

10.27.24

Report of the Committee on Institutional Voice
Yale University

Preamble

President McInnis charged the Committee on Institutional Voice with providing recommendations to address whether and when university leaders should issue statements concerning matters of public, social, or political significance. In her charge, the President cited the robust debate that has emerged in the past year within the Yale community, as well as at universities across the country, over this and related questions. The President established this committee in light of this debate, and we issue our recommendations on the basis of deliberations that were informed by what we learned from many exchanges with members of the Yale community.

In making these recommendations, we are inspired and guided by the valuable, persistent, and courageous speech of faculty members speaking individually and collectively on matters to which they bring expertise and experience. Individual faculty, as well as students, have broad freedom to speak, including to take positions on issues of the day—a freedom enshrined in and protected by the Woodward Report, which continues to guide Yale. The committee, throughout its work, remained mindful of the serious debate and engagement that characterize life at Yale today and have been central to its history. Our animating goal has been to support and enhance this prized feature of our community.

The Committee's Recommendations

In light of Yale's commitment to robust engagement, the committee's main recommendation is that university leaders exercise their best institutional **judgment** when determining whether, when, and how to speak, guided by the following **presumptions** or **default principles**:

- *Presumption 1:* University leaders should refrain from issuing statements concerning matters of public, social, or political significance, except in rare cases.
- *Presumption 2:* When events of public, social, or political significance directly implicate the university's core mission, values, functions, or interests, it may be appropriate for university leaders to speak. In some cases, university leaders may be obligated to speak to defend the university's core values or concrete interests as expressed in the University's motto, "*Lux et Veritas.*" These values and interests include fostering the free exchange of ideas, enabling and promoting the development, preservation, and dissemination of knowledge, and equipping new generations of citizens and leaders with an excellent and well-rounded education, as well as the ability to think critically and rigorously.
- *Presumption 3:* It may be appropriate for university leaders to make statements of empathy or concern in response to events outside the university, but leaders should issue such statements infrequently and only on matters that are, in their judgment, of transcendent importance to the community. This presumption should not be

understood to limit the allocation of university resources or supportive outreach from student-facing administrators to communities affected by political turmoil, natural disasters, or other events. Administrators engaged in such outreach should avoid expressing partisan political opinions when speaking from their institutional roles.

We recommend that these presumptions apply not only to university leadership (the President, Provost, other central administrators, and deans), but also to leaders speaking on behalf of other units of the university, including academic departments and programs.

Reasons for the Presumptions

1. University leaders should take active steps to promote the free exchange of ideas, a core element of the university's mission statement. When the university or its leaders in their official capacities issue statements on matters of public, social, or political significance, such statements may present risks to this exchange. When leaders speak on one issue but not others, some members of the community may feel marginalized on the ground that their concerns have been overlooked while others' have not. This risk may be compounded when sharp disagreement over events exists within the community. These concerns are especially acute in our age of social media in which statements become immediately and widely disseminated and commented upon publicly.
2. Statements made at the level of schools, departments, and similar academic units, particularly on issues over which there is sharp disagreement, may be especially likely to marginalize those who disagree. Members of the university community are more likely to be affected by what goes on in their units than by statements from the central administration, and they may therefore feel less free to express an opinion if their unit has taken a particular position. This concern may be especially acute for untenured faculty, for students, and for staff.
3. The frequent issuing of statements by leaders of the university runs contrary to the deliberative process inherent in study, research, and the production of knowledge, all of which are essential to the mission of the university. Leaders of the university at various levels can and should be encouraged to have the long-term interests of the university in mind and to exercise their judgment without the pressures imposed by artificial timelines dictated by social media or news outlets.
4. When considering whether to make a statement on an issue, on those rare occasions when it would be appropriate to do so, it is important for leaders at any level of the university to consider what purpose such a statement would serve and whether such a statement would advance the mission of the university.
5. When controversial issues arise on campus, as they inevitably will, leaders should help to create forums for discussion of such issues, including by encouraging schools, departments, programs, and faculty to enhance opportunities for learning and dialogue.

6. If leaders adhere to a presumption against statements, then the choice by leaders not to speak on a given topic need not be understood as a substantive position on that topic. Rather, the decision not to speak can be understood as adhering to the university's mission of promoting the free exchange of ideas and fostering research and education within the community.

Scope of the Presumptions

1. As specified above, the presumptions should apply to leaders at all levels in their official capacities.
2. At the same time, the committee recognizes that some units may have particular missions, in light of which a unit or its leaders may deem it important to speak out on a matter of public interest. But even in such cases, it is crucial that a unit or its leaders exercise judgment guided by the presumptions and reasons provided above. If issuing a statement in their official capacity, leaders should articulate the statement's connection to the unit's mission and explicitly acknowledge the diversity of opinions that may exist within the unit's community on the issue. Further, because anonymous statements can be in tension with the free exchange of ideas, units should refrain from issuing statements anonymously.
3. Leaders, including deans and department heads, often have academic expertise directly related to matters of public significance and therefore may be well positioned to express opinions on such matters. When they speak, they should note that the expressed opinion is based on their expertise and that they are not speaking in their official capacity. For high-level administrators, especially the President, it may be difficult to disentangle one's individual capacity from one's official position.
4. Members of Yale's staff may be called upon—by students, alumni, or others with whom their jobs require them to interact—to explain or offer an opinion on certain actions of the university or on certain matters of social or political import. Staff members do not have the same free expression rights as do students and faculty members. Consequently, unit leaders should give concrete and timely guidance to staff as to the scope and nature of communications appropriate to carrying out their jobs. Leaders of various units of the university should ensure that the hands of staff members are not unduly tied when it comes to engaging with students, alumni, or others.

The Path to these Recommendations

Our recommendations and the reasons articulated to support them emerged through the committee's deliberations, which were informed by many discussions throughout the university. The committee held numerous listening sessions at which faculty, staff, and students generously and thoughtfully expressed their perspectives on institutional voice. The committee learned a great deal from these sessions and from the hundreds of comments sent via the committee's webform from students, alumni, faculty, and staff. We also benefited from meetings with

individuals who have had leadership experience at the university. We are grateful for all of those who made the effort to help us learn from their views.

The Nature of the Judgment Recommended

The committee notes that, in recent months, a number of colleges and universities throughout the nation have adopted or reaffirmed formal policies of institutional neutrality or institutional restraint. While some of our guidelines may be in line with policies that proponents of institutional neutrality or restraint may also support, we emphasize that we have not recommended that the university adopt a position of institutional neutrality. Leaders may choose not to speak on a given matter without professing neutrality. And while our guidelines recommend restraint in most cases, they should be seen as grounded in a positive commitment to the university's mission. In other words, we believe leaders should feel empowered to exercise their good judgment, in good time, about whether, when, and how it may be necessary to speak in order to advance that mission.

The kind of judgment we call for is a kind of practical intelligence or wisdom, or discernment, perhaps best captured by the term "*phronesis*," which derives from ancient Greek philosophy. As ancient and not-so-ancient authors alike emphasize, such practical judgment cannot be captured in precise formulas. Instead, leaders must exercise discernment and active responsiveness to a variety of relevant considerations, in light of the mission of the university. We offer the above set of presumptions or default principles to guide leaders in thus determining whether, when, and how to speak.

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