**On Monday, November 4, 2019, the Academic Senate of California State University, Fresno, by a majority vote (2 nays, and 7 abstentions), approved the following resolution.**

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**Resolution On Faculty Free Speech and Official University Responses**

WHEREAS, in its landmark free speech decision *New York Times v Sullivan*, the United States Supreme Court stated "we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials”; and

WHEREAS, There is a long history of disturbing political and intellectual suppression in academia, which in the U.S. includes the pink scares and rejection of anti-racist scholarship of the 1920s and 30s, the McCarthyism and anti-Communism of the 1950s-80s, and at present, increased public attacks on and threats towards scholars whose views may be deemed controversial; and

WHEREAS, There is also a long and powerful history of student and scholarly resistance to restrictions on political and social freedoms in and out of higher education, including a rich body of public scholarship meant to critically engage citizens on issues that have serious consequences for everyday life, the Teach-In and Civil Rights Movements of the 1960s-70s, and even Fresno State’s well established emphasis on civic engagement; and

WHEREAS,  the principle of protecting free speech must mean the protection of speech that one disagrees with and even speech that might be seen as disrespectful; and

WHEREAS, University Administration, including the President and Provost, have a right to their opinions they do not wholly constitute the collective views of we, the faculty of  the California State University, Fresno or the collective, collaborative mission and core values of the university; and

WHEREAS, In an institution based on shared governance the collective voice of the faculty as expressed through the Academic Senate is vital; and

WHEREAS, Announcing to the public that a review will be launched undermines and further erodes support for the free speech of University faculty, community members, and the general public, and may suggest a willingness to subject future controversial speech to review. Additionally, this signals that the University is willing to bend to the public demands of the few if presented with a loud enough voice; and

WHEREAS, The Academic Policy Manual Section 103 Statement on Academic Freedom states “Tenure constitutes the strongest procedural safeguard of academic freedom and individual responsibility, and as such, is essential for the maintenance of intellectual liberty and high standards in teaching and scholarship”; and

WHEREAS, We support all citizens' rights, especially our own colleagues' rights, to freedom of expression, without subjective requirements of civility or appropriateness; and

WHEREAS, In a free nation and, especially, on a public university campus, we must dedicate ourselves to the basic principle of open inquiry and debate even, or especially when, views and their expression may make us feel uncomfortable and force us to re-evaluate our values. Otherwise we risk rank authoritarianism and a blind adherence to the unchecked ambitions of leaders and so-called leaders; therefore, be it

RESOLVED, that the Academic Senate of California State University, Fresno, recommend that California State University, Fresno adhere to a model of support for free expression established by the University of Chicago and endorsed unanimously by the California State Legislature in 2017 which acknowledges that it is not the proper role of the University to attempt to shield individuals, including those outside the University, from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive; and be it further

RESOLVED, that California State University, Fresno’s values of civility and mutual respect should never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community; and be it further

RESOLVED, that it is for the individual members of the California State University, Fresno community, not for California State University, Fresno as an institution, to make value judgments about political and other forms of speech; that the university, given its special role in the community, should seek not to suppress speech, but to provide a forum for open and vigorous contesting of controversial ideas and opinions; and that, indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of University’s educational mission; and be it further

RESOLVED, that the Academic Senate of California State University, Fresno opposes official statements to the public that includes language suggesting wrongdoing on the part of the faculty member when no clear violation of law or policy exists; and be it further

RESOLVED, that the Academic Senate of California State University, Fresno firmly re-asserts its support of faculty free speech rights both on and off campus and most especially faculty academic freedom when speaking as professionals.

RESOLVED that this resolution be distributed to:

Joseph Castro, President, California State University, Fresno

Saul Jimenez-Sandoval,, Provost, California State University, Fresno

Marsha Baum, Associate Vice President of Faculty Affairs, California State University, Fresno

Charles Toombls, California Faculty Association (CFA), Statewide President

Diane Blair, CFA Fresno Chapter President

Honora Chapman, Interim Dean, College of Arts and Humanities, California State University, Fresno

Michelle DenBeste, Dean, College of Social Sciences, California State University, Fresno

Robert Harper, Dean, Craig School of Business, California State University, Fresno

Laura Alamilio, Interim Dean, Kremen School of Education and Human Development, California State University, Fresno

Ramakrishna Nunna, Dean, Lyles College of Engineering, California State University, Fresno

James Marshall, Interim Dean, College of Health and Human Services, California State University, Fresno

Dennis Nef, Dean, Jordan College of Agricultural Sciences and Technology, California State University, Fresno

Delritta Hornbuckle, Dean, Henry Madden Library, California State University, Fresno