

Report of the McMicken Working Group
to the President of the University of Cincinnati

November 12, 2019

TABLE OF CONTENTS

| | |
|---|-----------|
| 1. The McMicken Working Group | 1 |
| • The Formation of the Working Group and its Charge from the President | |
| • Working Group Composition | |
| • Working Group Activities | |
| 2. The Working Group’s Four-Phase Process..... | 5 |
| • Phase One: Discovering – Acquiring Key Information and Knowledge | |
| • Phase Two: Determining – Obtaining Broad Stakeholder Input | |
| • Phase Three: Discerning – Developing a Principled Framework | |
| • Phase Four: Delivering – Applying the Framework to Reach a Recommendation | |
| 3. Phase One: Discovering – Acquiring Key Information and Knowledge | 7 |
| • The Use of the McMicken Surname in Direct Association with the College of Arts and Sciences | |
| • The Life of Charles McMicken | |
| • University Naming Policies and Procedures | |
| • Renaming Inquiries at Other Institutions | |
| 4. Phase Two: Determining – Obtaining Broad Stakeholder Input..... | 16 |
| • Methods for Soliciting Input and Sharing Information | |
| • Overview of Input from Stakeholders | |
| 5. Phase Three: Discerning – Developing a Principled Framework | 25 |
| • I. Fundamental Responsibilities | |
| • II. Framework for Assessing a Tradition, Practice or Symbol | |
| ○ A. Key Propositions that Should Govern an Assessment and Structure the Process of Reaching a Decision | |
| ○ B. Considerations to Guide the Evaluation of the Effects of a Tradition, Practice or Symbol on Mission or Core Values | |
| ○ C. The Elimination of Detrimental Effects and the Consideration of Options | |
| 6. Phase Four: Delivering – Applying the Framework to Reach a Recommendation | 34 |
| • The Practice of Calling the Academic Unit the “McMicken College of Arts and Sciences” | |
| • A Presumption of Continuity | |
| • Charles McMicken’s Legacies and the Meanings Associated with the Use of His Surname in Affiliation with the College of Arts and Sciences | |
| • The Effects on the University’s Pursuit of Its Mission and Observance of Its Core Values | |
| • The Elimination of Significant Detrimental Effects and the Consideration of Options | |
| 7. Recommendations and Conclusion | 41 |

THE McMICKEN WORKING GROUP

THE FORMATION OF THE WORKING GROUP AND ITS CHARGE FROM THE PRESIDENT

In a December 10, 2018, email to the campus community, University of Cincinnati President Neville Pinto announced his intention to form a university-level working group to examine the life and legacy of Charles McMicken and the use of his name in affiliation with the university.

It was Charles McMicken who left a bequest of real estate to the City of Cincinnati upon his death in 1858 that led to the founding in 1870 of the institution that we today know as the University of Cincinnati.¹ A businessman and slave owner, McMicken declared in his Last Will and Testament that his bequest to Cincinnati was “for the purposes of building, establishing and maintaining as soon as practicable, after my decease, two Colleges for the education of white Boys and Girls.”

On January 28, 2019, President Pinto formally charged the working group to:

Consider the question: How do we manage Charles McMicken’s historical affiliation with the College of Arts and Sciences? Inherent in responding to this question would be the articulation of principles, procedures and/or a framework to serve and guide the university if and as necessary in future years.

Employ these principles and framework in making a recommendation to the president regarding the affiliation of Charles McMicken with the college. Examination of this issue and the larger context around principles, procedures and framework must be weighed and a recommendation made according to:

¹ Some refer to Charles McMicken as UC’s founder, while others point to the City of Cincinnati itself or to Dr. Daniel Drake. After McMicken’s 1858 bequest and the City of Cincinnati’s actions to establish the university in 1870, UC absorbed two predecessor institutions – Cincinnati College and the Medical College of Ohio, both chartered by the State of Ohio in 1819. These charters were the result of efforts by pioneering physician and scientist Daniel Drake, who served as the first president of the Medical College of Ohio. It is through these two predecessor institutions that the university traces its history to 1819.

Academic Values

Inquiry
Interpretation
Contemplation
Analysis
Dialogue
Synthesis
Reflection
Knowledge
Understanding
Wisdom

Habits of Mind

Listen deeply, share openly, learn always
Test assumptions
Admit biases
Weigh evidence
Explore the known unknowns
Discern context
Inhabit other perspectives
Balance time horizons
Think about thinking

As an ad hoc working group, we originally hoped to complete our tasks by the late spring or early summer of 2019. As publicized online on May 21, 2019, and subsequently carried in a campus newsletter, we received President Pinto's approval to extend our work into the fall semester in order to gather as wide a range of viewpoints as possible before finalizing our report and recommendations.

WORKING GROUP COMPOSITION

Our working group was co-chaired by **Louis D. Bilonis** and **Janet B. Reid**.

Louis D. Bilonis, Dean Emeritus and Droege Professor of Law in UC's College of Law, is a highly accomplished scholar, teacher and administrator with work published in leading law journals. He served as dean of the College of Law from 2005 to 2015. Prior to assuming the deanship, Dean Bilonis was on the law faculty at the University of North Carolina-Chapel Hill, focusing his research and teaching on diverse issues in constitutional law and criminal law. Before entering academia, Dean Bilonis practiced law in Boston, representing major national and multinational corporations in litigation, and then served for several years as an assistant appellate defender in North Carolina representing indigent criminal defendants with an emphasis on capital punishment cases. In addition to chairing the university's Diversity Council for many years, Dean Bilonis has led several cross-college committees. His experience also includes service on the boards of directors of a number of nonprofit organizations.

Dr. Janet B. Reid, founder and CEO of BRBS World, LLC, is an internationally recognized and respected expert on equity, diversity and inclusion, having consulted on the subject in over 25 countries. Before founding BRBS World, Dr. Reid was founder, managing partner, and director of the international management consulting firm, Global Novations, LLC, a Goldman Sachs portfolio company. She has extensive academic board experience, including being Vice Chair of the Board of Trustees of The Ohio State University and Chair of the Advancement Committee and the Governance Committee. She was an inaugural member of the Board of Directors of the Wexner Medical Center of The Ohio State University. She serves on the Board of Trustees of Xavier University and has chaired the Academic Affairs Committee, the Integrated Student Success Committee (Academic Affairs and Student Life combined) and the Diversity and Inclusion Committee. She has consulted with Boards of Trustees of large private and public research and teaching institutions across the United States and has presented at the national meeting of the Association of Governing Boards (AGB). She also has extensive experience leading and serving on major non-academic boards. Dr. Reid currently serves on the board of Bon Secours Mercy Health, a \$9 billion international healthcare provider and one of the 15 largest integrated healthcare systems in the United States.

The members of the working group were requested to serve by either President Pinto or the Faculty Senate or Staff Senate. Coming from different parts of the university community, and bringing diverse perspectives and experiences, the members were:

- **Tom Cassidy** - Former Chairperson, University Board of Trustees
- **Dianne Dunkelman** - Board Member, UC Foundation
- **Justin Gibson** - Associate Director, Alumni Association
- **Sinna Habteselassie** - President, Undergraduate Student Government, 2018-19
- **Richard J. Harknett** - Professor, College of Arts & Sciences
- **Marcus Johnson** - Associate Professor, College of Education, Criminal Justice, & Human Services
- **Brad Mallory** - Associate Professor, UC Blue Ash College
- **Debra Merchant** - Vice President, Student Affairs

- **H.C. 'Buck' Niehoff** - Former Chairperson, University Board of Trustees
- **Janet Staderman** - Program Director, Communiversity
- **Jelena Vičić** - President, Graduate Student Government, 2018-19
- **Xuemao Wang** - Dean, UC Libraries
- **Tina Whalen** - Dean, College of Allied Health Sciences

Because our work spanned the divide between two academic years, the newly chosen 2019-20 Undergraduate Student Government president, **Chandler Rankin**, and the newly chosen Graduate Student Government president, **Siddharth Sridhar**, joined the working group in September 2019 as non-voting members. Their predecessors in office, Sinna Habteselassie and Jelena Vičić, remained active voting members of the working group.

