



RESPONSE TO THE REPORTS ON THE EVENTS OF OCTOBER 29, 2013

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INTRODUCTION

Universities throughout history have been places where faculty and students express, develop, and evolve new and often conflicting ideas about intellectual and social issues. Brown is no exception. Our charter, written 250 years ago, boldly declared that students of all religions are welcome on campus to “enjoy full, free, absolute, and uninterrupted liberty of conscience.”¹ Although this liberty applied only to religious belief, the charter’s idealism supports the much broader vision of openness and inclusion that Brown’s leaders have expanded over time and that exists at the University today.

Many aspects of campus life reflect this principle: a community comprised of individuals from many cultures, countries, and socioeconomic groups; the enthusiastic participation of students and faculty in discussion, debate, and activism on controversial scientific and social issues; and the Brown Curriculum, which encourages students and faculty to engage in broad intellectual exploration. Indeed, the rich mix of backgrounds, life experiences, and beliefs that shapes Brown is one of its most precious assets: without it, crucial conversations that propel social progress would simply not occur.

A heterogeneous community that welcomes debate on contentious issues cannot be placid. However, a diversity of views can produce frictions that, if not navigated carefully, can flare into fierce and harmful disagreements. The disruption of then–New York City Police Commissioner Raymond Kelly’s lecture on October 29, 2013, due to students and Providence community protests of the use of stop-and-frisk policing, is an example of such a flare-up.² The “Kelly affair,” as it has come to be known, led to intense and often painful discussions about freedom of expression and the limits of protest. The discussions also confronted issues of racism and the mistreatment of communities of color by police, raising important questions about the responsibilities we have to each other.

¹ *The Charter of Brown University With Amendments and Notes* (published by the University, 1945); page 15.

² “The Lecture” in *Report of the Committee on the Events of October 29, 2013* (published online February 2014 at <http://brown.edu/about/administration/president/sites/brown.edu/about.administration.president/files/uploads/Report-on-Events-of-Oct-29-2013.pdf>); pages 6-7.

The Kelly affair, though difficult, gave us an opportunity to consider what kind of community we want to be. For months afterward, I talked with and received emails from hundreds of students, faculty, and staff and received hundreds more letters and emails from Brown alumni and parents. Every one of these was important to me. Each highlighted the deep commitment of everyone in our community to the freedom to express all kinds of ideas. Each exchange also helped me to appreciate more fully the deep rifts in our society that trace their origins to the legacy of slavery and racial discrimination, and which became even more evident as a result of the painful events in Ferguson, Missouri this past summer.

At times, it seemed as if the Brown community was engaged in two orthogonal conversations, one focused on the importance of freedom of expression and the other on human rights in an unequal society. This became clear to me when a student told me she felt as if she was being forced to make the absurd choice between supporting freedom of expression or racial equality.

In November 2013, I charged a committee to investigate the events surrounding the Kelly lecture and their implications for our community. To separate the specific circumstances surrounding the lecture from the broader issues the incident raised, my charge contained two parts:³

- To investigate and describe the circumstances of Commissioner Kelly’s lecture so we could assess how to prevent such disruptions of public events in the future. (This report was finished in February 2014.)
- To make recommendations on how Brown can “maintain a supportive and inclusive environment for all of our members while upholding our commitment to the free exchange of ideas.” (This report was finished in May 2014, and I met with the committee in September to discuss its recommendations.)

This is my response to these reports. I will review Brown’s policies and practices around balancing freedom of expression and protest and discuss how they will inform the oversight of controversial events in the future. Then I will discuss the recommendations of the committee on how Brown can live up to its aspiration to be a fully inclusive community.

One thing is certain. We do not need to choose between supporting freedom of expression or racial equality. Protecting freedom of expression and furthering human rights are mutually reinforcing, and it is this truth that guides my response to the committee’s work.

FREEDOM OF EXPRESSION AND PROTEST AT BROWN

The Kelly incident is not the first time that a public gathering at Brown has been disrupted by protestors. The focus of earlier protests has included U.S. security policy, South African apartheid, and environmental issues. In each instance, long-standing policies on freedom of expression and the conduct of protests and demonstrations informed Brown’s response. Given this history, I present these conclusions about how we will manage controversial events in harmony with these principles:

³ “Appendix I: Charge of Committee on the Events of October 29, 2013” in *Report of the Committee on the Events of October 29, 2013 (ibid); page 8.*

Brown will continue to communicate and enforce policies on freedom of expression and protest.

Freedom of expression is essential to Brown’s mission of advancing knowledge through scholarship and education. Our commitment to the free exchange of ideas is so essential that it protects speech that many find offensive. Censoring even the most abhorrent ideas comes at too great a cost: If we do not protect the expression of *all* ideas, valuable ones may not be heard.

