

May 9, 2024

Dear President(s),

We, concerned faculty, write to you once again with the hope that you will finally step into your role and responsibility of providing moral and principled leadership at Colorado College, during a time of US backed genocide. Over the past three weeks, we have urged you repeatedly to do the necessary and courageous work to urgently and publicly align the Administration's stance on the genocide of Palestinians with the college's stated commitment to becoming an anti-racist institution. Might we all remember that it is the College's antiracist initiatives that are to be credited at least in part, for the positions that many of us, including you as current and incoming presidents, hold at this institution. As individuals in the highest Administrative positions at CC, and as scholars whose work centers questions of justice, equity, and inclusion, your silence and suppression on a matter of such grave moral and historical significance, not only directly contradicts the College's antiracist commitment and its pillars of "courageous conversations", "bold actions", and "student transformation", but has left a moral vacuum at this institution, sanctioning dangerous speech and actions against our most vulnerable students – international, Muslim, Middle Eastern, Jewish, BIPOC, queer and trans students – who form the vast majority of the conscientious coalition of voices in solidarity with Palestine. Given all this, we find ourselves morally obligated to ask: Whose College is CC? Whose interests does CC serve? Donors? Parents? The Board of Trustees? Or its student body? Furthermore, do we as faculty get to contribute to the vision and values of this college? Or, are we expected to give assent to directives from the top, and to look the other way when so-called administrative decisions contradict the very values and core principles that inform our teachings inside and outside the classroom? We, concerned faculty and Faculty for Palestine, do not consent to being conscripted in your silence, nor in your selective care for particular students and their parents.

As well, campus-wide communications from your office have repeatedly characterized Palestine related student demonstrations as outside the educational mission and work of the College. We urge you to recognize student protests as historically and currently essential to a liberal arts education, especially one claiming to be informed by an antiracist commitment. If Colorado College recognizes outdoor education, field trips, community engagement, and study abroad, as valuable to student learning and transformation, and requires students to take Equity and Power and Creative Process courses as part of its General Education requirements, how can acting ethically be contrary to our educational goals? If the college hires scholars/teachers working on the Global South and requires students to think and learn about questions of global inequality, colonial legacies, war and occupation, then how can it at the same time punish, repudiate, and distance itself from students whose commitments to justice extend beyond the borders of the US? How can the college state that “engaging questions of equity and power, in both U.S. and global contexts, is essential to a liberal arts education” and then draw the line when it comes to thinking about the subjugation of people in Palestine and the complicity of the US in enabling genocide? We urge you to consider carefully, the long-term implications of creating this institutional distance between the Administration and the student body, between the curriculum that we teach and the gatekeeping of freedom of expression and belief, and the potential damage that these rifts and incoherences engender as far as Colorado College’s reputation and credibility as an institution of learning.

We once again call on you to:

- I. Divest (and ensure ongoing Investment transparency). Continuing to invest in and profit from companies that provide goods and services to the Israeli military or entities that operate in the occupied territories contradicts the College’s anti-racism commitment. Additionally, America’s wars especially after World War II have been waged in the Global South and the victims are members of racialized minorities and groups. Therefore, we call upon the Board of Trustees to:
  - A. divest from weapons manufacturers and other businesses profiting from the war in Gaza and from companies that profit from gross human rights violations and/or occupation of Palestinian territories within twelve calendar months of receiving the audit report;
  - B. terminate the sale of products on campus that profit from the Palestinian territories occupied by Israel after the 1967 war;
  - C. develop a committee comprised of representatives from the Colorado College Faculty for a Free Palestine, students (with representation of SJP and JVP), staff, and administrators that is empowered to commission an audit of all endowment investments to be completed and reported to the larger community within six months. We suggest that this committee meet with the Investment Committee of the Board of Trustees at least twice during the 2024-2025 academic year;

D. and commit to fuller and ongoing transparency regarding investments. Toward that end, we call upon the Board of Trustees to answer questions from any internal stakeholder about specific holdings held currently to the best of its knowledge and to the extent legally possible within 30 days or provide a reason and a reasonable timeline.

- II. Condemn genocide. As teachers and scholars, we are shocked by the wanton destruction of educational institutions in Gaza and the continual violence against students and teachers in the West Bank. Equally, we are shocked by the silence of the College administration in the face of this cruel destruction and violation of the laws of war. We demand the College issue a statement condemning the systematic destruction of educational institutions and the genocide of Palestinian people.
- III. Vacate all disciplinary actions against student protestors; expunge these from their record. Pledge to **not** undertake any further investigations against or punish any non-violent student protesters. We would like to reiterate, this is not a procedural issue. It is a moral and ethical issue, and thus the path forward is not to remind us of the existence of an appeals process. We would like you to drop all disciplinary actions taken against students so far in recognition of the long history of how institutions use procedure and technicalities to suppress students' conscientious actions.
- IV. Educate. We believe that by exclusively focusing on managing and silencing expressions of solidarity with the peoples of Palestine, the College has failed in its primary responsibility of fostering an environment that encourages dialog, debate, and engagement. We get the impression that the administration is more concerned with procedures and responding to outside pressure than with condemning the horrors of the U.S.-sponsored genocide and of the moral imperative to refuse and resist the genocidal policies of the Israeli and US governments. Indeed, the College administration appears to have forgotten that our primary mission is to educate; an imperative that is all the more urgent in moments of crises. We call upon the College administration to:
- V. Provide funds for a year-long education series on Palestine. Our aim is to center Palestinian voices by inviting scholars, writers, poets, performers, artists, and activists, etc. The "Forever Foreign" series on anti-Asian racism can be one model; there are others. We ask the administration to provide sufficient funds to organize such a series.

