

Testimony of Charles Mitchell, Program Director

American Council of Trustees and Alumni

Before the Higher Education Committee, Georgia House of Representatives

Given in Atlanta, April 11, 2007

Good afternoon. As you heard, my name is Charles Mitchell. I am the program director at the American Council of Trustees and Alumni, a national non-profit organization founded in 1995 and based in Washington, D.C. We were asked to provide testimony for you on the issue of intellectual diversity, and we are pleased to do so.

The American Council of Trustees and Alumni is made up of parents, taxpayers, alumni, and trustees from around the country, including Georgia, who believe a quality education is critical to getting ahead. We believe in the ability of education to transform young minds. We believe in education's public purpose to produce informed citizens, effective workers, and life-long learners. And with all of that in mind, we are convinced that a lack of intellectual diversity is severely undermining quality higher education here and elsewhere.

My colleagues and I have traveled across the country helping those concerned about intellectual diversity—trustees, alumni, students, legislators, and others. In no other state are we aware of so many current, public, concrete, and credible indications that a problem exists as we are here in Georgia.

As Orit Sklar pointed out earlier, it is very difficult for students to stand up and draw attention to such problems. They can feel, with good reason, as if they risk their grades, their reference letters—or even, as Ruth Malhotra noted, their physical safety. We think it is notable that so many students have stood up here in your state and demanded that action be taken on this issue. And we agree that something must be done.

Some, of course, disagree. They would have you believe that no reasonable person believes there is a problem in terms of intellectual diversity. That intellectual diversity is

a “new” idea. That all we have here are a few isolated cases. That faculty and administrators are “handling” them on their own. And that asking for a simple annual report would be improper and too costly.

I am here to tell you that none of these excuses hold any water.

The truth is that the lack of intellectual diversity is not a new problem. As early as 1991, First Amendment scholar Benno Schmidt—who was then a college president—warned that “The most serious problems of freedom of expression in our society today exist on campuses. The assumption seems to be that the purpose of education is to induce correct opinion rather than to search for wisdom and liberate the mind.”

He’s not the only one. The Association of American Colleges and Universities—of which Georgia Tech, Georgia State, the University of Georgia, and others are members—issued a statement on “Academic Freedom and Educational Responsibility” that states, “In any education of quality, students encounter an abundance of intellectual diversity—new knowledge, different perspectives, competing ideas, and alternative claims of truth.”

But it continues: “Some departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. And individual faculty sometimes express their personal views to students in ways that intimidate them...[T]here is room for improvement.” To pick just one other example, the late State University of New York at Albany president Kermit Hall wrote: “Only when higher education is willing to address squarely the question of...political imbalance in faculties...or the existence of an oppressive campus orthodoxy, will we command full legitimacy.”

Many of Georgia’s public universities have adopted into their own regulations the American Association of University Professors’ 1940 *Statement of Principles on Academic Freedom and Tenure*. That statement warns faculty to “be careful not to

introduce into their teaching controversial matter which has no relation to their subject.”
In plain English: teach, don’t preach.

Unfortunately, as you’ve heard from several students now, too often those who are paying for an education at Georgia’s public universities get preaching instead of teaching. They get “controversial matter which has no relation to their subject”—in classes from history to physics. That is a violation of professional standards—not according to me, but to the professors’ association itself.

Of course, some say you shouldn’t put too much stock in them—they’re just a few isolated cases. The same, supposedly, goes for the accounts of discrimination in distribution of student fees, censorship due to speech codes, theft of newspapers and other displays, and everything else.

My organization has heard that excuse too. Most recently, we heard it in Missouri, where a bill similar to Chairman Rice’s recently passed committee and is before the House of Representatives as we speak. That bill is named for a student who was singled out for punishment for refusing to sign a letter to the state legislature advocating for a public policy her professor agreed with—but she didn’t.

Time after time, professors and administrators said that she was a rarity—a single problem. But in response to her case, her university had an independent study done of the program in which she was enrolled. It came out last week, and it was so bad that there is talk of closing the program down.

The external reviewers—led by a pair of professors—noted “an atmosphere where [a certain policy] is used in order to coerce students into certain belief systems” and “to bully and browbeat students.” It continues: “Faculty appear wedded to old history and grudges. Some faculty and students do not feel safe. This toxic environment permeates every aspect of the School.”

A “toxic environment.” That’s what was found in Missouri after one examination of one program, in response to a lawsuit like those filed here.

But here in Georgia, you have numerous complaints from several campuses. If all of that is spawned by a “toxic environment,” as Ruth Malhotra said earlier, wouldn’t you like to know? Wouldn’t your constituents, who are paying for these institutions?

The claim is also made that the institutions are handling these problems themselves, and that filing a public report would be too costly. But it’s simply absurd to say that these institutions can’t provide a simple annual report on intellectual diversity. Georgia Tech already has an Office of Diversity Issues with its own director, as well as a Disability and Diversity Week, a Diversity Forum, and a special diversity video on its website. The University of Georgia has a diversity newsletter, an Office of Institutional Diversity, a diversity resources website, and broadcasts its commitment to “diversity recruiting.” What’s the big deal, after all that, about a simple annual report? And isn’t it cheaper than dealing with federal lawsuits?

Universities—here and everywhere—are granted extensive, and very special, privileges. They receive substantial appropriations—as you surely know. They receive tax-exempt status. They receive special autonomy to govern themselves—as is proper. They receive academic freedom. They receive the right to give professors life-time tenure—something I don’t think you all have!

But the universities receive these privileges from the people of Georgia subject to an understanding—that they will serve the public good and be accountable. Academic freedom does not mean freedom from accountability.

That is the reason for House Bill 154.

We all know that students are better educated if they are exposed to multiple perspectives. That professors should give a fair presentation to alternative points of view.

That teachers should never intimidate or treat unfairly students with a “dissenting” point of view. That campus panels and speakers series should give students more than one side of the great issues of the day. That political and ideological bias in hiring, promotion, and tenure is unacceptable. We all agree with these principles—and the bill quite properly gives universities a chance to make sure that they are meeting these goals.

In the face of these hair-raising stories, something needs to be done. Chairman Rice has provided a method for you to ensure accountability—in a way that is sensitive to academic freedom and shared governance.

Requiring a simple annual report—a little bit of sunlight—does not violate academic freedom, restrict free speech or intrude in the operation of institutions in any way. It does not regulate the curriculum or tell professors what to teach. Indeed, it is left entirely up to the each institution to decide what steps it will take and what it will include in its report.

As legislators responsible for public funding and oversight of Georgia’s institutions of higher learning, you can make certain that those institutions are fostering an atmosphere in the classroom dedicated to valid educational ends.

And if you do that by requiring a simple annual report, you will not be the only state to do so. A similar reporting requirement is already in place in Pennsylvania. A special bipartisan committee gave the state universities a list of suggestions regarding academic freedom and students’ rights and asked them to report on their progress by November 1 of next year. And I mentioned earlier, similar legislation is under consideration in Missouri right now.

A reporting requirement will underscore the legislature’s urgent interest in finding out what is happening in Georgia. Indeed, by calling upon institutions to provide an accounting to the public they serve, the legislature will endorse the academy’s insistence on institutional solutions rather than legislative intervention.

Again, I hope you ensure that your universities address the critical issue of intellectual diversity. I thank Chairman Hembree and Chairman Rice for providing you with an appropriate way to do that, and I thank you for allowing me to speak.