

California colleges battle diversity danger with threat

Lawsuit possible if accrediting standards remain

By Carol Innerst
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The newly adopted "diversity" standards that a regional accrediting body seeks to impose on California colleges and universities are "dangerous" and should be reconsidered, a noted constitutional lawyer said yesterday.

The Western Association of Schools and Colleges, in its drive for multiculturalism, adopted a "Statement on Diversity" on Feb. 23 that suggests diversity will be a major criterion in accrediting institutions.

Such standards create a particular problem for religious colleges, said William Bentley Ball, a lawyer who has often defended minorities and religious liberties. The listing of "gender" and "sexual orientation" means homosexuals must be represented, he said.

Mr. Ball, a member of the Board of Visitors of Thomas Aquinas College in Santa Paula, Calif., one of the schools protesting the new standards, issued a warning to the WASC on May 7 in a 21-page legal opinion saying the diversity standards raise serious legal issues and should be reconsidered.

"The whole point of this is to have everybody stop and think," Mr. Ball said. "This memorandum lays out the case in opposition in case anything were to move in that [litigation] direction."

"May not a religious institution exclude ideas it deems immoral or destructive?" he wrote. "It is a fact that ideas of a kind deemed highly toxic by some religious groups are being powerfully promoted by persons and groups which demand they be accepted — for example, the concept of homosexuality as normal."

The statement on diversity "is simply a license so loosely drawn as to provide WASC unbounded power over private academic institutions," he wrote. "That power, radically unlike the traditional and accepted powers of regional accrediting bodies, is peculiarly directed at the very core of such schools: the integrity of their ideas and beliefs."

The controversy is similar to one that arose more than three years ago when the Middle States Association of Schools and Colleges threatened to withdraw the accreditation of Westminster Theological Seminary in Philadelphia.

Mr. Ball, whose offices are in Harrisburg, Pa., represented Westminster in that dispute, in which the association tried to force the seminary to violate its religious tenets by putting a woman on its governing board.

But Mr. Ball said what the WASC is aiming for is "more comprehensive and far more dangerous than what Middle States attempted to do. This relates to curriculum and all kinds of things that have to meet their vague ideas of diverse representation."

The association was forced to retreat from its policy because of pressure from Education Secretary Lamar Alexander, who threatened to withdraw federal approval of Middle States as an accrediting body.

The accrediting bodies, though technically private, are the gatekeepers to federal funding for colleges and universities, which must be accredited to participate in student grant and loan programs.

"We're especially concerned about pressure to change our curriculum," Thomas Aquinas President Thomas E. Dillon said.

"We're curriculum-driven, and we're going to protect that curriculum."

Thomas Aquinas is a small, private, Roman Catholic school that has single-sex dormitories and a dress code. The curriculum is based on the great books of Western civilization.

"We had an accreditation visit about a year and a half ago. It went well. We got some pressure regarding diversity, but we were able to maintain our integrity and lay out what we were about," Mr. Dillon said.

"We were reaccredited for eight years and are due for an interim visit in four years," he said. "But this is a sword of Damocles hanging over our heads. . . . Many college presidents talk privately about their difficulties with the diversity statement but are less willing to say so publicly."

Besides Thomas Aquinas, California Institute of Technology, the University of Southern California, St. Mary's College, and Pepperdine and Stanford universities protested the policy.

Mr. Dillon said that if the WASC truly believes in diversity, the association "should remove the accreditation from the schools that are all-female and say to black schools that they need not apply for accreditation."

"Privately, a [WASC] commissioner said they decided they could accredit those kinds of schools," Mr. Dillon said. "I said we're talking of their whims and appetites, not rules by law or principle."

Ralph Wolff, associate executive director of the WASC, did not return a reporter's call. Executive Director Stephen S. Weiner is out of the country on a sabbatical.