



American Federation  
of Teachers, AFL-CIO

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AFT Teachers  
AFT PSRP  
AFT Higher Education  
AFT Public Employees  
AFT Healthcare

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June 4, 2004

The Honorable John A. Boehner  
Chairman  
House Committee on Education and the Workforce  
2181 Rayburn House Office Building  
Washington, DC 20515-6100

Dear Mr. Chairman:

On behalf of the 1.3 million members of the American Federation of Teachers (AFT), which includes 150,000 higher education professionals, I write to express our strong opposition to Section 103 (Student Speech and Association Rights) of H. R. 4283, the College Access and Opportunity Act of 2004.

This section, known as the “Student Bill of Rights,” would result in an unprecedented intrusion into higher education by the federal government. The AFT hopes that the committee will consider the impact of this provision and strike this language when the bill is marked up.

The core mission of the Higher Education Act (HEA) is to create opportunities for students to enter and succeed in higher education through assistance from the federal government. To safeguard this mission, the HEA requires that participating institutions be accredited by a certified accrediting agency. Accreditation ensures that quality in higher education is achieved in a decentralized, nongovernmental, nonpartisan and professional way.

Congress historically has refrained from imposing federal control over the professional operation of our colleges and universities. It also has always understood that setting academic policy is best left in the hands of governing boards of each institution. Our nation’s system of higher education reflects great variety among its students, professors, programs and outlook. This diversity has been a key factor in establishing America’s primacy in higher education. Furthermore, the internal procedures that higher education institutions have developed to ensure objectivity and high standards—academic freedom, tenure and shared governance—have been an integral part of building and sustaining our world-class reputation for educational quality.

Section 103 would violate longstanding principles of academic autonomy by authorizing federal oversight in the areas of curriculum, day-to-day coursework and classroom discussions on college campuses across the country.

Furthermore, this section asserts that liberals hold nearly all of the primary academic positions in our colleges and universities and that these faculty members impose their ideological views on students and, in some cases, penalize students who disagree with them. This characterization, however, bears no resemblance to what we see in our work as professionals on campus. The diversity of colleges and universities, as well as the internal procedures designed to ensure high standards, produce a much more dynamic, complex and wide-ranging academic environment than the picture painted by supporters of Section 103 of H. R. 4283. Congress should also understand that virtually every college and university has already adopted procedures to ensure a fair resolution of complaints by students who claim they are unfairly treated for expressing opinions in their coursework.

This nation's system of higher education is highly regarded around the world because it encompasses thousands of learning communities that encourage debate and the free exchange of ideas. In fact, these institutions flourish because of this diversity and autonomy.

Section 103 would entangle institutions of higher education in an endless round of public hearings and litigation in which non-academics would challenge whether enough balance was achieved in a particular department, classroom or campus event. For these reasons, we respectfully request that Section 103 of H. R. 4283 be stricken from the bill.

The HEA reauthorization process represents a tremendous opportunity to improve access to higher education. We would like to discuss this issue and other concerns we have with H. R. 4283 with your staff at their earliest convenience. My staff will follow up on this request in the near future.

In the meantime, please do not hesitate to contact me or Gabriella Gomez at (202) 879-4452 if have any questions about AFT's position on this important issue.

Sincerely,

Charlotte J. Fraas  
Director, Legislation Department

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