In this report:
1. A summary of important reports to and issues before the Academic Senate, and
2. A report on the resolutions considered by the ASCSU—both first reading resolutions (to be discussed in March) and second reading resolutions (passed or defeated at the January meeting).

Summary of Reports to, and Issues before, the Senate

1. Academic Freedom and Intellectual Property
The Chancellor’s Office has been telling CSU campus presidents NOT to sign policies regarding Academic Freedom (AF) and Intellectual Property (IP). The ASCSU has been pushing the Chancellor’s Office to include the ASCSU in discussions about these two important policies. At our January plenary (meeting of the whole Senate), Framroze Virjee, Executive Vice Chancellor General Counsel, met with the Senate and clarified the CSU’s position. According to Virjee, Academic Freedom and Intellectual Property are both within the scope of bargaining. This means, according to Virjee, that the CSU cannot discuss these policies with the statewide senate. To do so would violate the collective bargaining process. When asked about the existing campus AF and IP policies, Virjee stated that these should not have been developed as they did not go through the meet-and-confer process as required in the Collective Bargaining Agreement. In the future, there will be system-wide policies. He made it sound like, in the future, there would be no campus-specific polices of this nature.

2. Freedom of Expression
EVCGC Virjee also made a presentation to the Senate about Freedom of Expression. It is a talk he has been giving to campus presidents. After his 45-minute PowerPoint presentation (his slides are attached), he took questions for another hour and 15 minutes. It was, in my opinion, excellent. While we cannot reproduce two hours in this report, we think it important that faculty understand the limitations facing campuses.

(A) Any limitations on speech must be applied to all and cannot be based on the content of the speech. If a campus permits faculty, students, clubs, & organizations to invite speakers, they cannot later say that they won’t let a
specific speaker give a speech simply because they do not like what the speaker might say. Nor can they prohibit a speaker because of the reaction that might ensue. This has been called the Heckler’s Veto. Allowing the threat of protests to cancel a speech would encourage future threats and/or violence. It is up to the University to protect the speaker and audience, and to permit access to the speaker. Only if the authorities cannot protect the speaker or the audience that wishes to hear the speaker might a speaker be canceled. This is what happened recently at UC Berkeley.

(B) There are no prohibitions against hate speech. Libeling or slandering an individual can lead to post-speech legal action, but libeling or slandering a group is generally recognized as protected expression. That is why Nazi’s can parade in Skokie, Illinois carrying signs expressing hate. The cure for bad speech is good speech.

(C) Campuses can establish reasonable time, place, and manner restrictions. So, a campus can prohibit protests in classrooms or hallways as long as such prohibitions are applied without regard to the content of the speech. Most of the public walkways at Cal State LA are considered public spaces where speech is generally unregulated. Reasonable time and manner limits can be established. Individuals who accost students or amplify their speech so loud as to disrupt the educational process might be asked to cease this behavior. The courts would weigh the compelling state interest (in this case preserving the educational experience) against the presumption that favors freedom of expression.

(D) Regarding disruptive speech in the classroom, while faculty can generally control what transpires in their classroom, there are limits. Student rights to freedom of expression do not stop at the school door. There is a presumption in favor of the educational experience, but students also have the right to express themselves. So, a student has the right to say something others find abhorrent. In fact, Virjee noted that at one time arguing for gay marriage was a minority view that the majority found abhorrent. You might ask what can a faculty member do if the student is disruptive and interferes with the educational objectives. An analogy was made to how we approach a hostile work environment. If a student’s disruptive behavior is severe or the frequency of the disruption makes it pervasive, then the instructor can probably determine that the state interest in teaching and learning outweighs the student’s first amendment rights and can tell the student to leave the classroom, even seeking the assistance of the campus police if necessary. But, a negative reaction from the other students in the room cannot be the basis for stopping a student from expressing a minority opinion, even if we agree it is abhorrent. This would be another instance of the Heckler’s Veto.
3. Tuition
There was a lot of discussion about the Chancellor’s proposed increase in tuition. One view was that students have already been asked to pay too much; that the master plan has been abandoned; and that as more and more of the students attending the CSU come from under-represented minorities the state has provided less and less. Therefore, these senators argued against any tuition increase. Others argued that someone has to provide the funds so that classes can be offered and students can graduate. If the state does not provide the additional funds the CSU needs, then we must turn to tuition increases, as the UC has demonstrated. You might wish to look at the resolution the ASCSU passed regarding tuition increases. You will find this below.

Summary of Resolutions
The Academic Senate CSU (ASCSU) met at the Chancellor’s Office in Long Beach on January 26-27, 2017 and approved the following resolutions. All can be accessed at the [ASCSU website](#).

