

THIRD IN A SERIES OF ESSAYS:

The Changing Relationship Between States and Their Institutions

Bridging
Troubled Waters:
Competition,
Cooperation,
and the
Public Good
in Independent and
Public Higher Education



The Futures Project



American Council on Education

Dedication

To Frank Newman

Whose passion, intellect, and, of course, wit
continually pushed higher education to fulfill its ideals.



We are grateful to Fidelity Investments for its support of this effort.

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<http://www.acenet.edu/programs/changing-relationship/roundtables.cfm>

Foreword



This publication is the third in a series of essays based on roundtable discussions among college and university presidents and other higher education leaders about what the changing relationship between states and their institutions means for the future of American higher education. That relationship is being redefined, with new conceptualizations of autonomy and accountability as centerpieces. The old relationship—one marked by states serving as the primary source of financial support—is being replaced in many states by one noted for its diminished share of public college and university budgets coming directly from the state, an increased focus on performance, and greater institutional autonomy. States, however, are setting off in varying directions, with different levels of autonomy and accountability in effect or under consideration. The implications of these new patterns affect not only public institutions, but also independent ones.

The new relationships that are emerging between institutions and government—in the United States and around the world—may hold promise for colleges and universities, but they are untested and their implications, for the most part, are unknown. In some quarters, fear is growing that the changes will lead to a greater degree of privatization of public higher education (that is, seeking out new, private sources of revenue streams, often through market-based and commercial activities) and more entrepreneurialism on the part of both nonprofit public and private colleges and universities that will generate negative social consequences. Others see privatization as a positive trend—a means for generating or saving money, for example, through entrepreneurial activities. Some private institutions hope that privatization of public institutions might mean more public dollars will flow to them. Clearly, much is at stake. The structure and even the very existence of each new relationship will be critical not only to the future of colleges and universities, but also to the economic and civic development of individual states.

Convened by the American Council on Education and the Futures Project: Policy for Higher Education in a Changing World, these roundtable conversations and their subsequent essays explore:

1. The challenges facing public higher education today: accountability (often exchanged for autonomy), privatization, and public support, especially as colleges and universities of all types aim to meet new statewide demands.
2. Key issues for presidents to consider as they renegotiate their institutions' relationship with the state.
3. Various approaches to performance contracts and state-institution compacts.
4. A set of steps for institutions and their leaders, and an emerging national action agenda.

We understand that these essays are not definitive statements on these complex and shifting topics, but we hope they prove insightful for campus leaders and others as they shape the future of American higher education. To that end, we thank the roundtable participants for their contributions and insight. A list of participants appears at the end of this essay. We are grateful to Fidelity Investments for its support of this effort.

Papers based on the first two roundtables, *Shifting Ground: Autonomy, Accountability, and Privatization in Public Higher Education* and *Rewriting the Rules of the Game: State Funding, Accountability, and Autonomy in Public Higher Education*, are available in PDF format from the American Council on Education's web site (<http://www.acenet.edu/bookstore>). For inquiries about the papers in this series or the roundtable project, please contact the project director, Peter Eckel, Ph.D., at the American Council on Education, One Dupont Circle NW, Washington DC, 20036 or Peter_Eckel@ace.nche.edu.

We began this project with the leadership and insight of Frank Newman, director of the Futures Project, who passed away prior to the second roundtable. To him, we dedicate this series.

Introduction



Against the background of shifting funding and oversight relations between public higher education institutions and their states, and the related questions of institutional flexibility and the public good, the American Council on Education and the Futures Project convened the third in a series of meetings of higher education leaders in November 2004. Contributors to this conversation included nonprofit independent college and university presidents, leaders of independent higher education associations, and public community college and university heads.

