

TO: Bethami Dobkin, Provost

**FROM: Tom Poundstone, Chair
Academic Senate**

DATE: May 18, 2010

**RE: Senate Action S-09/10-25
Revised Preamble to the External
Speaker and Public Event Policy**

At the May 13, 2010 General Meeting of the Academic Senate, the attached revised Preamble to the External Speaker and Public Event Policy was approved by a hand vote of 7-1 with one abstention. This action was assigned Senate Action # S-09/10-25.

Also attached is the Rationale for the Sense-of-the-Senate Resolution on the Speaker Policy.

Attachments

cc: Br. Ronald Gallagher
Vice Provost Frances Sweeney

A NEW PREAMBLE FOR THE SPEAKER POLICY

Be it resolved, the preamble to the speaker policy passed by the Academic Senate on October 1, 2009 should be replaced by the following preamble which should be read as supplying the interpretive spirit with which the protocols of the policy should be implemented.

Saint Mary's College of California is a Catholic institution of higher education in the Lasallian tradition where the liberal arts inform, enrich, and shape all areas of learning and where special importance is placed on fostering the intellectual skills, habits of mind, and activities which liberate persons to probe deeply the mystery of existence and live authentically in response to the truths they discover.

Our mission challenges us to pursue truth wherever it can be found, confident that between faith and reason there can be no fundamental conflict. Fr. Ted Hesburgh, the President Emeritus of Notre Dame, speaks of how a Catholic college must not only strive to be like a lighthouse, standing apart and illuminating issues with the moral and spiritual wisdom of the Catholic tradition, but that it must also serve as a crossroads "where all the intellectual and moral currents of our times meet and are thoughtfully considered," a place where people of many different perspectives, backgrounds, faiths, and cultures are received with charity, are able to speak, be heard, and engage in responsible and reasoned dialogue.

That is also the charge of a university. As our President Brother Ronald Gallagher writes in an open letter to the College community, "Institutions of higher education serve society and their local communities by providing a place for opinions and ideas of all types to be examined, questioned and discussed. It is in these 'academic cities' that the arts of reason and inquiry are brought to bear on the controversial issues of today and of all time. For students, faculty, staff, and the public, the College provides special opportunities to step away from the often overheated and polarized rhetoric of contemporary culture and examine difficult and controversial issues in the somewhat cooler light of reason." Brother Ronald continues his letter with an appeal to the educational traditions upon which our College is based: "As a College with a Great Books tradition, we have a responsibility to defend the rights of those with controversial viewpoints to speak. To live up to our great tradition, we must remain an academic community where the free and open discussion of ideas, even those with which we strongly disagree, is possible."

As part of that Great Books tradition, we are reminded of what Cardinal Newman writes in his *The Idea of a University*: "It is not the way to learn to swim in troubled waters never to have gone into them." If our students are to be tested in their critical thinking, we do not serve them well by insulating them from controversial views; instead, we are called to expose them to a breadth of viewpoints and experiences and to foster free and open discussion of controversial issues.

Occasionally the President will be pressured to deny or rescind a requested invitation. In almost all situations the President is called to defend academic freedom and explain the basic educational mission of the College and the unique

role of universities as a place for ideas to be exchanged while also making clear to all that invitations do not represent endorsements. The cost to the College is virtually always higher when a presenter is silenced. Ideas, we believe, are better answered with thought and conversation than censorship.

While we place a high value on freedom of inquiry and discussion, and on the opportunity for intellectual stimulation, which can be the product of controversial content, with this freedom also comes fiduciary responsibility. The policy which follows outlines reasonable precautions for the scheduling of controversial events, which are designed to foster authentic dialogue and to protect the reputation of the alma mater we all cherish.

[The italicized passages indicate parts of the preamble passed by the Senate on October 1, 2009]

Rationale for the Sense-of-the-Senate Resolution on the Speaker Policy

In his letter to the campus community on March 23rd, Bro. Ronald Gallagher wrote of our need to clarify our understanding of the speaker policy. Likewise, in an e-mail sent to all of us by Molly Methard on March 17th, she concluded with these words:

We all believe that institutions of higher education have the responsibility to engage our local and national communities in ideas and debates that are otherwise overlooked, simplified or reduced to stereotypes by divisive political dialogue and the mass media. Doing so should only further our positive reputation and profile in the community. I believe the notion that we will exclude our communities, even friends and families, even alumni, from speakers who are deemed "controversial" is utterly contrary to our calling as educators and to our role as an institution of higher learning. Consequently, I urge faculty to revisit the Speaker Policy drafted last year.

