

Committee on Educational Policy (CEP)

March 25, 2016

In attendance: Faculty: David S. Hall, chair; Alexander George; Klára Móricz; Sean Redding; Catherine Sanderson. Catherine Epstein, dean. Students: Samuel Keaser '16, Rashid (Chico) Kosber '17; Steven Ryu '16. Recorder: Nancy Ratner, Associate Dean of Admission and Researcher for Academic Projects.

David Hall, Chair of the Committee on Educational Policy (CEP), called to order the CEP meeting at 8:30 a.m. in the Kennick Room in Cooper House, and the committee approved the minutes from the meeting of March 11, 2016.

Course proposals

The committee initially turned to new course proposals. Committee members raised concerns about two courses offered by a visitor at the 200-level because each had an enrollment cap of 20 students. The limit of 20 students struck committee members as low, given the goals of the courses, the relatively small number of courses offered in the major, and the fact that the two courses would be offered by one professor, both in the same semester. They thought this provided too little opportunity for students to experiment with courses in the field, and felt that allowing a limit of 20 for courses at the 200 level would set a bad precedent. Noting that visitors have limited formal service responsibilities, the committee decided it was reasonable to expect a higher enrollment cap. David said he would contact the department chair. The remaining courses were approved.

FTE requests

David reported that the president and dean found themselves in agreement with the committee's FTE recommendations and will grant the recommended 12 FTEs. Catherine said she would be communicating with departments about these decisions next week.

American Studies request for a program in Latino Studies

David asked the committee next to return to a request from American Studies that would allow the department to develop a Latino Studies track, with students graduating with a degree in American Studies/Latino Studies. Catherine expressed some reservations about their proposal, noting that students have made it very clear that they want a dedicated program in Latino Studies, not one that is an offshoot of a current department. She also thought it likely that the American Studies department has not discussed this idea with students, nor with the Spanish department. Sean thought it strange that the department had proposed this without trying to coordinate in any way with the Spanish department, particularly because it would limit what the Spanish department could do with its own major in the future.

Sean also mentioned that students can already participate in the Five College Latin American, Caribbean, and Latino Studies Certificate program. The proposal dismisses this option as a much broader program because it also focuses on Latin American and Caribbean studies. Most members of the committee thought the extra layer of complexity and the division of the department would add little that isn't

already offered by the Five College Certificate. Catherine S. added that a new program should be a program that has received a great deal of thought. The Five College certificate program has undergone some careful thinking and would still include courses at Amherst College. Sean added that when a student completes the requirement for a Five College Certificate, a notation is added to the student's transcript at graduation about the completion of the Certificate; this might provide the kind of recognition that students are seeking. Klára thought the broad requirements of the certificate would be preferable to what has been proposed since students would not be limited to courses located in one department and taught by two faculty members.

Catherine E. said that students really want a Latino Studies department at Amherst. She thought the committee should explain to the American Studies department that the Spanish department program is evolving and that this is not a good time to make such a change. Alex pointed out that a new track in American Studies will inevitably lead to requests for new FTEs; the decision to move into ethnic studies with this proposal is effectively creating another department. Chico asked, if approved, would this lead to similar requests from other departments? Klára said many departments have concentrations but they don't always distinguish them as separate tracks. Steven asked whether introducing a system of minors could reduce the requests for separate tracks. Catherine E. said the curriculum committee is considering a system of minors, but the department would still need a structure to support the concentration.

Sean observed that this proposal infringes on the interests of another department, noting that the Spanish department had expressed some interest in changing its name to Latino Studies a year ago. David agreed and said he saw in these arguments several good reasons for not allowing the American Studies department to proceed in this direction, citing the students' ability to complete the Five College Certificate and the restructuring of the Spanish department as two of those reasons. Catherine E. said she has had many meetings with students on this topic, and there are a number of faculty members who are also very interested in this issue. She said creating a Latino Studies program is very complex, involving many issues. Since the Spanish department is making progress with its own search this year, she thought it likely that the college will be in a position to move forward with a Latino Studies program soon. Sam added that this issue was discussed at the Amherst Uprising; at that time students were not interested in a Latino Studies department being a track within the American Studies department. David said he would draft a letter to the department explaining the committee's reasons for declining to support this proposal.

Amherst College Statement of Academic Freedom

David next asked the committee to return to its discussion of the proposed statement of academic freedom. Chico expressed concern about the ban on defamatory speech. He wondered if this might be a slippery slope if students wanted to invite a speaker to campus. David said an extreme example of this had occurred recently at Williams College. President Falk said no pedagogical purpose could possibly be served by hosting that particular speaker and had therefore cancelled the speech.

