

REGENTS' SPECIAL MEETING

*The University of Michigan
Ann Arbor
January 16, 2024*

The regents met at 4:00 p.m. at University Hall, Alexander G. Ruthven Building, and via a livestream link on the university gateway. Participating were Regents Hubbard and Brown. Regents Acker, Bernstein, Behm, Ilitch and Weiser participated via Zoom. Regent White was absent due to military service. Also attending were Vice President Baird, Executive Vice President Chatas, Vice President Churchill, Interim Chancellor Fry, Chancellor Grasso, Vice President Harmon, Vice President Hunter, Vice President Kolb, Vice President Lynch, Provost McCauley, Vice President Pendse, and Executive Vice President Runge. Vice President Cunningham was absent.

Call to Order and President's Opening Remarks

President Ono called the meeting to order and said, "We've come together for the purpose of adopting the University of Michigan's Principles on Diversity of Thought and Freedom of Expression. We've been engaged in this effort for some time, and I'd like to thank all of you who have contributed to our deliberation, especially Vice President Tim Lynch who has served an absolutely essential role in bringing this statement to fruition.

"No matter the tumult over the issues of the day, it is vital that we remain fully committed to freedom of speech and diversity of thought as a university. Open inquiry and spirited debate are critical for promoting discovery and creativity, for creating and advancing knowledge, and for preparing our students to be informed and actively engaged in our democracy. At this time of great division, it is more important than ever that we come together in a shared commitment to

pluralism, to mutual respect and to freedom of speech and diversity of thought at this great public university. For our next steps, I have asked Tim to convene a committee of our staff, students and faculty, charged with providing guidance on: whether our university is living up to these principles; actions the university can take to bring us closer to the aspirations embodied in these principles; and whether the university should adopt some form of the University of Chicago's Kalven Principles, which establish "A heavy presumption against the university expressing opinions on the political and social issues of the day"

Vice President Lynch, said, "The values reflected in the principles are particularly important during times of great social, and political conflict. Those we are confronting now as a society, and as a university. The principles expand upon our long-standing free expression policy. Which was adopted in 1988, and remains in effect. The University is now articulating where it wants our community to be. And a decision by the board to adopt principles would be a tremendously important step. The principles would simply not exist without the expertise, commitment, and extraordinarily hard work of our faculty. It began with a meeting of President Ono with a law school faculty where the president was asked whether the University should consider adopting the Chicago statement on free speech. After that meeting President Ono charged me with working with a faculty committee to create a statement of our own. One that reflects the values, and aspirations we hold dear at UM.

"Our committee worked on the various drafts all summer, and our discussions quickly coalesced on important themes, and issues. Our discussions also reflected different perspectives that meet the final product that much better. I offer my deep gratitude to professors Michelle Adams, Kristina Daugirdas, Don Herzog, and two other faculty members that are here with us today: Professors Gabe Mendlow and Chandra Sripada.

“I also want to offer my deep gratitude to members of the SACUA General Counsel Advisory Committee who shared their strongly held opinions and recommendations on whether the University should adopt a renewed statement on free expression and on the issues any statement should seek to tackle. I appreciate those full, and frank discussions, which made a significant impact.

“I’m grateful to the many members of the faculty all across the University who offered their comments, critiques, and suggestions on various graphs of the principles. Including the chair of SACUA, Tom Braun, whose support was instrumental. The principles before the board today also benefited tremendously from the many details, and thoughtful comments we received from faculty, staff, students, and alums on an earlier draft through the online portal set up last October. We read those comments very carefully, and the draft today reflects many of the points we received. The draft also reflects a very helpful input from the Foundation for Individual Rights, and Expression (FIRE). I’m grateful to FIRE, for taking the review of the policy, and offering advice and recommendations.

“I’m grateful to all my colleagues on the executive leadership team for reviewing, and critiquing the many drafts; for the diversity of thought they brought to these discussions; and for their wisdom and good counsel. I’m also grateful to the deans, and other academic leaders for their engagement and excellent advice.

“I am deeply grateful to President Ono for being a champion of these principles, and the values they reflect. They are *his* values. From his first meeting with the law school faculty that began this process. To his insightful questions, and comments throughout. Into his decision to bring this forward today. The principles are here for consideration today by the board, because of his beliefs, and his actions.

“Finally, I'm grateful to the members of the Board of Regents for fully embracing the importance of adopting these principles as the governing board for UM under Article Eight Section 5 with the Michigan Constitution. I'm deeply grateful for all the many significant contributions each, and every board member made to improve this document, and to ensure that it reflects their values, and their voices. I particularly thank Regent Mark Bernstein for making this an even more powerful statement, and for his leadership role in moving these principles forward.”

Provost McCauey said, “The right to debate and explore the full spectrum of ideas must be vigorously preserved and defended. That right is the cornerstone to free inquiry, and in particular, is the soul of academia. The UM is committed to creating a diverse, pluralistic environment, where people of any background, from anywhere in the world, can come to study ideas, learn about a broad array of knowledge, philosophies, theories, and worldviews, and develop expertise.

