their generosity has been key to advancing ACTA’s efforts to foster academic freedom and curricular excellence in higher education.

From his service in the United States Army in Germany to his leadership of business and charitable organizations, Mr. Kurtz has manifested a deeply rooted civic consciousness that ACTA hopes to foster in America’s next generation. Mr. Kurtz is not only a supporter of the liberal arts, but is a Renaissance man himself, winning awards for his amateur photography and publishing several books.

It came as no surprise that we are not his only fans. This spring, Mr. Kurtz was awarded an honorary degree from Pennsylvania’s Lock Haven University. In addition to his generous support of ACTA, Mr. Kurtz was a founding father of Lock Haven’s Clearfield campus and a dedicated supporter of the community of Clearfield, PA. We congratulate Mr. Kurtz on this honor and thank him for his support of excellence in American education. ●



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H E A R D C A M P U S ON

Freezing Tuition at Purdue

The trustees of Purdue University have voted to extend the university's tuition freeze through the 2015-16 academic year! For three years now, the board has chosen to extend the freeze, meaning that some students will complete their undergraduate degrees without ever having experienced a tuition hike. This is surely a breath of fresh air for Purdue students and their parents.

The freeze is just one part of the "Purdue Moves" plan, a set of initiatives meant to enhance opportunities for students and increase the school's impact. In an environment where students are desperately looking for affordability, other universities would be well-advised to follow suit and begin competing on cost.

This kind of freeze is only possible when trustees and administrators are willing to work together on major cost-cutting measures and put real effort into determining what provides value to the campus community.

Gen Ed at Hobart and William Smith Colleges

Hobart and William Smith Colleges have undertaken a review of their general education requirements. Not wanting to let this moment go to waste, ACTA President Anne Neal penned a letter encouraging the school to use this opportunity to build a strong core curriculum for its students.

Neal asked the board of trustees and president to consider some basic questions about what a serious core curriculum should look like. Are the current requirements providing a common foundation of fundamental skills and knowledge? Do they provide a solid foundation for the teaching of advanced courses?

These are the questions all boards should be asking, and we look forward to seeing the final product of the review process. ●

From Colorado to the Capital — ACTA in Action



Anne Neal is presented an honorary Doctor of Humanities degree from Colorado Christian University President Bill Armstrong.

All across the country, students, professors, and lawmakers are hearing ACTA's message of academic excellence, curricular quality, cost cutting, and accountability.

In May, amidst the hullabaloo of commencement disinvitations and controversies, **ACTA President Anne Neal** was awarded an honorary degree of Doctor of Humanities by Colorado Christian University (CCU) in recognition of her work, remarked CCU President Bill Armstrong, as "one of the great educational reformers of our time." Neal also addressed the graduating class of 2014 as commencement speaker, using the opportunity to impart upon the audience some lessons from the Founding Fathers. She noted that most of America's founders were liberally educated and reminded CCU's graduates how lucky they are to have received the same kind of education from a What Will They Learn?™ "A" school like CCU. All too rare today, such a curriculum, Neal said, "has made possible the divine gift of a discerning heart and mind that will truly set you free." The Founders also knew, she remarked, that a liberal education is not an end, but the "beginning of a common conversation, undergirded by an understanding of and commitment to the principles of freedom." Neal's message of liberal education, civic engagement, and lifelong learning was well received by all present.

Back in Washington, Senate Minority Leader Mitch McConnell (R-KY) nominated ACTA's Vice President of Policy, **Dr. Michael Poliakoff**, to the Federal Advisory Committee on Student Financial Assistance (ACSFA). The 11-member committee is an independent, bipartisan source of advice to both Congress and the Secretary of Education on issues related to student financial aid policy. As the ACSFA prepares its next report, Dr. Poliakoff will be a voice of reason, advocating for reforms that will cut costs for students and families rather than feed the beast that is the higher ed bubble. ●

Effective TRUSTEESHIP



Virginia Trustees Learn How to Support Student Learning

On June 20th, The Commonwealth Club of Richmond was packed with trustees from colleges and universities across the state of Virginia. They were gathered together for ACTA's 8th regional trustee seminar, hosted in partnership with the Aspen Institute. Attendees came from a wide array of institutions, including Hampden-Sydney College, Virginia Tech, the Virginia Military Institute, James Madison University, Randolph-Macon, Ferrum College, and the Virginia Community College System.

