



## **Association for the Study of Higher Education**

### **Position Taking Policy**

**Revised by the ASHE Board of Directors on October 19, 2023**

The Association for the Study of Higher Education (ASHE) seeks to foster, produce, and share rigorously conducted research concerning higher education. Consistent with ASHE’s Principles of Ethical Conduct, ASHE is committed to values of integrity, responsibility, honesty, respect, and fairness, as well as to encourage the use of research to address public policy issues pertaining to higher education. The Association has frequent opportunities to take positions on public issues regarding higher education. The term “position taking,” as used in this document, pertains to occasions when the Association, under the leadership of its President and Board of Directors, must consider whether to use its role and credibility as a scholarly organization to support a particular position concerning an issue relevant to higher education or to the public. This document is intended to provide guidelines to ASHE leaders. Specifically, it outlines a process for reviewing and evaluating requests regarding potential position taking situations, and then formulating decisions.

### **BACKGROUND**

Over the years, ASHE has received an array of requests from various sources both within and external to the organization to take specific positions. The requests asking the Association to take public positions include, for example, invitations to join other organizations in an *amicus* brief, to make statements to the press with the imprimatur of the Association in regard to various higher education issues, or to add the ASHE name to those of other organizations supporting particular public policy initiatives likely to affect the process of doing research, as well as issues relevant to higher education research and scholarship and about which higher education researchers have particular knowledge relevant to the decision to be made.



## CONSIDERATIONS

### **Authority to Take a Position Based on Mission and Purpose**

As described in the ASHE Bylaws, the Association’s mission is to foster scholarly inquiry for the purpose of increasing knowledge about and the understanding of higher education to enhance policy and practice” (Sec. 2, para. 1). To carry out this mission, the ASHE Articles of Incorporation and Bylaws describe one of the Association’s principal activities as “facilitating communication and efforts among individuals and entities concerned with the study of higher education” (Bylaws, Sec. 2, para. 2; see also Articles of Incorporation, Article III). These statements make clear that ASHE, as a scholarly association, has an obligation to engage in discussions and advance knowledge about issues pertaining to higher education by conveying the findings of rigorous research to a wide audience (e.g., researchers, administrators, policymakers, trustees, public agencies, and the public itself). Position taking is one way in which the Association may carry out its mission.

### **Limits, Obligations, and Other Organizational Matters**

While ASHE may participate in position taking, this policy limits and obligations associated with these activities. Below are several legal and organizational matters that should be considered whenever a potential position-taking situation arises.

### ***LIMITS TO POSITION-TAKING ACTIVITIES***

Honoring ASHE’s Purposes: Under corporation law, Board Members and Officers have a legal duty to honor the Association’s purpose by adhering to its corporate documents, such as its Mission and Bylaws, when it establishes new policies (i.e., the “duty of obedience”). As an academic association founded primarily “to foster scholarly inquiry of the highest standards of excellence for the purpose of increasing knowledge about the



understanding of higher education” (Sec. 2, para. 1), position taking is consistent with ASHE’s purpose. Based on the Association’s Bylaws, ASHE’s role is to “facilitat[e] communication and efforts among individuals and entities concerned with the study of higher education” (Sec. 2, para. 2). This role implies that the Association’s primary purpose is not to actively initiate and advocate for positions within higher education, and such position taking is expected to be a rare occurrence, appropriate only under certain conditions as outlined below. ASHE does not have the fiscal or staffing resources to assume a leadership role in position taking.

IRS Limitations on Advocacy: ASHE is a nonprofit, scholarly association established “for educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code” (Articles of Incorporation, Article III(a)). In order for ASHE to retain its status as a nonprofit organization, position taking in the form of lobbying is limited under the IRS Code. The IRS prohibits a nonprofit organization from lobbying as a “substantial part” of its activities. The IRS uses multiple measures to define this phrase, but, as a rule of thumb, ASHE should never exceed 15% of its operating budget on position taking. Further, the IRS Code prohibits ASHE from participating in political campaigns, such as taking a position on candidates running for office or inviting only one candidate to speak in order to influence that candidate’s campaign.

### ***MANAGING INQUIRY, INFORMATION, AND REPRESENTATION***

As organizational stewards, Board Members and Officers maintain several legal obligations requiring them to act in the best interest of the Association.

Sufficient Information for Prudent Decision Making: Board Members and Officers have a legal “duty of care” (i.e., an obligation) to act in good faith as a reasonable person in a similar position would act under like circumstances. This legal duty includes the Officer and Board’s exercise of due diligence by gathering sufficient information for decision



making. This policy provides guidelines to assist ASHE Board Members and Officers in being informed and thoughtful when considering a position-taking proposal.

Disclosures and Information Management: Board Members and Officers also have a legal obligation to advance the interests of the Association and avoid conflicts of interest (i.e., the “duty of loyalty”). Under this legal obligation, Board Members and Officers may not use their position for personal advantage at the expense of the Association. Accordingly, this duty requires a process to review possible conflicts of interest. In addition, this duty addresses standards to prevent Board Members and Officers from misusing information to their advantage or breach of confidentiality standards. This duty requires conflict disclosures and careful management of potentially sensitive or confidential information.

