

Faculty remarks as prepared for delivery at the meeting of November 1, 2016, beginning with the motion of Professor Lewis.

Harry Lewis, McKay professor of computer science

Madam President: On behalf of several members of this body, I move that Harvard College shall not discriminate against students on the basis of organizations they join, nor political parties with which they affiliate, nor social, political or other affinity groups they join, as long as those organizations, parties, or groups have not been judged to be illegal.

This motion stands on its own as a statement of principle that we, the Faculty of Arts and Sciences, have long honored in practice. As our posted argument notes, when this Faculty considered how to respond to the dilemma posed by ROTC's discriminatory membership practices coupled with Harvard students' desire to join as cadets, a faculty committee recommended that we cut off support to ROTC. But the same committee considered and explicitly rejected as "excessively paternalistic" the option of punishing students who chose to join MIT ROTC. The FAQ we distributed cites other historical precedents for the simple proposition that Harvard should not discriminate against members of this community on the basis of their private decisions about organizational memberships.

This motion is proposed in response to an unprecedented decision to limit opportunities for students who choose to join certain sororities, certain fraternities, and the so-called final clubs, female or male. (Not all clubs are affected by the policy, as I understand it. To fall beyond the reach of the policy it suffices to have a member of the other gender or a member from another college. So for example, it is fine under the policy to be a member of a sorority, even one that is exclusive on the basis of ethnicity as well as gender, as long as it includes MIT students as members.)

This is not the right place to discuss the nature and extent of the problems presented by single-gender organizations of Harvard students. I want to stress that the signatories to the motion are not defending any or all of these organizations. Nor are we denying the problems they create. Nor are we against change! About all that the twelve of us probably agree on is that Harvard should avoid making rules restricting students' civil liberties—of speech, of religion, or of association. For example, the FAS would not sanction students for book purchases they might make at the Harvard Coop or the Harvard Book store, even if we feared that reading those books posed a grave moral hazard to the students or to the community. We would, I hope, not discriminate against students for adhering to a religion that gives women second-class status. In the same way, Harvard should honor students' individual right to free association, and that is what our motion states.

It has been argued that the policy does not actually ban students from joining these organizations. Harvard is simply subjecting the offending students, goes the reasoning, to the loss of certain opportunities. But the College is creating a blacklist, an *index* of prohibited organizations, to use a canon law metaphor. Join one of the heretical clubs and you can remain a Harvard student, but there are certain blessings Harvard won't bestow. Only the worthies, the students who have shown their fealty to Harvard by not joining the prohibited clubs, can be team captains or heads of student organizations, or get Harvard's endorsement for a Rhodes Scholarship.

This automatic exclusion from an opportunity is really rather bizarre, if you think about what it would mean. For example, the College might interfere with the leadership elections of students in a political organization. An implementation committee is already hammering out the details of how this would all work, but the problem is **not** in the details—the problem was creating the blacklist in the first place.

I have heard it argued that reforming the all-male final clubs is so important that it justifies this infringement of civil liberties. These clubs aren't truly private organizations, goes the argument, because they consist solely of Harvard students. And nobody needs them anyway. So given the importance of the objective, it is OK for Harvard to impose its standards on the private choices of students.

We have heard this line of argument before, twice in the past few years, when Harvard has infringed personal liberties of members of this community in service of goals it considered more important. This was the defense when Harvard read faculty email without notifying them, in search of the source of a leak to the Crimson. This was also the defense when Harvard photographed students in the classroom without informing them, because the data would be important to educational research. In each case, the argument went, the infringement was minor, no one suffered any harm, and the goal was important. Both times, Harvard eventually stepped back from this line of defense. Now once again, Harvard is showing a moral blind spot in arguing that its high-minded ends justify means that would not be tolerated in civil society.

