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- *4. GENERAL CHARGE As the voice of faculty, the committee shall advise and consult on policy and procedure issues related to the broad range of University civil liberty activities. The committee's advice shall be sought and given in a timely manner so that the advice could affect the decision-making outcome.*
  
  - *5. SPECIFIC CHARGE Present a statement that articulates conditions under which First Amendment rights will be upheld while maintaining a safe campus environment. Consider the University's position on balancing campus safety, free speech, freedom of expression, and freedom of assembly. Develop a mechanism to make CLCR Committee a first response team for a faculty voice on matters that arise and that require a faculty perspective.*
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**October 18, 2017**

**Attendees:** Bob, Kate, Sarah, Margaret, Martha, Melanie, Rachel

[CRCL Charge Document](#)

**Agenda/Minutes:**

Current, relevant events/topics:

- Graffiti issues (Ann Arbor) - this was the catalyst for renewing the CRCL
- Faculty-to-faculty bullying re freedom of speech (Flint)
- Controversial speakers on campus
  - Univ of Florida example
  - Policy - student groups must invite them
  - Margaret Hannon (Law) will investigate UM policies
  - We as a committee should review what other schools have done
- Last senate assembly - Resolution. Conversation about appropriate response from the senate. Should we respond to each event? Blanket statement
  - Should we develop a guideline for the senate?
- Faculty freedom of speech - political freedoms, outside of the classroom
  - Bob will send this to committee
  - Tri-campus group - what happens when something is passed by dearborn and flint senate assembly? Not much. This is an issue.
  - Dearborn seeking new chancellor
  - Issues of collegiality, bullying, free speech, retaliation

How are we different than the [general council advisory committee](#)?

- We advise the general council advisory committee - Bob is the liaison between CRCL and GCAC

Is there a definition of hate speech? Something to forward to GC?

Academic freedom and freedom of speech are related but different.

[Senate Assembly Statement on Academic Freedom](#)

How do we handle controversial speakers? What is the campus policy? How is this communicated broadly?

- Charles Murray [http://www.mlive.com/news/ann-arbor/index.ssf/2017/10/charles\\_murray\\_event\\_at\\_univer.html](http://www.mlive.com/news/ann-arbor/index.ssf/2017/10/charles_murray_event_at_univer.html)
- How can we help students that express fear? We need to develop guidelines for faculty on how to handle the personal/mentoring situations/emergencies.

Issues of balance between clinical students in the clinic setting. How are their freedoms impacted and protected?

- What kind of faculty training do we provide to help new faculty deal with classroom disruption? Virtual reality training.
- Psych session with student clinicians
- Standardized patient
- Microaggressions - recognizing them and how to handle them

- Challenges with recruiting a more diverse student body in this conflict-ridden climate. Students are being harassed and abused.
- Michigan Access Program - teaches cross cultural skills

**Develop a central toolkit for resources-** we need to identify resources available on campus:

- <https://odei.umich.edu/inclusive-teaching-initiative/>This initiative is the result of a recommendation from the 2014 Provost's Report on Diversity, Equity and Inclusion. The initiative's aim is to build faculty skill in and commitment to cultivating learning environments where students of all backgrounds and identities are welcomed, feel valued, and are equitably supported in their academic success. In December 2014, a task force composed of experts from the Center for Research on Learning and Teaching (CRLT), The Program on Intergroup Relations (IGR), and the School of Education (SOE) was asked to develop a model for faculty professional development around inclusive teaching for all faculty at the University of Michigan. The task force proposed a flexible model around inclusive teaching, and faculty focus groups were conducted to gather views from a broad range of faculty, representing diverse roles, identities, and disciplines across the University.
- CRLT Resources <http://www.crlt.umich.edu/multicultural-teaching>

Our second meeting is a very short time in the future:**Wednesday Nov. 1.** December is always challenging to fit anything extra in, but the committee found a single slot on **Monday 11 December.**

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**November 1, 2017**

**Attendees:** Bob, Kate, Melanie, Derrick, Samer, Rachel, Sarah (Blue Jeans)

**Agenda/Minutes:**

We are tasked with writing a foundational statement

What is our goal/purpose? It needs to be more than just providing lectures to students and writing statements on the First Amendment (that's already been done).

- Translating the legalese? Make it easier for the community to understand.
- Provide a "menu" of constitutional responses for the university to make in these situations.
  - Saying no, organizing counter rally, etc.
  - "Marketplace of ideas"
- What are our principles? It's more than just free speech - there are conflicts between all of the principles/human rights we hold.
- We need to shift the focus/change the narrative from free speech to some expanded principles.

