

From: dave porter
Sent: Fri, 4 Jun 2021 10:30:09 -0400
To: T9PublicHearing
Subject: Written Comments: Title IX Public Hearing (The Necessity of Assessing Title IX Impacts on Academic Freedom & Higher Learning)
Attachments: Congressional Testimony June 2021 - written comments.docx

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Written Comments: Title IX Public Hearing (The Necessity of Assessing Title IX Impacts on Academic Freedom & Higher Learning)

Respectfully submitted,

David B. Porter,

(b)(6)



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Hostile Environment Concerns May Cancel Academic Freedom

I'm a 72 year old veteran and acknowledge my many blessings and privileges. I graduated from the Air Force Academy in 1971 with an engineering degree; a year later, I earned a master's degree from UCLA in Industrial Relations and Labor Law. After serving as a rescue helicopter pilot and aircraft maintenance officer, I returned to the AF Academy faculty. Later, I completed my doctorate in Experimental Cognitive Psychology at Oxford University. In 1996, I was selected by the Academy and confirmed by the Senate as the third Permanent Professor and Head of the Department of Behavioral Sciences and Leadership.

Throughout my career, I've supported diversity and inclusion. I earned AF qualifications as an Equal Opportunity & Treatment Officer and Race Relations Instructor. As an Organizational Maintenance Officer, our unit was the first to receive female aircraft mechanics; the following year, we won the Dedalian Award for the best Aircraft Maintenance in the AF. At the Academy, I advised the first female cadet to finish first in Graduation Order of Merit; I led efforts to integrate women & civilians into the Academy's faculty and sponsored the Cadet Free Thinkers. I drafted the Academy Core Values & the initial Operations Plan for the integration of gays and lesbians into the Cadet Wing in 1995. I've been a "consultant evaluator" for three regional educational accrediting bodies and was on key academic committees for Western Governors University. I served as Provost at Berea College from 2001-2005 and as a tenured professor of psychology until 2018.

Trying to combat racism and discrimination without authentic and effective assessment would be like trying to fight a fire while blindfolded. In 2018, I developed a survey of identity, beliefs, perceptions, & judgments related to hostile learning environments & academic freedom with my Industrial/Organizational classes at Berea College. For doing so, I was suspended, prohibited from communicating with students, and banished from campus. After a 10-week suspension based on fears expressed by un-identified grievants; my professional competence was questioned; my tenure was revoked; and I was dismissed for cause. A presentation of the results of our study is available at <https://davesfsc.com>. We found that identity and beliefs predict the perception of environmental hostility, and that this perception negatively influences subsequent judgments about academic freedom.

The more that is done to increase sensitivity to micro-aggressions and exaggerated perceptions of "hostility," the greater the damage to academic freedom and higher learning.

Due Process Is Essential to Higher Learning

Oliver Wendel Holmes “great dissent” to Abrams (1919) begins:

“Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart, you naturally express your wishes in law and sweep away all opposition...”

Holmes compelling subsequent argument “*that the ultimate good desired is better reached by a free trade in ideas*” helped instantiate the right to free speech promised by the First Amendment. Without an equal commitment to due process, the freedoms promised in many institutional policies, programs, and regulations are jeopardized. Nowhere is the need for due process more urgent than in America’s institutions of higher learning.

The goals of diversity and inclusion are important and further progress toward their realization is overdue. However, the perceived urgency of these goals is not sufficient cause to deny individuals’ rights to due process. A bevy of half-baked notions such as post modernism, neo-socialism, and intersectionality have formed a philosophical concatenation that is attractive to those whose dedication to a cause has eclipsed their capacity for critical inquiry and reasoned argument. For example, Herbert Marcuse’s (1976) notion of *liberation tolerance* suggests that identity (and past privilege) justifies suspending or denying rights to someone like me (viz., “an old, white guy”). The postmodernist assertion that there is no such thing as “truth” obviates the value of collecting or considering objective evidence; it inclines administrative decisions to be made based on the mood of the mob rather than a fair consideration of the available evidence. Cancel culture has claimed the scalps of hundreds of academicians and staff members. Worse yet, its increasing dominance has cowed others into self-censoring submission and chilled campuses across the country. Without open and unfettered debate, liberal arts education is impossible. The current pretentious parade of anti-racist training and indoctrination can only lead to intellectual mediocrity and more mindlessness.

Once upon a time, I was pleased when my students considered me to be “woke” and referred to me as an “ally” to their causes. Despite my 34 years in the military, I maintained solidly liberal social and political views. I had volunteered to serve as an Equal Opportunity and Treatment Officer and Race Relations Instructor in addition to my other career roles as a rescue helicopter pilot and aircraft maintenance officer. However, most of my Air Force career was spent at the Academy in Colorado where I consistently supported and often led efforts to increase diversity and inclusion. Our academic department had the highest proportion of women and civilians of any of the Academy’s twenty departments. By many measures, ours was among the most educationally effective academic programs.

In 2001, I retired from the Air Force and came to a small liberal arts college as the academic vice president. By working with a dedicated and adroit administrative team, we increased graduation and retention rates to historic highs while holding the cost of education steady. After receiving a stellar accreditation visit, I returned to the classroom as a professor of psychology and general studies. My course in composition and critical thinking, *Questioning Authority; Science and Skepticism as Antidotes to Oppression*, was among the most highly rated on campus. My post tenure review showed that my courses were all rated within the top 10%, and my support for student research had earned 30 state and regional awards for my students. However, as I neared retirement, a clearly fabricated Title IX grievance was lodged against my department chair. As his faculty advisor, I witnessed an egregious process; the

presumption of guilt turned investigations, hearings, and appeals into a parade of charades enacted by a conspiracy of dunces. I could not have been more disappointed, but the chill that had already settled over the campus made it unlikely anyone would join me in resisting the administrative abuses of due process.

The following semester, I was teaching an Industrial/Organizational Psychology Course. This too was a popular course; we had a tradition of using evidence to address institutional issues such as retention and graduation rates and problems with the College's Labor program. I worked with my students to develop a survey to assess the relationships among identity, beliefs, perceptions, & judgments of our campus community. This was an excellent study and has since received many positive reviews. However, the administration was not amused. In fact, within days of the survey's posting, I was suspended from teaching, exiled from campus, prohibited from communicating with students, and the survey data were embargoed. The absence of due process I had observed in the Title IX proceeding was brought to bear with a vengeance: I was assumed to be dangerous & incompetent; my tenure was terminated; and I was dismissed for cause. More information is at: <https://davesfsc.com> or <https://www.nas.org/blogs/article/an-open-letter-to-lyle-d-roelofs-president-of-berea-college>.

Administrative policy does not justify denying academic freedom or suspending due process. Institutions that fail to protect individual rights should not do so with impunity. If our government suspends, ignores, or otherwise diminishes due process requirements, it becomes complicit in the abuse.

"When we tell the truth, we honor all those who have given their all..."

Anonymous Gold Star Father, May, 2021

Respectfully submitted,

David B. Porter,

(b)(6)