This policy is disappointing both for the dangerous precedent it sets, and for the irregular way it was enacted, by administrative fiat after the last faculty meeting of the year this past spring. Others who will speak after me plan to address these matters, but I must note here that a memo distributed for this meeting mischaracterizes our concerns and incorrectly implies that they have been addressed. We were given no opportunity to review that memo, and it misstates our views. We did not think that the scope of the policy needed to be made clearer. Our concern is that having enacted a college policy of this importance without consulting this body or its elective representatives, the dean and the president would at a later date be empowered to enact other policies, about this matter or others properly within the jurisdiction of this body.

For my own part, my most serious objection to this policy is neither precedent nor process. My deepest concern is educational. The policy teaches our students, who watch everything we do, bad lessons. It is illiberal—it teaches students that it is OK to sacrifice basic individual freedoms in pursuit of large but only vaguely related social goals.

Our sights should be set higher. Part of our commitment to diversity is our institutional confidence that students may think differently than we do, and may make private choices of which we disapprove. By all means, if we conclude that students should not visit or join these organizations, let's tell them they shouldn't go, and **why**. Let's tell them loudly and clearly and persistently. If students behave badly, anywhere, then by all means let us hold them accountable for their actions. And of course, we should continue to adhere to this Faculty's standards of inclusivity for official Harvard student organizations—the standards we vote every year.

But our long history should have taught us some humility about our capacity to make the best private choices for our students. Let us teach and model our ideals as best we can. But to make rules for students about their private lives is to admit our own failure to persuade them, through evidence and reason, to live up to our ideals. Or perhaps we just haven't tried hard enough. I don't recall freshman advisors or directors of undergraduate studies ever being told that we should warn undergraduates away from sororities. My advisees tell me that they don't remember the dangers of the final clubs even being mentioned in Freshman orientation.

For all these reasons we move to bar discrimination on the basis of organizational memberships. As several members of this Faculty have expressed to me their fear of being seen voting their conscience in favor of a motion to which the President and the deans are opposed, I respectfully request that the vote at our December meeting be done by paper ballot. Thank you.

Richard Thomas, Lane professor of the classics

We will shortly be debating a motion that addresses the issue of freedom of association for our undergraduates, and the issue of who has authority to rule on that question. From recent reports in *The Crimson*, and from discussions some of us have had with Faculty Council, there has been some uncertainty about whether the Faculty's vote on this motion, if affirmative, would decide the matter.

I assume that the answer to this question is "yes"—that is, if the motion should pass, the recently-announced sanctions for participation in single-gender societies would be prevented from coming into effect.

Could I ask you to reassure us that you share my understanding of the Faculty's jurisdiction in this case?

Faust: Your question uses the words authority and jurisdiction. I find it more helpful to think of our work together as rooted in notions of shared governance. I believe that faculty and deans and presidents who all come from the faculty share responsibility for this community and its culture, and I believe that our discussion today is intended to illuminate how best to exercise that responsibility. I accepted the recommendations on single gender organizations advanced by the dean of the College last May, because I do not believe that the University and its leadership, its president, its FAS and College dean can any longer avoid the issues raised by single gender social organizations for the inclusivity and safety of our campus community as well as for equal access and for opportunity for our students. I hope that many of you have taken the opportunity to read the material made available as background for our discussion. Materials which underscore the urgency of the problem. The College has acknowledged deep concerns about single-gender organizations for at least three decades, but these organizations have over this time only gained in strength and influence. We must together assume responsibility for the implications of these realities for our campus and for the experience of our students. I look forward to hearing the discussion today and to working together with the faculty to build a community in which all the students we now welcome to Harvard can thrive.

Daniel Lieberman, Lerner professor of biological sciences:

I appreciate the good intentions that motivate this motion because I share Professor Lewis and colleagues' concern over discrimination. We all agree that discrimination is fundamentally at odds with our values. But if that is our goal, we should oppose this motion for four reasons.

