

ASSOCIATED STUDENTS
University of California, Santa Barbara
Senate Resolution

Subject: A Resolution in Support of Free Speech
Author: Akshaya Natarajan **Second:** Sasha Bates
Number: _____ **FPP:** _____
Bill Type: Position Paper **Vote Required for Passage:** 2/3

COMMITTEE RECOMMENDATION

_____ recommends to the A.S. Senate that the following action be taken:
Pass As Written: _____ Pass With Amendments: _____ Do Not Pass: _____
Refer To Committee: _____
Recommended by a Vote Of: _____ Chairperson's initials: _____

STUDENT -SPONSORED LEGISLATION

Student Sponsor: Jason Garshfield Student Co-Sponsor: Brandon Morse
The Student-Sponsored Resolution Liaison _____ has insured that this Student-Sponsored Resolution is correct in its form and adherence to the *ASUCSB Legal Code*.
Pass As Written: _____ Pass With Amendments: _____ Do Not Pass: _____
Refer To Ad-Hoc Committee: _____

FISCAL IMPACT

Amount: \$ 0 Account: _____

A Resolution
To

Whereas: Freedom of expression is an inalienable right guaranteed to all UCSB students which is recognized by the United Nations' Universal Declaration of Human Rights, the First Amendment to the United States Constitution, the California State Constitution (Article 1, Section 2), California Education Code 66301, University of California Board of Regents Policy 3303, and Article 2(E) of the Constitution of the Associated Students of the University of California, Santa Barbara; and,

Whereas: The core mission of the public university is to be a place where all ideas, no matter how sacred, are open to be questioned and challenged; and,

Whereas: Free speech, free thought, and free expression are central to this core mission; and,

Whereas: Recent student protests at universities across the nation, including Yale University and the University of Missouri, have raised concerns and helped to start a national dialogue about the importance of free expression on campus, while bringing to light important issues about race and racism; and,

Whereas: In its ruling in *Papish v. Board of Curators of the University of Missouri* (1973) the Supreme Court has stated that "the mere dissemination of ideas – no matter how offensive to good taste – on a state university campus may not be shut off in the name alone of 'conventions of decency;'" and,

Whereas: Numerous students and student clubs at UCSB have expressed concern about limitations on free expression; and,

Whereas: Free expression is a nonpartisan goal, neither liberal nor conservative, and is a common interest of all students attending UCSB; and,

Whereas: The Foundation for Individual Rights in Education (FIRE), a nonpartisan advocacy organization dedicated to preserving free speech on university campuses, has given UCSB a Speech Code Rating of Red Light (the lowest rating possible) for having within its speech codes six “yellow light” policies which “restrict a more limited amount of protected expression or, by virtue of their vague wording, could too easily be used to restrict protected expression” as well as one “red light” policy which “both clearly and substantially restricts freedom of speech; and,

Whereas: The Supreme Court has ruled in the case *Grayned v. City of Rockford* (1972) that to be lawful, such policies and regulations must “give a person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly;” and,

Whereas: A policy encouraging UCSB students to report on each other for vaguely defined offenses creates a restrictive environment for free speech on campus, which runs contrary to the open and free academic environment that we should be fostering at UCSB; and,

Whereas: The Supreme Court has stated in its ruling in the case *Terminiello v. Chicago* (1949) that “a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, and stirs people to anger;” and,

Whereas: On December 3, 2015, UCSB announced the creation of a Bias Response Team, without giving a clear definition of the sort of bias that the team will address or the full power of its jurisdiction; and,

Whereas: Many reputable free speech organizations including the American Civil Liberties Union have condemned the implementation of campus speech codes banning hate speech, with the ACLU saying that “Speech codes adopted by government-financed state colleges and universities amount to government censorship, in violation of the Constitution;” and,

Whereas: The blanket condemnation of certain forms of controversial speech runs directly contrary to the stated commitment of the Statement of Principles Against Intolerance to “free expression and the open exchange of ideas;” and,

Whereas: The University of California Council of Student Body Presidents recently released a set of recommendations to the Regents’ Statement of Principles Against Intolerance which says, in part, that “it is crucial that we do not let such conversations [about free expression] distract from the true purpose of this statement;” and,

Whereas: This sort of language shows a worrying disregard for the importance of free expression on the university campus; and,

Therefore let it be resolved by the Associated Students in the Senate assembled: That the Senate stands in full support of the right to free expression at UCSB, and in condemnation of any and all UC and UCSB policies that infringe upon this right for any reason whatsoever; and,

Let it further be resolved: That the support for the right to free speech should not be taken as an endorsement from the Senate for any particular form of speech, and that the Senate and Associated Students can support the right to free expression even when the Senate strongly disagree with what is being said; and,

Let it further be resolved: That the Senate directs the Office of the Student Advocate to make protecting and educating the student populace on free speech rights at UCSB a top priority; and

Let it further be resolved: That Associated Students requests that UCSB administration immediately work to amend all speech codes so that they no longer contain any language that infringes upon or threatens to infringe upon students’ right to free expression; and,

Let it further be resolved: That Associated Students requests the Campus Regulations Committee to review all speech codes under its jurisdiction and make any and all modifications necessary to facilitate students’ free speech rights and remove language that restricts free speech; and,

Let it further be resolved: That Associated Students requests call on UCSB to clarify the definition of “bias” in the Bias Response Team, to assure students that it does not infringe on the right to free speech; and,

Let it further be resolved: That ASUCSB encourages the UC Regents to ensure that the new draft of the Statement of Principles Against Intolerance does not restrict the right to free speech; and,

Let it finally be resolved: That Associated Students respectfully encourage UCSB students to make the most of their time at this prestigious university by embodying the “spirit of free expression,” by being willing to face viewpoints that differ from their own without attacking anyone’s character or ulterior motives, challenge their own deeply held beliefs, and question everything that is presented to them, anywhere on campus, without being restricted to “free speech” zones.

CC:

Jimmy Villareal
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