

Submitted by
Mr. McKeon

September 6, 2007

The Honorable George Miller
Chairman
House Committee on Education and Labor
Washington, DC 20515

The Honorable Howard P. "Buck" McKeon
Ranking Member
House Committee on Education and Labor
Washington, DC 20515

Re: Amendments to Higher Education Act:
Respect for Institutional Missions In Accreditation

Dear Chairman Miller and Representative McKeon:

We are the presidents of a diverse array of private universities—including Baylor University, Brigham Young University, The Catholic University of America, Cleary University, Loma Linda University, The University of Notre Dame, Pepperdine University, Samford University, and Wheaton College—as well as organizations representing hundreds of private religious and non-religious educational institutions around the country, specifically, the American Association of Presidents of Independent Colleges and Universities ("AAPICU"), and the Council for Christian Colleges and Universities ("CCCU"). (Membership lists for CCCU and AAPICU are attached.) We write to urge you to include in the upcoming Committee draft of the Higher Education Act reauthorization bill some important language that was passed in the corresponding Senate bill (S. 1642) and that would address a problem encountered all too often by colleges and universities of all stripes—namely, efforts by accrediting bodies to pressure an institution into rewriting or departing from its self-defined educational mission.

To be clear, we believe that accreditation plays a vital role in higher education. Indeed, it is in large part because of sound accreditation procedures that the U.S. system of higher education is the finest in the world. We therefore strongly support both the concept of accreditation and the manner in which it is typically conducted.

Unfortunately, however, we have occasionally seen accrediting agencies abuse their authority by attempting, in essence, to force upon an institution an educational mission with which it disagrees or which is otherwise incompatible with the institution's self-defined mission. For example, occasionally an accrediting body will attempt to pressure a college that currently offers only a four-year degree in a discipline into offering graduate degrees in that same subject—thereby transforming the department's mission from one focused primarily on training undergraduate students for professional employment or graduate study into one focused more on research and on training future academicians. Although such changes in mission may have a defensible academic rationale, we believe the choice of mission *should* be left to the institution itself, not imposed on it by an accrediting agency.

In much the same way, accrediting agencies sometimes attempt to alter the missions of religious colleges and universities. Those missions generally include the study of at least some academic subjects from a religious point of view and the creation and maintenance of an academic community in which members share at least some religion-based values and behavioral norms. Sometimes, when these values and behavioral norms differ from or even conflict with those of a particular accrediting agency, the agency will attempt to impose its own viewpoints on religious colleges through its control of the accreditation process.

Such inappropriate use of accrediting authority, when it occurs, produces several unfortunate effects. It undermines the ability of religious institutions to define and adhere to their own educational missions. It threatens the valuable institutional diversity in American higher education, which is the envy of the world. And it increases significantly the costs of the accreditation process by augmenting the institutional resources that must be marshaled to defend academic and religious objectives.

For all these reasons, we believe the law governing accrediting agencies must be clarified. We are not seeking legislation that would automatically require accrediting bodies to simply accept whatever an institution says about the impact of a particular accrediting standard on its mission. S. 1642 does not do that. Instead, it merely clarifies that accrediting bodies must "*respect* the stated mission of the institution of higher education, including religious missions." The word "respect" is obviously stronger than "consider" – which would give accrediting bodies *carte blanche* to impose any requirements they wish as long as they can show that they have considered the institution's interest, and is therefore unacceptable to us. At the same time, "respect" is obviously less demanding than alternatives such as "defer" – which we think could impinge unduly on the accrediting function. In short, we think the word "respect" fairly balances the legitimate interests of accrediting bodies and the institutions they accredit.

Some have suggested that such a provision would roll back civil rights and usher in a new era of race discrimination and the like. Nothing could be further from the truth. In fact, the draft legislation would have *no* effect on Title VI of the Civil Rights Act, which contains the federal ban on racial discrimination by colleges and universities that receive federal funds. Nor would it have any effect on the existing federal limitation of tax-exempt status to private schools that do not discriminate based on race. Nothing in the draft legislation, moreover, would limit the prerogatives of Congress, the States, or the courts to establish and enforce non-discrimination standards. It would merely limit any future efforts by *unelected accrediting bodies* to push the envelope by imposing their own *non-statutory* accreditation requirements, at the expense of colleges with distinctive missions.

Indeed, far from effecting a rollback in civil rights protections, the draft legislation would protect the civil rights of universities and colleges, whether secular or religious in outlook, whose distinctive missions contribute to the valuable diversity of American higher education. For example, it would protect historically black colleges and women's colleges against efforts by accrediting bodies to undermine their unique missions.

That is undoubtedly why the diverse group of education officials that participated in the Department of Education's recent negotiated rulemaking—a group that included ample representation of the accreditation community—unanimously agreed to a proposed regulation that is sub-

Hon. George Miller
Hon. Howard P. "Buck" McKeon
September 6, 2007
Page 3

stantively similar to the provision in S. 1642. That is also why numerous private universities and colleges—large and small, religious and secular—strongly support that provision. And that is why we urge you to include that language in the House version of S. 1642.

Please do not hesitate to contact us if we may be of assistance as this important legislation proceeds.

Sincerely yours,



President, Council for Christian
Colleges and Universities



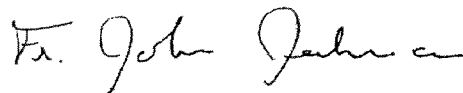
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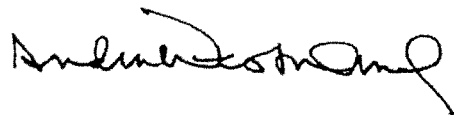
President, Catholic University



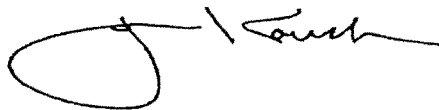
President, College for Creative Studies



President, University of Notre Dame



President, Samford University



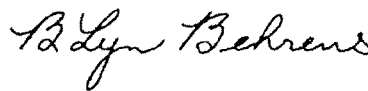
President, American Association of Presidents
of Independent Colleges and Universities



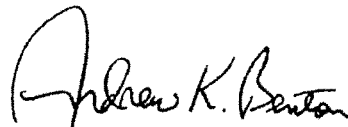
President, Brigham Young University



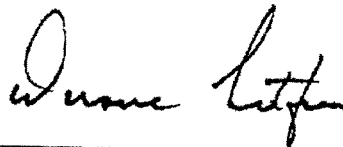
President, Cleary University



President, Loma Linda University



President, Pepperdine University



President, Wheaton College