With institutions of all types pursuing new funding sources, competing with one another for students, faculty, and money, and responding to higher expectations from stakeholders, college and university leaders face added pressure to maintain traditional academic standards, values, and priorities. Although public and independent colleges and universities traditionally have played by somewhat different rules—regarding such things as funding and support, tuition and financial aid, student recruitment, and accountability—the changing expectations and priorities for public institutions inevitably alter the playing field for their private counterparts. The objective of the daylong discussion was to create a conversation between leaders from different sectors to explore the implications of privatization of public institutions, competition among all types of institutions, and the public good that all of higher education seeks to serve. Specifically, the conversation explored the following four issues:

1. The broad trends that are redefining public and private higher education.
2. What collaboration and competition look like across higher education's sectors.
3. The potential pitfalls of market-based policies on the capacity of public and private higher education to serve the social good.
4. Strategies to preserve that social good, within a market-defined policy environment.

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Rarely do leaders from public and private nonprofit higher education, representing institutions from different states, have opportunities for such focused exchange. The conversation covered, among other things, the changing definition of the public good; the starkly different effects of public policy decisions on institutions of differing missions and differing degrees of fiscal health; the tensions and tradeoffs created by heightened competition; and the question of how higher education might address these issues through individual strategies *and* with a collective voice. This essay is derived from that discussion.

Bleeding Boundaries in the Higher Education Marketplace

The prevailing belief among many higher education leaders is that these are hard financial times from which few colleges and universities remain unscathed, regardless of mission or control. For instance, over the past two decades, the proportion of state funding devoted to higher education nationwide has fallen. As a percentage of total state expenditures, it has dropped from 7.3 percent of overall state expenditures in 1977 to 5.3 percent of state expenditures in 2000. If higher education had received constant funding during those years, it would have gained an estimated \$21 billion in additional revenues. Viewed another way, states supplied 46.5 percent of public higher education institution revenue in 1977, while in 1996 they contributed only 35.9 percent.¹ The recent national economic downturn, changing state priorities, unfunded mandates, and a variety of tax initiatives have further constrained already stressed state revenues. On campus, instructional costs continue to rise, as does demand for the newest technology, skilled faculty, and new academic offerings. The competitive environment places heightened expectations for these and other high-quality amenities, while making it difficult for leaders to speak pointedly about how insufficient funding has hurt their college or university. Indeed, talking about institutional deficiencies diminishes one's ability to advance a campus's reputation

among potential students and donors. Conflicting views of how best to allocate scarce public funds have often put campus leaders on opposite sides of the table, with public institutions seeking more direct appropriations and independent institutions wanting more state aid for which their students are eligible, arguing that they educate significant percentages of a state's students.

If higher education had received constant funding [from 1977 to 2000], it would have gained an estimated \$21 billion in additional revenues.

On the other hand, although institutions are facing a financial crunch, some observers believe the magnitude of the problem has been overstated. Few institutions have gone bankrupt, student demand has grown in spite of tuition increases, and rising state appropriations continue to support both public and independent colleges and universities (albeit not at a rate as fast as many higher education leaders would like).

These trends and perceptions (as well as institutional interests and desires) are creating a reshuffling in American higher education. In some key ways, public institutions are acting like private institutions—raising private funds

¹ Kane, T. J., Orszag, P. R., & Gunter, D. L. (2003, May). *State fiscal constraints and higher education spending: The role of Medicaid and the business cycle*. Washington, DC: The Brookings Institution.

and aggressively recruiting students and donors. For example, of the 22 institutions engaged in campaigns in excess of \$1 billion that are being tracked by *The Chronicle of Higher Education*, 15 are public.² Many, particularly large public research universities, are seeking more autonomy from state regulation and oversight in order to gain more freedom in the competitive marketplace. They are often trading increased accountability for this right to greater flexibility. Nonprofit independent institutions are responding to these larger trends by acting in some ways very much like their public counterparts, accepting state-issued vouchers for student tuition (in Colorado, for example), participating in publicly financed capital funds (currently in Maryland and New Jersey and possibly New York, for example), and gaining eligibility for their students for state financial aid (although fewer dollars tend to be available for private

than for public higher education). In fact, total state and local support for independent higher education rose from about \$1.4 billion in 1996–97 to approximately \$1.7 billion in 2000–01.³ These trends contribute to what one roundtable participant termed “the bleeding boundaries between public and private.”

