

Testimony of Anne D. Neal, President

American Council of Trustees and Alumni

Before the Education Committee, Montana House of Representatives

February 16, 2007 - Helena, MT

I want to thank the Chairman, members of the Committee and especially Rep. Roger Koopman, the sponsor of House Bill 525, for asking me to speak today.

I am president of the American Council of Trustees and Alumni, a national education nonprofit founded in 1995 and dedicated to academic freedom, academic excellence and accountability in higher education. I was recently invited by the University of Montana to speak as an expert on academic freedom --- their term – and have remained to offer a national and local perspective on the issues addressed by the bill.

ACTA is made up of parents, taxpayers, alumni, and trustees from around the country, including Montana, who believe that a quality education is critical to getting ahead. We believe in the ability of education to transform young lives. We believe in education's public purpose to produce informed citizens, effective workers, and life-long learners. We believe, as did Jefferson, that a nation that expects to be ignorant and free expects what never was, and never shall be.

Our organization was formed to raise public awareness about troubling evidence that our institutions of higher education are not all they can be. Study after study shows that students lack basic familiarity with key subjects, that literacy is on the decline, and -- our topic today -- that the lack of intellectual diversity is undermining the education of students as well as the free exchange of ideas central to the mission of the university. We believe it is urgent that universities effectively address the lack of intellectual diversity.

What is intellectual diversity and why is it important?

Let's look at what the academics have to say about it. Over nearly the last 100 years, the academy has issued statement after statement --underscoring the importance of the free exchange of ideas to the academic enterprise.

As early as 1915, at its founding, the American Association of University Professors, the largest association of professors, issued a "Declaration of Principles" that stressed the importance of impartiality in the classroom and introducing students to a variety of viewpoints. You will recognize some of the professors' language in the bill:

The teacher ought also to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own. It is not the least service which a college or university may render to those under its

instruction, to habituate them to looking not only patiently but methodically on both sides, before adopting any conclusion upon controverted issues.¹

In 2005, the American Council on Education released a similar statement on Academic Rights and Responsibilities, endorsed by 30 higher education organizations. The University of Montana, Montana State, and the Montana University System are all members of the Council. The statement said:

Intellectual pluralism and academic freedom are central principles of American higher education. Colleges and universities should welcome intellectual pluralism and the free exchange of ideas. Such a commitment will inevitably encourage debate over complex and difficult issues about which individuals will disagree.”

It also made clear that academic freedom is a right as well as a responsibility:

Academic decisions including grades should be based solely on considerations that are intellectually relevant to the subject matter under consideration. Neither students nor faculty should be disadvantaged or evaluated on the basis of their political opinions.

Both MSU and the University of Montana have adopted statements emphasizing the importance of academic freedom and the free exchange of ideas, as well as the

¹ General Report of the Committee on Academic Freedom and Academic Tenure (1915), 1 AAUP Bull 17 (1915), cited in *Freedom and Tenure in the Academy*, William W. Van Alstyne, Editor (Durham and London: Duke University Press, 1993), 402.

responsibility to adhere to professional standards. The University of Montana, for example, states in the students' course catalog that: "We will protect academic freedom, ... encourage diversity, foster economic prosperity, and be accountable, responsive, and accessible to the people of Montana."

In his August 2006 public memo to Montana's Education Commissioner, President Dennison outlined his very first objective to be promoting "an open atmosphere on the campuses characterized by the free interchange of ideas."

Thus, it appears that academic freedom and the exposure to a variety of ideas and perspectives --- the very essence of HB 525—are principles on which MT schools agree.

Yet there is troubling evidence that our colleges and universities – yes, those right here in MT – are not living up to their promises.

The Association of American Colleges and Universities – of which the University of MT and MT State University are members-has issued a statement on Academic Freedom and Educational Responsibility that states this:

Some departments fail to ensure that their curricula include the full diversity of legitimate intellectual perspectives appropriate to their disciplines. And individual faculty members sometimes express their personal views to students in ways that intimidate them. ... [T]here is room for improvement.