WORKING GROUP ACTIVITIES

While details of our activities and work follow in this report, we offer a brief summary overview here. From January through October 2019, our working group held 14 full-group meetings. In addition, we formed a research committee and a stakeholder input committee that held meetings and calls. Members of the working group attended various related public events; called upon the expertise of historians, researchers and administrators; and conducted stakeholder input sessions. The co-chairs and other working group members also had separate meetings with stakeholders throughout the greater UC community.

THE WORKING GROUP'S FOUR-PHASE PROCESS

Upon receiving President Pinto's charge, we agreed to a four-phase process to guide our work:

- Discovering
- Determining
- Discerning
- Delivering

While these four phases cannot be and were not strictly separated in time, we found it beneficial to progress through them in as sequential a fashion as was practicable. We describe the four phases here by way of introduction and will refer to them later as we discuss our efforts and findings.

PHASE ONE: DISCOVERING – ACQUIRING KEY INFORMATION AND KNOWLEDGE (Discussed further at page 7.)

With help from the working group's research committee, we began by deepening our knowledge in critical areas – learning more about Charles McMicken's life, his relationship to the university, and the history of the use of his name as it pertains to the College of Arts and Sciences. We researched existing naming protocols and precedents at UC. We sought to learn how other colleges and universities across the country have examined traditions, practices and symbols associated with exclusion, segregation, racism or slavery. We also reviewed articles and commentary reflecting on the issues and challenges that such examinations can present.

PHASE TWO: DETERMINING – OBTAINING BROAD STAKEHOLDER INPUT (Discussed further at page 16.)

Our second phase was to determine the views and sentiments of the wider UC community regarding the issues that we were charged to explore. The input committee of our working

group led the process of identifying key stakeholders and then soliciting and noting the range of viewpoints and suggestions.

**PHASE THREE: DISCERNING – DEVELOPING A PRINCIPLED FRAMEWORK
(Discussed further at page 25.)**

Taking into account information from the first two phases and after extensive dialogue and contemplation, the working group turned to discerning a framework to guide a principled and practical evaluation of whether a tradition, practice or symbol – such as the use of Charles McMicken’s name in association with the College of Art and Sciences – should be continued, modified or discontinued. The group unanimously agreed to a framework.

**PHASE FOUR: DELIVERING – APPLYING THE FRAMEWORK TO REACH A RECOMMENDATION
(Discussed further at page 34.)**

With the framework as a guide, and after additional dialogue and consideration, each of the working group members voted anonymously on a recommendation. (2019-20 Undergraduate Student Body President Rankin and 2019-20 Graduate Student Government President Sridhar did not vote but participated in the group’s discussions and reflections. Their 2018-19 counterparts did vote.) The working group then turned to the preparation of this report, a process which included extended discussion, with each working group member providing input.

Throughout all four phases, we held to the academic values and habits of mind that President Pinto stressed in his charge. Acknowledging that we are human and hence enter into any process of discovery and discernment with initial thoughts, deliberate methods of dialogue and analysis of multiple perspectives were routinely deployed. This included recurring measures calculated to encourage each member to “inhabit other perspectives.”

The working group was unanimous in its recommendations.

PHASE ONE: DISCOVERING – ACQUIRING KEY INFORMATION AND KNOWLEDGE

The working group’s examination of historical and cultural contexts ranged broadly and deeply, and we benefitted greatly from the expertise of others. Key contributors included university archivist Kevin Grace, one-time UC associate vice president and historian Greg Hand, UC Foundation president Peter Landgren, executive director of alumni affairs Jennifer Heisey, former UC provost Gene Lewis, former A&S dean Ken Petren, professor of history David Stradling, associate professor of history Tracy Teslow, and doctoral student in history Anne Delano Steinert. Our group also made use of research by Evelyn L. Wilson of the Southern University Law Center titled “Side by Side: Free People of Color in Plantation Country, West Feliciana Parish, Louisiana, 1820-1860” (presented at the 104th Annual Meeting of the Association for the Study of African American Life and History, October 2019). We extend deep appreciation to all who generously gave of their time, talent, knowledge and insights.

THE USE OF THE McMICKEN SURNAME IN DIRECT ASSOCIATION WITH THE COLLEGE OF ARTS AND SCIENCES

The working group spent considerable time and effort to learn what can be known at this time about the university’s use of Charles McMicken’s surname in direct affiliation with the College of Arts and Sciences. The research and materials reviewed by the working group indicate that:

- Charles McMicken’s will neither requested nor required that his name be associated formally with the university in any way. Moreover, the university’s use of the McMicken surname in an honorific or commemorative fashion was inconsistent and informal for more than 40 years after his death.

- The first formal use of the McMicken surname in association with the university as a whole came in 1895 when the institution moved to its present location. Banker Briggs Cunningham and financier Henry Hanna each donated funds for the north and south wings of a main classroom building. That main classroom building was named McMicken Hall with the wings named Cunningham Hall and Hanna Hall.
- The academic unit known as the McMicken College of Arts and Sciences has had a number of designations over its history. In the 1800s, it was simply known as the Academic Department.
- In an 1891 university Board meeting, the Board’s Committee for the Academic Department of the University recommended that the Academic Department be renamed in honor of McMicken. The Board referred the question to its Law Committee, and there is no evidence that any further action was taken by the Board.
- According to a secondary source, the university Board in 1892 designated the Academic Department as the McMicken College of the University.² The working group has been unable to confirm this proposition, as no evidence of any such Board action has been discovered. While some Board records have been reported to have been lost or destroyed over the years, other information from the 1890s is available. The university’s commencement programs from 1892 to and including 1908 refer to the college as either the Academic Department or the College of Liberal Arts, making no mention of the surname McMicken.
- In 1904, the college was referred to as the Academic Department for the final time in the university’s commencement programs. From 1905 through 1908, the commencement programs referenced the college as the College of Liberal Arts.

² See “The University of Cincinnati: A Success Story in Urban Higher Education,” Reginald C. McGrane, Harper & Row, 1963, p. 145. McGrane, a one-time professor of history and Fellow of the Graduate School, died while at work on this book. UC staff completed the book, compiling McGrane’s notes and rough draft. The final product was not fact checked prior to its publication as a university history, and it contains a variety of inconsistencies.

- In his “Report of the President” provided to the UC Board of Directors on July 1, 1905, Charles Dabney, university president from 1904-1920, suggested: “The College of Liberal Arts might properly, it appears to me, be called McMicken College, in recognition of the fact that it is supported from the fund derived from the McMicken estate. Its departments are all at present located in McMicken Hall of the University.” Once again, however, there is no documentary evidence that the Board acted upon this 1905 suggestion. Furthermore, Dabney’s 1905 suggestion serves to indicate that the purported 1892 Board action (referenced above) likely did not occur.
- The commencement programs contain no mention of the McMicken surname associated with the college until 1909, when it appears as part of the dean’s title, listed in the order of the program as: “Professor Merrick Whitcomb, Dean of McMicken College.” From 1909 through 1915, the commencement programs refer to the college as “McMicken College” as part of the dean’s title.
- From 1916 through 1921, the order of the ceremony in the commencement programs refers to the college as the McMicken College of Liberal Arts, while in 1922, the only mention of the college is simply as the College of Liberal Arts. This switches back to use of the designation McMicken College of Liberal Arts in the 1923 commencement program. The 1924 commencement program uses the name College of Liberal Arts, and in 1925, the program again switches back to McMicken College of Liberal Arts.
- The commencement programs from 1926 to and including 1952 represent years of consistency wherein the unit is referred to as the College of Liberal Arts, without use of the McMicken surname.
- This practice then changed. Beginning in 1953, the commencement programs have consistently referred to the college as the McMicken College of Arts and Sciences. The working group is aware of no board or presidential action that may have prompted the change in practice in 1953. Nor has any other rationale been identified or suggested.
- During the 1970s, use of McMicken’s surname in association with the College of Arts and Sciences was a cause of concern shared by African American students, faculty, staff, and administrators who were aware of Charles McMicken’s role as a slave owner and

the discriminatory terms of his will. In the years that followed, the use of McMicken's surname remained objectionable to some in the UC community, although we know of no efforts to seek its removal from the college's name during that period.

