

College Council on Community Policy

Meeting Minutes December 7, 2012

Members Present: Margaret Bruzelius, Carla Cooke, Ashavan Doyon, Beth Gillespie, Ana Gorman, Scott Graham, Stacie Hagenbaugh (chair), Daniel Kramer, Susan Levin, Sarah Loomis, Irene Rodriguez Martin, Kristen Miao, Maureen Mahoney, Shama Rahman, Donna Safford, Laura Smiarowski, Barbara Williams

Others present: Tamra Bates, Elizabeth Connolly, Mackenzie Green, Marc Lendler, Julie Ohotnicky, Julianne Roseman

The meeting opened at 12:10 p.m. with introductions around the table. Chair Stacie Hagenbaugh began the discussion of the Political and Campaign Activities Policy, which has been in existence at least since the 2008 campaign year. The policy was tested during this fall's campaign season and the Council will be working this spring to review the policy and consider whether and how it should be revised. Maureen Mahoney stated that the current policy had been vetted by the CCCP as well as others and adopted by the President in 2008. The request by a student organization to have Sandra Fluke speak at Smith on behalf of candidate Elizabeth Warren could not be approved due to the short time frame, but it initiated a closer review of the existing policy, which seems to require that if one candidate is invited to speak, candidate(s) of opposing parties also be invited. The situation raised important questions about how the policy should be implemented.

The college must observe and uphold the federal laws pertaining to not-for-profit organizations, but doesn't want to suppress open dialogue and exchange of ideas. MacKenzie Green mentioned that there was a possibility of inviting Ms. Fluke to speak on women's issues in the 2012 election, rather than as a surrogate for Ms. Warren. Tamra Bates explained some of the constraints regarding event planning procedures at Smith that prevented the Fluke visit from occurring.

The chair invited Marc Lendler to speak about some of the problems with the current policy, which limits the options to invite speakers from political groups and appears to be more restrictive than federal law requires. Smith is a not-for-profit institution and must comply with the strictures of 501(c)(3), but the policy doesn't distinguish between what the college can do and what student organizations on campus can do. It refers to the use of spaces by members of the Smith community, only if all other candidates are invited; the effect of this is to discourage students and others on campus from inviting candidates or their surrogates. Professor Lendler cited examples from the IRS regulations to back up his point that this aspect of the policy is not required by federal law and is unnecessarily restrictive. Laura Smiarowski suggested that legal counsel be sought.

Stacie inquired as to whether student organizations like the Smith Democrats receive funding from the college; Tamra said that such orgs do receive funding through the student activities fee. Marc reiterated that the policy as currently written is overly burdensome. Stacie suggested that if it were made clear to student orgs and the public that as an ally of public discourse, the college and its spaces were available for political use, there would need to be no requirement to, for example, invite all opposing candidates to speak. Julie Ohotnicky pointed out that if an org or other member of the college community reserves a space, the fees required of outside users of spaces do not generally apply; this could be perceived as a political contribution. Beth Gillespie referred to the IRS example of the museum facility rented by a member of the public, which may or may not apply to Smith.

MacKenzie Green asked about the role of surrogates (such as Ms. Fluke) and whether they could speak on campus about other issues without incurring the “opposing candidates” rule. Maureen said that inviting political candidates, rather than their representatives, poses a serious issue, in this environment of free speech and making ideas available to everyone. She requested that the questions being raised at the meeting be recorded and shared.

Laura commented on the legal obligations of the college, and noted that as a not-for-profit institution, Smith cannot endorse candidacies. Daniel Kramer opined that the sequencing of the questions is important; that if the obligation to invite opposing candidates question can be resolved, that might avoid the need for other questions to be answered. Marc said that the IRS regulations indicated that the president of the college could publicly endorse a candidate, as long as her endorsement was connected to a statement that the endorsement was hers and not the college’s. Stacie mentioned reviewing policies of Brown University and Dartmouth College, as those institutions have likely dealt with this issue.

The Council chair suggested that a subcommittee be formed to explore the issue next semester and report back to the Council. She solicited volunteers to research what other schools are doing and look into the issue further. She noted that several members of the Council not present were also available for the subcommittee. Julie Ohotnicky stated that she and the Office of Student Engagement could provide support. The subcommittee of about ten people will meet to brainstorm as soon as possible next semester.

Ana Gorman reiterated that legal counsel should be sought on the matter; Daniel thought that counsel should be obtained early in the process, while Maureen advised some research into the history of the issue before being constrained by strict legal opinions. Laura suggested that it may take more than one attorney’s opinion, since different attorneys may have different interpretations of the situation.

The investigative subcommittee will include the following: Tamra Bates, Elizabeth Connolly, Ashavan Doyon, Brent Durbin, Daniel Kramer, Marc Lendler, Sam Masinter, Shama Rahman, Julianne Roseman, Donna Safford, Laura Smiarowski.

Stacie Hagenbaugh ended the meeting at 12:50 p.m.

Next Meeting: Friday, February 1, 2013, at noon (Campus Center 103/104)
Minutes respectfully submitted by Carla Cooke and Sherry Wingfield