

The fifteenth meeting of the Committee of Six for the academic year 2020–2021 was called to order by President Martin via Zoom at 2:30 P.M. on Monday, November 9, 2020. Present, in addition to the president, were Professors del Moral, Kingston, Leise, Manion, Trapani, and Umphrey; Provost and Dean of the Faculty Epstein; and Associate Provost Tobin, recorder.

The committee turned first to personnel matters.

President Martin next informed the members that she had met with Norm Jones, chief equity and inclusion officer, and Professors Dhingra and Hart, faculty equity and inclusion officers, who have been developing the bias-reporting and response protocol. She said she had conveyed the members' concerns about aspects of the document that the committee had shared at its last meeting (e.g., the clarity of some of the language, the vagueness and complexity of some of the processes, and the issue of equating speech and action). These colleagues had stressed that the proposed protocol is not meant to curtail academic freedom, and that the protocol would not cover course content. They had noted that the protocol could be invoked, however, when complaints are made about something that was said or done in a classroom setting that might constitute bias. Restorative practices might then be used to address the incident.

Continuing, the president noted that students sometimes now convey such complaints to the class deans, who may inform the provost and dean of the faculty, depending on the nature of the incident. Under the proposed protocol, there will be a review committee, which will be made up of faculty, staff, and students, that does not have an adjudicative function. It would seek to determine whether harassment and/or discrimination, as defined by law, has taken place. The seriousness of the incident would determine whether it rises to the level of the legal definition of harassment or discrimination, violates the student honor code, or constitutes a bias incident. Conduct that rises to the level of harassment or discrimination or violates the honor code will be referred to the relevant grievance processes for faculty, staff, and students. These constituency-specific processes are already in place, the president noted. In cases in which harm may have been caused, but in which no formal consequences are called for, the committee might recommend that the parties involved participate in restorative practices, she said. Restorative practices might prove helpful under serious circumstances, as a supplement, as well, the president noted.

President Martin informed the members that she is satisfied that the committee's concerns about the protocol document can be addressed through an editing process, in which she will participate. Once the document has been revised, she suggested introducing the protocol and assessing the system in a year or two. Professor Hart proposed that the non-discrimination and harassment policy be shared at the same time as the protocol. In this way, there could be greater clarity about the mechanisms that the college will use to address identity-based harm, including harassment, discrimination, and bias, depending on the nature of an incident. The members agreed that providing more specifics about these processes, and more clarity about the nature of the forms of harm that will be addressed, should help alleviate some of the nervousness and anxiety that surrounds the idea of a bias-reporting and response protocol. The committee agreed to review the protocol document again, once the editing process is completed, and to offer feedback.

Professor del Moral said that she is glad that the committee has had the opportunity to discuss the bias-reporting and response protocol, the adoption of which was requested by students during Amherst Uprising. She stressed the importance of moving forward with the pilot and putting the system into practice. Professor del Moral also commented on the care with which colleagues in the Office of Diversity, Equity, and Inclusion have developed the protocol, expressing appreciation for their efforts and the outcome of their work. Some members commented that, after reading the commentary that some faculty submitted recently via the Google form that the committee had shared, it seems clear that some feel that amending the [Statement of Academic and Expressive Freedom](#) will not do much to advance anti-racism efforts at the college. Putting a bias-reporting and response protocol in place, however, may have more of an impact and could play a significant and welcome educative role, several

members noted.

Under “Questions from Committee Members,” Professor Umphrey asked whether some students will be staying on campus through the holidays. Provost Epstein said that the vast majority of students will leave campus when classes end, but that some will stay through the end of the exam period. Some international students and students who cannot go home for reasons of hardship will remain on campus until early January, she noted. It is anticipated that this latter group comprises around fifty or sixty students.

The remainder of the meeting was devoted to finalizing the committee’s proposal to amend the Statement of Academic and Expressive Freedom. The members discussed the feedback that the committee had received via the Google form, commentary that the members agreed was informative and helpful. While there were some suggestions about ways to revise some of the language of the draft document, and some issues that were raised, for the most part, there was support for the intent and most of the language of the proposal. After some discussion, the members agreed to remove “protected classes” from the proposal, a phrase that some colleagues had said stood out as being too legalistic. The committee also considered issues of intent and impact, and in this context, different meanings that would be conveyed by words such as “directed,” vs. “targeted,” vs. “intended.” The committee also discussed whether the amendment should refer to individuals only, groups only, or individuals and groups. A conversation also took place surrounding the use of “reasonable” vs. “necessary,” and “intellectual” vs. “educational.” In the end, the committee agreed to propose the amendment to the section of the statement shown below. (The proposed changes are shown in blue.) The members decided to finalize the proposal at their next meeting, after taking some time to reflect further.

Even the most vigorous defense of intellectual and creative freedom knows limits. The college may properly restrict speech that, for example, is defamatory, harassing, invades a protected right to privacy or confidentiality, constitutes incitement to imminent violence, or otherwise violates the law. **IT MAY ALSO RESTRICT DISPARAGING OR ABUSIVE SPEECH (E.G., RACIAL EPITHETS) DIRECTED AT AN INDIVIDUAL OR GROUP BASED ON THEIR ACTUAL OR PERCEIVED GROUP IDENTITY, FOR WHICH THERE IS NO REASONABLE ACADEMIC, EDUCATIONAL, OR ARTISTIC JUSTIFICATION. THE COLLEGE** ~~is~~ may place reasonable limitations on the time, place, and manner of expression, and may restrict speech that directly interferes with core instructional and administrative functions of the college. But these restrictions and limitations must be understood as narrow exceptions to the college’s overriding commitment to robust open inquiry (voted by the faculty, May 3, 2016).

The meeting adjourned at 5:17 P.M.

Respectfully submitted,

Catherine Epstein
Provost and Dean of the Faculty