



General Counsel's Advisory Committee (GCAC)

Minutes of Meeting: 11/10/23

Circulated: 1/12/24

Approved: 1/19/24

Present: Rogério Pinto (Chair), Londen Ward, Tim Lynch (VP and General Counsel), Kirsten Herold, Alex Yasha Yi (SACUA Liaison), Janet Biermann, Pamela Smock, Silke-Maria Weineck, Judith Walker, Graham Hardig, Adam Matzger

Absent: Nancy Allee, Steven Chinn, Jamie Tappenden, Christopher J. Walker

Faculty Senate Office: Eric Vandenberghe, Luke McCarthy

9:00am-9:05am: Call to Order, Approval of Agenda and Minutes

The agenda was approved. Brief introductions were made.

On Thursday 11/9, the 33rd Annual Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom took place. The speaker this year was Jonathan Friedman, the director of free expression and education programs at PEN America. The lecture was titled "Academic Freedom 2024: Educational Gag Orders, State Censorship, and the Fight for Higher Education." The talk was well-attended and was a success. More information about the lecture can be found [here](#). The recording of the event can be found [here](#).

9:05am-10:02am: Discussion regarding the draft of the "University of Michigan Principles on Diversity of Thought and Freedom of Expression"

Summary: The Chair introduced the context for the conversation that the committee is having at this meeting. The process and substance of the document are reviewed. The General Counsel provides an overview and timeline of how the current draft of the document got to where it is. An emphasis on how critical this topic is at this time is voiced by committee members. The recent election was briefly discussed.

The composition of the initial drafting committee was discussed. The General Counsel goes through some of those who have been consulted. He indicates that the influence of this committee was present in the composing of this document, as the General Counsel took the information gathered from last year's committee meetings. Constructive input is provided to how the drafting process can be improved. Other disciplines have expertise in free speech, with humanities and the arts listed as examples. Indicating who has been consulted somewhere in the document to provide context for the document is suggested.

A question is raised as to why not endorse an existing document that focuses on the same topic? The University Chicago statement is mentioned as a possible model. The General Counsel indicates that UM's current draft drew influence from other statements, however, it was necessary to create a unique statement. This conclusion was reached due to feelings that there are areas that needed to be addressed or expanded upon.



A question is raised as to what this statement does that the related SPG does not do. The statement is not an enforceable policy, however it is a public commitment to freedom of expression.

Specific examples are discussed of faculty being reprimanded for free speech in different ways across the country. A call for the committee members to provide more examples for future meetings is made. It would be good for the statement to be able to be referenced as a guiding principle for situations similar to those described.

A discussion is held regarding ECRT and how they address cases that involve freedom of expression.

Discussion ensued on limits to free speech and how to handle speech that is hateful. Anger is protected speech. Should it be? This is discussed. Boundaries are mentioned as an important part of free speech.

Curriculum is discussed. Some faculty do not teach certain things anymore for fear of retribution. The committee members agree that the administration should not be involved in pedagogical decisions.

Action: Discussion

10:02am: Adjournment

Respectfully submitted,

Eric Vandenberghe
Faculty Governance Coordinator
Faculty Senate Office