- Usage of the McMicken surname in association with the College of Arts and Sciences continued to ebb and flow. By the early 1990s, the college was popularly known as the College of Arts and Sciences, and the McMicken surname was rarely used in association with it for marketing or general reference purposes.
- In the early 2000s, the college – at the direction of Dean Karen Gould – began making greater use of the McMicken surname as a marketing technique.
- By 2015, objections to the use of McMicken's surname in connection with A&S had become more widely held as awareness grew of McMicken's segregationist views and his association with slavery.
- In 2017, the college – at the direction of Dean Ken Petren – began discontinuing its use of the McMicken surname in its marketing materials and communications.
- Subsequently, resolutions to forego the McMicken surname as part of the college designation were passed unanimously by the A&S [Department] Heads Council (October 3, 2017), A&S Faculty Senate (April 10, 2018), Undergraduate Student Government (November 14, 2018), A&S Student Tribunal (November 19, 2018), and Graduate Student Governments (January 16, 2019). On December 11, 2018, Undergraduate Student Body President Sinna Habteselassie addressed the university Board of Trustees – speaking with the support of the A&S Student Tribunal, A&S [Department] Heads Council, the A&S College Mission Committee, the A&S Faculty Senate and UC's Undergraduate Student Senate – to request the removal of the McMicken name from the college.
- Starting in 2018, graduating students from Arts and Sciences could request from the Office of the Registrar a University of Cincinnati diploma without the college designation.

THE LIFE OF CHARLES MCMICKEN

We undertook to learn as much as possible about the life of Charles McMicken. We were aided by the work of historians and researchers – some of whom continue to explore dimensions of McMicken’s life – as well as court records, records of business transactions, and McMicken’s Last Will and Testament. What follows is a summary of the information we have found salient to our analysis and assessment:

- Charles McMicken was a trader, merchant, property owner and landlord active in Pennsylvania (Philadelphia), Ohio (Cincinnati), and Louisiana (St. Francisville, Baton Rouge and New Orleans). He was a philanthropist and businessman, known by some for fair mindedness in Cincinnati business dealings but frequently in litigation in Louisiana courts for alleged unfair business practices. He never married, but he had siblings, nieces and nephews. His formal education was quite limited, and he was primarily self-taught.
- Upon his death in 1858, McMicken left real estate to the City of Cincinnati by his will “for the purposes of building, establishing and maintaining as soon as practicable, after my decease, two Colleges for the education of white Boys and Girls.”
- Portions of McMicken’s wealth derived from the institution of slavery. He was a slave owner and slave trader (buying, selling and renting out slaves as well as acquiring them in transactions where slaves served as collateral for debts owed to him). Research currently indicates that McMicken did not own a working plantation in Louisiana. His own slaves might have worked in and around his homes and in a Louisiana store he owned.
- McMicken fathered two known children by at least one (and possibly two) enslaved women. These children were Adeline McMicken Tanner Rollins, born in 1811 in Louisiana after McMicken originally settled there in 1808. The other known child is John McMicken, born in 1823, also in Louisiana. The name (or names) and other details about the mother (or mothers) of McMicken’s children are unknown. McMicken did not publicly or formally acknowledge these children.

- Around 1818, McMicken sent his daughter, Adeline McMicken Tanner Rollins, to Cincinnati. Around 1821, McMicken freed Adeline's mother. According to a later newspaper account, Adeline and her mother were housed in Cincinnati property that McMicken owned. Descendants of McMicken's daughter Adeline can be traced to the 1940s, living in the Northside neighborhood of Cincinnati.
- In St. Francisville, Louisiana, located in West Feliciana Parish, McMicken owned two homes. A store was incorporated into one of these homes. The overall area was adjacent to the Mississippi River and an active port. In McMicken's time and in this particular type of setting, it was not uncommon for whites to do business with and live in close proximity to free African Americans. McMicken sold land across the street from his homes to a free African American couple, and sold land to a small number of other free people of color.
- There are records of McMicken selling a small piece of property (subject to a mortgage) and renting a slave to a free African American who utilized a social hall as collateral for the transaction, signing a promissory note for the land purchase and to rent the services of the slave. When these debts were not repaid to McMicken, the rented slave reverted to McMicken and foreclosure commenced. McMicken subsequently purchased the properties involved (the property conveyed by McMicken in the initial transaction and the social hall that served as collateral) at a discounted price at a sheriff's sale.
- McMicken financially supported the American Colonization Society which promoted the emigration of free African Americans to a tract of purchased land in the West African country of Liberia. Resettlement of former slaves in Liberia was often espoused by segregationists of the era as a way to rid the country of African Americans. However, McMicken's motivations remain a matter of conjecture because, as far as can be determined, he left no diaries or journals and little by way of personal letters. In 1851, several years prior to his death, three of his emancipated slaves departed New Orleans for Liberia (though not to settle in the area supported by the American Colonization Society).

- McMicken's will called for the freeing of any slaves he might own upon his death. In his will, McMicken further stipulated that any freed slave who might wish to resettle in Africa receive \$100 for that purpose. It is not currently known whether he owned any slaves at the time of his death. If so, it also an unknown whether the stipulations in his will to free his slaves and to provide \$100 to any wishing to resettle in Africa were carried out.
- McMicken's two known African American children were not mentioned in his will and they received no bequest. McMicken did provide for his white family members, including nieces and nephews.

UNIVERSITY NAMING POLICIES AND PROCEDURES

The university has policies and procedures for the approval of “honorific” and “commemorative” namings of university properties, programs, facilities and buildings.³ The policies and procedures were adopted in 2006, and we are unaware of the existence of any naming policies or procedures prior to that year.

The policies define an “honorific” naming as one that recognizes a member of the university family for distinguished service to the university or extraordinary contributions to an academic field. A “commemorative” naming recognizes a private or a corporate gift. In order to be approved, all honorific and commemorative namings must undergo a review process that includes the university’s Naming Committee (a representatively composed body), the Executive Committee of the President’s Council, and ultimately the Board of Trustees. The policies prescribe additional steps of review that vary depending upon whether the naming is honorific or commemorative.⁴

³ See <https://www.uc.edu/af/pdc/naming.html>

⁴ The policies and procedures also address the approval of a “functional or administrative name” – one that relates to a building’s function or location, such as “University Hall.” These namings do not require the participation of the Naming Committee, but do require review by the University Architect and the UC Foundation and final approval by the Board of Trustees.

The review process is calculated to ensure well-grounded naming decisions that serve the university's mission, the needs of the campus community, and the interests of alumni, supporters and friends of the university. Applied conscientiously, the review process also can minimize the likelihood that a decision to approve a name might need to be reconsidered at a later date. The policies do not outline a process for reconsideration, but do acknowledge that reconsideration can occur in the case of unforeseen circumstances – including, for instance, the demolition of a facility, a donor's inability to fulfill a pledge, or name changes brought about by corporate mergers. The university and foundation also expressly reserve the right to remove a name from a commemorative, honorific, or functional designation in cases where an individual engages in behavior not fitting to university ethical and moral standards.

RENAMING INQUIRIES AT OTHER INSTITUTIONS

In addition to seeking to understand the facts and history at UC, the working group sought insight from other institutions that have examined traditions, practices or symbols with complex histories and contexts. We studied and synthesized the perspectives, processes, information, findings and varying outcomes at the following 21 institutions:

- Yale University
- Princeton University
- Stanford University
- Georgetown University
- Washington & Lee University
- Duke University
- Harvard Law School
- University of North Carolina-Greensboro
- University of North Carolina-Chapel Hill
- Clemson University
- Centre College
- Middle Tennessee State University
- Rutgers University
- University of Virginia
- Brown University
- College of William & Mary
- Emory University
- University of Maryland

- University of San Francisco
- Western Carolina University
- University of Pittsburgh

The working group also reviewed articles reporting on the experiences of numerous other institutions that have grappled with similar questions, as well as commentary reflecting on those experiences and the challenges they present.

