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April 14, 2021

Dr. Charles Van Loan
Joseph C. Ford Professor of Engineering
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423 Gates Hall
Cornell University
Ithaca, New York 14853

Dear Dr. Van Loan:

For more than 25 years, the American Council of Trustees and Alumni (ACTA) has worked to protect academic excellence and academic freedom, and in accordance with this mission, we respectfully urge the Cornell faculty to proceed with caution in their deliberations over WG-F and WG-S.

It is admirable and wholesome for members of the academic community to devote themselves to ending racism and mitigating the damage it has caused and continues to cause. In keeping with the dynamic force of academic freedom, individual members of the faculty and student body will develop different strategies and priorities. Thus, the plans to create a Center (WG-C) are wholly aligned with the mission and values of Cornell; but conversely, the current plans for a required course for undergraduates and compulsory anti-racism training for faculty represent a threat to academic freedom at Cornell.

The Faculty Educational Requirement for Antiracist, Just, and Equitable Futures envisions the creation of mandatory training modules for faculty and significant consequences for members of the faculty who do not participate in the programs developed by the Office of Faculty Development and Diversity (OFDD). While voluntary workshops are entirely appropriate, sanctions against those who do not participate violate the intellectual freedom of the faculty. To be clear, barring faculty from serving on search committees, advising students, or involvement in student activities represents coercive sanctions inimical to academic freedom and the independence of thought on which academic freedom depends. Only a grave, crisis level of dysfunctional behaviors might justify such measures, and the Cornell campus, to its credit, does not exhibit racial prejudice approaching this level.

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Cornell faculty should be aware of the problematic practices to which some DEI initiatives on other campuses have led. The University of California–Berkeley, for example, has piloted the use of a rubric as a screening process to *eliminate* all applicants who do not conform to the approach to diversity that Berkeley’s Office for Faculty Equity and Welfare might have in mind. A candidate whose application describes, in the language of the rubric, “only activities that are already the expectation of Berkeley faculty (mentoring, treating all students the same regardless of background, etc.)” is deemed to have given an unacceptable answer. And there are real consequences for the candidate. In pilot programs, *the rubric functioned as a screening tool, deployed before the faculty hiring committee can consider the academic merits of the candidate.* The application of a young Albert Einstein would find its way to the shredder before the committee could appreciate his academic promise. Cornell has good reason to be very wary of WG-F, WG-S, and particularly the Faculty, Graduate Students and Staff for an Anti-Racist Cornell’s 2020 Demands, several of whose signatories have contributed to the proposals now before the Cornell Faculty Senate.

Contrast the University of Chicago’s seminal report on the Criteria of Academic Appointment, generally known as the Shils report, with WG-F and WG-S. The Shils report remains valuable today for its clear specification of the chief functions a university should have in mind when it appoints, tenures, and promotes its faculty. *“These functions are: (1) the discovery of important new knowledge; (2) the communication of that knowledge to students and the cultivation in them of the understanding and skills which enable them to engage in the further pursuit of knowledge; and (3) the training of students for entry into professions which require for their practice a systematic body of specialized knowledge.”*

The report further notes that the criteria that govern academic appointments should *“give preference above all to actual and prospective scholarly and scientific accomplishment of the highest order, actual and prospective teaching accomplishment of the highest order, and actual and prospective contribution to the intellectual quality of the University through critical stimulation of others within the University to produce work of the highest quality.”*

ACTA is concerned that several provisions in WG-F are likely to evolve in ways that will significantly abrogate appointment, tenure and promotion, and program review priorities and decisions. The proposal is, in fact, designed to prioritize faculty “understand[ing] [of] structural racism and the forces of systemic bias and privilege” in the most consequential academic evaluation processes. This is a truly radical step—one that could, over time, undermine the institution’s commitment to academic freedom and academic excellence.

