

AAUP Testimony to NACIQI
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Since its founding in 1915, the American Association of University Professors (AAUP) has endeavored to advance principles of academic freedom, tenure, and shared governance for the common good. We are testifying today to encourage greater federal oversight of accrediting agencies with respect to these principles. Academic freedom allows faculty members to teach and conduct research according to the best professional standards without interference from non-academics. Tenure protects academic freedom by shielding post-probationary faculty members from arbitrary dismissal. Shared governance is joint decision-making among trustees, administration, and faculty, with each group taking a primary role in their area of responsibility. The AAUP believes that academic freedom, tenure, and shared governance are essential to institutional quality and that commitment to these principles has helped to make the US system of higher education the best in the world. We are therefore deeply disturbed by recent attacks on higher education that target these essential principles, and we are calling on NACIQI to exercise stronger oversight of US accreditation with regard to them.

The AAUP has issued recommended standards for regional accrediting commissions. Faculty members should be part of regular visiting committees. Institutional policy on academic freedom and tenure consistent with major provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure* should be a condition for accreditation. Visiting committee reports should document conditions of academic freedom, tenure, due process, and faculty participation in institutional government. Accrediting organizations should affirm the role that accreditation plays in the protection and advancement of academic freedom.¹

We share the Department's goal of ensuring that accreditation remains a front-line mechanism for quality assurance. To that end, we believe that if an institution is found to have permitted egregious violations of academic freedom, tenure, or shared governance, accrediting agencies should take decisive action, including withdrawing accreditation if such violations are not corrected.

We are concerned that recent legislative attacks on higher education have laid the groundwork for threats to academic freedom, tenure, and shared governance to proliferate. Florida's Stop W.O.K.E. Act would restrict students' learning of race and gender and is currently under legal challenge. According to reports, the Florida Department of Education requested that all state higher education institutions submit their activities related to equity, diversity, and inclusion, making such programs and initiatives a political target. The presidents of Florida's 28 public colleges issued a joint statement on equity, diversity, and inclusion and promised not to fund critical race theory, a statement the AAUP has denounced. These actions have a chilling effect on free speech, make campuses less inclusive, and threaten faculty members' ability to teach and conduct research. The Florida Board of Governors is reviewing a policy that would require post-tenure review, draconian versions of which can effectively eliminate tenure.² And, as

¹ See the AAUP's *The Role of Faculty in the Accrediting of Colleges and Universities*

² See the AAUP's *Post-tenure Review: An AAUP Response* and *Academic Freedom and Tenure: University System of Georgia*

NACIQI is very aware, Florida also recently changed its laws to require institutions to switch accreditors each accreditation cycle, an act that followed SACSCOC's³ investigation into Florida State University's executive search process and the University of Florida's alleged interference with faculty members' testimony in a state voting-rights case. These are just some examples of how political interference, by undermining academic freedom, tenure, and shared governance, challenges institutions' ability to maintain academic quality, and we remain deeply concerned that these threats will not abate.

Florida has become an unfortunate ground zero for political interference in higher education, but without decisive action, it may not be the only state where public education is subject to such interference. In over 40 states, educational gag orders that restrict teaching of specific topics in K-12 or higher education have been introduced or passed.⁴ These so-called anti-CRT (critical race theory) laws interfere with the ability of the faculty to exercise its collective responsibility for the curriculum and of individual faculty members to make pedagogical choices according to sound disciplinary standards or in some cases to teach their subject matter at all. In North Dakota, the legislature is considering an unprecedented bill, HB 1446, that would effectively eliminate tenure at two universities, with the possibility of extension to entire system of public higher education in the state.

While we recognize the legal authority individual states have over their higher education systems, we find these attacks to be unacceptable. We ask that NACIQI, along with the Department of Education, consider how oversight and accreditation can be used to uphold principles of academic freedom, tenure, and shared governance.

We applaud the administration for its recent efforts to prevent a "race to the bottom" by ensuring that institutions cannot evade accountability by circumventing the accreditation process.⁵ We support the Department's July 2022 Dear Colleague letters, which clarify guidelines that institutions must follow to demonstrate they have reasonable cause for changing an accrediting agency.⁶

We are encouraging even more direct action, however, given the stakes of what we have observed. We request that NACIQI enforce accrediting agencies' commitment to academic freedom, tenure, and shared governance. Accrediting agencies must properly investigate restrictions on teaching, attacks on tenure, and violations of shared governance and should revoke accreditation if gross violations are not corrected. We ask that NACIQI hold accrediting agencies accountable for their commitment to these principles and revoke recognition of accrediting agencies when they fail to uphold them.

³ Southern Association of Colleges and Schools Commission on Colleges

⁴ <https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06>

⁵ <https://blog.ed.gov/2022/07/postsecondary-accreditation-cannot-become-a-race-to-the-bottom/>

⁶ <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-07-19/procedures-institutions-seeking-approval-request-change-or-add-accrediting-agencies-updated-sept-26-2022;>
<https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-07-19/guidance-institutions-seeking-change-or-add-accrediting-agencies>

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Thank you for the opportunity to provide testimony, and we look forward to working in partnership with NACIQI and the Department of Education in preserving academic freedom, tenure, and shared governance for the sake of educational quality.