These factors, and more, present presidents of both public and independent institutions with a series of now all too familiar challenges: inadequate resources to accommodate increased demands, heightened public and student expectations, intensified interest by legislators and regulators in institutions’ core missions and academic affairs, a desire to increase access to and diversity within their institutions, and burgeoning competition in a winner-take-all marketplace, where those at the top continue to gain additional advantages more quickly.⁴

² Updates on billion-dollar campaigns at 25 universities. (2005, January 11). *The Chronicle of Higher Education*. See <http://chronicle.com/prm/daily/2005/01/2005011104n.htm>. That number includes the University of Pittsburgh which, in 1966, moved from independent to “state-related” status.

³ *Digest of Education Statistics 2003*, Table 340. Washington, DC: U.S. Department of Education.

⁴ Frank, R. H., & Cook, P. J. (1995). *The winner-take-all society*. New York, NY: Penguin Books.

Facing the Challenge: Where You Stand Depends on Where You Sit



Although competition—for students, dollars, and prestige—exists throughout higher education, through the conversation it became clear that the specific challenges created by competition and institutional responses are determined in large measure by the size and wealth of the particular institution and the political and higher education climates of the state. Small institutions with little or no endowments, regardless of public or independent status, face many common challenges in today’s environment because they find themselves in similar fiscal constraints, as their revenue streams tend not to be diverse. For example, although it is widely understood that smaller public colleges and universities depend heavily upon public subsidy, different forms of public financial support for small independent colleges are, as one participant put it, “essential to our lifeblood,” particularly financial aid programs for low-income students. Competition for tuition dollars is intensifying as well. Generally, similar types of institutions have tended to compete with one another, but in some states that is changing. One roundtable participant described the competition between his small private college and the state university system for local residents as “fierce.” However, in other states with different arrays of institutions, competition across sectors, as one president pointed out, “is not much of a factor because of [differences in] size, student body make-up, and mission.”

A similar confluence exists among public and independent research universities, as they increasingly change to mirror one another.

One president of a public research university noted that his three primary revenue sources are, in order of importance, federal contracts, gifts and grants, and then state dollars. That sequence is not much different from large private universities, except that tuition substitutes for state funding. The changing role of the state in supporting public research universities is clear. As a president of a public research university pointedly remarked, “The state is a minor player in state institutions.” However, the relevance of state funds can easily be obscured by the calculus one uses to describe the financial situation, particularly when including or excluding items such as athletics, federally supported research, auxiliary services, and other activities that are only loosely related to undergraduate teaching and learning. When zeroing in on the education and general expenses of undergraduate students, the crucial role of state support becomes apparent.

Although public research universities in some states have been pushed by budget cuts to act more like private universities in pursuing non-state revenue, many dismiss outright the notion that they can or should be fully privatized. One participant in the discussion pointed out that it is still too difficult for a public research university to “go private” (that is, forgo state funds), despite tuition increases and declines in state support—even if some public universities are closely following the funding strategies of their independent counterparts. Few public universities can privatize, even partially, and thrive. Such a step requires strong enrollments of both in-state and out-of-

state students, positioning the institution to generate significant tuition dollars; diverse revenue streams; very large endowments; extensive extramural research funding; and robust fund-raising capabilities. One public research university president estimated that he would need a \$7 billion endowment to replace lost state funds, an implausible goal for most institutions. Interestingly, beyond the difficult technical and financial challenges of privatizing public universities, presidents commonly noted that the strongest force against it is the concern that access would be undermined—a concern shared by elected officials.