PHASE TWO: DETERMINING – OBTAINING BROAD STAKEHOLDER INPUT

The second phase of our process involved soliciting and receiving input from University of Cincinnati stakeholders. Input was received via numerous in-person group and one-on-one listening sessions; web-based submissions; emails and phone calls; materials submitted for the group’s consideration; and attendance at the Zane L. Miller Symposium sponsored by UC’s Department of History. Titled “Charles McMicken, UC & the African American Community,” this public program was held on February 28, 2019, at the First Unitarian Church in Avondale. Perspectives on McMicken, the use of his surname, and its effects on the community were offered by participants and audience members.

METHODS FOR SOLICITING INPUT AND SHARING INFORMATION

Web site: The working group hosted a web page providing information and background, as well as the opportunity to contribute input. More than 600 comments were received via the online input form. These included input from alumni, students, faculty, staff, parents of students, and donors, as well as interested individuals who identified no direct or indirect relationship with the university.

From its launch on March 31, 2019, through the end of October 2019, the web site received, 3,875 page views.

Digital and print media outlets, UC Magazine, and newsletter outlets: A variety of news outlets carried information and reports concerning the establishment of the working group. These included December 2018 local and national coverage by The Associated Press, *USA Today*, *Diverse Issues in Higher Education*, *The Cincinnati Enquirer*, Cincinnati network affiliates WKRC-TV, Fox 19 and WCPO-TV as well as the *Washington Examiner* and *The Washington Times*. In April 2019, a regional newspaper serving the African American community, *The Cincinnati*

Herald, explored the topic of McMicken's name in association with the college in a submission from a second-generation, African American alumna of the university.

In spring 2019, UC's student newspaper, *The News Record*, carried two articles (April and May) on the working group. In its digital format, the first article carried a link to the McMicken Working Group web page.

The spring 2019 *University of Cincinnati Magazine* featured a two-page spread ("Studying the life and legacy of Charles McMicken") in both its print and digital formats. This magazine's print circulation consists of approximately 85,000 alumni and donors as well as all UC faculty and staff, among other distributed audiences.

The May 23, 2019, issue of the UC faculty and staff newsletter, *UC News*, carried an update on the working group's activities, again suggesting that audiences take advantage of the opportunity to provide input online. This update also was sent directly to university leadership (the president's cabinet and deans) and was tweeted via the university's main Twitter account.

Email: Email communications helped inform the community about the working group and encouraged input. President Pinto's December 10, 2018, email to the UC community announcing his intention to form the working group reached more than 70,000 recipients. On April 15, 2019, an email to all faculty, staff and students invited input (via the online input form) and also encouraged attendance at an April 23, 2019, campus forum where all who wished to share perspectives or questions with the working group were recognized and afforded the opportunity to speak. The full video from that facilitated forum is posted online, on the working group web page. On May 23, 2019, a similar email was sent to all alumni for whom UC has an active, functioning email address (approximately 117,320 persons). This email invited alumni to provide input via the online form. Separate emails went to subsets of more than 2,000 alumni inviting them to provide online input and also to attend any or all of four listening sessions – one held at UC-Blue Ash College on June 4, 2019, one held at UC's 1819 Innovation Hub on June 5, 2019, one held on the UC-Clermont College campus on June 17, 2019, and one held in Tangeman University Center on July 15, 2019.

In-person opportunities: In addition to the general campus and alumni listening sessions held on April 23, June 4, June 5, June 17 and July 15, members of the working group also attended public events. For instance, Co-Chair Billionis reported at a public Board of Trustee meeting on February 19, 2019, and participated in a panel discussion with Xavier University President Michael Graham, S.J., and other Xavier and UC leaders on Xavier's campus on October 10, 2019. As previously mentioned, members of the working group also attended the Zane L. Miller Symposium, "Charles McMicken, UC & the African American Community," sponsored by the Department of History and held at the First Unitarian Church in Avondale on February 28, 2019.

Members of the working group also held focus groups and listening sessions with members of standing campus governance groups and members of the campus community. These included Undergraduate Student Government, Graduate Student Government, the UC Black Student Association, the Council of Deans, the Provost Senior Staff, the Diversity Council, UC's Equity and Inclusion Liaisons, Student Affairs' College Liaison Committee and Staff Senate.

OVERVIEW OF INPUT FROM STAKEHOLDERS

The input we received consistently reflected the goodwill and commitment of the university community. Many individuals noted that they found the inquiry into McMicken a teaching and learning opportunity.

We heard a wide array of voices and viewpoints. No constituency spoke with a single voice or subscribed uniformly to any particular viewpoint. Importantly, voices across the spectrum sought clarity about whether there are clear principles and processes for addressing situations where a legacy or legacies and the university's mission and responsibilities are juxtaposed.

Certain recurrent themes emerged as central to the dialogue. These central themes often included prevalent views and underlying assumptions which were divergent and sometimes diametrically opposed. Over many months, the working group examined all these central themes applying the academic values and habits of mind that President Pinto presented in the group's charge. Deliberate techniques were utilized to ensure that each central theme's

differing views and underlying assumptions were fully vetted in a balanced manner by the working group as a whole.

We present here a summary of each central theme and its corresponding views and assumptions. While drawing from the broad range of feedback we received, we resort here to paraphrasing rather than direct quotation for the sake of clarity and economy.

| 1. CENTRAL THEME: HISTORY | |
|---|---|
| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
| <ul style="list-style-type: none"> • ‘Name removal erases history. Why would a research institution want to remove its history?’ • ‘McMicken is the founder of UC and name removal dishonors him and the very significant contribution he made. Without McMicken, there would be no UC – and this must not be forgotten.’ • ‘We all should be very proud of UC’s history—even parts that may seem controversial today.’ | <ul style="list-style-type: none"> • ‘Name removal does not erase history. Not talking about or teaching about McMicken can remove history.’ • ‘The name can be removed while also creating an opportunity to talk about, share and teach the more complete and accurate history of McMicken. There are various means by which the teaching can be accomplished—in the classroom, via exhibits, etc. As a research institution, we are obliged to do such teaching.’ |
| 2. CENTRAL THEME: SLAVERY | |
| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
| <ul style="list-style-type: none"> • ‘Slavery was a horrible institution, but it is in the past. Today, it is not deemed good to have been a slave owner, but slave ownership was quite common in the south.’ • ‘He was a man of his times legally owning slaves in the state of Louisiana.’ • ‘Other great Americans also owned slaves. This includes: George Washington, Thomas Jefferson, Andrew Jackson, James Madison, etc. Would we de-name the Washington Monument or alter/remove other tributes to these great Americans? If not, why do so with McMicken?’ • ‘While it is documented that McMicken had two children with one or two enslaved women, by the time of his passing, he was housing his children in his residential property in the free state of Ohio | <ul style="list-style-type: none"> • ‘Slavery was a horrible institution, and its terrible consequences are not in the past. The negative impact of slavery has never ceased and includes the deep injustices experienced immediately after emancipation; establishment of legal discrimination (black codes, Jim Crow, red-lining, etc.); intimidation, property seizure, bombings and lynching by organized groups; civil rights issues of the 1950s-60s; and, today’s disparities in education, jobs, income, health care and lifespan.’ • ‘There are indeed titanic figures in American history whose achievements in life, in magnitude and arc, serve – to some – as a significant counterbalance to the owning and trading of slaves, and even the fathering of children with slave women. Even in utilizing that framework, Charles McMicken’s professional activities and collective |

| | |
|--|--|
| <p>(Cincinnati). Therefore, although he had slaves, he also ensured that some African Americans (his children) were free. Also, in his will, he freed any slaves that he still owned.’</p> <ul style="list-style-type: none"> • ‘He was a proponent of giving former slaves \$100, transporting them across the Atlantic, and resettling them in the country of Liberia located in West Africa. Thus, he intended that they go back to the continent from which their ancestors originated before being enslaved.’ • ‘While he did own slaves, he was ahead of his time regarding other matters of equality. In his will he deemed that girls be educated too. This was atypical for the era and showed that he was forward-thinking and inclusive.’ | <p>scope of his life would not rise to the level of achievement of Washington, Jefferson, etc.’</p> <ul style="list-style-type: none"> • ‘It has only been two average American lifetimes (79 years) since the end of slavery. Things are far from equal.’ • ‘The fact of how McMicken’s children were conceived is problematic. While he housed them in his property, he did not give them ownership, nor did he bequeath anything to them.’ • ‘Sending freed slaves to Liberia was quite controversial and his support of this does not necessarily indicate good intent. Many supporters did so because it would remove unwanted African Americans from the country. Even when altruistic, the effect often was very negative for many reasons including: the freed slaves were many generations removed from their origins in West Africa; often, their ancestral countries were not Liberia, and the death rate due to the journey itself and illnesses acquired upon landing were very high.’ |
|--|--|

