

University Senate Meeting Minutes

February 5, 2024, 3:30-5:00 PM (Hybrid Meeting – Wang Center Theater & Zoom Meeting)

Meeting called to order by Dr. Richard Larson, the University Senate President, at 3:30 PM. Meeting recording can be viewed [here](#). A motion to approve the agenda and the minutes from December 4, 2023 carried.

Greetings from Richard Larson, University Senate President

- Welcomed everyone to the first Spring 2024 Senate meeting.
- Announced passing of Dr. Brooke Ellison, the Senate representative to SUNY UFS. The Senate notes Dr. Ellison's passing with sadness, joined with great appreciation and admiration for her many contributions at Stony Brook and on the national and international stage.

Conversation on Civil Discourse and Stony Brook University

Remarks by President McInnis:

- Acknowledged that the impact of the October 7th Hamas terrorist attack on Israel and the ensuing violence and humanitarian crisis in Gaza continues to be felt around the world, and very acutely on our campus.
- We have many members of our campus community who are grieving and are worried for their loved ones.
- Today we engage in constructive dialogue to fully support free speech.
- Educational institutions have long been viewed as ideal venues for airing different views and perspectives, a place where students often grapple with opposing and sometimes offensive ideas.
- It is a university's mission to provide space for debate.
- Discussed how to model civil dialogue in a moment of significant disagreement; how to protect the right of people to express their views; and simultaneously protecting the right of people to freely access their education.
- As a public university, we are bound to uphold the first amendment protection of free speech, that places constraints on our ability to limit speech.
- We can restrict time, place, and manners. We can regulate speech that contains a true threat or constitutes harassment. The right to free speech is not absolute.
- It's not exactly clear how a university is supposed to manage these conflicting obligations.
- All universities are subject to the federal guidelines under title VI of 1964 Civil Rights Act that declares, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Freedom of speech and the need to protect our campus community from discrimination sometimes appear to be at odds with one another when the

constitutionally protected speech of one group generates such fear and anxiety in another group that it pursues and interferes with their ability to pursue their education.

- The student code of conduct that we are bound by, makes it clear that a student's conduct becomes a concern of the university when it affects the ability of others to pursue their academic interests or the university's ability to pursue its educational priorities. So, when a student is alleged to have violated our code, we have processes in place and those often include progressive disciplinary action.
- We are fortunate that most of our students, staff, and faculty recognize both their right to free speech and the rights of others.
- Remember that your right to speech does not give you a right to shut down speech by somebody else.

Title VI & First Amendment - Suzanne Shane, Chief Legal Counsel to the University:

- Stony Brook University is a public university and as such we are governed by the first amendment and the guarantee of free speech that is provided therein. That doesn't mean that anyone, anywhere can say anything to anybody. There are limits that university can impose on the time, place, and manner of speech. We do that, so that campus and university operations are not disrupted.
- Balanced with the First Amendment is our Title VI obligation under the Civil Rights Act which is to provide a learning environment to students that is free from harassment and discrimination.
- The university fully supports faculty freedom to investigate and discuss issues in their academic field, to teach and publish without interference, and to speak as private citizens on matters that both are within their field of academic expertise and outside of it.

Student Code of Conduct - Rick Gatteau, VP for Student Affairs:

- We are living in a very difficult and complicated time, especially for our students, because many of our students have never experienced a situation of this magnitude in their lives. As I've talked and our team talks with students, we know that we have many students in our community who are hurting, feeling unsafe, and want to make their voices heard. The question is how we can help support, educate, and empower our students.
- One of our responsibilities is to guide our students on how to engage in civil discourse, helping them express their opinions in ways that are healthy and productive, and encouraging them to continue looking at issues from multiple perspectives and altered perspectives.
- Our goal is to engage and help students understand the impact of their words, their actions, their decisions through an educational lens.

University Police - Larry Zaccarese, VP for Enterprise Risk Management:

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- I'm happy to report that while there are many feelings associated with current campus discourse, we are grateful that the spirited advocacy, debate, and discussion on our campus has remained nonviolent.
- Our goal as the primary risk, safety, and security organization on this campus is to ensure that all individuals can freely assemble and express their opinions, while maintaining a safe environment for all, including, and perhaps most importantly, for those with varying and different viewpoints.
- I assure you that we will respond accordingly to all reports of behavior or actions that violate campus policies or applicable law and will follow the facts and evidence of each specific case.

Questions/Concerns/Comments/Views:

- A concern about free speech, academic freedom, freedom of expression on campus: It's clear that people can express their opinions on a wide range of issues, even controversial opinions, even ones that might be deemed to be hurtful to other people as long as they don't make specific threats. The concern is about Title VI, and about Code of Conduct. President McInnis has sent an email to the campus saying that calls for genocide would be handled through the disciplinary process. As the direct descendant of a survivor of genocide, I wholeheartedly agree that any call for genocide is repulsive against any people, but we haven't had calls for genocide on this campus that I'm aware of. How will the university decide whether a student has violated the code of conduct?
 - Answer: In the cases that we've had a protest, and there might be a chant or something that would be concerning, we do want to follow with our students and have a conversation. We want to make sure that students know that they are welcome in our community, and if we could all operate from the premise of what does a healthy debate look like.
- In our community we hear members are worried about the people who hold power over them and are extremely heavily invested in one side or the other. They are worried that they will not be treated fairly and if they voice an opinion that differs from those people in power, they will be punished in a way that nobody will ever know in any direct way. Bringing to your attention that faculty, staff, or anyone who has an opinion, they're afraid to voice because of fear of retribution.
 - Answer: We have important mechanisms on this campus to try to ensure that we are protecting people from discrimination and protecting them from retaliation. So, you can report it by using Report It, or going to the Office of Equity and Access.
- I find today's conversation to be somewhat condescending and reductive, mainly because you have chosen to ignore the concerns, the fears, the grievances, and the demands of students who have been protesting, rallying, and trying to get in touch with you. You've ignored their legitimate concerns and decided to focus on civil discourse. We're seeing that over 26,000