In spite of media attention to privatizing public higher education, this strategy is not on the radar screens for most smaller state colleges and almost no community colleges, for which state funds are essential. Most state colleges, with the exception of some specialized institutions and others of distinctive strengths, do not have the depth of applicant pools, breadth of programs, access to alternative funding sources, or tuition flexibility required to underwrite a privatization strategy. These public colleges still struggle mightily with the negative effects of reduced state funding, increased demand for accountability, fallout from rising tuitions, and heightened student expectations for facilities and programs that match the competition. The new rules of funding, autonomy, and accountability shaped by their larger research counterparts now apply to them as well. Community colleges and small public institutions are not exempt from the demands of accountability, despite having gained little advantage from enhanced autonomy negotiated by the larger public institutions. In Ohio, for instance, all institutions are required to file a productivity report with the governor and the legislature, outlining their strategies for and progress toward increased efficiency. These reports partially determine the magnitude and shape of annual state funding, which makes up a larger proportion of some institutions' budgets than others. Thus, in Ohio as well as elsewhere, small public colleges and universities

and community colleges are caught in the same game as the research universities, but have to participate with fewer strategic options and alternative resources.

Noting the blurring of distinctions between public and independent institutions of similar characteristics does not, of course, imply that the public and independent sectors are becoming indistinguishable. Private institutions, with their historically independent missions and deep disinclination to surrender autonomy in exchange for direct public funding, are willing to go only so far in aggressively pursuing state support, despite their commitment to access and diversity. Similarly, public institutions—with their long and intense histories of being public agencies—are extremely reluctant to sever their ties to state agendas, despite their frustration with the strictures of limited funding and bureaucratic restraints that government support entails.

A significant portion of the roundtable discussion centered on the inadequacy of traditional taxonomic distinctions—such as public/private, large/small, selective/non-selective, two-year/four-year—to reflect the essential differences among institutions, irrespective of their charters, sources of control, or funding streams. Perhaps, it was suggested, we need new descriptive categories that reflect the emerging economic situation that institutions face. For example, the term *public-independent* could be used to identify institutions that remain tied to the state to some degree, while having large measures of autonomy and using limited public dollars. *Dependent/nondependent* could distinguish between colleges based upon resources and the diversity of available public revenue streams, regardless of institutional control and ties to the state. These new distinctions have their downsides, of course, but may prove increasingly meaningful given the trajectory of American higher education. This does not mean, however, that only economic descriptors will be valuable ways to organize and describe like types of institutions in the future; other categorizations remain meaningful as well.

Emerging Strategies in the Marketplace: Moving Beyond Competition



Underlying much of the roundtable discussion was the issue of competition, not merely in the sense of the traditional rivalry among similar types of institutions (and, increasingly, among different types), but also more broadly, in terms of the rapidly developing injection of “free market” principles and practices into the once buffered world of academe. The language of competition and the marketplace is commonplace in higher education and easily used by leaders to describe their current situation. References to the market are not limited to the vernacular. Institutions, whether public or independent (or, as alluded to throughout the conversation, somewhere in between or even both), are using the management tools previously reserved for the commercial sphere: public relations and marketing campaigns, to position themselves favorably vis-à-vis their competitors and in the eyes of key stakeholders; price discounting and variable pricing, to enroll sought-after types of students; marketing focus groups and surveys, to determine and establish services, facilities, and amenities that consumers (that is, prospective students and their parents) expect and demand; recruitment of highly visible (and high-priced) faculty members, to burnish campus reputations and increase the quality of their programs; and innumerable other techniques borrowed from the corporate arena.

As within commercial arenas, competition within higher education has its benefits and deficits. Clearly, investing in the facilities and offerings that attract talented students raises