**Support for the CSU Institute of Teaching and Learning (ITL) Institute**

**AS-3274-16/AA (Rev) – Approved Unanimously**
The Academic Senate of the California State University (ASCSU) commends EVC Loren Blanchard for providing financial support for the Center for Teaching and Learning (CTL) Summer Institute, acknowledges the efforts of CTL personnel, and applauds campus participants. The resolution urges that attention be given to proven strategies and tools that can enhance student success, and urges that adequate funding be provided for – and that there be broad-based participation in --similar ITL offerings in the future.

**Academic Freedom Policy**

**AS-3276-16/FA (Rev) – Approved Unanimously**
The ASCSU reaffirms its strong commitment to the principles of academic freedom and freedom of inquiry, approves the draft policy on academic freedom prepared by the ASCSU Faculty Affairs Committee, and urges the California State University (CSU) to adopt the draft as its official policy on academic freedom.

*Any final policy on academic freedom will result from agreement between CFA and the CSU, with advisement from the ASCSU.*
Lactation Resource Policy and Practices in the California State University
AS-3277-16/FA (Rev) – Approved Unanimously
The ASCSU urges all campuses to review existing lactation resource policies, or develop new policies. It urges that such policies be implemented and comply with state and federal law regarding number of lactation stations on campus, and that policies offer additional recommendations regarding location and features of facilities and public information available on campus.

Opposition to the Proposed Tuition Increase in the California State University
AS-3282-16/Floor -- Approved
The ASCSU urges the California Legislature to provide adequate funding necessary to support CSU operations and deliver quality education to students. The ASCSU states it opposition to the currently proposed tuition increase as a mechanism for funding the CSU and resolves that the ASCSU and CSSA (CA State Student Assn) continue to work with partners across the system to engage in sustained joint advocacy to secure adequate state funding.

Support for the Letter to President Trump from the Leaders of California’s Systems of Higher Education about the Continuance of DACA.
AS-3279-16/FGA -- Approved Unanimously
The ASCSU supports the letter to President Trump written by leadership of California's three public higher education segments imploring President Trump and his Administration to continue the DACA (Deferred Action for Childhood Arrivals) program and to "allow these young people to continue to pursue a college education and contribute to their communities and the nation."

Opposition to the Appointment of Betsy DeVos as US Secretary of Education.
AS-3280-16/ APEP – Approved Without Dissent
The ASCSU opposes the confirmation of Betsy DeVos as U.S. Secretary of Education, and calls upon the US Senate Committee on Health, Education, Labor and Pensions to reject her appointment.

Advice to the CSU Tenure Density Task Force
AS-3281-16/AA – Approved Unanimously
The ASCSU encourages the CSU Tenure Density Task Force to recommend that the CSU and individual campuses set medium- and long-range targets for tenure density; it also recommends specific strategies for meeting
targets. The resolution urges the Chancellor’s Office to annually collect and make available to the CSU community data on metrics related to tenure density.

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The following were introduced for First Reading consideration:

**Employment Security for Contingent Faculty, Librarians, Coaches, and Counselors. AS-3283-17/FA – First Reading**
The resolution urges the CSU, in conjunction with the Academic Senate and the California Faculty Association, to establish a task force to investigate models of employment that would provide greater employment security for contingent faculty, librarians, coaches and counselors.

**Cessation of General Education Area B4 (Mathematics/Quantitative Reasoning) for ELM-Exemption**
**AS-3284-17/APEP – First Reading**
The ASCSU seeks cessation of the practice of granting ELM-exemptions on the basis of completion of General Education Area B4 (Mathematics/Quantitative Reasoning), since recent pilot projects authorized to award Area B4 credit (statistics pathways curriculum) appear unlikely to yield complete coverage of those elements tested by the ELM exam.

**Saving California’s Master Plan Through Tax Reform**
**AS-3285-17/FA – First Reading**
The ASCSU endorses the findings in The $48 Fix: Reclaiming California’s Master Plan for Higher Education, which lays out a strategy for making higher education free to eligible California residents through tax reform. The resolution also urges the leadership of California’s three public higher education segments, along with faculty, staff, students, and alumni, to undertake a campaign to promote such a plan.

**Support for Graduate Education in the California State University (CSU)**
**AS-3286-17/AA – First Reading**
The ASCSU acknowledges the findings of the April 2016 CSU Masters’ Degree Program Quantitative Characteristics report that reiterates previous ASCSU recommendations on graduate education. The ASCSU recognizes the need for further study addressing issues related to graduate education in the CSU and, to this end, urges the formation of an ASCSU/CSU Task Force on Graduate Education.
Resolution in Support of Students Admitted to the CSU Under (DACA).

AS-3287-76/FA – First Reading
The ASCSU stands in solidarity with our DACA students and will work to ensure the preservation of DACA, and if it is repealed, to advocate for resources to ensure that the rights of DACA and DACA-eligible students are preserved.

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Additional Actions:

A Call for Increased Funding to the California State University (CSU)
AS-3278-16/AA – Tabled—the substance of this call was incorporated in the Opposition to Tuition Increases resolution

The full text of ASCSU resolutions is available at:
http://calstate.edu/AcadSen/Records/Resolutions/