“No matter the discipline, our students and faculty must be free to engage with the entire gamut of ideas. Our university is an environment that explores the wide-ranging concerns of humanity and the equally broad variety of scholarly approaches to understanding those concerns. Our faculty have spoken clearly: a solemn commitment to free expression, free inquiry, and academic freedom is crucial to deliver on our mission.

“As the society around the University of Michigan evolves, the university evolves to meet each era's challenges. One perennial challenge is ensuring that our commitment to free expression and academic freedom remains intact. Another is articulating the fundamental value of this commitment, for both our own community and the public we serve. For that reason, we

have chosen to reaffirm our dedication to those essential academic values through this statement.”

A motion to adopt was made by Regent Bernstein, seconded by Regent Brown. Discussion followed.

Regent Bernstein, “I too want to share my gratitude to Vice President Lynch, and all stakeholders who participated in this enormously important effort. Many people have urged us to adopt the Chicago principles of 2014. But UM made a crystal clear statement regarding freedom of expression almost half a century ago, in 1977. Quoting Regent Paul Brown, Sr., ‘Pressure to revoke an invitation for a speaker to appear at the University because of the potential for a violent reaction to the speech, or threat of disruption of the speech, constitutes intellectual blackmail, and cannot be tolerated. Likewise, the purposeful shunning of a controversial speaker of some merit solely because his appearance may invite disruption or violence is contrary to the intellectual ideals of the University, and is a major concession to demagoguery...Canceling, adjourning to another time or place, or allowing an extended interruption of a speech or meeting is tantamount to the complete denial of the right to speak as well as the right of the audience to listen...Because freedom of speech plays such a critical role in the functioning of a university, interference with the exercise of this freedom by members of the University community is evidence of a blatant disregard for the spirit of free intellectual inquiry....”

“Today's principles reaffirm our commitment to diversity of thought, and freedom of expression. These principles exist firmly, and above the constellation of university rules, bylaws, and SPGs. I think it's essential to acknowledge that this is, in many respects, the North star of our university that sits next to our mission statement. And these principles declare unequivocally that cancel culture is dead at the UM for many different reasons. We are a public university with

a long, and proud history of engagement on issues of great societal consequence. Indeed, actively confronting the most controversial issues of the day is a hallmark of our culture.

“Every member of our academic community should expect to confront ideas that differ from their own, however uncomfortable these encounters may be. This can only occur when diversity of viewpoints exist, and freedom of expression flourishes. That is why I'm so proud, and grateful we will be adopting these principles today.”

Regent Hubbard, “I just wanted to bring everyone's attention to a sentence in this policy I thought it was incredibly important: ‘We strive to meet conflict and controversy with understanding and reason, refuting our opponents rather than revoking invitations or refusing them a platform, and contesting their ideas instead of attacking their character.’

“We are not in the business of canceling speakers. This is the first step, and now we need to invite diverse thought leaders to our campus in order to fulfill the promise of this policy. And I look forward to working with everyone on that.”

Regent Ilitch thanked Vice President Lynch for his work on drafting this policy, and Regent Bernstein who helped get it to the final stage. She said, “At UM we have a rich tradition of intellectual rigor and innovation. Free speech on campus is really a value of ours. It's a legacy. And it allows for a strong exchange of ideas, and perspectives that drive us academically and personally. Free speech is at our core.

“I want to highlight a sentence that is in the principles that I care very deeply about: ‘Our deep commitment to free expression does not extend to speech or conduct that violates the law or University policy, including targeted speech that constitutes bullying, defamation, destruction of property, discrimination, harassment, violence, or threats. And the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the

University's ordinary activities.' I look forward to a very healthy conversation where all can give input.”

Regent Weiser said, “I want to emphasize three different sentences in this document. First, ‘protesters who are free to disagree but not disrupt the presentations.’ People need to be able to listen if they want to, and people who don't want to listen don't have an obligation to listen.”

The second sentence is ‘learning to respect differences of opinion and belief.’ And the last one, as a conservative, ‘the progress of a society is inextricably linked to a diversity of opinions and beliefs and the freedom to express them.’ I think it's important that we realize the University is about talking to each other, and understanding there's going to be differences of opinion, and viewpoints on many subjects. Refusing to talk and have those discussions is what leads to conflict.”

Regent Acker said, “It's not enough to allow groups or unpopular groups to speak on campus. It's incumbent on all of us as leaders across the campuses. We cannot just have the affirmative right to allow speech that differs from your own but, to encourage it, and to continue to allow it. Free speech isn't free speech until the last Nazi has had their right to speak. Free speech includes the right to learn, and to engage on campus. Even on topics that are popular, it has to intertwine with academic freedom.

“We challenge our colleagues, and all of us as leaders across the campus to make sure we are continuing to engage not just on free speech, but also on academic freedom, and the freedom to learn.”

President Ono called for a vote on the motion, and the motion was carried unanimously.

Adjournment

The meeting adjourned at 4:45 pm.

The next meeting is Thursday, February 15, 2024.