Former Brown President Ruth J. Simmons articulated this point beautifully in a commencement address she gave at Smith College in the spring of 2014. She had been invited to speak as a late replacement for International Monetary Fund Director Christine Lagarde, who chose to stay away after campus protests to her invitation. President Simmons brought attention to the circumstances behind her appearance that day by stressing the importance of freedom of expression, illustrating her argument with an experience she had at Brown:

One’s voice grows stronger in encounters with opposing views. My first year after leaving Smith, I had to insist that Brown permit a speaker whose every assertion was dangerous and deeply offensive to me on a personal level. Indeed, he maintained that Blacks were better off having been enslaved. Attending his talk and hearing his perspective was personally challenging but not in the least challenging to my convictions about the absolute necessity of permitting others to hear him say these heinous things. I could have avoided the talk as his ideas were known to me, but to have done so would have been to choose personal comfort over a freedom whose value is so great to my own freedoms that hearing his unwelcome message could hardly be assessed as too great a cost.⁴

Brown’s policies on freedom of expression and protest reflect the primacy of this free exchange of ideas—even when it permits views that are “dangerous and deeply offensive.” There is no doubt that the disruption of Commissioner Kelly’s lecture represented a violation of these policies. The University *Guidelines on Protest and Demonstrations* state that:⁵

Protest is a necessary and acceptable means of expression within the Brown community. However, protest becomes unacceptable when it obstructs the basic exchange of ideas. Such obstruction is a form of censorship, no matter who initiates it or for what reasons.

The policy goes on to state that:

Halting a lecture, debate, or any public forum is an unacceptable form of protest. “Halting” means directly or indirectly preventing a speaker from speaking—even for a brief period of time—or seizing control of a public forum for one’s own purposes.

⁴ Smith College 2014 Commencement Address (video online at <http://www.smith.edu/video/2014-commencement-address>; text online at http://www.smith.edu/events/commencement_speech2014.php)

⁵ “Protest and Demonstration Guidelines,” *Code of Student Conduct* (published online at http://www.brown.edu/Student_Services/Office_of_Student_Life/judicial_affairs/randr/policy/protest.html)

The policy on protests and demonstrations makes it clear that members of the Brown community have the right to voice their own views and debate and challenge expression with which they profoundly disagree, but they cannot interfere with the free exchange of ideas.

Students who choose to act contrary to Brown's policies should do so with full knowledge that University officials will investigate Code of Conduct violations and will sanction students found responsible for violations. We followed this process after the Kelly incident, and we will continue to do so in the future.⁶ Brown students read the Student Code of Conduct and verify their acceptance of it before enrolling in the University, knowing that, in doing so, they accept responsibility for their campus behavior. Brown deans and other administrators strongly encourage event organizers to remind audiences that disruptions are contrary to University policies, which will be enforced.

Brown has a responsibility to prevent disruptions of lectures and other University events. The current practice is for officials to escort protestors who interrupt an event out of the venue, unless doing so is thought to pose a safety risk. Although Brown's usual practice and strong preference is to keep events open to the broader Providence community, the University may occasionally restrict events to Brown community members (who have an obligation to abide by the Code of Conduct), especially if there are concerns about security or safety.

Brown must ensure that students have opportunities to learn about a wide range of views on controversial topics.

As a university dedicated to liberal education, Brown must provide students with opportunities to learn about, discuss, and debate the widest possible range of ideas. The best response to controversial speech is more, and better, speech. To encourage this, in spring 2014 Brown's Office of Institutional Diversity (OID) began the Transformative Conversations Project with the twin goals of encouraging the expression of a wide range of views and helping community members have thoughtful and empathetic discussions across different perspectives. Furthering these goals were the centers, institutes, and programs—the Center for the Study of Race and Ethnicity in America, the Watson Institute, and the Janus Forum, for example—that organized lectures, panels, and performances on the issues the Kelly incident brought to the fore.

One question that arose after Commissioner Kelly's campus appearance is whether organizers of University events should be obligated to present multiple views at such events. Some argued that Commissioner Kelly's talk would have been acceptable as part of a debate or panel discussion that included speakers who opposed stop-and-frisk policing. The question of whether such balance is necessary at events has been raised before around such controversial topics as gay marriage and the Palestinian-Israeli conflict.

Debates and panels representing a range of views have much to recommend them. However, a requirement or even an expectation that events on controversial issues must present multiple views would run counter to Brown's vision of academic freedom. Furthermore, it would place

⁶ Brown's policy and FERPA regulations require that investigations into violations of Brown's Code of Student Conduct are kept confidential. The public receives no information on who is investigated for alleged misconduct, whether he or she is found responsible and, if so, what sanctions were imposed.

event organizers in the impossible position of having to represent all views on what are often complex and multifaceted issues.