Authority and Representation: A position-taking activity requires a spokesperson. Here, authority and representation are a legal and organizational matter. In cases regarding position taking, the Executive Director or their designee speaks for the organization.

### ***ALIGNING WITH ORGANIZATIONAL CHARACTERISTICS AND EXISTING DOCUMENTS/POLICIES***

Organizational Characteristics: As referenced earlier in the discussion of the legal considerations, several organizational characteristics provide practical limits on the Association’s choices regarding potential position-taking situations. These might include the Association’s size, complexity, staffing, and resources (including its capacity to respond to requests within a short time frame or to contribute to an extensive document, such as an *amicus* brief).

### **TYPES OF POTENTIAL POSITION-TAKING SITUATIONS**

Occasions when ASHE must consider whether to use its leadership and credibility as a scholarly organization to support a particular public position are likely to fall into one of



two categories: (a) issues directly related to ASHE’s mission and (b) issues related to public policy topics relevant to the scholarly expertise on higher education represented in ASHE. Each category is discussed below. While descriptions and examples are provided in the discussion, these should be understood as illustrative. Issues that will be relevant to position taking will be of broad national interest; however, there may be occasions where actions or issues within an individual state may invite consideration in regard to position taking. Furthermore, other issues and situations, outside the boundaries of these categories, may arise and be identified as requiring consideration in regard to position taking. Thus, this policy is designed to lay out general principles that are expected to be useful guidelines even when potential position-taking situations seem to fall outside the specific categories discussed.

### **Category A: Issues Directly Related to ASHE’s Mission**

ASHE’s mission is “to foster scholarly inquiry of the highest standards of excellence for the purpose of increasing knowledge about and the understanding of higher education” (Sec. 2, para. 1). Thus, as an organization, ASHE is interested in (1) issues that relate directly to the work of higher education researchers and scholars, and (2) conditions pertaining to the scholarly enterprise of conducting research on higher education. Such issues relevant to ASHE’s mission of increasing knowledge about higher education range from those that pertain to federal or national investment in educational research or the infrastructure that relates to education, to issues pertaining to aspects of a specific field of research on higher education, to issues pertaining to the work conditions and resources available to higher education scholars and researchers.

For example, topics relevant to ASHE’s mission and which could be considered potential position-taking situations include: academic freedom (e.g., efforts to restrict freedom of inquiry on topics pertaining to higher education); research ethics and integrity (e.g., if a decision under consideration were to shift the balance of attention so heavily toward protection of human subjects that it would tend to obstruct or impede



important educational research); a policy that would effectively dictate the research methods to be used in ways not strictly germane to the topic of study; obstructions to data collection (e.g., if availability of or accessibility to certain kinds of data relevant to research on higher education issues were restricted without compelling justification); funding issues (e.g., if a federal funding agency were considering making substantial cuts in research programs that might reduce higher education-related research and training opportunities for graduate students and post-doctoral scholars).

Issues of broad concern such as those listed would constitute topics on which ASHE might choose to take a position. Issues pertaining to specific situations of individual scholars at particular institutions, however, would likely not be appropriate arenas for ASHE position taking. For example, while academic freedom issues with broad relevance to the whole academic enterprise of research concerning higher education might be deemed relevant to decision making, taking positions on academic freedom cases at specific institutions would not be appropriate. Similarly, issues such as student-faculty ratios, the appropriateness or extent of hiring part-time faculty, or the specifics of curriculum choices within institutional programs, would generally not be considered appropriate domains for ASHE's involvement. These issues fall within the domain of institutional decision making and institutional circumstances, which can vary widely.

### **Category B: Issues Related to Public Policy**

In addition to issues related directly to the mission of ASHE to foster research on higher education, broader issues may also arise concerning current or proposed public policies regarding higher education or issues relevant to the bodies of research-based knowledge and to the scholarly expertise on higher education represented within ASHE. On such issues, ASHE leaders, members, or others may on occasion believe that the weight of scholarly evidence relevant to an issue, as well as the importance of the issue, deserve the attention and public position-taking stance of the Association. Several



criteria define situations in which ASHE might consider position taking on a public policy issue to be appropriate. First, the issues should be ones of a public policy nature or with implications for broad public impact. Second, the weight of research evidence should be extensive and should demonstrably support a particular position over other positions that could be taken. ASHE's involvement should be based on clear evidence that the scholarship and knowledge represented among education scholars is extensive, consistent, and widely recognized, and that the Association's involvement would be beneficial to the public's interest and to public policy makers. The organization's collective expertise on matters relevant to higher education policy carries a professional obligation to inform public debates with the best available evidence.

This category comprises a continuum of potential position-taking situations. At one end of the continuum might be occasions in which ASHE chooses to provide or synthesize research relevant to an issue without asserting a specific conclusion or recommendation based on that research. For example, such research might be presented in a session at a conference specifically devoted to a public issue. The research highlighted through such venues might be made public beyond the Association, for example, through the ASHE website or through a monograph.