Palestinians have been killed over the past few months and the whole time this university has partnerships with corporations like IBM, who supply the Israeli military to commit those war crimes. When students and faculty have been demanding divestment over the past several months, all of that has been ignored, and the focus is on civil discourse in a very vague sense. For that reason, I find this conversation to be reductive.

Report from President Maurie McInnis

- Full written report can be viewed [here](#).

Report from Provost, Carl Lejuez

- Full written report can be viewed [here](#).

Reports from UUP

- B. Kube - East campus President & A. Solar-Greco – West Campus President:
 - Presidents were traveling and not available to present.

Old Business: ByLaws Working Group Presentation & Discussion

- Postponed to the next Senate meeting.

New Business:

A. Consideration of Bylaws WG Proposals

- Postponed to the next Senate meeting.

B. Resolution on Academic Freedom in Times of War and Conflict

- [Resolution](#) was read and discussed and passed by the majority of members.
- Discussions:
 - Many members spoke in favor of the resolution.
 - I have attended many student protests on this issue, and I've never heard any targeting of a group. What I have heard is criticism of Zionism or Israeli State. I remain concerned about the misappropriation of this idea of antisemitism to target speech that is not antisemitic but is critical of the state of Israeli policies and of the ideology of Zionism, which is distinct from the ethnicity and religious group that we call of Jewishness or Jews. As a Jew. I'm an anti-Zionist, and I have that right as an individual. And so, I'm speaking in favor of this resolution, because again, even in this conversation, I've heard the failure to distinguish criticism of an ideology from targeting of a group. So that's the reason why I'm speaking in favor of this resolution.
 - Lisa Berger: I'm speaking against the resolution. I applaud the Senate's new concern about the importance of free speech on campus, which has been deteriorating for decades. Not just since the terrorist attack on the citizens of Israel in October. I have some concerns regarding the proposal. Briefly, the right to speak freely,

and the critical role of the University in promoting dialogue in search of clarity and compromise. Truth is neither dependent on nor limited to speech relating to one issue, and it is certainly not limited to those who hold one view on one issue while asserting that one should not conflate legitimate criticism of the state of Israel with antisemitism. The resolution, in fact, conflates criticism of Israel with anti-Zionism. The latter is antisemitism, as was indeed clearly and firmly stated by the United States House of Representatives in House resolution 894 on December 5, 2023. The resolution implicitly calls for speech that equates anti-Zionism with antisemitism to be censored while the resolution explicitly objects to the lack of the term genocide from President McInnis. It fails to define its own speech-limiting terms. It proposes to ban the weaponization of antisemitism. The resolution does not define this terminology, neither does it provide a rubric for determining when antisemitism has been weaponized. The only attempt at defining the weaponization of antisemitism is a link to an opinion piece in a student newspaper. A legal argument might be made that this resolution simultaneously promotes and inhibits free speech, depending on the view of the speaker. A better approach might be for a resolution that supports free speech that is not dependent on context. The doctrine of free speech is sacrosanct. It is not dependent on context or political mood. It does not depend on time of war or conflict. This resolution is a biased document. We see this from the start as it refers to Israel's war defense against a terrorist organization, Hamas, as a war against the Palestinian people, many of whom are Israeli citizens. I encourage the Senate to work within the established SUNY and Stony Brook frameworks for free speech or, if these seem inadequate, to propose a resolution that clarifies the importance of, and proper and appropriate limitation on free speech for the entire university community on every side of every issue.

- Hanna Nekvasil: I am for the resolution because of the courage that it took to write it. I am against the resolution because it could have been written in more general terms.
- Jonathan Sanders: I sit in the exact same position as Hannah. The entire notion of antisemitism is extremely slippery to define. I would wordsmith the document differently. We certainly need protection for freedom of speech for all faculty researchers, colleagues, and students.
- Abena Asari: I would like to offer support for the resolution and I'm open to friendly amendments about ways to make the resolution more general. I believe there is a need for a resolution that does respond to reality. Throughout our region, faculty and staff are being targeted for speaking about the plight of Palestine. This is a reality that we should address proactively on our campus.

- Anna Hayward: I'd like to speak in support of the resolution. The faculty are feeling intimidated. Anybody who's been on this campus and uttered the word Palestine in a faculty meeting or with students, understands that we do have real fear even as faculty members. I feel that this resolution is important because our speech is being stifled. There are untenured faculty in my own department who will not say a word because of the real fear that's out there. We need a resolution so that faculty feel protected if they are speaking for Palestinian human rights.

Meeting adjourned at 5:09 PM.