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May 15, 2019

Dear Honorable Members of the Michigan House Oversight Committee:

As a nonprofit organization committed to the preservation of academic freedom, academic excellence, and accountability in higher education, the American Council of Trustees and Alumni (ACTA) is proud to support HB 4435 and HB 4436.

For over 20 years, ACTA has worked with trustees and public officials across the country to ensure that students are equipped with the knowledge and skills they need for the challenges of career and citizenship. And essential to this mission of higher education are rational debate and the free exchange of ideas.

Nationwide over the past few years, violent campus protests, classroom disruptions, deplatforming, and the disinvitation of speakers, have become increasingly commonplace, threatening this mission. From the University of Missouri's former professor Melissa Click calling for "some muscle" to prevent a student journalist from covering a protest, to riots at UC-Berkeley which caused an estimated \$100,000 in property damage, to the assault of Professor Allison Stanger at Middlebury College, this trend is troubling in nature.

To compound this issue, well-meaning institutions can adopt policies that inadvertently just as well unduly restrict free expression. A pair of examples in Michigan are illustrative. In 2015, Western Michigan University was forced to settle a First Amendment lawsuit for \$35,000 and change its speech policies after it attempted to ban a controversial speaker from campus; first overtly, then by charging an unreasonable security fee. In 2018, Northern Michigan University settled for \$173,500 after the Department of Justice brought a suit against the school for threatening disenrollment against students who had been discussing their struggles with mental illness and self-harm.

What these examples share in common is that they represent an overt threat to the culture of free speech and inquiry that is so integral to a liberal education. The foundational aspect of the free exchange of ideas is part of what makes the higher education community unique. This sentiment was perhaps best expressed in the University of Chicago's 2015 *Report of the Committee on Freedom of Expression*, known more commonly as the "Chicago Principles." To date, 63 institutions—including state systems in Colorado, Nevada, Florida, Iowa, Nebraska, and

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South Dakota—have adopted substantially similar policies or statements which recognize the fundamental relationship between free expression and education.

Yet the failure of many institutions to model this ideal risks dire consequences for the nation. It is perhaps not surprising that recent polls have shown college students to be likely to support actions or policies that are incompatible with the freedoms of speech and assembly. For example, a 2017 survey by Gallup and the Knight Foundation found that 39% of students agreed that it was acceptable to deny a member of the news media access to a protest or rally on campus. When dealing with controversial topics, 28% of students agreed it is permissible to disinvite a speaker simply because they disagree with them, 37% agreed that it is acceptable to shout down a speaker, and 10% agreed that it is acceptable to use violence to stop a speech, protest, or rally.

It is our hope that HB 4435 and HB 4436, along with the leadership of trustees and public officials, will serve to clarify the rights and duties of students and staff at Michigan's public colleges and universities. We urge you to advance this legislation, and we thank you for your service to higher education.

Respectfully,



Armand Alacbay
Vice President of Trustee & Government Affairs