At the other end of the continuum of situations within this category could be those in which the Association chooses to take a specific position on a public policy issue. For example, the ASHE Board decided in 2012 to join in an *amicus curiae* brief prepared by AERA and submitted to the U.S. Supreme Court in regard to the *Fisher v. University of Texas, Austin* case (involving a challenge to an admissions policy that considers race as one among many factors for consideration).

When the Association extends its voice into political arenas, there is a particular need for sensitivity to the degree of consensus on the empirical evidence. It is critical to weigh the degree of convergence and divergence in the evidentiary basis for a possible public



position because, as scholars, our ability to inform such debates, and ASHE's and its members' professional credibility, are inextricably linked to the strength of the evidence.

### **Standing Position Statements**

The Position Committee shall develop, maintain, and update standing position statements. The topics and the subsequent Position Statement will be approved by the Board of Directors as recommended by the Position Taking Committee.

### **Reference Position Statements**

In some instances, issues may arise that have been addresses by a Standing Position Statement. In these instances, the President, Executive Director, and/or Committee Chair can refer back to Standing Position Statements. For example, if ASHE creates a Position Statement on Affirmative Action and a new court case is decided, rather than write a new Position Statement, a statement can be made that refers to the Standing Position Statement.

### **Statements on New, Emerging, or Timely Issues**

Issues may arise or be initiated internally from ASHE's own members, or externally from parties outside the Association. ASHE members concerned about a particular issue would be expected to contact the Executive Director with a letter that outlines the issue and offers a rationale for its relevance and consistency with ASHE's mission and with the proposed guidelines for position taking. In these instances, the President, Executive Director, and Chair of the Position Taking Committee shall confer to determine whether the issue has the potential to meet the criteria for public position taking. If the decision is made to refer the issue to the Position Taking Committee, the President will notify the Board and allow five days for Board members to provide comment and recommendations.





### **Creating Position Statements**

The Position Take Committee has the responsibility to make an initial assessment of any issues that may involve Standing, Recurring, or Timely Position Statement and to lead the statement writing process on behalf of the Association.

Recognizing that any recommendation involving position taking may have considerable implications for the Association, the committee must consider, in order, the following issues: the issue's relevance to ASHE's mission; the significance of the issue for higher education; the availability, empirical rigor, and consistency of relevant evidence; the likely impact of a decision on ASHE; any financial implications of a decision; and the time sensitivity of making a decision.

The Position Taking Committee may lead the writing of the Position Statement or may, in conferral with the President and Board of Directors, appoint an ad hoc committee of experts from within ASHE to review available data on the issue.

### **Position Taking Action**

The Position Taking Committee will provide recommendations regarding position-taking actions to the Board. Possible actions related to position taking lie on a continuum from no action to modest position taking to more substantive public engagement by ASHE.

### **Signing on to Statements Written by Others**

Statements written by other organizations (e.g., ACE, PEN America) are typically rapid-response, research informed, and are intended for immediate impact. As such, the Position Taking procedures outlined above would not be conducive with this as the call for signatories and the release of the letter typically occurs within 72 hours. However, consistent with the values outlined in the original policy, ASHE has the opportunity to better represent our members through these statements. As such, when a sign-on opportunity is offered to ASHE, the following procedures shall apply:



The President, Chair of the Position Taking Committee, and Executive Director shall review the statement to:

- 1) Determine if it consistent with the values of this policy;
- 2) Determine if it is appropriate for ASHE to be a signatory;
- 3) Determine if there is sufficient research to inform this statement;

If these criteria are met and there is a consensus amongst the group, then they may proceed with signing on to the letter.

In any instance, the group may consult others for counsel and guidance. For example, they may consult a member who is the leading researcher in the area, the Executive Committee, or full Board of Directors.

In every request for joining as a signatory, notice must be provided to the Board of Directors and Position Taking Committee upon a decision being reached by the group. Notice of the letter (when released) should also be sent to the membership and posted on the ASHE website.

When possible, the group should also decide if the letter warrants a follow up position statement from the Association. This would be a lengthier document with deeper research, as outlined by the Position Taking Committee's statement outline.

### **SITUATIONS WHERE ASHE SHOULD NOT TAKE POSITIONS**

Some situations or requests may involve potential position taking but may require more time, staffing, or financial resources than ASHE is able to provide. In other situations, it may simply be inappropriate for ASHE to take a position. For example, it generally would be inappropriate for the Association to endorse or provide "seals of approval" on books, conferences, products, or curricula that are not covered in this policy statement. It is not appropriate or feasible for the Association to take on the role of reviewing and vetting such materials, as would be necessary to provide endorsements, nor to engage



in advancing the financial or professional interests of specific individuals. However, the Board of Directors of the Association has the discretion to consider specific requests for endorsements from ASHE, when the requested endorsement advances the Association's mission and does not conflict with other organizational guidelines and policies.