First, the motion in front of us asks "Harvard College to not discriminate against students on the basis of organizations they join" but Harvard *already* has a clear, unequivocal, and sensible policy against discrimination and there is no need for another. To quote our handbook, "Discrimination based on race, color, sex, gender identity, sexual orientation, religion, creed, national origin, age, ancestry, veteran status, disability, military service, or any other legally protected basis is contrary to the principles and policies of Harvard University."

So, in essence, voting for this motion means voting to not discriminate against student organizations that practice the very sort of on-campus social discrimination that runs counter to our rules and values. That makes no sense to me.

The second reason I oppose this motion is that the new rules proposed by Dean Khurana and accepted by President Faust apply *only* to unrecognized single-gender social

organizations at Harvard. Students are still free to join without penalty all sorts of discriminatory and potentially objectionable organizations. Stated differently, and contrary to what the motion before us says, Harvard students are *already* free to join any non-Harvard organization they choose, such as political parties and so on, as long as they are not illegal. The only exception is that they cannot represent our University in leadership positions while being members of social organizations on campus that discriminate against *other members of our community*.

There are plenty of recognized affinity groups on campus, but to my knowledge none of them discriminate. According to our rules, they are open to everyone. The unrecognized single-gender social organizations stand out as exceptions.

Third, the penalties we are talking about are actually the revocation of privileges. I see no reason why we shouldn't ask students with ambitions to represent our community by captaining a team or winning a Rhodes or Marshall scholarship to make a choice about whether they uphold our values. In addition, the policy applies only to students who have yet to be admitted, and if they find these venerable values and new rules objectionable, then they are free to apply and attend other schools.

Finally, let's consider what will happen if we pass this motion. The final clubs, fraternities, and sororities will go unchecked, we will face a deluge of unrecognized Greek organizations that will continue to erode our House system, and we will find our campus riven by more, not less, discrimination

In short, this motion sounds good on the surface but it will paradoxically harm rather than help us to promote inclusion and fight discrimination.

Statement of the president and vice president of the Undergraduate Council:

My name is Shaiba Rather and I'm a senior studying Social Studies, and I'm the president of the Undergraduate Council. Hello, my name is Daniel Banks, I'm a senior in Dunster studying Social Studies. I serve as the vice president of the Undergraduate Council and as co-chair of Dunster House. It is an honor to speak with you today.

As our term in office comes to a close, we've reflected on our own journeys and the journey of Harvard College. The story of Harvard is ever-changing and the events of the past year remind us how our story is still unfolding. 1870 – The first Black student graduates from the College. One hundred years later, in 1971, amidst immense student turmoil, ROTC is banned from the campus in rejection of the Vietnam War. Four and a half decades later, in 2016, Air Force ROTC returns to campus. Throughout this story, we see further and further integration and inclusion. Debates on who should and should not be allowed on campus. A trajectory that began in 1870 with the first black students at Commencement continued with the gender integration of Harvard and Radcliffe in 1999. Today, in the last few months of 2016, we are continually reminded of greater attempts to further integrate our community.

As president and vice president of the Undergraduate Council, we wonder: What will future graduates of Harvard College say about the year 2017? How will our debates on Final Clubs and the like shape our collective memory of this school? As student leaders, we've been consistently asked: do you support the new single-gender organization policy? The answer is complex, as you all may have guessed, but we're coming to speak to you today to say that yes, we do support the aspiration to create gender-inclusive spaces. The negative externalities of these organizations are clear, and while we understand that organic culture change is ideal, we recognize that that change that has occurred on campus has not had the immensity nor the speed needed to combat the weight of these externalities.

The mission of the Undergraduate Council in conjunction with this policy is to dismantle arbitrary exclusion practices, to reach higher toward an unprecedented openness at Harvard. Organizations which discriminate on the basis of gender are antiquated. They were toxic in 1879 when Theodore Roosevelt was punched by the all-male Porcellian Club, and they are toxic this fall in 2016, with the same gendered admittance policies. Harvard in the 21st century ought to aspire to rid itself of the exclusionary vestiges. Women have been attending Harvard College for decades. To allow continued and active discrimination is the failure of the integration process: a promise to merge Radcliffe and Harvard and offer the full resources of this institution to all its students. Gender is a deciding factor in whether students have access to the full resources of Harvard. To claim that these institutions are not part of the Harvard community is to hide history and fact behind technicality, to allow the mistakes of our past to trump the opportunities—the equal opportunities—of our future.