What is free speech? Does the traditional definition still fit within today's political climate? Do we need to develop a new response/definition?

We should have a bottom/red line - Where do we draw the line? Who has the authority to draw the line?

- Proactive (prior restraint - not allowed under constitution) vs. Reactive?
- Affirmative action was successful because it was based on an argument for pedagogical value.
- [Paradox of tolerance](#)

The black students are less than 3% of the student population. UM ethnicity reports: <http://ro.umich.edu/enrollment/ethnicity.php>(4.3% in 2015)

Start discussion with/base position on:

- If we are an institution that values DEI (this is our flag/brand) - what does inclusion mean?
- or free speech
- or safety (MSU is in court because of it)

Can we give students a space to discuss? Where are the student voices in this conversation?

Can we build structures to support the exchange of ideas (character of a university)?

Safety (emotional and physical duress/harm) vs. Freedom

- How do we assess emotional duress when there are external causes out of our control?
- Students need to be and feel protected in the spaces on campus. How the university manages the relationship to controversial speakers like Spencer is important.

Can we flip this into a teaching moment? How is just renting a room on campus different than inviting him into the classroom? Can we shift his presence to more of the latter?

UM doesn't require invitation by UM-affiliated, anyone can request campus space.

- Berkley does - <http://freespeech.berkeley.edu/frequently-asked-questions/>

Allowing them to speak on campus legitimizes them, denying them also legitimizes them(martyrdom) - there is no winning.

The university doesn't have to be neutral!!!

- Can we organize another rally with counter points (e.g. Hyde park's Speaker's Corner)?
- Host a debate.
- Require the speaker to participate in a debate
- Can we require a panel discussion with counterpoint? Would have to be open to the liberal students.

Avoid language that implies that we are protecting students from ideas - avoid "safe space" (Sarah's comment about issues related to her work on Flint's AUP)

We need to invite students into our conversation. How can we help them feel empowered to

#### **Richard Spencer invited to speak at UM**

- <http://michiganradio.org/post/white-supremacist-richard-spencer-requests-speak-university-michigan>
- [https://www.washingtonpost.com/news/grade-point/wp/2017/10/31/the-university-of-michigan-is-considering-allowing-richard-spencer-to-speak-on-campus/?utm\\_term=.cd50a83316f2](https://www.washingtonpost.com/news/grade-point/wp/2017/10/31/the-university-of-michigan-is-considering-allowing-richard-spencer-to-speak-on-campus/?utm_term=.cd50a83316f2)
- [http://www.mlive.com/news/ann-arbor/index.ssf/2017/10/university\\_of\\_michigan\\_receive\\_7.html](http://www.mlive.com/news/ann-arbor/index.ssf/2017/10/university_of_michigan_receive_7.html)
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- **Black Student Union response to Pres. Schlissel**
- *10/31/2017*
- *Dear President Schlissel and The Board of Regents,*
- *We are writing to you as The Black Student Union of The University of Michigan to demand that you deny the request of Richard Spencer to speak on the University of Michigan's campus. Allowing such a person to speak on this campus is a threat to the physical and emotional safety of many students on campus. Too many times already have students of color been placed under emotional distress due to racist campus climate. The n-word has been written on students' dorm doors and in bathrooms, anti-Latinx graffiti has been painted on the rock, racist snapchats have been sent to students, and several rounds of racist flyers have been posted around campus just this semester.*
- *Richard Spencer is a violent white supremacist who advocates ethnic cleansing, and while he may deny promoting physical violence, his supporters engage in violence against marginalized people with the intent of protecting white supremacy. His rally*

*in Charlottesville this summer drew hundreds of armed protesters that resulted in the murder of a Ms. Heyer. His rhetoric is nothing less than hate speech and goes against everything the University claims has no place on this campus. U-M is about to embark on a week long summit examining the DEI plan that the University has been working on for the past year. Part of that conversation revolves around our environment and creating a campus when everyone feels welcome and secure, which the school has already failed at by allowing Charles Murray to speak just earlier this month.*

- *Multiple schools across the country, including our neighbor and fellow Big 10 school Michigan State University, have made the right decision by denying Spencer's request to speak on their campuses. We expect nothing less from the University of Michigan.*
- *Sincerely ,*
- *The BSU*
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Our next meeting: **Monday 12/11/17 10-11am**

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**December 11, 2017**

**Attendees:** Bob, Kate, Derrick, Rachel, Margaret, Sarah (Blue Jeans)

**Agenda:**

Develop clearly our understanding of the four elements we are asked to balance. We are compelled by court interpretations of the First Amendment to comply:

- a. No prior restraint
- b. No limits on content (except for explicit, directed threats)

To this we have added consideration of disproportionately-inflicted emotional harm.