3. CENTRAL THEME: JUDGMENT

| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
|--|--|
| <ul style="list-style-type: none"> • ‘We have no right to judge others—judging is for God.’ • ‘Even if we do try to judge, we should never use today’s standards to judge people of a bygone era. What is deemed acceptable or not is a moving target and can change as society and circumstances change. This would be judging McMicken by modern-day standards.’ • ‘In owning slaves, he did absolutely nothing illegal in the state of | <ul style="list-style-type: none"> • ‘Slavery is almost universally judged to be evil in today’s society, but it was also judged the same in regions of the country and by organized groups in McMicken’s time—especially residents in the state of Ohio where UC is located.’ • ‘The institution of chattel slavery (slaves are considered property, often considered sub-human, enslaved for life along with their progeny, etc.) is a most evil form of slavery. There were |

| | |
|---|---|
| <p>Louisiana. Why judge him on perfectly legal behaviors?’</p> <ul style="list-style-type: none"> • ‘Everyone makes mistakes in life. To dredge up the blemishes of great benefactors and judge them just because they are human is unfair.’ • ‘While McMicken did designate “white Boys and Girls” in his will, he did not explicitly exclude anyone, so we cannot judge him and assume that he did not want others to attend. Also, UC never adhered to the literal words of the will.’ • ‘We really cannot determine what is in the hearts and minds of others, so we really do not know how McMicken felt about African Americans. We cannot assume that he held negative views.’ • ‘In his will, he freed his slaves and was a proponent of sending slaves to Liberia. He might be being judged too harshly. He might have had more positive views about African Americans than is thought.’ | <p>clear choices regarding slavery in McMicken’s time: condone, oppose or remain neutral. He chose not just to condone it, but to participate in it—thus, propagating it.’</p> <ul style="list-style-type: none"> • ‘There is no need to ponder his intent for UC. He clearly declared in his will that the institution was to be created for the education of “white Boys and Girls.” By any standards, that is judged as a desire to have racial segregation and discrimination at UC.’ • ‘UC has already engaged in the practice of judging people and taking action. Evidence is the rescinding of Bill Cosby’s honorary degree. While not a situation of judging, UC has also conducted name removal, changing the name of Raymond Walters College.’ • ‘The university has a right to re-look and make determinations on things like this; however, it should be a rare event.’ |
|---|---|

4. CENTRAL THEME: SYMBOLISM, TRADITIONS, VALUES

| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
|--|---|
| <ul style="list-style-type: none"> • ‘Tradition is very important to UC, as it is with other great institutions. Long standing traditions should not be eradicated because they are symbolic of the institution’s core identity.’ • ‘McMicken’s name and legacy have been traditions at the institution since its beginning. We should be very proud of him as UC’s founder and proud of his contributions. His name is a symbol of all that the University stands for. What is the reasoning behind this action?’ | <ul style="list-style-type: none"> • ‘Values matter and symbols often reflect values. UC has stated values concerning diversity, inclusion and equity. Having the McMicken name on the College of Arts and Sciences – the University’s largest and most diverse college – is incongruous.’ • ‘The McMicken name on a diploma is different from the name on a building, a giving society, a scholarship, etc. Buildings stay on campuses, giving societies are optional, and scholarships end. The McMicken name on a diploma will be with the person through their lifetime. McMicken did |

| | |
|---|--|
| <ul style="list-style-type: none"> • ‘The name is affiliated with many important things including McMicken Hall, the McMicken Society, McMicken scholarships, Mick and Mack, etc. Why focus upon removing it from the College of Arts and Sciences?’ • ‘Named colleges are considered more prestigious – and this one is named for the founder! It shouldn’t be changed.’ • ‘The McMicken name is a very well established and prestigious symbol which, when left in place, can bode well for the College of A&S and UC as a whole.’ | <p>not want certain students to enroll and certainly not to graduate. Thus, the name, as a symbol of exclusion, is a reminder to the student and graduate that he did not intend them to ever have a degree from UC. This is contrary to UC’s stated value of inclusion.’</p> <ul style="list-style-type: none"> • ‘How could the university authentically fulfill its mission to welcome, include, support and serve all – and yet so memorialize a divisive figure who disregarded essential human ideals?’ |
|---|--|

5. CENTRAL THEME: WIDER CONTEXT

| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
|---|---|
| <ul style="list-style-type: none"> • ‘Name removal is a slippery slope. Removing McMicken’s name is just the start. Next will be the removal of the names of other great benefactors—all over something that a small group deems offensive.’ • ‘This is political correctness at its worst and part of a trend to destroy our country’s historical symbols. The university should not succumb to liberal political leanings—or any political leanings.’ • ‘Removing McMicken’s name is the work of a small group of African American students. It is racially driven. There will always be small groups of students who are upset or unsatisfied about something. They will come and go.’ • ‘The university must stand strong and exhibit true leadership. Most people do not want the name off—especially donors and alumni of the | <ul style="list-style-type: none"> • ‘Name removal should be done rarely, and only after very careful thought, serious study, and a fair and deliberative process. That guards against a “slippery slope.”’ • ‘Although it is now being explored in a formal way, the use of McMicken’s name has been a concern at UC for decades. His story has been passed down through students, alumni, faculty and staff of color. The segregationist views in his will, and his slave holding history, have long been thought to be the genesis of the very difficult times that African American students have experienced at UC, and symbolic of them.’ • ‘The concern about the use of McMicken’s name with A&S is no longer concentrated among African Americans. In the past few years a broad and diverse group of people have come to share the concern. This |

| | |
|---|---|
| <p>college. This is an important issue to important people.'</p> <ul style="list-style-type: none"> • 'Name removal is a symbol of the university going in the wrong direction!' | <p>includes large numbers of people from all races and ages, and with diverse relationships to UC (students, faculty, staff, alumni, donors, parents). UC is trying to live its values.'</p> <ul style="list-style-type: none"> • 'Name removal is a symbol of the university going in the right direction.' |
|---|---|

6. CENTRAL THEME: KEY STAKEHOLDERS GROUPS

| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
|--|--|
| <ul style="list-style-type: none"> • 'Donors, especially the most generous and loyal ones, will be very upset were the name to be removed. The university will suffer great financial losses.' • 'This issue is already having an impact. Some large donors are postponing their commitments until they hear the outcome of this decision.' • 'Name removal will upset many of the community's most prominent business and civic leaders. Why risk generating ill will?' • 'Proud A&S alumni will be very concerned over the change in the name of their college.' | <ul style="list-style-type: none"> • 'Donors matter tremendously. So do students, faculty, staff, administrators, alumni and the community at large. Both the undergraduate and graduate student government associations voted unanimously to remove the name. Also, the college itself voted to remove the name and it is no longer used on the web site and in other important representations of the college.' • 'There may be more donors and larger gifts as a result of name removal because it would show that the university is serious about its values.' |

7. CENTRAL THEME: RELEVANCE

| Paraphrased Views and Assumptions | Paraphrased Views and Assumptions |
|--|---|
| <ul style="list-style-type: none"> • 'None of this matters. I was never aware of the McMicken will, his history as a slave owner, or that this is an issue with A&S.' | <ul style="list-style-type: none"> • 'None of this matters. I have my degree despite his wishes for the university.' |

PHASE THREE: DISCERNING – DEVELOPING A PRINCIPLED FRAMEWORK

In the third phase of the working group’s process, we directly undertook President Pinto’s charge to develop a principled framework to guide evaluation of the use of Charles McMicken’s surname in affiliation with the College of Arts and Sciences, as well as other cases should they arise. Informed by the input received, our review of how other institutions approached analogous situations and our own discussions, we discerned a framework that we believe ensures a principled analysis that can best serve the university.