costs and therefore price, but it also provides the resources of cutting-edge technology, modern laboratories, and amenable living conditions that enhance students’ learning environment, while forcing institutions to make choices about key areas of investment. There is, however, a downside to the intensified competition. For instance, growing institutional merit-based aid, important to attracting high-talent students, may reduce the pool of institutional moneys available to those who need it most. A more talented faculty may increase student learning, but only when those faculty are interacting with undergraduates both inside and outside the classroom. And the focus on marketing has led to a relatively new form of public accountability for higher education institutions—the commercial-culture ratings game—that hasn’t much advanced the academic interests of institutions (unless one always comes out near the top). Conducted by news magazines and book publishers, these ratings tend to disproportionately draw upon characteristics peripherally or indirectly related to student learning and the quality of the undergraduate experience. They often weigh reputation more heavily than reality, despite the emergence of good alternative evaluation tools, such as the National Survey of Student Engagement or the Collegiate Learning Assessment. Those who participate in the marketing game and then rail against the methodologies and results of commercial rankings are, like Rosencrantz and Guildenstern, being hoisted by their own petard.

Whether for good or for ill, competition, most participants believed, is—but should not be—creating more obstacles for institutions to fulfill their public purposes. Individual institutional responses to the competitive marketplace make perfect sense when viewed in light of each institution’s challenges. However, when taken as an aggregate, these actions may do little to advance higher education as a whole, or for that matter, the nation’s interests. For instance, increasing institutional merit aid to recruit a highly desired student can positively affect a campus. Top-notch students are leverage points for recruiting the best faculty and other bright students, which in turn may help generate additional research funds and other types of support. However, if increased merit aid comprises the availability of need-based aid, higher education’s fundamental values and core principles of access, diversity, and public service will be undermined.

Intensified collaboration, not more competition, among similar and dissimilar institutions may be what is needed.

Institutional leaders face the task of striking a balance between advancing the interests of their own institution and the sometimes conflicting objectives of public policy. However, they must do this in somewhat of a policy vacuum. As one president remarked, “If states are not willing to consider the meaning of ‘public higher education’ and are not willing to indicate what level of quality they are willing to purchase, then how can we expect institutions on their own, in competitive marketplaces, to take up these questions?”

Intensified collaboration, not more competition, among similar and dissimilar institu-

tions may be what is needed. If each institution stays on its own track, we may collectively find ourselves in a difficult and unfavorable situation. As one president noted, “We all exist in the marketplace.” However, as the participants agreed, colleges and universities also all exist to serve public purposes. Perhaps the answer lies in what one president termed “co-opetition,” that is, finding ways to collaborate on programmatic and policy levels that meet both individual institutional and collective social goals.

Already there are examples of institutions competing with one another for students while at the same time collaborating in areas such as purchasing alliances, library consortia, and in some cases even degree programs.⁵ As one president pointed out, Adelphi, Hofstra, and St. John’s universities compete for the same students and faculty, but put aside their differences to offer a joint doctorate in audiology. Many other institutions can also show a positive track record of collaboration, upon which higher education can build. The key, therefore, is for institutions to engage in vigorous competition in the marketplace while banding together within and across sectors to advance essential social agendas and to speak with a common voice on the broader issues of mutual interest.

New alliances can not only advance higher education’s common interests, but also help individual institutions chart their own more productive courses, and offer an important alternative to being regulated by outsiders. “We can’t ignore each other anymore; we need to help one another,” said one representative of the private sector. A public sector leader, in pointing to senior officials in his state wanting to “get into” the core curriculum of the state’s universities, urged that “all kinds of institutions should be able to agree [to work together to protect academic freedom].” Key federal legislators also have indicated their intention

⁵ For additional information on academic collaborations, see *Cooperating to Compete: A Campus Leaders’ Guide to Developing Curricular Partnerships and Joint Programs*. (2004). Washington, DC: American Council on Education. See <http://www.acenet.edu/bookstore/pubInfo.cfm?pubID=322>

to make a strong push for heightened accountability to be included in the reauthorization of the Higher Education Act. There emerged from the roundtable a clear consensus that all of higher education must come together to propose and support a quality and accountability framework that will retain the concept of self-regulation (beyond the current accreditation process) and be acceptable to Congress. Although collaborative activity was seen as more likely to be successful in the more flexible and nuanced arena of state government, collaboration at the federal level also is essential.