Catherine E. said Bryn Geffert had expressed concern about whether the statement would protect librarians ordering books from across the spectrum; he was not persuaded that this wording would

protect them and thought there should be a more explicit protection. David noted that the wording shifts from referring to the responsibilities of “the college” to the responsibilities of members of the community only implicitly in terms of the obligations in the second paragraph. But he also wondered if defining the community would add too many complications. Alex said it protects all those engaged in the intellectual mission but not staff involved with other aspects of college life. Catherine E. said it would not protect members of the Office of Student Affairs if they said something offensive to students. Emphasis would be on the activity rather than on the individual (librarians ordering books would be covered because they are engaged in the intellectual mission). She thought it was reasonable to raise these issues with regard to staff who are legitimately involved in intellectual activities. Sean then noted that if a community hour were created, the activities during that hour would include staff. If staff expressed thoughts, would that involve a teaching moment? Klára said she thought it was important to keep the emphasis on the nature of the activity.

Steven asked whether professors would only be protected if their speech related to their field of expertise. Catherine E. said that was correct. Faculty would not be protected when speaking outside of their field, though that is not specified in this document. Alex said that AAUP interpretations of academic freedom restrict these protections to the faculty member’s area of expertise. The AAUP would not defend remarks outside a person’s field on the grounds of academic freedom. Catherine E. said in practice it would allow faculty members the broad ability to speak. Alex said the statement is meant to capture much more than the AAUP statement of academic freedom. Catherine E. said she thought it was intended to capture the AAUP protections and a little more. Alex then pointed to the last paragraph, which allows that “It may restrict speech that directly interferes with a core function of the College. It may also place reasonable limitation on the time, place, and manner of expression.” He thought it might help to clarify those limitations a little more by inverting the order of those two sentences. The limitations on freedom of expression should in all cases hark back to the “core functions” of the College.

Klára noted that this could really limit the power of the students (or others) to strike or protest. Alex said it provides the ability to limit that power but that ability doesn’t have to be exercised; indeed, it would probably be unwise to rely on this statement as a way to break a strike. Alex then recommended adding “instructional staff” or “those involved in the core educational activities of the college” to the list of those protected in the first paragraph. Catherine E. said this statement may be interpreted to include the notion of librarians as acting as teachers when they order books so that is unnecessary. Sam wondered if this wouldn’t include many staff, since staff often function in educational ways. David added that staff have been encouraged in the last decade to engage more with students.

Sean said this will never be a perfect document. Catherine E. said the Task Force on Diversity and Inclusion and the College Council will also consider this today. Then the Committee of Six will consider it. She would like it to be voted by the faculty before the end of this semester and is hoping it can be considered by the faculty at its next meeting.

David wondered how a Title IX complaint would be affected by this document: would the Title IX officer refer to the statement in evaluating a complaint? He agreed that the statement might benefit from being reviewed by legal counsel. Alex asked whether there was any plan to include the community.

Catherine E. said the reason for this document is to protect speakers engaged in intellectual discourse. She did not think that the intention was to protect staff; if staff members say offensive things they would not necessarily be protected. As for the larger community, John Carter would intervene if outside community members acted in disorderly ways. David noted that the statement doesn't explicitly address the rights of outside speakers. Catherine E. said outside speakers were protected by virtue of their invitation by a faculty member to speak in a classroom or other academic setting. David said he would rather not err on the side of a statement that broadly empowers the administration to interfere with speech. Catherine E. suggested he raise this issue. If the committee thinks the document should protect staff more than is said here, he should also report those concerns. Chico said he was also worried about a professor tweeting about a controversial topic. Catherine E. said this language would likely protect that person, especially if the tweet could be construed as relevant to the faculty member's area of expertise, regardless of the odious nature of the tweet.

The committee concluded that a statement of academic freedom is needed. The committee did not oppose the statement but said it might want to extend the situations under which people are protected to include more members of the community. Sam pointed out that otherwise the statement excludes other members of the community in ways that they are not currently excluded. Alex noted that extending the statement to staff might disarm the ability of administrators to discipline renegade staff members. He thought it might be necessary for the statement to focus on activities (education, research, etc.) rather than on individual categories of people. Sean suggested that the college warn staff upfront, so they will know when they would be protected and when they would not; the administration should also remind faculty that not everything is protected.

David said he would draft a letter explaining the committee's concerns.

Trustees meeting

David said the next meeting will be with the trustees. He plans to report on the committee's deliberations about FTEs—specifically, concerns about senior hires and making sure enrollments don't drive all FTE requests; access to student transcripts; senior course evaluations; early commencement participation, and changes to pre-registration.

Chairing

Alex agreed to serve as chair on the 15th and David agreed to serve as chair for a second year.

Future items

David said the committee needs to discuss the timing of exams (students who need extra time and then miss their next classes as a result; evening exams that interfere with other things). Committee members said the issues often are related to students who need extended time. David said he will invite Jodie Foley to attend that meeting.

David also said the committee would meet with the registrar and director of institutional research to discuss necessary steps for the college to be in compliance with federal guidelines on credit hours.

The meeting adjourned at 9:50 a.m.