

The ninth meeting of the Committee of Six for the academic year 2020–2021 was called to order by President Martin via Zoom at 11:15 A.M. on Thursday, September 24, 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 purpose of this brief meeting was to finalize the committee’s proposal to revise the [Statement of Academic and Expressive Freedom](#) and to approve an agenda for a faculty meeting that the committee had agreed earlier should be held on October 6. The members also reflected briefly on intersecting aspects of their discussion with colleagues who are working on a policy on identity-based harassment and non-discrimination and a bias-reporting and response protocol. That conversation took place on September 21, 2020.

In considering the language that they would propose to revise the Statement of Academic and Expressive Freedom, the members discussed questions surrounding intentionality and impact, in relation to restricting discriminatory remarks that demean those to whom they are addressed on the basis of actual or perceived identity. The committee noted that determining intentionality in this context could be challenging, and discussed the differing effects that a focus on either intentionality or impact could generate. It was decided that the word “targeted” suggests intentionality and impact and would be useful to include in the proposed language (see below).

Professor Kingston expressed the view that the committee’s proposal should draw on some of [the language that the Black Student Union \(BSU\) has proposed](#), in particular the following line shown in red:

Even the most vigorous defense of intellectual and creative freedom knows limits. **THE TARGETED USE OF DISCRIMINATORY STEREOTYPES, EPITHETS, AND DEROGATORY REMARKS IS BEYOND THESE LIMITS AND HAS NO PLACE IN OUR COMMUNITY.**

The members had agreed earlier not to use “discriminatory stereotypes,” finding the phrase problematic to define. Professor Kingston suggested that the proposal should go beyond a focus on discriminatory language alone. He proposed adding “discriminatory gestures or symbols.” Professor Manion stressed the importance of including “racial” in the proposed language. Professor Leise commented that it should be clear that making a revision at the level of principle, while important, will not in and of itself bring about change. Doing so is essentially a gesture of acknowledgement of the harm that many have experienced. It will be important to convey that the revision is part of an overall effort to effect concrete changes, for example, through actions such as the adoption of a non-discrimination and harassment policy and a bias-reporting and response protocol.

Turning briefly to the proposed protocol, Professors Manion and Umphrey expressed concerns surrounding the clarity and specificity of the draft that the committee had reviewed. Professor Manion commented on the need for those drafting the protocol to provide specific examples of the types of incidents that would be addressed through this mechanism, and how enforcement would work. Professor Umphrey said that she would be troubled if the standard that is used to define a bias incident emphasizes impact over intention, which could have a chilling effect, in her view.

The members then decided to discuss with the faculty the following proposal for a revision (shown in blue) of one section of the Statement of Academic and Expressive Freedom:

Even the most vigorous defense of intellectual and creative freedom knows limits. **THE TARGETED USE OF RACIAL OR OTHER DISCRIMINATORY EPITHETS, REMARKS, GESTURES OR SYMBOLS IS BEYOND THESE LIMITS AND HAS NO PLACE IN OUR COMMUNITY.** 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 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 members reviewed the faculty meeting agenda and voted six in favor and zero opposed to forward it to the faculty.

The meeting adjourned at 12 P.M.

Respectfully submitted,

Catherine Epstein
Provost and Dean of the Faculty