A common retort is Harvard College currently funds and supports organizations with gender-based missions. Like, the Krokodiloes or the Organization of Asian-american Sisters in Service. Well, this year Nora Sagal, a woman in the Class of 2018, received a callback for the all-male Krokodiloes. In 2012, the Organization of Asian-american Sisters in Service admitted a man, still dedicated to their gender-driven mission. These examples are increasingly the rule, rather than the exception at Harvard. This clear trajectory, however, has not been strong enough to budge the majority of single-gender social organizations. This is why, while organic culture change would have been preferred, decades after women were admitted to this college, this policy is not only a positive step forward in the realization of our highest principles, but a necessary one to fulfill them. Feel free to associate, but not to discriminate on the basis of race, nor sexuality, nor religion, nor gender. For students this is not a political or philosophical debate, this is our experience at Harvard. It is deeply personal. We trust that the same people who show us the world in the classroom, will open the world outside it.

We're standing before you today as president and vice president of the student body. Not as the entire Undergraduate Council and certainly not as the entire undergraduate population. Campus is polarized and we recognize that there are peers of ours who will

disagree with us. This disagreement has not come easy. Members of these organizations are our classmates and, often, our friends. The issue at hand is personal; the stakes are high. But, it is because of these high stakes that Danny and I are giving our support to the policy. We endorse the policy because we support a Harvard College that does not dictate where and when women are allowed into a space. A Harvard College that does not distribute its resources contingent on characteristics inherent to one's identity. Ultimately, a Harvard College that holds its students to principles of non-discrimination, inclusion, and belonging.

The policy, at its core, is aspirational. Harvard has, is, and will continue to prepare citizens and citizen leaders. We can only hope that the communities they lead tomorrow will reflect the standard of non-discrimination we set today. We view this policy as an opportunity for a new chapter in Harvard's history and hope you embark in the writing process with us.

Eric Nelson, Beren professor of government:

This is, rather terrifyingly, my twelfth year on the Harvard faculty, but I have only once before felt it necessary to inflict my views on colleagues during one of these meetings. That was back in 2007, when a member of the Faculty proposed a so-called "civility code" for campus discourse, which, in my view, posed a serious threat to academic freedom. Having (I'm sure) nothing whatever to do with the eloquence of my speech in opposition, this Faculty wisely declined at the time to implement such a policy. And I rise today in the hope that it will prove equally wise on this occasion by choosing to affirm our commitment to the value of free association.

It is, of course, the proposed sanctions on members of final clubs and sororities that occasion this discussion—and much could be said about the fit (or lack thereof) between the means and ends of the policy in question. It may well be desirable for unrecognized single-gender groups to admit members of the opposite sex, but it is hard for me to see how their doing so would, for example, in any way address the scourge of sexual assault on campus—or, indeed, if sexual assault is the issue, why the sanctions would apply to sororities as well as to final clubs that do not host parties: institutions in which, so far as I am aware, no incidents of sexual assault have ever been reported. We're likewise told that the new policy aims to crack down on "exclusivity" on campus; yet if the Fly Club were to capitulate and admit some women as well as men from Choate, Andover, and Dalton, the resulting society would still seem plenty exclusive. So the logic of all this frankly eludes me.

But the truth is that I don't care very much about final clubs. I did not belong to one when I was an undergraduate here; I did not miss them, and they did not miss me. What I do care about deeply are the academic freedom and civil liberties of our students, our staff, and ourselves. The new policy has been justified on the grounds that fellowships, team captaincies, and leadership positions in student organizations are not rights, but

“privileges” that the University should distribute only to students whose private associational decisions “advance and reinforce its values of non-discrimination” (as construed, I gather, by whoever happens to be dean or president at any given time).