- a. The courts have never taken emotional duress into consideration
- b. We are not allowed to make the University an enclave of protected-content speech

This is not a statement of First Amendment rights. This is a statement of how we balance all these elements in a public institution of higher education. Our committee is "Civil Rights and Civil Liberties."

What seems to be of concern to those we advise is: What practical and constructive means we can instantiate to make the University a place that respects and upholds diversity. The University should be an environment in which all can thrive and which best prepares growing minds to flourish throughout their lives.

DRAFT of a statement by the Faculty Committee on Inclusion. [Link withheld.] Their charge is different but overlapping.

**Minutes:**

Has anyone attended any of the events on campus?

- Report out on student walk out: [http://www.mlive.com/news/ann-arbor/index.ssf/2017/11/university\\_of\\_michigan\\_student\\_125.html](http://www.mlive.com/news/ann-arbor/index.ssf/2017/11/university_of_michigan_student_125.html)

What has been the provost response to our document? They are interested in ways to help students and faculty to respond:

- Have students take up all seats and then leave.
- Issues with hosting counter programming. There are issues of security.
- People will protest anyway.
- General council's office heard about ill-informed students engaging with the empowering the speaker
  - Best way to educate students before hand - start with small groups.
  - Can we plan programming ahead of the event? Similar to the university - supported dialogue.

Richard Spencer aiming for Spring Break date.

If this goes to court, we lose power in setting time and location.

**How are we different than the other committees working on this topic?**

- Robert Ortega's response - he wants us to work on the balance, develop enduring structural change
  - Ortega chairs the UM faculty governance system for 2017-18
- We can't impose anything on faculty for their classrooms
- Bob will talk to Robert Ortega this afternoon
- Provost faculty advisory committee is also addressing this

Is there a student/faculty advisory committee that will discuss how to prepare for this?  
What are the university response mechanisms? Is that part of our charge?

What do we want to at the next meeting?

- Guest - General council representative
  - Margaret will bring back notes from the Provost faculty advisory meeting
  - Work for clarity
  - What have other institutions done? Can we reach out to Florida?
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**January 31, 2018**

**Attendees:** Heather Walline, Margaret Hannon, Rachel Kohl, Samer Ali, Derrick Darby, Bob Fraser (Blue Jeans), Kate Saylor (Blue Jeans)

Any volunteers to chair committee for the next 3 months? TBD.

SACUA looking for committee (standing group) to provide support to faculty members and others (classes, groups) during controversial events on campus (not necessarily this committee)

- Are there things that could be done to protect/prepare/support faculty/students for speakers?
- Creating a resource/document/website for groups that may be siloed
- How can we make these events a healthy learning situation?
- How are units currently dealing with these issues?
  - the law school has "hot topics" panels--not clear whether these are open to community or if they are advertised to larger community
  - Democracy in Action fund through Dean's Office in LSA
  - Partner with student organizations and campus units (e.g. Multi-Ethnic Students Association)--would give work greater legitimacy and enrich conversation
- More concerned about speakers that don't cross the line into hate speech but are still threatening (controversial vs. illegal speech)
- Are we talking about compiling information/resources or something more?
  - Need to be mindful of the line between education and advocacy, especially as it pertains to political candidates
  - Can we empower activists?
  - Issue based advocacy as opposed to partisan advocacy?
  - Concern re. putting the University forward as a non-partisan entity
  - Maybe get advice from General Counsel's Office re. constraints
  - We can inform students about tactics, but what else can we do?
- Students feel that the University doesn't understand the difference between hate speech and free speech, and that the University's commitment to DEI requires very different response than allowing Spencer, for example, to come to campus
  - How should hate speech be defined?
    - Intimidation of a group by directing speech at representative members of that group; hate crimes as a manifestation of hate speech
  - How can we develop empathy in children of privilege? And across the student body?
- Are programs available in various units open to other parts of campus? Should the law school or other units be having broader discussions available to the public?
- One takeaway: seems straightforward to put together a list of resources, etc. and make it available/share with deans, etc.--as a general resource, not specific to a particular speaker/event
- Is there a University or other policy requiring reporting of hate speech? If so, what are the parameters of such a policy/reporting requirement?

For next meeting: Start compiling available resources to share with the committee.