Instead, our goal should be to ensure that breadth is accomplished over the arc of a semester or year. This means holding *more* events on controversial topics rather than controlling the content of individual events. It is especially important that ideas that are *not* considered mainstream have a place on campus, and that no views are silenced. The Office of the President offers funding to help ensure this diversity of viewpoints.

The advertising, promotion and management of Brown University events should reflect our aspiration to be an inclusive and respectful community.

The February 2014 committee report highlights the offense many students and community members took at the way the Kelly lecture was advertised, promoted, and organized. For example, for some the title, poster, and description for the lecture seemed an endorsement of Commissioner Kelly's policing practices. This was especially painful to students and faculty members who have experienced mistreatment at the hands of police. In addition, reserving the first several rows of the auditorium for special guests, including a large number of uniformed police officers, reinforced the perception that the lecture's intent was to celebrate Commissioner Kelly's policies. Other members of the community, on the other hand, were offended by such "anti-Kelly" publicity as the use of swastikas on flyers denouncing the lecture.

Brown does not regulate the content of promotional material; doing so would interfere with freedom of expression. However, I encourage members of our community to be thoughtful as they plan and promote events. Brown's guidelines on this state:

Groups and individuals are encouraged to consider the impact their promotional materials may have on the quality of the Brown environment for others. Sponsor contact information is required on all promotional materials to provide a means for dialogue in the event that members of the community wish to express any concerns or share their reactions. Part of the responsibility that comes with disseminating promotional materials is the willingness to dialogue with individuals who may have a different perspective.⁷

The Kelly event serves as a reminder to event organizers that, although they are entitled to invite speakers whose views may be offensive to some, they have an important role to play in sustaining a community of openness, trust, and mutual respect.

RESPONSES TO THE COMMITTEE'S RECOMMENDATIONS

The May 2014 committee report addresses the larger issue of how Brown can "maintain an inclusive and supportive environment for all of our members while upholding our commitment to the free exchange of ideas." The committee, after focusing on fissures exposed after the Kelly episode, concluded that Brown must respond with a renewed commitment to addressing

⁷ "Community Standards" in *Publicity Regulations* (online at http://www.brown.edu/Administration/Conference_Services/promote/regulations.php)

issues of power, privilege, equity, and inclusion on the Brown campus, with specific attention to racial and ethnic diversity. I agree wholeheartedly with this conclusion.

Brown has had great success diversifying the undergraduate student body, and has made some gains with faculty, graduate students, and administrators. We must continue and build on this work, recognizing that diversity and inclusion are about much more than hiring and admitting larger numbers of faculty, staff, and students from underrepresented groups. To be successful, we must also address a complex set of questions: How can we ensure that all members of the Brown community are fully included in University life so that diversity enriches the community to the fullest extent possible? How should Brown's operations respond to the different perspectives, expectations, and needs that diversity brings? Only by addressing these questions can Brown reap the full benefits of a diverse community.

The committee report contains ten major recommendations, most of which include a number of sub-recommendations. I have asked the Faculty Executive Committee to review recommendations that require faculty consideration, and I will discuss other recommendations with members of the Brown and Providence communities in the coming year. However, we can begin a number of actions immediately.

Take active steps to diversify the faculty and senior administration and build more support for our undergraduate and graduate students.

The committee report calls for a firm commitment to increasing faculty diversity, a goal consistent with Brown's strategic plan, *Building on Distinction*, which the Brown Corporation has fully endorsed. This plan reaffirms the critical educational benefits of a diverse academic community, where systematic and comprehensive steps for pursuing inclusive excellence result in sustained progress. In the coming years, we plan to:

- **Develop and sustain a diverse faculty at Brown:** The responsibility for building a diverse faculty is held by the entire academic community: the provost, deans, department chairs and faculty. We will continue to use the Target of Opportunity Program as a mechanism for hiring outstanding diverse scholars outside of the regular search process. Although the Target of Opportunity Program predates *Building on Distinction*, we intend to use it in new and creative ways, for example to enable cluster hiring in disciplinary areas that align with areas of excellence identified in the strategic plan. However, it is important to note that the Target of Opportunity Program alone is not sufficient to ensure steady progress in diversifying our faculty at Brown. Departments, with assistance from the Associate Provost for Academic Development and Diversity, will be asked to formulate departmental diversity plans and conduct faculty searches that reflect the goal of inclusive excellence.
- **Identify and support recent Ph.D.s from diverse backgrounds:** In spring 2014, we announced the establishment of the President's Diversity Postdoctoral Fellowship Program, which will support early career scholars from diverse backgrounds (with a specific focus in recruiting historically underrepresented scholars, including African American, Latino/a, and Native American) who show particular promise as innovative scholars in their fields and disciplines. The initial cohort of scholars will start in fall 2015. This program will serve as a

mechanism by which early career scholars can be recruited into tenure-track faculty positions at Brown.

