

The State of Free Expression and Intellectual Diversity in
Higher Education

Anne D. Neal

The William F. Buckley, Jr. Program

The Future of Free Speech: Threats in Higher Education
and Beyond

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As a Harvard alum, I first want to say how delighted I am to be here. I promise to refrain from any cheap Harvard–Yale jokes and confess I much prefer Handsome Dan to that Crimson “pilgrim” that often appears at Harvard football games.

I am even able to report that we have two wonderful Yalies at ACTA, one of whom is in the audience who was involved with the Buckley Program as an undergraduate and has created a style guide for ACTA that even includes the word “microaggression.” Hello, Rich!

Thank you to the Buckley Program for pulling together this most timely discussion. And thanks also to namesake Bill Buckley whose strong belief in vigorous debate is an inspiration to all of us.

So: Turning to the question at hand: What is the state of free expression and intellectual diversity in higher education?

Trigger Warning!

My assessment contains traumatic subject matter for those who believe colleges and universities have an obligation to foster a robust exchange of ideas.

Frankly, we see across the country a culture of offense. Under the banner of academic freedom—in Buckley’s terms, “the superstitions of academic freedom”—academe has declared whole disciplines, entire political perspectives, and influential thinkers off limits. This stifling academic culture hobbles students’ intellect and character and endangers the empowerment and training of the next generation of leaders.

Having said that, there is hope. Trustees and alumni are waking up. And that is why ACTA exists. We were founded in 1995, to reach out to governing boards and alumni to reverse these trends. The crisis of American higher education would be far deeper were it not for the efforts of those at this table, the Buckley Program, and the reform community which challenges low academic standards and the lack of intellectual diversity. And there is good news.

Let me start with a groundbreaking report coordinated by ACTA in 2014, *Governance for a New Era*, chaired by none

other than former Yale President Benno Schmidt and signed by Yale's own José Cabranes and Donald Kagan, to name only a few of its supporters.

This statement—available on our website—calls on trustees and administrators to take a more active role in reviewing and benchmarking the work of faculty and administrators. Too many trustees, says the report, have seen their role narrowly defined as boosters, cheerleaders, and donors.

In keeping with Buckley's thinking, the report makes clear that trustees are the tie between the university and the greater society. The report also cites a Harvard man, one Derek Bok, who stresses this point:

“Trustees are supposed to act as a mediating agent between the interests of the institution and the needs of the surrounding society.”

It is for this reason that the report concludes that trustees must have the last word on academic excellence and academic freedom. They have a perspective that a tenured professor, focused on his own department and discipline, typically cannot offer.

They must intervene when internal constituencies will not do the right thing for students.

That should happen rarely, since the president, provost and faculty should have addressed matters on their own.

President Salovey surely had it right when he supported the Buckley Program in refusing to countenance efforts to disinvite Ayaan Hirsi Ali.

But, otherwise, trustees, the fiduciaries, those legally responsible, must be prepared to intervene:

To oppose disinvitations; and

To insist on disciplinary diversity, and I quote, “when there is evidence that self-interest and personal ideologies drive departmental directions rather than the interest of students and preparation of citizens.”

Governance for a New Era calls on trustees to ask annually for a report from the administration on disciplinary diversity. In history, for example: Can students learn about military history? The American Revolution? The Constitution?

Trustees should demand integrity in the hiring process.

And they should adopt policies that maintain institutional neutrality and distance from political fashions and pressures.

The Kalven Committee at the University of Chicago said it well some years ago: The “neutrality of the university . . . arises out of a respect for free inquiry and the obligation to cherish a diversity of viewpoints.”

The report urges presidents, deans and faculty to address entering students on academic freedom and free

expression—with kudos, again, to President Salovey for doing so in his speech to freshmen last year.

And, most broadly, trustees need to ensure that academic freedom is a central value of the institution.

ACTA has written to over 1,100 boards across the country urging them to support the free exchange of ideas and intellectual diversity and to reject the notion that sensitivities trump free speech. This is a top priority for us and one we will continue to push, working in tandem with our friends at FIRE.

Bit by bit, boards are going on record in defense of academic freedom and intellectual diversity: Chicago, followed by Princeton, Purdue, Johns Hopkins, and American University faculty.

Yale, to its credit, went on record years ago with the Woodward Report—something we excerpt in *Free to Teach*, *Free to Learn* on our website, with a wonderful gloss by Judge Cabranes and Yale Law Professor Kate Stith.

This statement remains on the Yale website—and it doesn't get much better than this. I believe we and Yale alumni must urge the trustees and administrators to call for a university-wide teach-in and a reaffirmation. Yale should celebrate this profound document and build upon it.

C. Vann Woodward was not only a famous historian; he was a man of conviction. He understood that an education of quality of necessity will be unsettling and will sometimes cause discomfort.

To cite from the report: To make “the fostering of friendship, solidarity, harmony, civility or mutual respect” the “primary and dominant value” on campus risks “sacrificing [the university’s] central purpose”: teaching and scholarship.

It is time for a reaffirmation.

It’s time also for Yale to expand its focus on diversity to include intellectual diversity. Just this week, the administration announced a diversity initiative—\$50 million—to bring in more diverse faculty. This is fine and good. But it is absurd in the extreme if the hiring initiative is not focused on the kind of diversity that truly matters in a university: intellectual diversity.

Fortunately, there are a growing number of oases on college campuses—the Buckley Program is one of them—where there are alternatives to the traditional campus fare. At ACTA, we have and will continue to work with donors to promote their growth and success.

There are other good signs.

At CUNY, the board put into place grievance policies which allow students to speak out without fear of reprisal when they believe the institution is failing to protect their freedom to learn. Given the Buckley survey's documentation of students fearful to disagree in class, this seems a most pressing opportunity for other schools.

The trustees at the University of Colorado—Boulder have undertaken a campus climate survey. A full 23% of students indicated that they felt “intimidated to share their ideas, opinions, and beliefs in class because of their political philosophy.” To address this troubling climate, the board adopted policies that prohibit discrimination on the basis of political affiliation and political philosophy. This is progress. Yale should follow their lead.

2015 was considerably better than 2014 in terms of the decline in disinvitations. Miami and Michigan State allowed George Will to speak despite vocal student protest. The University of Minnesota arrested students who tried to shout down a professor from Israel.

Harvard Law professors pushed back when the Harvard administrators adopted a Title IX federal plan with little regard for constitutional protections.

There are real problems out there. And if we are going to solve these problems, Buckley is right: Trustees and alumni are critical to reversing those trends. ACTA is here to

empower trustees—and when necessary to name and shame them—into doing the right thing. Thank you again for having me.