Specifically, the inclusion of university-wide DEI questions on student course evaluations, required DEI statements for all candidates for tenure and promotion, and the requirement that each department assemble an annual DEI climate statement as part of its self-study “dossier” will change incentives for faculty and academic leaders and, therewith, the foci of academic

programs and departments. Compliance takes time and time is a limited resource, today more than ever. Energy devoted to generating outputs in each department that can be referenced in a program review climate statement, assembling evidence of participation in DEI programs for a reappointment review portfolio, and refocusing teaching to fit students' DEI expectations will necessarily detract from faculty teaching and research as traditionally understood. Such a step might be necessary on a campus where there is clear evidence of widespread bias, prejudice, and racism. But that, as noted above, is not the case on Cornell's campus today. As such, elevating DEI protocols to the priority level generally reserved for encouraging teaching and research excellence is unnecessary and in significant tension with the academic goals of the institution.

Cornell's Policy Statement on Academic Freedom makes the obvious point that academic freedom does not imply immunity from prosecution for illegal acts or grant license to all types of behavior. A neutral reading of this statement would suggest that it properly denies protection to e.g., fraud, quid pro quo sexual coercion, and libel. A faculty member who demurs from the institutional understanding of how to improve societal values should not be placed in such a category of anomie: Academic freedom should protect precisely such a choice.

Regarding a required DEI course for all students, faculty should keep in mind that adding a core requirement is a matter that calls for far more discussion and analysis. The AAUP's "Statement on Government of Colleges and Universities" envisions a role for governing boards in curricular revisions that reflect a shift in the general educational policy of a university, a role that goes well beyond rubber-stamp approval: "*Such matters as major changes in the . . . various elements of the educational and research program should involve participation of governing board, administration, and faculty prior to final decision.*" Adding a required DEI course surely fits this definition, especially in light of the fact that Cornell does not have a requirement for a foundational course in American history and government. Given our present crisis in civic literacy, and with public dialogue coarsening every day, the faculty and governing board should have opportunity to consider carefully the relative priority of various student learning objectives and the potential disadvantages of privileging tenets of Critical Race Theory, a still-controversial academic theory, over a fundamental understanding of the strengths and weaknesses of American institutions and the history of how they have developed. Critical Race Theory, like all social theory, deserves judicious academic consideration, but mandating it seems more like indoctrination than systematic education. It is well to heed the admonitions of AAUP's founders, Arthur Lovejoy, John Dewey, and Cornell's distinguished Professor of Classics Charles Bennett, who cautioned college teachers against indoctrinating the student "*with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question . . . 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.” The dogmatic tone of WG-F and WG-S is at odds with this guidance from AAUP’s founders.

Finally, ACTA commends to your attention the guidance of the University of Chicago’s Kalven Committee Report on the University’s Role in Political and Social Action. I take the liberty of quoting it at length, since it so clearly addresses the nature of the decision that is before the Cornell Faculty Senate:

The mission of the university is the discovery, improvement, and dissemination of knowledge. Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones. In brief, a good university, like Socrates, will be upsetting.

The instrument of dissent and criticism is the individual faculty member or the individual student. The university is the home and sponsor of critics; it is not itself the critic. It is, to go back once again to the classic phrase, a community of scholars. To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community. It is a community but only for the limited, albeit great, purposes of teaching and research. It is not a club, it is not a trade association, it is not a lobby.

Since the university is a community only for these limited and distinctive purposes, it is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a given view of social policy; if it takes collective action, therefore, it does so at the price of censoring any minority who do not agree with the view adopted. In brief, it is a community which cannot resort to majority vote to reach positions on public issues.

The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints. And this neutrality as an institution has its complement in the fullest freedom for its faculty and students as individuals to participate in political action and social protest. It finds its complement, too, in the obligation of the university to provide a forum for the most searching and candid discussion of public issues.

Dr. Charles Van Loan

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My colleagues and I thank you for your patience in considering this lengthy letter. We are at your service in helping in every way as you continue your deliberations on matters of academic quality and academic freedom.

With highest regards,

A handwritten signature in blue ink that reads "Michael B. Poliakoff". The signature is written in a cursive style with a large, sweeping initial "M".

Michael Poliakoff
President