Regardless of type and control, all institutions share the same priorities: enhance the quality of their programs, ensure access to them for as diverse a range of qualified students as possible, and serve the broader public good—at a cost that institutions can sustain through tuition, combined public and private support, efficient operations, and a myriad of revenue-generating initiatives. Questions and differences arise when various types of institutions seek to determine how these universal goals can be achieved in a

competitive, resource-limited, and politically charged environment. Among the most pressing questions are:

- How can colleges and universities better organize themselves to reduce counterproductive forms of competition (which, by the way, includes, but is not limited to the “arms race” of intercollegiate athletics) and instead advance the public good given the constraints?
- How can institutions measure the degree to which they have made progress toward those increasingly diverse public policy objectives in a way that accounts for differing missions, variable financial health, dissimilar regional and local conditions, and disparate degrees and sources of control?
- How can colleges and universities more effectively communicate to the public and to public policy makers their success in serving society’s needs? Can higher education leaders speak on behalf of higher education beyond their own institutions and sectors, particularly when much may be at stake for their home institutions?

Postscript: Toward a Better Understanding

After three roundtable conversations that involved more than 40 higher education leaders exploring the implications of a changing policy environment for higher education, some issues are coming into sharp focus, while others remain blurred. First, a handful of key topics tends to capture much attention (and hand-wringing): The privatization strategies of public universities, a lack of required financial resources, the disconnections of elected officials from daily university life and pressures, the need to be competitive (with its varied and associated costs), binding forms of oversight, and insufficient autonomy consistently surfaced during the three roundtables.

Second, other topics emerged throughout the discussions, but only briefly. For some issues, their short shelf-life meant they were secondary, or even tertiary, concerns. However, others appeared only briefly because they were ill-formed or only beginning to become important. It is this latter group that should give pause, as these issues may return with full force to affect higher education's agenda. For example, as the discussions showed, privatization is not a viable strategy for most public institutions. Instead, media attention on the courses charted by a few public universities that have moved in that direction seems to suggest a tidal wave of such activity. Also, some institutions seem to have the ability to shape the public policy ground rules for everyone else. Where these institutions have their way, public policy—particularly regarding funding, autonomy, and accountability—does not differ-

entiate enough among different types of institutions, as all colleges and universities do not have the same resources or capacities. Additionally, the public is doubtful of higher education's statements about insufficient funding, regardless of how forcefully higher education advocates point to data showing declining state support. Too many counter examples exist that seem to flaunt higher education's wealth, particularly well-publicized expenses for new buildings, high-salaried athletic coaches, huge endowments and campaigns, and the like. College and university leaders may face intensified questioning about the ability of institutions to increase efficiency and productivity, their seeming inability to make difficult decisions about which functions and programs to discontinue, and why they choose to pursue resources that might not always directly support their publicly recognized missions. In short, leaders face the challenge of balancing public perceptions of being social institutions with the realities of functioning in a market-driven economy.

Third, no clear path is emerging on which either states or individual institutions can best move forward. Even where the problems are clear and widely understood, the solutions remain vague and untested. Different states are moving at varying speeds to develop and implement public policies that address autonomy, accountability, financing, and privatization, while holding unclear (if not conflicting) assumptions about cost, quality, and access. As pointed out in earlier essays, these approaches go by different names, but include public

corporations, performance agreements, deregulation, charter colleges, and state enterprises. Even when the labels differ, the concepts behind them can be similar. Higher education is engaged in its own public policy experiment; however, no control group exists and the results may not be known for sometime.

Finally, these roundtable conversations have posed more questions than provided answers. The questions range from the

mechanical—how do we maintain the public’s and state policy makers’ confidence in higher education?—to the philosophical—what does it mean to be a public institution today?

Although frustrating when one is searching for solutions, these yet unanswered questions help focus attention on the work that needs to be done and on the issues that are emerging as central to higher education living up to its ideals as a cornerstone of a democratic society.

Appendix

American Council on Education/The Futures Project Invitational Meeting, November 19, 2004

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