The focus of the seminar was "Measuring Academic Outcomes: How Trustees Support Student Learning." In addition to studying classic texts on education from Cardinal John Henry Newman and Thomas Jefferson, participants read recent articles on curricular decline, standardized testing, and the potential of MOOCs to change

higher ed for the better.

The trustees were privileged to hear from Judge Richard Bray, president and CEO of the Beazley Foundation. Under Judge Bray's leadership, the Foundation began to leverage its charitable giving in order to encourage Virginia's colleges and universities to strengthen their core curricula. Using ACTA's What Will They Learn?[™] project as a guide, the Beazley Foundation has had tremendous success in pushing Virginia's schools to strengthen their general education requirements. Judge Bray encouraged trustees to look to ACTA's work and take an active role in improving curricular quality at their institutions.

National education leader Dr. Roger Benjamin spoke about the importance of using nationally-normed assessments to measure student learning. In the face of mounting evidence that many students make little to no cognitive gains while

in college, it is vital that schools begin to use effective, rigorous assessments like the CLA+ to measure results. Dr. Benjamin dealt directly with the kinds of objections trustees may hear when pushing for the use of standardized metrics, providing participants with the knowledge they will need when advocating for reform.

At the end of a long and productive day, participants were asked to put together a list of action items to take back to campus. Trustees left the seminar with a commitment to explore the relationship between a strong core and their institutions' missions, engage more actively in matters of governance, and push their institutions to grade themselves.

ACTA organizes seminars throughout the year for trustees seeking guidance about effective university governance. To learn more, visit GoACTA.org or contact us at (202) 467-6787. ●

In Memoriam: Robert D. Stuart Jr.

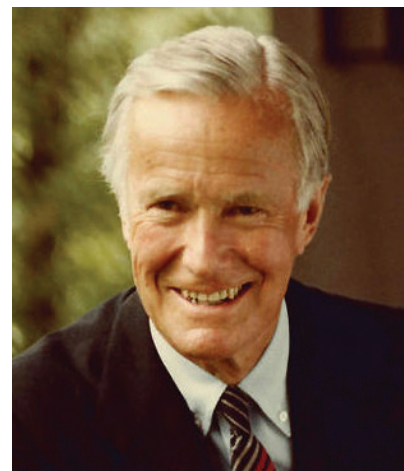
ACTA mourns the passing of long-time friend and supporter Robert D. Stuart Jr. He was 98.

Mr. Stuart was a great patriot, and his love of country was evident in all he did. He served in the United States Army during the Second World War and, by appointment of President Ronald Reagan, as ambassador to Norway. He was appointed to federal commissions by both President George H.W. Bush and President Bill Clinton.

Mr. Stuart was also a leader in industry, civic service, and philanthropy. He served as CEO of Quaker Oats Company and sat on a number of major corporate boards. In 1986, he founded the Stuart Family Foundation and supported crucial initiatives to create better media programming, improve America's image overseas, and build greater civic literacy at home. Mr. Stuart's generous support over the years has helped

ACTA engage trustees in their fiduciary duty to reform higher education and better prepare students for active and informed citizenship. We were deeply touched by the interest he took in ACTA's work to promote appreciation of the liberal arts and commitment to the American tradition of E Pluribus Unum.

All of us at ACTA remember with gratitude the many ways in which Robert D. Stuart Jr. left our nation and our world wiser and stronger. ●





INSIDE ACADEME
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RETURN SERVICE REQUESTED

Dr. Louise Mirrer Wins 2014 Merrill Award!

ACTA is pleased to announce the selection of Dr. Louise Mirrer as the recipient of this year's **Philip Merrill Award for Outstanding Contributions to Liberal Arts Education**.

Mirrer currently serves as president and CEO of the New-York Historical Society, where she led a 100-million-dollar campaign for a major renovation of its landmark building on Central Park West. She previously served as CUNY's Executive Vice Chancellor for Academic Affairs and has received numerous awards for her leadership and work.

"Louise is distinguished among scholars and teachers for her visionary insistence on the centrality of United States history," remarked ACTA Vice President Michael Poliakoff. "[She] has demonstrated how cultural institutions and colleges must reassert their role in preparing students for the challenges of citizenship and community."

Previous Merrill Award winners include noted Civil War historian Gary Gallagher, founder of The Teaching Company, Thomas Rollins, and Pulitzer Prize-winning author David McCullough.

Please join us for the presentation of the award at a gala dinner in New York City on Nov. 7, 2014. You can register online at www.goacta.org/events/Athena_Roundtable_2014.

