



Heterodox Academy's Comment

in Support of

Proposed University of Michigan Regents' Bylaw 14.08 on Institutional Neutrality

On behalf of Heterodox Academy (HxA), we write to express our support for the proposed Regents' Bylaw 14.08 on Institutional Neutrality.

HxA is a nonpartisan, nonprofit membership organization of thousands of faculty, staff, and students advocating for policy and culture changes that ensure our universities are truth-seeking, knowledge-generating institutions grounded in open inquiry, viewpoint diversity, and constructive disagreement. In pursuit of these principles, our [growing membership](#) of faculty and students spans primarily North America, including the University of Michigan's campus.

In recent years, as our world and our campus communities have grappled with challenging and contentious issues, there has been tremendous pressure on institutional leaders to issue statements of support, opposition, solidarity, or concern. But such statements may actually hinder the academic freedom of students and faculty and chill their speech by implying that there is a campus orthodoxy.

As the University of Chicago [Kalven Report](#) astutely observed in 1967, when institutions of higher education are functioning properly, "[t]he instrument of dissent and criticism is the individual faculty member or the individual student. The university is the home and sponsor of critics; it is not itself the critic."

Indeed, as you likely know, the [September 2024 Report](#) of the Advisory Committee on the University of Michigan Principles on Diversity of Thought & Freedom of Expression concluded:

The University of Michigan should adopt the Kalven Report's heavy presumption against institutional statements on political and social issues of the day because it will advance the University's mission and protect its longstanding commitment to

diversity of thought and freedom of expression. The University's status as a public institution and its commitment to developing leaders and citizens only strengthen the case for avoiding institutional statements on political and social issues.

The harm institutional statements may cause to the academic mission of the institution was laid bare by the Advisory Committee's report:

Such institutional statements disserve the University's mission. They undermine our commitment to open inquiry by suggesting that those who disagree are unwelcome. They cause would-be dissenters to worry that voicing disagreement may jeopardize admission, grades, or advancement. This risk is especially acute for statements issued by or on behalf of departments or other units that make up the University because of the closer connections among the individuals within those units.

Heterodox Academy agrees wholeheartedly with the Committee's concerns, so we are very happy to see the proposed bylaw confirm:

To advance the University's mission and protect its longstanding commitment to diversity of thought and freedom of expression; preserve an environment where members of our academic community are free to engage in open inquiry, dialogue, and disagreement; and avoid any suggestion that the University community must conform to a particular side of a contested issue, the University will maintain a position of institutional neutrality on political or social issues and events not directly related to its internal governance.

Recognizing the divisive and chilling impact institutional statements can have, some schools have elected to take a restrained and disciplined approach by implementing institutional statement neutrality on social and political issues unrelated to core academic matters or operations. Several University of Michigan peer institutions or their faculty Senates, such as [Harvard University](#), [Stanford University](#), [University of Wisconsin-Madison](#), and [University of Virginia](#), have already adopted institutional neutrality policies, with more likely to follow.

Adopting a policy of institutional statement neutrality—wherein a university or academic institution refrains from taking official positions on contested social, political, or moral issues that do not directly affect its core academic mission—prevents the institution from being seen as endorsing controversial ideological stances. This protects the freedom of

inquiry and expression within the academic community by ensuring all members of the University of Michigan community can freely research, teach, and discuss all sides of an issue without fear of ostracization and repercussions from the university itself.

The proposed bylaw wisely defines to whom it applies and sets forth a sensible exception for university leaders to comment on matters that “directly relate to matters of internal governance.” The relevant passage reads:

University leaders, including Regents, the president, executive officers, chancellors, deans, directors, chairs, and others in similar positions, will not issue statements on behalf of the University or the unit, campus, school, college, department, institute, center, division, board, or executive committee under their authority, unless such statements directly relate to matters of internal governance. University leaders may issue statements in their individual or scholarly capacity, provided they indicate that they are not speaking on behalf of the University.

It is important to emphasize that an institutional statement neutrality policy does not inhibit individual faculty, staff, or students from expressing their views on controversial issues. Rather, it ensures that universities, as institutions—including their subunits—remain impartial forums for diverse perspectives by removing pressure to conform, freeing students and scholars to speak openly and conduct research unfettered by a real or perceived campus orthodoxy.

This proposed bylaw explains when university leaders regulated by the policy may still offer official statements and confirms that they may still speak in their personal capacities. As written, university leaders may still issue official statements “directly related to matters of internal governance.” This is an important provision. **However, the bylaw could also be amended to allow institutional leaders to respond to news events or controversies that impact the institutional community by expressing concern and empathy, and sharing available resources and practical updates.** We encourage the Regents to consider adding a provision to that effect.

The bylaw would also benefit from an amendment to explicitly provide a safe harbor for students and faculty to express themselves as they see fit, provided their expression does not fall outside the protection of the First Amendment to the U.S. Constitution, or the institution’s lawful time, place, and manner restrictions. Explicitly

adding speech protections for students and faculty will ease many of the concerns held by critics of the proposal.

We believe you will find the Heterodox Academy Model of Statement Neutrality strikes the right balance between maintaining institutional statement neutrality and upholding the university's commitment to empathy and support for its community, and it contains language that the Regents may use to refine the bylaw as recommended above.

We urge the Regents to adopt this bylaw and to consider making the additions to it we recommend above.

Thank you for your attention to this matter.

Respectfully submitted,



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Heterodox Academy