[Columbia president Lee Bollinger, after outside pressure, in early 2005 admitted students had legitimate complaints about intimidation in the classroom and issued new and revised grievance guidelines. David Ward, President of the American Council on Education, has admitted to the press that some institutions have no grievance procedures in place and should have.]

Just months ago, regents in South Dakota were concerned enough to require all public university professors in the state to include an “Academic Freedom Statement” on their course syllabi, which reminds students that their “academic performance may be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.”

Robert Andringa, president of the Council for Christian Colleges & Universities has called on academic leaders to “step up to the plate” and offer a report on what they were doing to guarantee a mix of ideas in the classroom. (Inside higher ed, July 8, 2005)

And the late Kermit Hall, a college president in whose memory the current issue of *Montana Professor* is named, raised similar concerns shortly before his untimely death: “Only when higher education is willing to address squarely the question of ... political imbalance in faculties ... or the existence of an oppressive campus orthodoxy,” he said, “will we command full legitimacy.”

Dr. Hall's concerns refer to a vast number of studies showing that faculties are political monocultures. They have found ratios of 5, 10, even 20 professors of one political party for every one of the other. No matter which side is "in the lead," that should raise our eyebrows.

Of course, numbers like that by themselves are not cause for legislative action. The real issue is: Do these disturbing statistics affect the education students receive? If so, taxpayer dollars are being misused, and legislators should be concerned.

That's why my organization commissioned the Center for Survey Research and Analysis at the University of Connecticut to undertake a scientific survey. UCONN polled undergraduates in the top 50 colleges and universities as listed by U.S. News and World Report. What we found was shocking:

- 49 percent of the students surveyed said their professors frequently injected political comments into their courses, even if they had nothing to do with the subject.
- 29 percent of the respondents felt that they had to agree with the professor's political views to get a good grade.
- 48 percent reported campus panels and lecture series on political issues that seemed "totally one-sided."
- 46 percent said professors "used the classroom to present their personal political views."

- And 42 percent faulted reading assignments for presenting only one side of a controversial issue.
- On top of that, 83% of those surveyed said student evaluation forms of the faculty did not ask about a professor's social, political or religious bias.

As you know, faculty members are hired for their expertise. They are expected to instruct students on the subject of that expertise. If they are teaching biology, they should be talking about biology. If they are teaching Medieval English literature, we expect them to be lecturing on Chaucer, not Condoleezza Rice.

But in our poll, huge numbers of students said that they are receiving preaching rather than teaching.

But those are not the only problems we see in the modern university as a result of the lack of intellectual diversity. Other common occurrences include:

- Disinviting of politically incorrect speakers;
- Mounting of one-sided panels, teach ins and conferences,
- sanctions against speakers who fail to follow the politically correct line;
- Instruction that is politicized;
- Virtual elimination of broad-based survey courses in favor of trendy, and often politicized courses;
- Reprisal against or intimidation of students who seek to speak their mind;

- Political discrimination in college hiring and retention;
- Speech codes and campus newspaper theft and destruction.

And one can find these problems right here in the great state of Montana.

The University of Montana made many headlines after it barred respected scholar Rob Natelson from teaching constitutional law for what Professor Natelson claimed were his political views. Even though the AAUP, ACLU, and others are dedicated to helping folks who are discriminated against because of their unpopular views, they were nowhere to be found.

Also, both the University of Montana and Montana State have speech codes that have received “red light” ratings from the Foundation for Individual Rights in Education, a free speech group that studies such things. Montana State bans, for instance “unreasonable behavior, verbal or nonverbal, which has the effect of subjecting members of either sex to humiliation, embarrassment, or discomfort because of their gender.” MSU General Sexual Harassment and Sexual Intimidation, 06-07.

Apparently, the PC police in Bozeman think they deserve a call whenever someone feels “embarrassed.” That’s not the way things were when I was in college, and I turned out okay.