- **Support the advancement of diverse graduate and undergraduate students:** Brown University can lead in supporting the advancement of historically underrepresented groups in the academy, including women and minorities. We intend to start an “Advancing Diverse Scholars Annual Conference” at Brown that will bring together outstanding minority graduate students from other universities to campus to join with our own graduate students and faculty for networking and mentoring. We are also taking concrete steps to support the success of diverse undergraduates in the STEM fields. The Provost and Dean of the College are investigating ways to better support students from high schools that did not provide adequate preparation for Brown STEM courses.
- **Recruit and retain diverse staff and senior administrators:** All administrators in hiring roles will be asked to redouble their efforts to diversify staff at all levels, while also developing new opportunities to ensure that staff have the tools and training to support an increasingly diverse academic community. The Office of Institutional Diversity will support managers as they build professional development programs and seek more innovative approaches to recruit and retain senior administrators from diverse backgrounds.

Restructure and expand the Office of Institutional Diversity.

The Office of Institutional Diversity (OID), led by Associate Provost for Academic Development and Diversity Liza Cariaga-Lo, plays a critical role in Brown’s diversity initiatives. The OID is responsible for University-wide initiatives to develop, recruit, retain, support, and sustain a community of diverse scholars who fully participate in teaching, research, and service at Brown. Supporting the OID is the Diversity Advisory Board, a group of appointed faculty, students, and staff who oversee diversity initiatives in a range of administrative offices, including in the deans of the College, the Graduate School and the Office of Campus Life. The OID compiles statistics on our progress expanding diversity of the student body, faculty, and staff, and it presents this information to various diversity advisory groups on and off campus, including the Committee for Faculty Equity and Diversity, an elected faculty committee, and the Diversity Advisory Council, a group comprised primarily of Brown alumni.

The May 2014 committee report also calls for an expanded OID role in supporting academic departments as they diversify their faculty makeup and graduate student bodies, and in facilitating respectful and empathetic discussions across individuals with different perspectives. I agree with this recommendation, and will take the following steps:

- **Move the Office of Institutional Diversity to the Office of the President:** If the OID is to be positioned to more fully support diversity across the entire campus, the director of the OID should report to the president rather than the provost. This change will be made during the fall 2014 semester.
- **Expand resources for the Office of Institutional Diversity:** The report notes that Brown is in the process of hiring a University-wide Title IX officer who will report to the director of the OID. This fall, we will also conduct a search for a leader of the Transformative

Conversations Project. This new employee will also support the expanded role of the OID and will specifically be a resource for members of the Brown community who want to discuss issues related to diversity.

- **Assess resources designated to diversity initiatives:** Currently, there are ten non-OID employees, including various deans, who deal with diversity issues. We will assess whether this staffing level is adequate and whether these employees would benefit from a more formal (dotted line) reporting relationship to the director of the OID. Any modest expansion of the OID will be offset by economies achieved elsewhere in our annual budget.

Create a new Diversity Action Plan with clear goals and annual status reports.

The committee report indicates that the last Diversity Action Plan was created in 2006 and that no progress reports on the plan have been produced since 2009. As the report also notes, the OID is now developing a new Diversity Action Plan. Drawing on many of the recommendations in the committee report, this plan, to be prepared this fall, will lay out clear diversity goals for faculty and student recruitment and will describe programs to support these goals. We will produce annual progress reports available to the public. The committee report highlights the need for better data on a variety of issues, including faculty and student body diversity, the progress of faculty in achieving tenure, rates of student persistence through STEM and pre-professional fields, the utilization of student services, and performance in competing for fellowships. Over the last several years, the OID, with the strong support of the Diversity Advisory Council, has worked with the Office of Institutional Research to develop a much more robust database for assessing the successes and shortcomings of our diversity initiatives. The OID will assess what additional data need to be developed for annual progress reports.

Other steps forward.

Accountability for the success of these plans rests with the senior leadership of the University, the Brown Corporation, and with me. The committee recommended that we establish an *ad hoc* committee to track progress on our commitments. Although I agree with the importance of oversight, I believe that it can be provided by the three existing committees dedicated to diversity: the Committee on Faculty Equity and Diversity; the Diversity Advisory Board; and the Diversity Advisory Council. I look forward to talking with the Faculty Executive Committee (which oversees faculty governance) and the members of three diversity-related committees to clarify their roles and explore whether changes to their charges are needed to ensure the appropriate level of oversight.

CONCLUSION

I thank the committee members for all the work reflected in their two reports, and for the important role they have played in furthering what will be an on-going discussion on diversity and inclusion at Brown. I expect their recommendations will generate a great deal of discussion. My hope for the University is that, given the policies and practices we have in place to protect the free exchange of ideas, and with a renewed commitment to creating an inclusive campus, we will sustain a diverse community that fully reflects Brown's core values.