

## **Harvard Alumni for Free Speech and FAIR Harvard Alumni+ Questionnaire Harvard Board of Overseers Candidates 2024 – Juan Sepúlveda**

1. What are your views on campus free speech? Should Harvard adhere as closely as practicable to the First Amendment (with narrow exceptions interpreted by courts as immediate threats, incitement, harassment, and unlawful conduct), or impose stricter guidelines?

I believe Harvard should be a strong supporter of campus free expression and adhere as closely as practicable to the First Amendment.

To ensure buy-in, Harvard needs to establish a campus-wide process that gives voice to all stakeholders. This should include university updates to its campus free expression statements, strategies, policies, programs, and any curricula they produce. It will not be easy, but this effort will better inform our leaders about how to negotiate different perspectives in a respectful manner while upholding the fundamental rights to academic freedom, open inquiry, and campus free expression.

Recently, Harvard has moved in this direction by starting a number of new initiatives under the rubric of Harvard Looks Forward: promoting civil discourse, dialogue, and education via its Dialogue Across Differences; Harvard Dialogues; Civil Discourse Initiative; and Intellectual Vitality Initiatives.

In November 2021, the Bipartisan Policy Center convened the Academic Leaders Task Force on Campus Free Expression, and they issued their report, “Campus Free Expression: A New Roadmap.” In the report, they stated “As a task force, we believe each campus needs an approach that fits its unique history, mission, and community.” In short, one size does not fit all – what may work for a flagship public university may not fit a private institution such as Harvard.

The Task Force group highlighted two universities and their processes as examples, the University of Maryland’s Statement on University Values along with a statement of Free Speech Values, and the University of Richmond’s statement on Free Expression. “These statements were adopted after multistage processes that included forums and meetings, so that students, faculty, staff, and administrators could have input on the statements. This had the benefit of creating a sense that these statements belong to their campus community rather than being adopted from an external or generic model.”

Harvard needs to pursue a path that fits its unique history, mission, and community in developing its own set of campus free expression statements, strategies, policies, programs, and curricula as it simultaneously rolls out this new set of initiatives.

2. What are your views on whether Harvard should take positions on political and publicly debated events and issues or remain institutionally neutral/nonpartisan?

I support Interim Harvard President Garber's expected announcement of a working group to consider a policy of institutional neutrality. And I agree with his assessment that long-term cultural change is what is really needed at Harvard to move forward with these issues related to campus free expression.

As with the larger question of campus free expression, Harvard needs to set in motion a process where all stakeholders have a voice and buy-in into a finished stance on institutional neutrality. Institutional neutrality cannot be forced upon the Harvard community from above, it needs to be supported from below as well.

I believe there are several challenges and potential problems for Harvard related to a policy of institutional neutrality that will need to be discussed and addressed in this process. Those challenges include free speech considerations, navigating political sensitivities, balancing and maintaining academic freedom, defining neutrality, addressing controversial issues, campus culture, managing public perception, enforcing compliance and implementation challenges, educating stakeholders, responding to external pressures, and the impact on Harvard's ongoing mission to assemble a diverse community (students, staff, and faculty) that better helps prepare our students to be global leaders in their communities.

In the short run, a path of institutional restraint may be the best next step forward – something that is less strict and more dependent on the judgment of university leaders – rather than a black and white policy of institutional neutrality.

But this next step of institutional restraint needs to operate in an environment where Harvard does not take stances on political and publicly debated issues unless the issue impacts Harvard's mission, as determined by college leadership. And if the university leadership wants to publicly speak on issues outside Harvard's mission, it can, but it needs to clearly explain why it is doing so and this needs to be the exception, not the norm.

Robert Post, Sterling Professor of Law at Yale recently argued for such a position, for "restraint" rather than neutrality, ". . . neutrality is actually a contingent question that depends, in part, on mission. Many institutions, for instance define their educational mission in terms of diversity. Assembling a diverse class is part of their commitment to preparing students. . . Defining what the university is, what it stands for is the role of leadership, a matter of judgement and of statesmanship. Whether in teaching or research, universities need to be autonomous in the serving of that mission. But when we speak outside of our lane, we invite reprisals. There may be reasons to do it, but they have to be pretty good reasons because higher education is especially vulnerable right now."

