



July 17, 2015

Dear Trustee:

Several months ago, you received a copy of *Governance for a New Era*, the product of a summit of higher education leaders facilitated by ACTA and led by Benno Schmidt, chair of The City University of New York Board of Trustees and past president of Yale University.

As this groundbreaking report—called a “common sense document” by *Forbes*—shows, effective oversight is possible only when board members have access to the same information and metrics for decision making as administrators. In addition to this crucial operating principle, the report’s 22 signatories underscored the necessity that boards proactively enact policies to protect academic freedom and the free exchange of ideas on campus.

This is why I am pleased to include the following resources and encourage you to consider their implications at your next board meeting.

### **Trustee Access to Information**

As you may have read in the press, over the past two years there has been a high-profile debate in the University of Texas System board about trustee access to information.

The state’s attorney general recently issued an opinion affirming trustees’ right of access to information. The opinion (copy enclosed) not only recognizes that the nature of each individual regent’s fiduciary duty “necessarily implies” an “inherent right” to view university records but also identifies UT System board rules explicitly protecting the right of regents to information needed to carry out their official duties.

I invite you and your fellow trustees to use this opportunity to review your board’s existing policies on data requests and on the handling of sensitive materials to ensure you have appropriate access to information.

### **Trustee Support of Free Expression**

Purdue University’s board took a significant step on behalf of academic freedom this past May, when it passed a resolution endorsing the principles of the University of Chicago’s 2014 Report of the Committee on Freedom of Expression. Purdue and Princeton University have both adopted the Chicago principles in recent months, affirming the importance of the free exchange of ideas. Among those principles, one finds the following:

[T]he University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. . . . Indeed, fostering the ability of members of the University community to engage in such debate and

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deliberation in an effective and responsible manner is an essential part of the University's educational mission.

ACTA commends the Purdue board for its clear pledge to maintain a campus climate that embraces intellectual diversity and encourages open discussion. I hope that you and your board will also publicly recognize these principles that are so vital to a robust liberal arts education.

As you continue to address these issues, please feel free to contact us. For 20 years, ACTA has worked with trustees at colleges and universities across the country to help them carry out their fiduciary duties. Whether presenting at a board retreat, answering a phone call about a specific issue, or providing publications on best practices, ACTA has practical, timely information to help you be more effective in your trusteeship. For more information, contact Armand Alacbay, Director of Trustee Programs, at [aalacbay@goacta.org](mailto:aalacbay@goacta.org). To receive our quarterly *Inside Academe* newsletter and our e-newsletter with higher ed updates, sign up using the form on our website at [www.GoACTA.org](http://www.GoACTA.org).

Thank you for your service to higher education.

Warm regards,



Anne D. Neal  
President

Enclosures

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