



July 23, 2008

The Honorable Lamar Alexander
United States Senate
455 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Alexander:

After nearly five years of work and ten years since the last reauthorization, I understand that the Higher Education Act reauthorization is nearly complete. It has been a long process, and I commend the Congress for its fortitude to enact the bill this year. My regret is that this final product is not one that I can be proud to share with the Vanderbilt campus.

As a new chancellor, I have the luxury, or some would say misfortune, of only seeing the end result of the past five years of negotiations. When I accepted the position as Vanderbilt's chancellor, I did so knowing that my first and most important priority is, and always will be, our students. Vanderbilt's mission states:

Vanderbilt University is a center for scholarly research, informed and creative teaching, and service to the community and society at large. Vanderbilt will uphold the highest standards and be a leader in the:

- quest for new knowledge through scholarship,
- dissemination of knowledge through teaching and outreach,
- creative experimentation of ideas and concepts.

In pursuit of these goals, Vanderbilt values most highly:

- intellectual freedom that supports open inquiry,
- equality, compassion, and excellence in all endeavors.

With this mission in mind, I have been evaluating the conference agreement for the Higher Education Act. While there are provisions in this agreement that will support and enhance our mission, there are many other provisions that deeply trouble me and, I think, have the potential to profoundly threaten our ability to be a "center for scholarly research, informed and creative teaching, and service to the community and society at large."

I believe you share my view that at the heart of the American system of higher education are its autonomy and its great diversity. What works for Vanderbilt may not work for Rhodes College, MTSU, Volunteer State Community College, or any other school in Tennessee. I firmly believe that increased federal intrusion into higher education would fundamentally and irreparably damage our system of postsecondary education. For these reasons, I am saddened to conclude that Vanderbilt cannot wholeheartedly endorse this conference agreement. However, before I enumerate the reasons for our reservations, I would be remiss if I did not acknowledge and applaud the Congress – and you in particular – for preserving institutional autonomy with respect to the accreditation process. As you know, this has been our top priority throughout the reauthorization, and we are extremely pleased by the final outcome on this issue. Vanderbilt strongly supports an institution's ability to choose how it will demonstrate success with respect to student achievement as well as the standards by which such achievement is measured. We have consistently opposed any effort to make accrediting agencies agents of the federal government; in particular, we believe that the Secretary of Education should not be able to regulate in this area. This responsibility must lie with individual institutions.

The issue of accreditation is of such paramount concern to Vanderbilt that, had this not been adequately addressed, we would have strongly considered opposing the entire agreement. We are grateful that we do not have to take this drastic action, and we have you – and your staff – to thank for this. Without your unyielding persistence on the matter of institutional autonomy with respect to accreditation, the outcome would have been far different. Vanderbilt is immensely proud to call you one of our own and is indebted to you and your staff for your efforts.

Nonetheless, there is a lengthy list of provisions with which we have serious concerns. We recognize that many Members and staff have worked diligently on this legislation for years, and we regret that more reasonable language was not agreed upon.

Chief among our concerns are the countless number of new regulations with which universities are going to be forced to comply, covering such topics as peer-to-peer file sharing, campus emergency notifications, data on alumni, charitable gifts, student diversity, immunization records, missing person reports, and lobbying efforts. These new regulations will place an immense burden on institutions and carry with them a heavy implementation price tag. At the same time that we are trying to rein in costs, we are facing spiraling expenses associated with complying with federal regulations. Overregulation of higher education institutions threatens the core of what makes our system successful – its autonomy and its diversity.

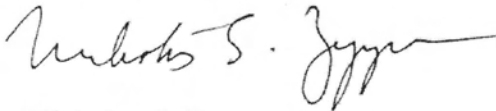
We also remain concerned about provisions that could lead us along the path toward federal price controls through the creation of innumerable “Watch Lists;” a mandatory Department of Education developed net price calculator; mandatory “Quality and Efficiency Task Forces;” projecting future tuition; and reporting on tuition based on income categories. Vanderbilt is committed to ensuring that every admitted student can afford to attend Vanderbilt, regardless of their financial situation and regardless of what the “sticker price” is. We are very proud of the fact that we meet 100% of a student's demonstrated financial need.

Finally, provisions related to textbook prices continue to concern us. Requirements that ISBN numbers for textbooks be disclosed in course catalogs are, frankly, unworkable as many courses have not finalized their textbooks at the time the catalog is printed. We recognize that textbook costs have grown considerably and are committed to finding ways to address this; federal requirements and a "one-size-fits-all" approach, again, fail to recognize the immense diversity of our nation's colleges and universities.

In short, other than the accreditation language, there is very little to support in this final agreement. Ultimately, in my estimation, this bill will do more harm than good for the students it purports to serve. Legislation that hampers an institution's ability to educate its students threatens our institutional mission. I am deeply troubled that the conferees will agree to this woefully misguided legislation, and I worry about how it will be implemented and the ramifications of that implementation. Therefore, I urge you to think carefully about whether this is the direction we want to take postsecondary education and whether this legislation supports the fundamental nature of our system of higher education.

Thank you again for your strong and principled leadership on so many issues about which we care deeply.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas S. Zeppos". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nicholas S. Zeppos
Chancellor

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