



November 18, 2024

**Statement of the Cal State LA Heterodox Academy Campus Community on the Cal State LA
“Academic Senate Resolution Condemning the Expansion of Administrative Policies Undermining the Right to
Peaceful Campus Protest” (Resolution 24-7)**

The Cal State LA Heterodox Academy Campus Community is part of a national organization (Heterodox Academy) committed to advancing open inquiry, viewpoint diversity, and constructive disagreement in higher education. As such, we applaud the renewed interest of the campus Academic Senate in protecting the free speech of students, staff, and faculty, evidenced in the recently passed resolution on faculty rights (23-10) and a new resolution (24-7) on the recent revision by the CSU administration of the systemwide Time, Place, and Manner rules. However, the text of Resolution 24-7, as currently available on the Academic Senate website, contains claims that, if accepted, would make it far more dangerous to free speech on campus than anything in the recently adopted Time, Place, and Manner rules.

We refer to the following paragraph and associated footnote that falls on lines 48-53 in the resolution:

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

The above paragraph contains a footnote with the following text:

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.

Based on the above excerpts, it is apparent that the resolution endorses the idea that speech that “distresses” faculty, students, or staff falls into a different category than other speech (and indeed, the text at this point shifts into quotation marks around the term “free speech,” implying that “distressful” speech is not protected speech in the first place). In the case of distressful speech, the resolution suggests that the job of the university is to “protect the campus” from the bad speech and “guide” or “moderate” such speech so that the campus is maintained as a “safe and fair” learning environment. It is implied that university administration failed in the past by allowing a student-invited speaker to appear on campus who criticized current immigration policy, and that it would have been better if that speaker had been in some way restricted (although it is unclear in what way or by what means).

Through the above reasoning, a resolution that purports to be a full-throated defense of free speech on campus, including that of student organizations, manages to embrace a completely unconstitutional distinction between pleasant and distressful speech and insists that the university needs to do something (“guide” or “moderate,” at the very least) to stop or restrain the latter. The resolution refers to “personal attacks” but does not define what they are or, more importantly, why they would not be protected as free speech. Moreover, the resolution refers to a student-authored Cal State LA *University Times* article that embraces the doctrine that “offensive” speech is “violent” and thus can be legitimately repressed by the university administration (and California state government). This contention has no basis in American constitutional law, California state law, or the existing rules and procedures of this campus or the CSU system.

In embracing the claim that “distressful” or “hurtful” speech falls into a different category and should be treated differently by university authorities, *the resolution goes much further than the CSU Time, Place, and Manner rules in threatening free speech*. If this distinction were adopted, any group that felt threatened by speech it considered a “personal attack” or “distressful” could successfully petition to have the university shut down that speech. Most notably, the recent protests on this and other campuses about conflict in the Middle East could easily be shut down by those who found the language of protestors offensive and threatening.

Despite some arguable flaws in the university’s recently promulgated Time, Place, and Manner rules, the new policy has the merit of emphasizing the importance of strict viewpoint neutrality in the implementation or enforcement of its provisions. The policy states: “All criteria for assessing events, activities, incidents, and violations under this Policy shall be applied in a *Content and Viewpoint Neutral manner*.” And continues: “While one may find certain expressions or materials to be quite offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism, and the expression of contrary points of view.” It is regrettable that the Academic Senate is considering a resolution that departs from such foundational principles of free speech and opens the door to discrimination against controversial or unpopular opinions.

Fortunately, there is an easy solution to this problem. The above-noted paragraph and associated footnote can simply be deleted, as they add nothing to the core arguments of the resolution. The Cal State LA Heterodox Academy Campus Community strongly urges the Senate to take this step, and to maintain a commitment to viewpoint neutrality in free speech policy on this campus and throughout the CSU system.

Heterodox Academy is a nonpartisan, nonprofit membership organization of thousands of faculty, staff, and students advocating for policy and culture changes that ensure our universities are truth-seeking, knowledge-generating institutions grounded in open inquiry, viewpoint diversity, and constructive disagreement.

<https://heterodoxacademy.org/>

The Cal State LA Heterodox Academy Campus Community aims to challenge echo chambers, strengthen the quality of discourse, and promote policies that support academic freedom and institutional neutrality. Our goal is to cultivate a vibrant community where faculty, students, and administrators feel empowered to explore ideas in an atmosphere of mutual respect. With the support of HxA, we commit to making Cal State LA a model of intellectual openness and rigorous debate. <https://www.hxacsula.org/>