

1 **Academic Senate Resolution Condemning the Expansion of Administrative Policies Undermining**
2 **the Right to Peaceful Campus Protest**

3 **Whereas**, California SB-108 Budget Act of 2024 Section 220 Item 7 mandated the 23 CSU campuses,
4 115 California Community Colleges, and 10 UC campuses to notify students of the time, place, and
5 manner of “the allowable parameters of free speech¹”; however these institutions already had time place
6 and manner policies; and so a non-debatable rider was used to mandate the CSU Time Place and Manner
7 Interim Policy and Campus Addendums which circumvented consulting with Academic Senates on
8 academic and professional matters and ultimately debilitated shared governance and undermined the
9 democratic process; and

10 **Whereas**, academic freedom is essential to the mission of higher education and ensures the ability of
11 faculty to teach, research, and engage in public discourse without undue restriction or interference; the
12 Interim Systemwide Time, Place, and Manner Policy and Cal State LA Addendum (2024) imposes
13 constraints on speech and expression that infringe upon these fundamental rights by regulating when,
14 where, and how the campus community may express their views, thus violating the rights of free speech
15 and curbing academic freedom; and

16 **Whereas**, the Interim Policy states: “*Instructional faculty are entitled to academic freedom in the*
17 *classroom in discussing their subject, but they should be careful not to introduce into their teaching*
18 *controversial matter which has no relation to their subject*” and the Interim Policy criminalizes every
19 person “*who violates or attempts to violate these rules and regulations...* (Cal. Education Code §
20 89031)”, and it is unclear who or what body would determine what is controversial; however what is clear
21 from the Cal State LA Addendum (2024) is that the response team does not include a single faculty
22 member.

23 **Whereas**, a goal of public higher education is that educational equity be achieved through “educational
24 environments in which each person...has a reasonable chance to fully develop his or her potential”
25 (Education Code (EC) Section 66010.2)². Assembly, marches, demonstrations, and protests for civil
26 rights, anti-war, women’s rights, divestment in South Africa, Black Lives Matter, Stop Asian Hate created
27 space not only for broader representation but also for diverse perspectives and opportunities for engaged
28 disagreement and learning; and

29 **Whereas**, the mandate for a more restrictive Interim Systemwide *Time, Place, and Manner* Policy and
30 Cal State LA Addendum (2024) coincides with the pro-Palestinian protests and organizing efforts
31 throughout the State of California and 44 other states across the nation; and coincidentally the 23 CSUs,
32 115 California Community Colleges, 10 UCs and dozens of other institutions across the nation are
33 updating their Time, Place and Manner policies and making them more restrictive in a “content neutral”

¹ [SB-108 Budget Act of 2024](#) “It is the intent of the Legislature that the California State University foster freedom of expression and the free exchange of ideas that comply with state and federal law and campus policies while also protecting student, staff, and faculty safety and access to educational opportunities. Each campus of the university shall prepare a campus climate notification by the beginning of the Fall 2024 term. The California State University Chancellor’s Office will develop a systemwide framework to provide for consistency with campus implementation and enforcement. The process by which the campus will resolve any complaint of a violation, The range of consequences possible for students, faculty, or staff who violate relevant institutional policies, state law, or federal law, [and] How the campus may respond to activities that threaten the safety of students, faculty, or staff, and disrupt their ability to access the campus or buildings, the educational process, or activities on campus.”

² [Education Code \(EC\) Section 66010.2](#)

34 way which allows for speech to be limited without directly contradicting the *Reed v. Town of Gilbert*³ and
35 *Ward v. Rock Against Racism*⁴ court decisions that speech cannot be restricted because of disagreement
36 with the message conveyed, and

37 **Whereas**, activism has a unique history in California education, including the Free Speech Movement
38 and the anti-apartheid activism⁵ that followed, resulting in universities lifting restrictions on the content
39 of speech on campus; however, the “firing” of President Lee of Sonoma State University over his
40 response to Palestine protests⁶ and the subsequent imposition of the Interim Systemwide *Time, Place, and*
41 *Manner* Policy creates a culture of intimidation, silencing and punishment; and

42 **Whereas**, the Interim Systemwide *Time, Place, and Manner* Policy and Cal State LA Addendum (2024)
43 unduly restricts the right to free speech and expression, therefore undermining the role of institutions of
44 education as spaces for debate, dissent, and the pursuit of truth for the campus community; and
45 disproportionately affects marginalized and underrepresented groups including students, whose voices are
46 critical to a diversity of perspectives in academic and social discourse as proven in US history and student
47 movements; and

48 **Whereas**, faculty recognizes that while the free and open exchange of ideas—regardless of their
49 popularity or potential to provoke—is essential to critical thinking, intellectual growth, and the
50 advancement of knowledge and remembers the failure of Cal State LA to protect the campus from anti-
51 immigrant “free speech” by abdicating it’s responsibility to guide or moderate dialogue or model civil
52 discourse so that the “free speech” did not digress into personal attacks and distress faculty, students, and
53 staff⁷; and