The University of Montana's codes are even more interesting. UMT HR: Sexual Harassment, 06-07. There, the following no-no's include:

- Exaggerated, mocking 'courtesy'
- Public humiliation
- Discussion of one's partner's sexual inadequacies
- Sexual innuendo or sexually explicit gestures
- Tales of sexual exploitation
- Comments about women's bodies
- Sexist and insulting jokes, cartoons, and graffiti
- Demanding a response, such as "Hey, baby, give me a smile"
- Inappropriate gifts
- Pressure for dates or inappropriate invitations (e.g., hot tub); and
- Leering: Hooting, whistling, sucking, lip-smacking, & animal noises

Animal noises I can understand. But that clause about "appropriate" and "inappropriate" gifts makes me wonder if they still have Valentine's Day in Montana.

But in all seriousness – does anyone really think that speech codes with their list of everything you can't say or do foster an open atmosphere and robust exchange of ideas? Or that denying a qualified professor the ability to teach constitutional law gives the public confidence in how institutions are run? If the legislature doesn't inquire about academic malpractice, who will?

There is no way this kind of one-sided coercive atmosphere can be conducive to a solid education. Students are not empowered to think for themselves when the pall of orthodoxy subtly restricts the subjects taught, subjects discussed, and subjects researched. The lack of intellectual diversity is depriving an entire generation of the kind of education they deserve and every legislator, every parent, every taxpayer in Montana should be profoundly concerned since our system of government –our democratic republic – relies upon an educated and thoughtful citizenry.

Universities – here and everywhere – are granted extensive, and very special, privileges. They receive substantial appropriations. They receive tax-exempt status. They receive special autonomy to govern themselves. They receive academic freedom. They receive the right to give professors life-time tenure.

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

As we have seen, there is worrisome evidence that professional standards and policies are not being upheld – nationwide and here. Since we all agree that there is nothing more important to the academic experience than a diversity of ideas, shouldn't we make sure universities practice what they preach?

You 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 know that --and the bill quite properly puts the legislature on record as supporting these principles.

It gives universities a chance to make sure that they are meeting their goals.

Now the universities, I know, will tell you otherwise.

On February 12, the University of Montana Faculty Senate passed a resolution opposing the bill according to the student newspaper because it violated “UM’s freedom of speech.” Students claim much the same.

As I understand it, there was only one faculty member who opposed the resolution and that was after she requested an opportunity to discuss the legislation before the vote.

That opportunity was denied and it is not clear that most, if any, even read the bill since the critiques of it simply do not have any relationship to the actual bill itself.

In an institution that professes its support of the free exchange of ideas, the faculty won't even allow a discussion. If that does not underscore the need for this bill, I don't know what does.

The bill 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. It simply asks for a report and leaves it entirely up to the institutions to decide what steps it will take and what it will include in its report.

You would not be the only state to take action on this issue, either. A similar reporting requirement is already in place in Pennsylvania. It was approved last year by a special bipartisan committee following testimony by ACTA. When the committee's findings were issued, groups such as the American Federation of Teachers and American Association of University Professors expressed no disagreement with the reporting requirement.

And bills very similar to HB 525 are also under consideration right now in Missouri and Georgia.

We have all heard the phrase: Trust but verify.

That is the principle behind HB 525. It allows you to ensure accountability – in a way that is sensitive to academic freedom and shared governance.

As legislators responsible for public funding and oversight of Montana'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 this bill would do it.

The solution would be simple too. After all, Montana State already has a diversity report, and a Diversity Awareness Office. The University of Montana has special diversity grants, a Diversity Advisory Council, and a diversity webpage. Surely they can file a simple annual report on this crucial type of diversity – a variety of perspectives.

A reporting requirement will underscore the legislature's urgent interest in finding out what is happening in MT without the threat of any heavy-handed legislative intrusion. Indeed, by calling upon trustees 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 Representative Koopman for providing you with an easy way to do that, and I thank you for allowing me to speak.