This amounts to an alarming recharacterization of the relationship between the College and its students. Harvard has never before conditioned fellowships, research support, or eligibility for leadership positions on anything other than academic merit and the confidence of one’s peers. It is a policy that has served us very well for a long time, and one which was explicitly reaffirmed by the Verba Committee when it addressed the precisely analogous question of whether students should be sanctioned for off-campus participation in ROTC. This generational good sense is now to be set aside in favor of the view that students who have *in no way violated the rules of the College* should be sanctioned for associations that run afoul of (what are said to be) our values—and we can look forward to decades of acrimonious and dangerous debate about which associations are in and which are out. After all, it would seem odd if our rules were to allow a member of Massachusetts White Pride to captain the football team, as long as he were not a member of the unacceptably discriminatory Porcellian. The fact that the current dean does not presently wish his rationale for the sanctions to be applied to groups other than final clubs and sororities is, from this point of view, not a great comfort.

And, of course, the question naturally arises about why such a policy could not likewise apply to faculty. Surely faculty research support and leadership positions—deanships, department chairmanships, and the like—are no less “privileges” in the gift of the University than their undergraduate equivalents. Would we allow these to be doled out only to faculty members whose private affiliations indicate that they share “our values”? Would we pretend for an instant that such a policy could be consistent with basic academic freedom?

But there this is a final consideration. In moving forward with this policy, the administration rejects not only the substantive conclusions of the Verba Committee, but the norms of faculty governance that called it into being. The proposed sanctions represent, without question, the most significant change in the disciplinary posture of the College to be announced in decades—far more significant, for example, than the honor code that we recently implemented by faculty legislation. And yet this matter was never brought to the Faculty. For what do we have a standing Committee on Student Life, if not to vet and debate a policy such as this one, which would affect thousands of undergraduates in material ways? For what do we have a Faculty Council—and for what do we have these meetings of the full Faculty—if the most important decisions facing the FAS are to be announced to us in *The Crimson*? If we are truly, as our statutes inform us, “in immediate charge” of Harvard College, surely it is time that we started to act like it.

Let me close by saying that I hold the president and the dean of the College in high regard, and I have no doubt that, in formulating this policy, they have acted from the best of motives. But I believe that they have made a mistake—one that we now have the opportunity, as well the obligation, to correct. I therefore urge colleagues to support our motion.

David Haig, Putnam professor of organismic and evolutionary biology:

There is good will on both sides of this debate. I have three concerns about the current policy.

First is the issue of consistency. If we sanction students for membership in groups of which we disapprove, we can less credibly defend the rights of students to belong to groups of which we approve but are disapproved of by others in authority in other times and other places.

Second is the issue of guilt by association and collective punishment. Racial and religious profiling are commonly justified by statistical associations with crime. Are we justified in sanctioning all members of female-only and male-only groups because of statistical associations and the criminal behaviors of some members of some groups?

Third is the issue of student autonomy. All our students are members of the College community whether or not we approve of their choices or opinions. If we believe in the transformative power of a liberal arts education, and desire the intellectual, social, and personal transformation of our students, then our desire should be to achieve these ends by intellectual argument to transform their hearts and their minds. The current policy attempts to coerce the choices of students, by changing their self interest, without a fundamental change in their values. We risk changing the choice without changing the chooser.

Richard Losick, Cabot professor of biology

President Faust, Dean Smith, Dean Khurana and colleagues:

I rise in support of the motion introduced by Harry Lewis. The reason I support the motion is that freedom of association is a fundamental right in a democratic society and in a true liberal arts environment.