54 **Whereas**, The California State University, Los Angeles Addendum (2024) established hours of operation
55 (“no one shall enter or otherwise remain on University Property between the hours of 10:00 pm to 7:00
56 am) violates workers’ rights to engage in protected union activity as outlined by the National Labor
57 Relations Act and the Higher Education Employees Relations Act; and

58 **Whereas**, freedom of speech and freedom of expression are recognized as essential to ensuring workers
59 can advocate for themselves, engage in collective bargaining, and participate in public and institutional
60 discourse without fear of retaliation or censorship; and

³ *Reed v. Town of Gilbert*, [576 U.S. 155](#), 163–64 (2015).

⁴ *Ward v. Rock Against Racism*, [491 U.S. 781](#), 791 (1989)

⁵ <https://www.lib.berkeley.edu/about/news/free-speech-60>

⁶ [Sonoma State President on Leave after Protest Agreement](#), *Inside Higher Ed*, May 17, 2024

The CSU System accusing Sonoma State University President Mike Lee of insubordination and placing him on administrative leave after sending a campus-wide email about a deal with pro-Palestinian protesters. Lee commented: “None of us should be on the sidelines when human beings are subject to mass killing and destruction. I have said this before and it merits repeating: There is no political, religious or cultural principle that merits the murder of the innocent, and the one battle we should all be engaged in is the fight for inclusion, respect, and freedom for all people, regardless of their background or identity.”

⁷ Littleton, C. (2019), *The True Cost of Free Speech*. [University Times](#) “On the morning of Monday, April 22, a large banner stood outside the campus bookstore messily sprayed-painted with the phrase “Build the Wall.” The Young Americans for Freedom student organization sponsored a speaker that gave a speech on the necessity of border security in the country. The speaker, Michael Knowles, “interrupted and disrespected every single person who came up to ask questions with intentions of fair debate. He even went so far as to question the intelligence of faculty members who disagreed with him and condemned the future of the school based on the incompetence of our professors.” University through its protocols “did not create a safe and fair environment” for student learning.

61 **Whereas**, the Interim Systemwide *Time, Place, and Manner* Policy violate anti-discrimination
62 protections put in place by the American Disability Act⁸, Section 504⁹ of the Rehabilitation Act of 1973
63 and the California Government Code Section 11135¹⁰ by ignoring accessibility and disability rights by
64 preventing the use of carts and wagons to traverse the campus, mask use for ill or immunocompromised
65 students, staff, and faculty; and

66 **Whereas**, with one in ten California State University Students experience homelessness, and in Los
67 Angeles where affordable housing is untenable, The Interim Systemwide Time Place and Manner Policy
68 and Cal State LA Addendum (2024) negatively impacts houseless people, including students¹¹ by strictly
69 prohibiting camping and temporary housing (including sleeping in vehicles parked) on university
70 property; and

71 **Therefore, be it resolved that** faculty, staff and students' rights to freedom of speech and expression are
72 to be upheld, open dialogue and engagement in public discourse are encouraged as a crucial element to
73 higher education without criminalization; and

74 **Be it further resolved that** the Academic Senate of Cal State LA affirms its unwavering commitment to
75 the protection of free speech, freedom of expression, and academic freedom for all members of the
76 university community, including students, faculty, staff, and invited speakers; and

77 **Be it further resolved that** the Academic Senate of Cal State LA call for the rejection of the *Time, Place,*
78 *and Manner* policy, or any similar measures, as they impose undue restrictions on the fundamental rights
79 of free speech and expression of students, staff, and faculty; and

80 **Be it further resolved that** the Academic Senate of Cal State LA reject the CSU's imposition on our
81 protected union rights and protected union activities; and

82 **Be it further resolved that** the Academic Senate of Cal State LA urge the administration to adopt
83 policies that protect these essential freedoms in a manner that fosters growth and an inclusive
84 environment; and

85 **Be it further resolved that the Cal State LA institutionalize its commitment to** equity and student's
86 basic needs by not criminalizing camping of students or other persons living in a tent or temporary.

87 **Be it further resolved that Cal State LA institutionalize its commitment to** equity and student's basic
88 needs by developing a plan to address acute and chronic houseless students.

89 **Be it finally resolved that** the Academic Senate of Cal State LA consistently and uniformly defends
90 academic freedom, freedom of speech and the right to peaceful assembly. We are united in opposing any
91 efforts to undermine the principles of free speech, freedom of expression, and academic freedom,
92 recognizing that these values are essential to the mission of higher education and the broader pursuit of
93 justice and equality in society.

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⁸ Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.

⁹ Section 504 of the Rehabilitation Act, 29 U.S.C. § 701 et seq.

¹⁰ California Government Code Section 11135, §§ 14020(4)(A); 14020(12).

¹¹ [State of Crisis: Dismantling Student Homelessness in California](#)