We set out that framework here. Thereafter, in Part 6, we apply the framework to the use of Charles McMicken’s surname in connection with A&S.

I. FUNDAMENTAL RESPONSIBILITIES

Our recommended framework begins with and builds upon four fundamental responsibilities of the university.

1. The university’s responsibility to pursue its mission now and in the future

A principled assessment of a tradition, practice or symbol must accord with the university’s mission. The university’s current mission statement declares:

The University of Cincinnati serves the people of Ohio, the nation, and the world as a premier, public, urban research university dedicated to undergraduate, graduate, and professional education, experience-based learning, and research.

We are committed to excellence and diversity in our students, faculty, staff, and all of our activities. We provide an inclusive environment where innovation and freedom of intellectual inquiry flourish.

Through scholarship, service, partnerships, and leadership, we create opportunity, develop educated and engaged citizens, enhance the economy and enrich our university, city, state and global community.

2. The university's responsibility as an academic community

A principled assessment of a tradition, practice or symbol must honor the university's responsibilities as an academic community. As President Pinto noted in his communication to the campus announcing the formation of our working group, "we have an enduring responsibility, both intellectually and morally driven, to ground the study of complex issues in our academic values of inquiry, discovery, analysis, dialogue and sound decision making." The President elaborated that responsibility in his charge to the group, identifying academic values and habits of mind that we repeat here:

Academic Values

Inquiry
Interpretation
Contemplation
Analysis
Dialogue
Synthesis
Reflection
Knowledge
Understanding
Wisdom

Habits of Mind

Listen deeply, share openly, learn always
Test assumptions
Admit biases
Weigh evidence
Explore the known unknowns
Discern context
Inhabit other perspectives
Balance time horizons
Think about thinking

3. The university's responsibility to its history

As our peers in higher education have noted, a principled assessment of a university tradition, practice, or symbol must be consistent with the university's responsibility to its history. Several propositions capture that obligation and its implications:

- The university has a responsibility to not erase or misrepresent its history as well as a responsibility to preserve its history for study.
- Expressions and reflections of history – through traditions, practices and symbols – can support the university in its pursuit of mission. They can establish bonds, promote consistency, convey knowledge and provide wisdom.
- Some traditions, practices and symbols can impede the pursuit of the university’s mission. Some can misrepresent history.
- Not all traditions, practices and symbols carry on unchanged. Responsibility to history does not necessitate the unchanged maintenance of a tradition, practice or symbol.
- Changing a tradition, practice or symbol in and of itself does not erase history. When instituting a change, the university should not purport to erase its history and should ensure that its history is neither lost nor misrepresented and is preserved for study.

4. The university’s responsibility to people and community

Our listening sessions, input, research and reflections highlighted a fourth responsibility that should guide any principled assessment of a tradition, practice or symbol: the university’s responsibility to people and community. Fairness, respect, inclusiveness, nonpartisanship, objectivity and sensitivity, among other values, should be observed.

II. FRAMEWORK FOR ASSESSING A TRADITION, PRACTICE OR SYMBOL

Our recommended framework for assessing a tradition, practice or symbol builds upon these four fundamental responsibilities. We find it helpful to organize it in three parts.

Part A introduces the key propositions that should govern an assessment and structure the process of reaching a decision. In brief, this structure provides that a tradition, practice or symbol deserves a presumption of continuity. It also recognizes that the presumption of

continuity can be overcome. The university's mission, responsibilities and core values are paramount, and it should take action when a tradition, practice or symbol has a significant detrimental effect on mission or core values. The university's history teaches that the presumption of continuity also might be overcome when a significant opportunity for advancement of mission or goals is presented.

Part B highlights important considerations to guide evaluation of the effects of a tradition, practice or symbol on mission or core values. Context is critical, and attention must be paid to the social meaning or meanings that a tradition, practice or symbol has in light of its context. When a practice involves the use of an individual's name, it is important to recognize that people have multiple legacies that can influence the meaning or meanings of that practice. The critical question is whether the aspect of the individual's life at issue gives the use of the individual's name a meaning that produces significant detrimental effects on *the university's* mission or observance of core values. A careful and conscientious inquiry is required, and the fundamental relationship between the individual and the university, fairly encompassed, must be kept in view.

Part C focuses on the action that the university should take when significant detrimental effects on mission or core values have been identified. Because the university's mission and core values are paramount, the university should take action that eliminates the detrimental effects. Identification of the action or actions that will eliminate those effects calls for the consideration of two options – modification or discontinuation. Whether retaining while modifying the tradition, practice or symbol suffices to eliminate the detrimental effects will depend on the particular facts and circumstances presented. When modification is impractical or ineffective, the tradition, practice or symbol must be discontinued.

A. KEY PROPOSITIONS THAT SHOULD GOVERN AN ASSESSMENT AND STRUCTURE THE PROCESS OF REACHING A DECISION

Our recommended framework begins with four propositions that should govern the assessment of a tradition, practice or symbol and structure the process of reaching a decision.

1. The university should employ a respectful and deliberative process that serves the university's mission, responsibilities and values

When a tradition, practice or symbol undergoes assessment for possible change:

- The process of assessment must remain firmly committed to the university's mission, responsibilities and values.
- The process of assessment must be respectful to all individuals (including the namesake being examined).

The university should have an established process that permits proposals for assessment of a tradition, practice or symbol for possible change to be considered in a respectful, deliberative and orderly fashion.

2. A presumption of continuity

Changing because of an inconsistency with mission or core values should be regarded as a rare event. A presumption of continuity is appropriate. This presumption:

- Gives weight to the contributions that traditions, practices and symbols can provide to the university's pursuit of mission and observance of its core values. (As noted earlier, they can establish bonds, promote consistency, convey knowledge and provide wisdom.)
- Can help ensure fairness, guard against hasty judgment and afford respect for choices and decisions previously made.

The strength of the presumption can vary. For instance, a specific, consistent, long-observed tradition is not the same as an unspecific, inconsistent or shortly observed one. A tradition

adopted with full consideration of the values now at stake is not the same as a tradition that was adopted without such consideration. A tradition that gives effect to a specific designation in a philanthropic gift is not the same as one which does not.

3. Overcoming the presumption of continuity: A significant detrimental effect on mission or core values

The presumption of continuity can be overcome. The university's mission and core values are paramount, and where a tradition, practice or symbol has a significant detrimental effect on the pursuit of mission or observance of core values, the university should take action. This may entail modifying or discontinuing the tradition, practice or symbol.

A tradition, practice or symbol may have a significant detrimental effect because:

- It represents a betrayal of the university's core values.
- It is injurious to individuals or to the university community.
- It constitutes a misrepresentation of history or misleads.
- In the context in which it is employed, it is at odds with the university's representation of its values.

4. Overcoming the presumption of continuity: A significant opportunity for advancement of mission or goals

The presumption of continuity might be overcome in circumstances that do not involve a significant detrimental effect on the pursuit of mission or the observance of core values.

For instance, a college or building traditionally known by one name (and doing no harm to the university's mission) might be renamed to seize a significant opportunity for advancement of the university's mission or goals. Indeed, a UC college named for an individual was given a general name instead to better serve university branding purposes. Colleges once bearing a general name have been renamed for an individual to seize a philanthropic opportunity.

B. CONSIDERATIONS TO GUIDE THE EVALUATION OF THE EFFECTS OF A TRADITION, PRACTICE OR SYMBOL ON MISSION OR CORE VALUES

Careful and conscientious evaluation of the effects of a tradition, practice or symbol is critical to the framework we recommend. To help guide that evaluation, we think it important to highlight a number of considerations.

1. The meanings of a tradition, practice or symbol

Evaluation of the effects of a tradition, practice or symbol requires an understanding of its actual social meaning – and not just the meaning that the university intends.

A tradition, practice or symbol can bear multiple meanings – for instance, one favorable to its maintenance and another that is problematic for mission. Fidelity to core university values requires that the impact of all meanings must be examined with an eye toward determining the entirety of the effects that the tradition, practice or symbol has on mission.

