

Institutional Neutrality Report

By the Shared Governance Subcommittee,

Approved by the University Structure and Governance Committee,

November 2024

For presentation to the Rutgers University Senate

*Responding to charge S-2402

Recommendation: Rutgers should not adopt a stance of institutional neutrality.

Rationale: Adopting institutional neutrality would require a fundamental change to Rutgers University’s threefold mission – to provide education, conduct research, and perform public service – and imperil academic freedom.¹ We appreciate that the concept of “neutrality” can appear superficially attractive to many, especially regarding contentious issues. However, it would compromise Rutgers’ core missions as a public university and entail a rollback of existing commitments, programs, and more. It would also provide administrators and other stakeholders powerful tools to wield against the expression of disfavored views.

Defining “Institutional Neutrality”

The concept of “institutional neutrality” emerged from the Kalven report issued by a handful of University of Chicago professors in 1967 recommending that their private university refrain from “collective action on the issues of the day.”² This has been widely understood to bar administrations, departments, and other university bodies from comments or actions on any and all political and social issues.³ Notably, institutional neutrality does not permit institutions to define the relevant political and social issues and so subjects them to the trends and norms of society at large. This includes issues on which one side might be anti-intellectual, anti-equality, anti-diversity, anti-democratic, and the like.

What Peer Institutions Have Done

The vast majority of American colleges and universities have not adopted institutional neutrality. A recent list by a group that advocates this position puts the current number of American higher education institutions that have adopted institutional neutrality at a mere twenty-five (out of nearly 6,000 colleges and universities nation-wide).⁴ That said, the last year has witnessed a

¹ Rutgers University, “University Mission,” <https://www.rutgers.edu/about-rutgers>; Rutgers University, “Policy On Academic Freedom and Freedom of Speech,” <https://www.rutgers.edu/president/academic-freedom-free-speech>.

² Kalven Committee, “Report on the University’s Role in Political and Social Action,” https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf.

³ AFA, HxA, FIRE, “Joint Statement: College and University Trustees and Regents Must Join Peers in Committing to Institutional Neutrality,” 2024, <https://institutionalneutrality.org/>.

⁴ FIRE, “Adoptions of an Official Position of Institutional Neutrality,” <https://www.thefire.org/research-learn/adoptions-official-position-institutional-neutrality>.

surge of higher education institutions adopting this nearly sixty-year-old idea, fuelled by dissatisfaction over responses to the Israel-Gaza conflict.

Restricting Institutions' Actions and Programs

American universities that have adopted institutional neutrality have suffered a series of negative consequences, both as institutions and regarding the academic freedom of individual professors. We would expect similar outcomes at Rutgers should we pursue institutional neutrality. The following examples illustrate this point across a range of dimensions:

- **Women's Rights.** In October 2024, Yale University directed its Women's Center to enact a policy of "broad neutrality." Center board members consider this incompatible with their goal to "be a feminist space on campus" and expect it to compromise their ability to advocate for abortion rights and host feminist speakers.⁵
- **Diversity, Equity, and Inclusion.** After the University of North Carolina adopted institutional neutrality in May 2024, they defunded DEI initiatives across their 17 campuses and released legal guidance that DEI work cannot continue under alternative names.⁶ This stands to reason since the inclusion of diverse communities in higher education as well as the goal of equity are social and political issues of our times on which individuals hold a range of views. Groups that advocate institutional neutrality generally oppose DEI initiatives.⁷
- **Fossil Fuel divestment.** In September 2024, Princeton University declined to adopt institutional neutrality, citing as one reason their wish to maintain partial divestment from fossil fuels.⁸ Rutgers announced divestment from fossil fuels in 2021; both the action and

⁵ Nora Moses, "Yale College admin direct Women's Center to institute policy of 'broad neutrality'," *Yale News*, October 15, 2014, <https://yaledailynews.com/blog/2024/10/15/yale-college-admin-direct-womens-center-to-institute-policy-of-broad-neutrality/>

⁶ Natalie Schwartz, "University of North Carolina campuses must review DEI roles, guidance says," *Higher Ed Dive*, July 3, 2024, <https://www.highereddive.com/news/university-north-carolina-dei-guidance-institutional-neutrality/720523/>.

⁷ E.g., FIRE, "FAQ: Diversity, equity, and inclusion statements," <https://www.thefire.org/research-learn/diversity-equity-and-inclusion-statements-faq>.

⁸ Bridget O'Neill, "Princeton President says University will not consider institutional neutrality," *Daily Princetonian*, September 30, 2024, <https://www.dailyprincetonian.com/article/2024/09/princeton-news-adpol-president-eisgruber-university-no-institutional-neutrality>.

the administration's statement that endorses positions such as "carbon neutrality" as a desirable goal would be barred under institutional neutrality.⁹

- **Condemning Bigotry.** Institutional neutrality contains no exceptions for addressing prejudiced views or hate crimes, and so, as PEN America has warned, likely means that a university cannot "denounce campus racism" or "condemn antisemitism."¹⁰
- **Human Rights advocacy.** The University of Chicago – often considered the model of institutional neutrality – recently received 0 out of 40 points in an assessment by Amnesty International due to its investments in companies accused of human rights abuse, an outcome of their adoption of institutional neutrality.¹¹ Notably, the University of Chicago did not divest from Apartheid South Africa in the 1980s, keeping their financial investments in that racist regime until it fell (Rutgers divested in 1985).¹²

Best Practices for University Comments

Fundamentally, institutional neutrality restricts institutions, and it is important to note that its inverse – permitting university administrations, departments, and other bodies to act and comment on social and political issues – never requires specific actions nor comments. In recent years, institutions within Rutgers have proven uneven regarding their internal policies about whether and how to engage with current social and political issues. We encourage bodies within Rutgers and the administration to develop thoughtful, circumspect policies in this regard that are consistent with their broader goals and promote the educational, research, and service missions of the University.

⁹ Rutgers to Divest From Fossil Fuels, March 9, 2021, <https://www.rutgers.edu/news/rutgers-divest-fossil-fuels>.

¹⁰ Jeffrey Adam Sachs, Jeremy C. Young, "Government-Mandated Neutrality Is Anything but Neutral," *PEN America*, April 5, 2024, <https://pen.org/government-mandated-neutrality-is-anything-but-neutral/>.

¹¹ Amnesty International, "Failing Grade," 2023, <https://www.amnestyusa.org/wp-content/uploads/2023/04/FINAL-university-vc-report.pdf>.

¹² Lydialyle Gibson, "Neutral ground," *University of Chicago Magazine*, https://magazine.uchicago.edu/0908/chicago_journal/neutral_ground.shtml.