



Issue Summary and Status: Intellectual Diversity

Overview

“Intellectual diversity” on campus has emerged as part of the debate over the Higher Education Act reauthorization.

The “College Access and Opportunity Act of 2004” (H.R. 4283), introduced during the 108th Congress, included “Sense of Congress” language stating that an institution should assure that its students are:

- evaluated solely on the basis of reasoned answers and content knowledge, without regard to their political, ideological, or religious beliefs;
- assured that selection of speakers and related activities will “utilize methods that promote intellectual pluralism and include diverse viewpoints”;
- presented diverse approaches and dissenting sources and viewpoints within the instructional setting; and
- not adversely treated by the institution on the basis of their political or ideological beliefs under any education program, activity, or division of the institution – whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

These provisions of H.R. 4283 were included to accommodate the interests of supporters of a more extensive “Academic Bill of Rights” resolution (H. Con. Res. 318), which was introduced by Rep. Jack Kingston (R-Ga.). Kingston characterized his resolution as an effort to safeguard a student’s right to “get an education rather than an indoctrination.” The primary concern driving his proposal is the lack of conservative voices in college classrooms and as guest speakers on campus.

A higher education hearing conducted by the Senate Health, Education, Labor, and Pensions (HELP) Committee in October 2003 was entitled, “Is Intellectual Diversity an Endangered Species on America’s College Campuses?” A broad list of concerns was raised at the hearing, ranging from free speech issues to faculty tenure decisions. At that time, senators attending the hearing indicated that they did not see a role for Congress beyond drawing attention to the issue through hearings. No “Academic Bill of Rights” resolution was introduced in the Senate during the 108th Congress.

Background

The debate now underway is similar to that surrounding the “Freedom of Speech on Campus Act,” sponsored by Sen. Larry Craig (R-Idaho) in 1992. That legislation proposed to amend Title IX of the Education Amendments of 1972 to prohibit discrimination by an institution of higher education against a student, based on protected speech in any education program receiving federal assistance under the Higher Education Act. The Senate Labor and Human Resources Committee held a hearing on the legislation, where Melvin George (then president of St. Olaf College in Minnesota) presented testimony on behalf of NAICU in opposition to the bill.

In addition to the activities at the federal level described in the “Overview” section above, substantial activity is taking place at the state level. Author David Horowitz developed an Academic Bill of Rights that he has promoted to state legislatures throughout the country. He also founded Students for Academic Freedom (www.studentsforacademicfreedom.org), which has members on 135 campuses. Legislation based on the Academic Bill of Rights has been introduced in state legislatures in Colorado, Georgia, and Washington. Legislators in several other states are reportedly considering introducing similar legislation. In March 2004, the sponsor of the legislation in Colorado announced he was dropping his bill after receiving assurances from state college officials that they would explore ways to address the concerns raised in the legislation. That same month, the Georgia state senate approved an academic bill of rights resolution by a vote of 41 to 5.

NAICU Position and Rationale

NAICU opposes bringing in the heavy hand of the government to balance the scales of discourse on college campuses. Governmental regulation in this area would place unprecedented restrictions on the fundamental processes of teaching and learning, and would seriously undermine the independence and missions of NAICU institutions.

Governmental regulation is unlikely to be an effective tool for facilitating a free exchange of differing viewpoints on campus, but it would be highly successful in spawning litigation as the preferred means for resolving any such differences.

In closing his 1992 testimony on the Craig legislation, Melvin George observed:

“Congress may have the authority under law to enact such legislation. However, in this instance, it should not. The consequences of this action, while well-intentioned, would be far worse than the problem it purports to solve.”

Opposing Views

Proponents of the Academic Bill of Rights and other means of promoting intellectual diversity on campus argue that such efforts are needed to protect the free speech rights of students and faculty – particularly those whose views may be at odds with the prevailing sentiment. Specific concerns raised by proponents include: college speech codes, free speech zones, diversity training programs, the ideological bias of college professors, the decline in history and other broad-based overview courses, the disinvitation of speakers, one-sided panels and related forums, and discrimination in hiring and retention practices.

Talking Points

- Independence and diversity of mission are the hallmarks of private nonprofit education in the United States. Both would be jeopardized if the federal government gets into the business of trying to define and regulate “balance” in opinions expressed at all levels of the college experience.
- Regulatory efforts to promote free speech may well have the opposite effect, inspiring litigation rather than conversation. The cure would be worse than the disease.

Additional Information

- Attached is correspondence prepared by Bob Andringa, president of the Council for Christian Colleges & Universities, which describes the concerns of the Christian higher education community about the “Academic Bill of Rights” (H.Con.Res. 318).
- See the NAICU Issue Summary on International Education for discussion of a related intellectual diversity issue.

Attachment to: Intellectual Diversity

January 28, 2004

Hon. Jack Kingston
U. S. House of Representatives
2242 Rayburn HOB
Washington, DC 20515-1001

Dear Mr. Kingston,

RE: H.Con.Res. 318, the Academic Bill of Rights

Welcome back for the Second Session and greetings from the Council for Christian Colleges & Universities, an association of more than 160 distinctly Christian campuses in 24 nations; over 120 of them in 31 States who enroll close to 250,000 students. These campuses are growing several times faster than the rest of higher education.

Since the introduction of your resolution, I have discussed it with several Christian college presidents and others. While appreciating the concerns of Mr. Horowitz, who is promoting the language in Congress and in several states, I have found none of our leaders in the Christian higher education community who thinks it would be wise for Congress to act on the resolution. Briefly, here are our general concerns:

1. The diversity of postsecondary education makes it very difficult to generalize what is happening or what needs changing, particularly as it relates to a "balanced" curriculum, the definition of which would vary significantly from campus to campus and even within departments.
2. The tradition of academic freedom carries high value in all of higher education and, while troubling to some on some occasions, it is not an easy area for legislatures to address constructively. In fact, "one size fits all" legislative language could do much harm.
3. While Christian colleges do teach a variety of credible opposing positions on issues, we value the freedom to teach through the eyes of faith. Emphasizing the Christian worldview is important to us, and each of our campuses deserves some autonomy in defining that according to its mission. We, of course, defend the rights of Jewish, Muslim and other traditions to enjoy this same freedom.
4. The resolution would question the right of religious colleges to hire based on faith, something that is central to approximately 500 accredited campuses in the United States. If Congress were to put that fundamental right into question, there would be a massive and strong reaction. We hope Congress will continue to support Title VII as affirmed by the Supreme Court.
5. Politically, we need to build more trust between Congress and the higher education community, working closer on the key issues. Serious action on this resolution would erode the relationship significantly.

In sum, we can not endorse this resolution. These issues are best left to the states which oversee their public institutions and to the trustees of the nation's 1600 independent colleges and universities.

Please feel free to contact me if we can ever be of assistance to you.

Cordially,

Robert C. Andringa
President