- VI. AIMES: We have a thematic minor in Arabic, Islamic and Middle Eastern Studies. However, the program has no operating budget to speak of. The College Administration must commit funds to support the growth of the program. We ask the administration to provide an operating budget for the program and additional funds to host visiting scholars/artists/writers for a minimum of one semester for the next few years so that AIMES has the resources to further develop its curricular offerings.
- VII. Pledge to work with Palestinian Universities (faculty, administrators, staff, students) to set up long term collaborations. Commit to funding a faculty team to travel to the region to explore formal relationships between Colorado College and Palestinian higher educational institutions when ground conditions make this feasible and at the invitation of the Palestinian institutions.
- VIII. Protect Academic Freedom/Freedom of Expression. Both are core values of any academic institution. Political action and protest are protected rights in the United States. Furthermore, the serious threat to freedom of expression in higher education comes at a time of threat to democracy itself. Protected speech can be disruptive, and protest is often inherently disruptive. Being part of a community that values freedom of expression involves tolerating a certain level of disagreement and disruption. Overly broad definitions of 'regular business activities' and bias in targeting of certain acts and student communities as disruptive are untenable. (Please see appended prior faculty letter for full policy discussion) We call on the College administration to:
- A. Replace the overly broad and general "regular business and activities of the College" standard with the narrower list specified in the Federal Code.
  - B. Establish ongoing shared oversight to ensure that the College is applying the Freedom of Expression Policy and any subsequent sanctions "objectively and fairly"
  - C. Ensure that decisions about these crucial issues are not left to the discretion of Campus Safety.
  - D. Establish ongoing shared oversight to ensure that the Freedom of Expression Policy and its implementation are regularly evaluated through our stated commitments, including our institutional lenses of antiracism and mental health and wellbeing.
  - E. Fund and convene a forum (co-sponsored with CCFFP) on Higher Education and Academic Freedom during 2024-2025 academic year
- IX. Curtail Surveillance. In recent months, members of the college community have expressed concerns about the implementation of the college's new surveillance policy and the role of Campus Safety, particularly during student protests. We call on the College administration to:

- A. Commission an anti-racist audit of the college's surveillance policy; the audit will inform a process to formally modify the current college surveillance policy
- B. Create oversight of Campus Safety office through formation of a college committee (students, faculty, staff, administration) that ensure that Campus Safety does not get to impede with freedom of expression on campus or to create a climate of fear and intimidation that in effect discourages students from speaking out against all forms of injustice and persecution.

## Appendix. Open Letter to Colorado College Board of Trustees and Administrators Regarding Freedom of Expression at Colorado College (3/29/24)

Political action and protest are protected rights in the United States. Protected speech can be disruptive, and protest is often inherently disruptive. Being part of a community that values the freedom of expression involves tolerating a certain level of disagreement and disruption.

Current Colorado College policy states that protest or demonstrations should not “disrupt the normal business or activities of the College.”

(<https://www.coloradocollege.edu/basics/welcome/leadership/policies/freedom-of-expression.html>)

The College’s current policy cites Sec 104 of the Higher Education Opportunity Act, which amends existing code regarding institutions receiving federal grants (20 U.S.C. § 1011a. (a)(2) (C-F)). The Code states:

(C) an institution of higher education should facilitate the free and open exchange of ideas;

(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

(E) students should be treated equally and fairly; and

(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.

The Code (20 U.S.C. § 1011a. (b)(1)) further allows Colleges to impose official sanctions on students who have intentionally engaged in:

the disruption or attempted disruption of a **lecture, class, speech, presentation, or performance** made or scheduled to be made under the auspices of the institution of higher education, provided that the imposition of such sanction is done **objectively** and **fairly**. (emphasis added)

In recent months, students at Colorado College have been subject to conduct hearings based on their participation in protest that did not disrupt “a lecture, class, speech, presentation, or performance.” Furthermore, College administrators have sent intimidating messages concerning participation in protest that did not even meet their overly-broad standard for sanctionable protest.

We have four recommended actions at this time:

- 1) Replace the overly broad and general “regular business and activities of the College” standard with the narrower list specified in the Federal Code.
- 2) Establish ongoing shared oversight to ensure that the College is applying the Freedom of Expression Policy and any subsequent sanctions “objectively and fairly”.
- 3) Ensure that decisions about these crucial issues are not left to the discretion of Campus Safety.
- 4) Establish ongoing shared oversight to ensure that the Freedom of Expression Policy and its implementation are regularly evaluated through our stated commitments, including our institutional lenses of antiracism and mental health and wellbeing.