



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)
Kathleen Montgomery, Chair
kathleen.montgomery@ucr.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

October 19, 2015

**DAN HARE, CHAIR
ACADEMIC SENATE**

RE: REGENTS WORKING GROUP ON PRINCIPLES AGAINST INTOLERANCE

Dear Dan,

The University of California Committee on Academic Freedom has monitored with concern the debate around the Regents' proposal to formally adopt UC-wide "Principles Against Intolerance." We are, consequently, very grateful for the opportunity that the Regents have provided to us to share our concerns with the Working Group to Consider Principles Against Intolerance.

We are appalled by and roundly condemn the egregious acts of violence, threats of violence, vandalism, discrimination, and harassment on our campuses to which many witnesses have testified. Importantly, the University's existing codes governing student and faculty conduct provide procedures that would allow sanctions, up to and including expulsion, to be imposed for the kinds of hate-based behavior that have been described.

Indeed, the University Administration and the University Regents should be encouraged to condemn in the strongest terms any acts of intolerance or hate speech that come to their notice. What they must not do, however, is create vague and ambiguous policy statements which—however well intended—would threaten those engaged in academic discussion with possible administrative sanction.

We are gravely concerned that the University's bedrock commitment to Academic Freedom may be compromised by the Regents' understandable desire to offer a statement of solidarity to those who have

been attacked. It is essential to distinguish between hate-based acts, which are not protected under current University policy, and expressions of ideas, even ideas that most members of the University community may deem repugnant, which must remain protected under principles of Academic Freedom.

Last year, the UC Academic Council endorsed a statement on Academic Freedom and Civility, which reads, in part:

While the Academic Senate urges that discourse in any context, in or outside the classroom, be respectful of individuals whose viewpoints one may not agree with, the Senate strongly endorses the preeminence of the value of academic freedom.

Academic freedom includes the right of members of the university community to express their views, even in passionate terms, on matters of public importance.

It is impossible to create content-based definitions of "intolerance" that do not potentially threaten people holding protected intellectual positions. Any attempt to inhibit, as a matter of policy, the range of ideas and opinions that may be discussed or advocated threatens the very basis of the First Amendment and would be unlikely to survive a Constitutional challenge.

This debate is not unique to the University of California. We urge the Working Group to join other universities across the country in using the 2015 Report of the Committee on Freedom of Expression from the University of Chicago

(<http://provost.uchicago.edu/FOECommitteeReport.pdf>) as a model on which to frame any proposed statement of principles against intolerance and in support of academic freedom.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen Montgomery".

Kathleen Montgomery, Chair
UCAF