A tradition, practice or symbol might bear different meanings to different persons or groups of persons. A university committed to its responsibilities as an inclusive academic community should meet with skepticism suggestions to dismiss the meaning drawn by one or another group of persons.

2. An individual's legacies and their effects on the university's mission or core values

People have various and varied legacies, and no one is without flaws.

An aspect of the life of an individual for whom a building or program is named may give rise to controversy. While all persons have shortcomings, the university should not dismiss concerns summarily on that basis alone. The critical question is whether the aspect of the individual's life at issue gives the use of the individual's name a meaning that produces significant detrimental effects on mission or the observance of core values. A careful and conscientious inquiry is required, recognizing that:

- Significant detrimental effects are effects on *the university's* mission or core values. Those effects, moreover, should be demonstrable.
- Controversy, standing alone, should not overcome the presumption of continuity.
- When evaluating effects, the fundamental relationship between the individual and the university, fairly encompassed, must be kept in view. A person's behavior or viewpoints closely related to that relationship might cause effects warranting concern. Behavior or viewpoints having nothing to do with that relationship, by contrast, might have negligible effects.
- A person's behavior or viewpoints can evolve. A person may progress, mature, express remorse, repent or atone. Such matters are relevant when evaluating the effects of the behavior or viewpoints on mission or the observance of core values.

3. The importance of context

A tradition, practice or symbol's effects on the university's pursuit of mission and observance of core values can be heavily dependent on context.

Used in one context, a tradition practice or symbol might give little or no cause for significant concern. Employed in a different context, the same tradition, practice or symbol might take on meaning that renders it incongruous with the university's mission or core values and thereby threaten significant detrimental effects.

C. THE ELIMINATION OF DETRIMENTAL EFFECTS AND THE CONSIDERATION OF OPTIONS

Because the university's mission and core values are paramount, action is required when a tradition, practice or symbol has been found to have significant detrimental effects on mission or core values. The final section of our framework outlines the principles that should be applied to decide what action should be taken.

1. Elimination of Detrimental Effects

Where significant detrimental effects on mission or the observance of core values exist, action is required. The university should take action that eliminates the detrimental effects.

Identification of the action or actions that will eliminate the detrimental effects calls for the consideration of two options – modification or discontinuation.

2. Modification

In some cases, the tradition, practice or symbol might be retained, but with modification that suffices to eliminate the detrimental effects. Usage of a name on a building, for instance, might be modified to include a display of additional historical and other information to educate the community. Whether such modification eliminates the detrimental effects will depend on the particular facts and circumstances presented.

3. Discontinuation

In some cases, modification may be impractical or ineffective. In such circumstances, the tradition, practice or symbol should be discontinued. Where the tradition, practice or symbol involves a name on an academic unit or building, discontinuation should entail removal of the name.

When a name is removed or changed, the university – consistent with its responsibility to its history – should not purport to erase its history and should ensure that its history is neither lost nor misrepresented and is preserved for study.

PHASE FOUR: DELIVERING – APPLYING THE FRAMEWORK TO REACH A RECOMMENDATION

In the fourth phase of our process, we applied the foregoing framework to evaluate the use of Charles McMicken’s surname in affiliation with the College of Arts and Sciences. We gave careful consideration to each proposition in that framework and took into account the information, knowledge, input and perspectives that we acquired during our nine months of work. We present here that evaluation and our recommendation.

THE PRACTICE OF CALLING THE ACADEMIC UNIT THE “MCMICKEN COLLEGE OF ARTS AND SCIENCES”

Consistent with our charge, our focus is only on the university’s practice of calling the College of Arts and Sciences – the academic unit itself – the “McMicken College of Arts and Sciences” whenever formally or informally referring to the college.

McMicken’s surname is used in other connections at UC. A society honoring benefactors (the “Charles McMicken Society”) bears his surname. A building (“McMicken Hall”) is named for him. It is one of several buildings in which A&S holds classes and has offices, but its name is not dependent upon the name of the college. A roadway (“McMicken Circle”) is named for him, and it is the street address of University Pavilion, Van Wormer Hall, Carl Blegen Library, the Teachers-Dyer Complex, and the gatehouse. A pair of statuary lions (“Mick and Mack”) carry names that refer to him. A café in Tangeman University Center (“Mick and Mack’s”) draws on McMicken’s surname.

These other usages lie beyond the working group’s charge, and we make no recommendation regarding them. If their evaluation becomes necessary, we believe the principles and framework that inform our recommendation here should guide inquiry.

A PRESUMPTION OF CONTINUITY

The use of Charles McMicken's surname as part of the name of the College of Arts and Sciences merits a presumption of continuity. Changing the name of an academic unit should be a rare occurrence. A presumption of continuity here gives weight to the contribution that use of McMicken's surname in this context provides to the university's pursuit of mission and observance of its core values – the bonds it helps establish, the consistency it promotes, the knowledge it conveys, and the wisdom it provides. Applying the presumption here also serves to ensure fairness, guard against hasty judgment, and afford respect for choices and decisions previously made.

Factors that could lend greater weight to that presumption are not present here. As discussed in Part 3 of this report, the terms of McMicken's bequest do not dictate the use of McMicken's surname in direct affiliation with the College of Arts and Sciences. The use of McMicken's surname in affiliation with A&S does not represent a steady, unbroken tradition. Through the years, the UC community has frequently and notably deviated from the practice. No evidence suggests that McMicken's surname was ascribed to A&S, or that its use as such was affirmed, with deliberate consideration of McMicken's slaveholding, his explicit racially discriminatory vision for the university and the racially segregationist condition attached to his philanthropy, and the implications of these for the university's mission and observance of core values. Finally, it deserves noting that the benefits to the university from using McMicken's surname honorifically or commemoratively are not wholly attributable to or dependent upon its use as part of A&S's name. In their input to us, many alumni pointed to McMicken Hall, or the lions Mick and Mack, as symbols they associate with their positive experiences at UC, and many confessed unawareness that A&S as an academic unit bears McMicken's surname.

CHARLES MCMICKEN’S LEGACIES AND THE MEANINGS ASSOCIATED WITH THE USE OF HIS SURNAME IN AFFILIATION WITH THE COLLEGE OF ARTS AND SCIENCES

A principled framework for evaluation must recognize that individuals can have more than one relevant legacy, and that a tradition, practice or symbol can bear multiple meanings. So it is with Charles McMicken and the use of his surname in association with the College of Arts and Sciences.

As our discussion in Part 3 notes, McMicken was a philanthropist whose generosity was pivotal to the establishment of the university as we know it today. An intention to commemorate his contribution and historical role likely underlies (at least in considerable part) the use of his surname in various connections at the university and in association with A&S in particular, although the lack of a formal naming process for most of UC’s history and the absence of documentation deprive us of direct contemporaneous evidence. With respect to A&S particularly, another intended meaning – that of being a “named” college, with the distinction associated with being such an institution – influenced the use of McMicken’s surname in approximately the last two decades. Our listening sessions and submissions discussed in Part 4 of this report also demonstrate that for many stakeholders, McMicken’s surname symbolizes their positive experiences when enrolled as a student and their positive ongoing relationships with UC as graduates.

These meanings have been invited or drawn with little, if any, consideration of Charles McMicken’s active engagement in chattel slavery as a buyer, seller and exploiter of human beings of African ancestry or of his expressed intention that the university exist for the benefit of “white Boys and Girls.” Most students, alumni, faculty, staff and administrators through the years have known only McMicken’s legacy as a benefactor to the university. To most, his legacy as a slaveholder and segregationist has been unknown.

Some persons in the UC community, however, have known. Our listening sessions and submissions establish that for at least 40 years, numerous students, alumni, faculty, staff and administrators have been keenly knowledgeable of McMicken’s slaveholding and the

discriminatory stipulation in his will. For them, it is a legacy that lends the McMicken surname another distinct meaning. The university's ennobling of McMicken by associating his surname with A&S symbolizes the exclusion and unwelcome that African Americans experience in their relationships with UC and the university's failure to commit fully to the principles of diversity and inclusion that it professes. In the 1970s, African American students experiencing racism on campus, whether flagrant or subtle, pointed to McMicken and reminded each other that: "He didn't want you here." Their mentors – African-American fellow students, faculty members, administrators and staff – made it a point to pass on to them knowledge of McMicken's slaveholding and segregationist legacy. This McMicken legacy was seen as alive, manifested in an unwillingness or inability on UC's part to be supportive, inclusive and welcoming without regard to race.

