

Resolved: Harvard College shall not discriminate against students on the basis of organizations they join, nor political parties with which they affiliate, nor social, political or other affinity groups they join, as long as those organizations, parties, or groups have not been judged to be illegal.

Argument. This resolution codifies longstanding University practice. Harvard has established nondiscrimination policies for its educational and administrative purposes, but throughout the history of the College a student has been able to be at once a full member of the Harvard community and also a member of other communities with different policies. The Faculty sets standards for student behavior when it votes the *Handbook for Students*, but students may exercise their civil right to free assembly without fear that Harvard will disadvantage them because they have joined an organization that does not comply with Harvard policies.

This understanding was articulated in the 1992 report on ROTC (“the [Verba report](#)”). “Harvard is not and should not be responsible for the policies and practices of the wide variety of external organizations in which its students may choose to participate Some of our students belong to organizations, such as religious or single-sex social clubs, that have membership requirements which would be impermissible under the University's non-discrimination policy.... [I]ntrusion by the University into the private choices of students, acting as individuals, to ... participate in such external activities would, we believe, be unacceptably paternalistic.”

The Verba committee considered and explicitly rejected the option of sanctioning individual students who chose to join ROTC in spite of its discriminatory policies. “Even if the University itself abandoned all direct support of ROTC, it could proceed further and seek to prohibit Harvard students from enrolling in an ROTC unit or accepting an ROTC scholarship because of the discriminatory policy of the military. This would be a paternalistic policy inconsistent with Harvard's general approach. It would single out ROTC for disadvantageous treatment compared to other outside organizations or funding sources, and would seek to extend the reach of Harvard's non-discrimination policy beyond its proper boundaries.”

These “proper boundaries” were not specified in the 1992 legislation, probably because they went without saying. Recent administrative proposals suggest that there is uncertainty about the limits of Harvard's control over students' lives. We therefore believe that this legislation, based on University precedent, history, and practice, is needed to protect the rights of current and future students—and, indeed, by extension, the rights of current and future faculty and staff.

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