In response to both of these public calls, I have suggested to my fellow senators that we pass a declaration of how we, the same senators who helped craft and approve the policy, think the policy should be understood. This motion brings back one of the draft preambles which was circulated as part of the campus-wide discussion in September. This motion doesn't try to amend the policy itself, though we could easily do that, substituting this preamble for the one we passed. Instead, the proposal simply asks the senators to respond to Bro. Ronald's and Molly's calls by passing a "Sense of the Senate" resolution which supplies a framework for how we think the speaker policy should be interpreted.

Without this kind of clear and bold preamble guiding implementation of the speaker policy, an interpretation of the policy was developed which restricted publicity for and access to the lecture by Gloria Steinem. (We must leave it to another day to debate the need of "campus events" closed to the public. The Senate has no interest in re-hashing the arrangements surrounding Gloria Steinem's lecture or tinkering with the nuts and bolts of the policy in this meeting.) Presumably, designating this as a "campus event" was to avoid triggering the review mechanism in the speaker policy and avoid the pressure to deny or rescind the invitation.

Our concern is that if Gloria Steinem is a speaker that we might contemplate disinventing -- presumably on the grounds that her words would be "egregiously contrary to the College's mission" since the safety and contract issues in the policy don't seem applicable -- then the list of those who might trigger this mechanism of the speaker policy is a long one. That was hardly our understanding when we debated and voted on the conditions in the policy; thus, we need to make it clear to all that we have a very different understanding of how vigorously the free and open exchange of ideas needs to be defended.

If we don't make this kind of stance clear, a cloud will continue to hang over our speaker policy and those engaged in programming will continue to fear censorship of any controversial speaker. The cost to the College is virtually always higher when a presenter is silenced. Ideas, we believe, are better answered with thought and conversation than censorship. The cost to the College community is also high when there is a chilling effect on speech. That would be a horrible legacy for this year's Senate to leave the college, a legacy I would be embarrassed to be associated with. With so much else on our agenda, I

wouldn't be promoting this if I didn't think it was something that this year's Senate needs to address.

I propose we make this declaration boldly but gracefully, leaning more towards the language of inspiration than the languages of policy. (Of course, formal academic argument replete with footnotes is crucial to the argument, just not here.) Most importantly, I would like to see the College defend the free and open exchange of ideas vigorously as Bro. Ronald did when he argued that the invitation to Bill Ayers should not be withdrawn. To do this, I studied the best practices of other Catholic colleges. In their preambles and press releases, they turn to quotations from leading figures in Catholic education.

As such, I have proposed three quotations which would serve us well as we ponder when it is appropriate to deny or rescind an invitation to a public speaker. The first quotation is from Fr. Ted Hesburgh, the legendary president of Notre Dame who helped define what a Catholic college can be in the modern world. The second is from our own Bro. Ronald in his defense of why the invitation to Bill Ayers should stand. The third quotation (which is cited by USF) is from Cardinal Newman whose *The Idea of a University* is a classic read by our Seminar students. Each of the quotations challenges us to think more deeply about the importance of free and open exchange of ideas in a university which aspires to be informed by our three traditions: the liberal arts, Catholicism, and the vision of education enunciated by Saint John Baptist de La Salle. The citation from Bro. Ronald which we are proud of is enough in itself to guide the College's stance, but the quotations from Fr. Hesburgh and Cardinal Newman further establish this stance in our Catholic and liberal arts traditions besides spanning centuries, continents, and various religions orders.

If you support this proposal, please let me and my fellow Senators know. If we pass it, perhaps we might ask if others would like to sign the proposal indicating faculty support for this position. Of course, passing this motion is not enough. An integral part of defending the open exchange of ideas involves developing ways and means for us to engage in dialogue with visiting speakers rather than treat them more as celebrity entertainers. In particular, that would supply a format in which the Catholic tradition of the college could be discussed.¹ There is much more to say, but much of that can be developed in the future. What we need now is a guiding principle which we can be proud of, a standard worth fighting for.

¹ Fr. Hesburgh called Notre Dame to do just this. I recall discussing this with him after Bill Clinton spoke at Notre Dame during the presidential campaign of 1992. He didn't think the university should just rent him a hall and allow him to use the university as a platform for a national address; instead, he thought there should be a forum for the university to respond. When he was president of Notre Dame in 1984, the university hosted one of the most eloquent politicians of our era, Governor Mario Cuomo, who gave a strong defense for a Catholic politician being Pro-Choice. The university reprinted Cuomo's text and Fr. Hesburgh himself gave one of the responses to the governor. Likewise, when President Obama accepted a controversial invitation to speak at Notre Dame's graduation last year, an invitation for which Notre Dame was severely criticized for in the Catholic press, not only did Fr. Jenkins cite the quotation from Fr. Hesburgh which I have suggested be in our preamble, Notre Dame also invited John Noonan, a judge with impeccable Pro-Life credentials, to speak immediately after President Obama.