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April 10, 2017

Dear Members of the Indiana University Board of Trustees:

I know that the disruption of a lecture by Professor Charles Murray and the violence that followed at Middlebury College are matters of grave concern to colleges and universities around the nation. Since Professor Murray has been invited to lecture tomorrow at IU, I take the opportunity to share thoughts with the board and administration of Indiana University on ways to ensure that IU receives recognition and praise for its management of a potentially difficult matter.

When disruptions occur, the intellectual damage done to students and faculty who wish to hear the words of speakers that others may deem controversial is self-evident. And, as was evident at Berkeley and Middlebury, institutions not fully prepared to address security concerns can suffer significant property damage and the certainty of incalculable reputational damage.

The American Council of Trustees and Alumni (ACTA) recommends that the IU board and administration work in unity.

- Alert students and faculty to the rules already in place in the Code of Academic Ethics and the Code of Student Rights, Responsibilities, and Conduct. Members of the IU community should understand in advance that those who disrupt a scheduled event will face severe sanctions, up to and including expulsion or termination of employment.
- Have sufficient security in place that will ensure that the scheduled lecture proceeds without disruption and be ready if necessary to remove and arrest persons who violate the campus codes.

The fact that a student and faculty petition at IU calls upon the organizations hosting Professor Murray "to reconsider their decision to invite him to our campus" indicates that the campus as a whole needs to renew its commitment to freedom of expression. Toward that end, I am sending you a copy of the University of Chicago's 2015 Report of the Committee on Freedom of Expression.

Several major institutions have embraced best practices in maintaining academic freedom. In April 2015, Princeton became the first institution to follow the University of Chicago's lead and endorse the so-named Chicago Principles on free expression. At last count, at least 17 colleges and universities have already adopted the Chicago Principles or a similar policy—including Columbia, Purdue, Johns Hopkins, and the University of Wisconsin System.

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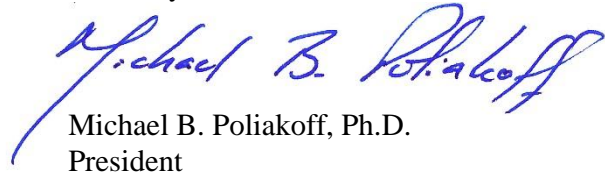
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We urge your board to adopt the Chicago Principles (enclosed) and to ensure that course catalogs include a statement upholding the value of the free exchange of ideas. The board should also look toward convocations and commencements as opportunities for university leadership to reiterate and expound these core principles of American higher education.

Thank you for your service in higher education. ACTA hopes that tomorrow's lecture at IU will proceed in the orderly and respectful manner that characterized Professor Murray's recent appearance at Columbia University, rather than incurring the dishonor that too many of the nation's great colleges and universities now face.

I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Michael B. Poliakoff". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Michael B. Poliakoff, Ph.D.  
President

Enclosure

cc: Michael A. McRobbie, Ph.D., president, Indiana University  
Lauren Robel, provost and executive vice president, Indiana University

## Report of the Committee on Freedom of Expression

*The Committee on Freedom of Expression at the University of Chicago was appointed in July 2014 by President Robert J. Zimmer and Provost Eric D. Isaacs “in light of recent events nationwide that have tested institutional commitments to free and open discourse.” The Committee’s charge was to draft a statement “articulating the University’s overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University’s community.”*

*The Committee has carefully reviewed the University’s history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future.*

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University’s culture. In 1902, in his address marking the University’s decennial, President William Rainey Harper declared that “the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago” and that “this principle can neither now nor at any future time be called in question.”

Thirty years later, a student organization invited William Z. Foster, the Communist Party’s candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that “our students . . . should have freedom to discuss any problem that presents itself.” He insisted that the “cure” for ideas we oppose “lies through open discussion rather than through inhibition.” On a later occasion, Hutchins added that “free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities.”

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated “those virtues which from the beginning and until now have characterized our institution.” Central to the values of the University of Chicago, Levi explained, is a profound commitment to “freedom of inquiry.” This freedom, he proclaimed, “is our inheritance.”

More recently, President Hanna Holborn Gray observed that “education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.”

The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University’s commitment to a completely free and open discussion of ideas.

In a word, the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University’s educational mission.

As a corollary to the University’s commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest

speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Geoffrey R. Stone, Edward H. Levi Distinguished Service Professor of Law,  
*Chair*

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and the College