Succeeding generations have carried on this meaning, and it has grown in salience for persons of all races at UC as more learn of McMicken's slaveholding and segregationist legacy. A growing number of students, alumni, faculty, staff and administrators find the association of McMicken's surname with A&S at odds with UC's professed commitment to diversity and inclusion. And a growing number find UC's adherence to that practice a symbol of indifference to the experiences of persons of color in our community and inadequate dedication to diversity and inclusion. As several graduates from the 1970s expressed in one of our listening sessions, there is a "ghost of McMicken" that continues to haunt the university.

When seeing Charles McMicken honored as the namesake of the College of Arts and Sciences, people cannot be expected to avert their eyes from his legacy as a donor who intended his bequest to be used to establish "two Colleges for the education of white Boys and Girls" – a segregationist legacy made only more acute by McMicken's experience as a slaveholder. While UC understandably may wish to acknowledge and show gratitude for McMicken's contribution and his influential role in its history, his racially discriminatory and segregationist aims for UC constitute a legacy that is plainly relevant to his fundamental relationship with the university, fairly encompassed.

THE EFFECTS ON THE UNIVERSITY'S PURSUIT OF ITS MISSION AND OBSERVANCE OF ITS CORE VALUES

As we have noted, the presumption of continuity enjoyed by a tradition, practice or symbol can be overcome. The university's mission and core values are paramount, and where a tradition, practice or symbol has a significant detrimental effect on the pursuit of the university's mission or the observance of its core values, the university should take action. In assessing the effects, the context matters.

The university's mission statement asserts the importance of diversity and inclusion as core values. It declares that "[w]e are committed to excellence and diversity in our students, faculty, staff, and all of our activities," and that "[w]e provide an inclusive environment where innovation and freedom of intellectual inquiry flourish."

The College of Arts and Sciences is central to UC's educational mission and its commitment to diversity and inclusion. The college's curricular and research reach is expansive, and it is in A&S classes that students transition to undergraduate life and form impressions of UC that will shape their experiences and relationships for years to come. Diversity must flourish in A&S, and inclusion must be a defining characteristic. This is vital for the well-being and development of each and every student. It is essential if the college is to successfully recruit and retain an excellent and diverse student body.

To commemorate Charles McMicken in this particular context and way – as the titular brand of the College of Arts and Sciences, as the single name that connotes the college – is highly incongruous and raises significant conflict with the observance of core values. Using McMicken's surname without acknowledging his legacy of racially discriminatory exploitation and exclusion presents a sanitized account of him and his relationship to UC that betrays academic values. Elaboration is required to set the record straight, but elaboration is wholly impractical in this context. To serve effectively as the name of the college, the McMicken surname must be capable of being used whenever the college is mentioned or represents itself,

without burdensome qualification and explanation. Continuing to use McMicken's surname unqualifiedly in these circumstances bows to the impracticality of qualification and explanation, but thereby compounds the conflict with mission and core values. It signals that UC prefers continuity in an honorific or commemorative recognition (a value not specified in the mission) more than forthright commitment to diversity and inclusion (values explicitly stated in the mission), and that UC will compromise academic values to do so. It is to act with relative indifference to diversity and inclusion, reinforcing McMicken as a symbol of the university's inability to break from its past and truly progress.

The effects extend further. Students deeply desire a sense of inclusion and welcome at UC, and experiences of exclusion and unwelcome regrettably occur. They are harmful and injurious to the student immediately affected, and they model exclusion and unwelcome in ways that set back the development of all students. For many, UC's adherence to the McMicken surname with the College of Arts and Sciences symbolizes the prevalence of these experiences as normal and tolerated occurrences at UC. It adds to the harmfulness of these experiences, rooting them in a tradition that began with segregationist intentions and persists today in neglect and unresponsiveness.

These effects are significant and detrimental to the university's pursuit of its mission and the observance of its core values, and the university accordingly should take action.

THE ELIMINATION OF SIGNIFICANT DETRIMENTAL EFFECTS AND THE CONSIDERATION OF OPTIONS

The framework we apply here calls for the university to take action that eliminates the detrimental effects produced by the use of McMicken's surname in association with the College of Arts and Sciences. Identification of the action or actions that will eliminate the detrimental effects calls for the consideration of two options – modification or discontinuation.

Modification will not achieve the objective. Any credible effort to retain McMicken's surname as part of the name of the College of Arts and Sciences while seeking to eliminate the significant detrimental effects we have identified would need to (a) acknowledge McMicken's legacies, (b)

disavow his legacy as a segregationist and slaveholder, (c) explain why his surname is retained nonetheless, and (d) effectively and persuasively communicate these propositions to all relevant audiences.

That cannot be accomplished in this context. If it remains a part of the name of the College of Arts and Sciences, McMicken's surname will be used wherever and whenever the college is mentioned or presents itself, be it on diplomas, programs, letterheads, business cards, application forms, webpages, radio and television spots and so on. Efforts to tell the full story of McMicken and the university inevitably will be disconnected from those countless everyday usages. They will be secondary and detached, and to the extent they are even known, they will be seen as secondary and detached. As a practical matter, the use of McMicken's surname will carry on largely unqualified and unexplained – which is to say it will carry on much as it has. Under these circumstances, there is no reason to believe the significant detrimental effects we have identified will be dispelled. They likely will be exacerbated, for the university will have reaffirmed its usage of a symbol associated with exclusion and unwelcome.

Using McMicken's surname in affiliation with the College of Arts and Sciences produces significant detrimental effects on the university's pursuit of its mission and observance of its core values that should be eliminated. The effects cannot be eliminated by retaining the practice with modification. The university therefore must discontinue the practice.

RECOMMENDATIONS AND CONCLUSION

For the reasons detailed in this report, the working group unanimously recommends that the university discontinue the practice of using Charles McMicken's name in affiliation with the College of Arts and Sciences – the academic unit itself – whenever formally or informally referring to the college.

Discontinuing the practice is by no means an erasure of history. When a name is changed or removed, the university – consistent with its responsibility to its history – should not purport to erase its history and should ensure that its history is neither lost nor misrepresented and is preserved for study. Charles McMicken's legacies and the university's relationship to him, in all their complexities, remain a vital and living part of the university's history. It is incumbent upon the university to find appropriate means to present that history fully, fairly and accurately, and in ways that make that history a valuable source of education that is accessible to all. We therefore recommend that purposeful work to that end be undertaken immediately, drawing on talents and resources throughout the university.

It merits reiteration that our focus has been only on the university's practice of using the McMicken surname in affiliation with the College of Arts and Sciences as an academic unit. Other usages of McMicken's surname at UC lie beyond the working group's charge, and we make no recommendation regarding them. If evaluation of one or more of them becomes necessary, we recommend that the evaluation be guided by the principles and framework we detailed and applied in this report.

The university's naming policies and procedures contemplate that an honorific or commemorative naming might be reconsidered but provide no specifics regarding a process to be followed. The working group strived to conduct its work in a principled way, pursuant to a deliberative process that emphasized fairness and respect for all persons. The working group, however, is an ad hoc entity. The university should have an established process that permits

proposals for assessment of a tradition, practice or symbol for possible change to be considered in a respectful, deliberative and orderly fashion. We recommend that the university commence to develop such a process, one that is well-adapted to the university's structures and principles of shared governance and incorporates the principles and framework we have detailed and applied.

In unanimously offering these recommendations, the working group is deeply mindful that fulfillment of the university's "commit[ment] to excellence and diversity in our students, faculty, staff and all of our activities" and to "provide an inclusive environment" requires concerted, sustained, substantive efforts across the university. Our recommendations cannot substitute for such efforts. The University of Cincinnati has traveled far since Charles McMicken's bequest in 1858. It has far still to travel.