3. What are your views on Harvard requiring or considering equity, diversity, inclusion and

belonging statements or commitments as part of its faculty hiring, promotion and tenure processes?

I see diversity, equity, inclusion and belonging (DEIB) statements or commitments as a tactic used in the faculty hiring, promotion, and tenure process as way to increase the overall diversity of a university's faculty. And while I strongly believe in the end goal – a more diverse faculty serving an increasingly more diverse student body – I believe the tactics a university employs need to be grounded in research and best practices that are effective and that balance the competing interests of the university.

Currently, research on the effectiveness of mandatory DEIB statements is somewhat limited and the early results are mixed.

From this perspective, I agree with not requiring DEIB statements as long as Harvard implements a comprehensive approach that goes beyond mandatory statements or commitments to targeted recruitment efforts, inclusive hiring practices, mentorship programs, support networks for underrepresented faculty, diverse search committees, implicit bias training, supportive work environments, and holistic review processes which evaluate candidates based on a comprehensive assessment of their qualifications, experiences, and potential contribution to diversity and inclusion, rather than relying solely on mandatory DEIB statements.

While some studies suggest that requiring these statements can lead to increased awareness and consciousness among faculty regarding the importance of diversity or can signal the university's commitment to these values, which may attract more diverse candidates and contribute to a more inclusive campus culture, there are also challenges to this approach.

There is concern that these required statements could lead to performative actions or tokenism without meaningful change in hiring practices. Implementation may vary widely across the university and there may be a lack of standardized metrics for evaluating the effectiveness of these statements in faculty hiring, promotion, and tenure processes. Some faculty members may view these requirements as an imposition on academic freedom or a distraction from scholarly pursuits and may perceive the university prioritizing diversity over merit. And there is a risk of bias in evaluating these statements, as reviewers may unintentionally favor candidates who articulate strong statements without necessarily demonstrating meaningful actions or understanding or may negatively judge candidates who have extensive inclusion records, but not in areas supported by committee members.

In short, a key part of Harvard's mission has been to help produce diverse, global citizen leaders who go on to have impact in their communities and the world. To accomplish this mission, diversity, equity, belonging, and intentional inclusion need to be at the core of who we are. And to carry out these values, Harvard, needs to embrace a broad, modern-day interpretation of intentional inclusion that includes everyone connected to the university – all students, staff, faculty, alumni, and the greater community – while being respectful of both group and individual differences. It needs to balance merit with diversity and inclusion. This modern approach to diversity, equity, belonging, and intentional inclusion is not "either-or," but "both-and."

4. What are your views on the importance of viewpoint diversity on campus? If important, how do you think Harvard should cultivate such diversity within its communities (students, faculty, administrators) and classrooms?

Viewpoint diversity on campus is important and needs to be expanded, but it is not going to happen on its own.

As the Academic Leaders Task Force on Campus Free Expression report states, “. . . a key part of the civic mission of higher education is to maintain our pluralistic democracy by preparing students for civic participation as independent thinkers who can tolerate contrary viewpoints and work constructively with those with whom they have principled disagreements.”

But we cannot assume that students, faculty, and staff know how to successfully handle viewpoint diversity. We must understand that we have a national civic skills deficit and that we have a critical role to play in tackling this challenge. To create a culture of campus free expression, open inquiry, and respectful, productive conversations we need to provide coaching, training, instruction, and hands-on, real-life experiences to help our Harvard community practice and develop these civic skills and habits of mind.

As I mentioned earlier, Harvard has taken a good first step in this direction by starting several new initiatives under the rubric of Harvard Looks Forward: promoting civil discourse, dialogue, and education via Dialogue Across Differences, Harvard Dialogues, Civil Discourse Initiative, and Intellectual Vitality Initiatives.

For Harvard, a key driver in making this happen is to take even more specific steps to encourage more viewpoint diversity on campus. There are many promising practices that other universities have employed which we can pilot (examples of various tabletop exercises are included in the appendix of the Academic Leaders Task Force).

We must make sure students, faculty and staff are exposed to a wide range of perspectives and worldviews beyond what they believe and how they see the world.

5. If elected, would you be willing to meet occasionally with the leaders and/or members of our groups during your tenure?

Yes, absolutely – thanks for all you do for Harvard.