I am not a fan of elite social clubs and single-gender organizations. As an undergraduate at Princeton many years ago, I joined an organization that was created as a freely-available alternative to the socially elite eating clubs. At Harvard, I have worked tirelessly to promote diversity and inclusion in the sciences at the undergraduate, graduate, and faculty levels. For example, with generous funding from the Howard Hughes Medical Institute, I ran a program for more than a dozen years that engaged

scores of undergraduates from diverse backgrounds in long-term research experiences and mentoring. I have also mentored scores of women as Ph.D. candidates and postdoctoral fellows in my laboratory and promoted their careers.

But abandoning our principles by holding certain values as more important than our civil liberties is deeply troubling. Freedom of association of like-minded individuals in private spaces is a fundamental right that should not be abandoned. And the notion that students will be blacklisted from fellowships and banned from leadership positions on the basis of membership in such organizations is disturbing. Will we create a McCarthy-like rubric in which students will be asked whether they are or have ever been members of a single-gender organization? And what does the future hold? What other values will gain sway in the years to come that will lead us to discriminate against members of organizations that hold religious or political views that the University finds repugnant? Isn't this dangerous?

Also, we should not overlook the fact that numerous Harvard-approved student organizations are de facto single-gender, single-race, or single-ethnic group. What if the final clubs removed single-gender from their bylaws but remained de facto single-gender in their admissions? Would they be different than approved organizations?

The University is a community based on the free exchange of ideas. The way to challenge ideas we don't agree with or membership in organizations we don't like is by debate and open discussion and by creating attractive alternatives, not by coercion.

David Howell, professor of Japanese History

I did not speak from a prepared text (or even notes) at the FAS faculty meeting, but here is a summary of my main points:

I spoke as a member of the Faculty Council to explain why the Council discussed Professor Harry Lewis's motion at length but in the end decided to take the unusual step of not voting on it. We felt that the wording of the motion did not fit Professor Lewis's and his colleagues' intentions. Harvard College already has a robust policy against discrimination (Professor Daniel Lieberman's comments included a verbatim quotation of the non-discrimination policy from the Student Handbook). We therefore felt that a "yes" vote was redundant—it would simply affirm a policy already in place. And a "no" vote would suggest that the FAS Faculty was in favor of discrimination—which certainly is not the case. Although the motion is intended to force the College to rescind its new policy concerning unrecognized single-gender social organizations (USGSO), in fact the language of the motion is extremely broad and makes no mention whatsoever of the policy. Accordingly, we felt that we could not vote one way or the other.

Deciding whether the motion, if passed, would implicitly require the College to change its policy is a question of jurisdiction and the definition of “discrimination.” To my mind, the policy does not represent “discrimination” against students; that is, I want to draw a distinction between discrimination and the withholding of certain privileges. This is connected to the question of jurisdiction. The idea that the USGSO’s are truly private entities, completely separate from Harvard, is nonsense. Their membership is limited to Harvard College students and alumni and they have been closely tied to Harvard throughout their histories. They are, for all practical purposes, Harvard student organizations and should be subject to the same rules that govern those that are recognized by the university. At the core of those rules is the principle of inclusion.

Students who apply to Harvard College do so knowing that inclusion is at the heart of Harvard’s mission. No one *has* to attend Harvard College. If one does not agree with the College’s commitment to inclusion, one need not come here. (The policy will not take effect until next year, with the Class of 2021—no current students will be affected by the new policy.) In fact, under the new policy one could attend Harvard College and still be a member of a USGSO. It is a choice individual students must make between membership in a USGSO and the opportunity to represent Harvard College as a sports team captain, leader of student government, or dean’s nominee for a Rhodes or other prestigious outside fellowship. The dean should be free to withhold his endorsement of students who do not represent Harvard’s ideals, including its stated policy of inclusion.

I find it extremely important that recognized affinity groups on campus are all open to all students. Even if few men join a group like Asian-American Women for Service, it is significant that the group cannot deny membership to men on the basis of their gender. That is quite different from USGSOs like final clubs, which exclude students for many reasons, including gender.