



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

A Berkeley Resolution to Protect Academic and Political Freedom

Whereas the Federal Government is engaged in a series of unprecedented attacks on higher education in the United States, and has indicated that the University of California is one of its primary targets;

Whereas these attacks at other institutions have, often directly contrary to federal and constitutional law, included the termination of research grants and contracts without notice or process, demands for changes to academic leadership of research centers, demands for policies restricting the rights of assembly and political speech, and demands for changes to admissions and employment policies;

Whereas the Federal Government has, through its policy of abrupt visa terminations, deportations, and border harassment, deprived foreign and undocumented students and scholars on our own campus of their freedom to speak, teach, research, and learn, and put them in grave and crippling fear;

Whereas the University of California has itself welcomed these students and scholars, along with their talents, energies, and resources, and thereby has incurred a moral obligation to protect them from becoming collateral casualties in these attacks on us as an institution;

Whereas federal demands for information about the activities, identities, speech and status of our faculty and staff may violate our privacy rights under state, federal, and constitutional law;

And whereas recent events at other institutions have shown that attempts to appease or negotiate away universities' and scholars' academic and political freedom lead only to more severe unconstitutional demands and extortion;

- 1) *The University and the several campuses must be prepared to challenge in court all illegal demands presented by the Federal Government, including termination of research grants not in accord with contractual terms and required administrative processes, in consultation with the affected researchers.*
- 2) *The University must fund legal aid for students and scholars subjected to arbitrary visa revocation and/or SEVIS termination. The University must ensure that on each of its campuses affected students and scholars have swift access to effective legal counsel.*
- 3) *The University must affirmatively defend free expression for the entire university community, including by:*

- *Protecting the right to learn by devoting resources when necessary to prevent classroom and event disruptions*
 - *Protecting students and faculty from retaliatory claims of harassment based on discussion of controversial topics*
- 4) *The University must recommit to its Statement of Privacy Values, which recognizes that academic freedom and autonomy require freedom from surveillance and interference. The University should commit to minimum-necessary approaches in policies that affect personal information and that could reveal academic and expressive activities.*
- 5) *The University must commit to not sharing the personal data of its students, staff and faculty on a voluntary basis, and must challenge in court any demands not supported by incontrovertible legal authority, given the risk that such demands abridge the legal rights of the concerned individuals. Should a court order it to comply with such demands, the University should pursue all available legal mechanisms for appeal of this order. As soon as possible, the University should also notify all individuals whose data are sought by the government.*
- 6) *The University must reject demands by the federal government, of the type present in the demands made to Columbia and Harvard Universities, that require an abandonment of its academic freedom and violation of its members' legal rights. In particular, it must refuse such demands as:*
 - *A prohibition on wearing masks intended to conceal identity at rallies. Such a prohibition, without requiring a further intent to commit illegal acts, exceeds current UC policy and chills legitimate protest.*
 - *The "shuttering" of programs aimed at enhancing diversity and access to our institution.*
 - *Adopting the IHRA definition of antisemitism, which can be used in ways inconsistent with both academic freedom and freedom of speech and assembly.*
- 7) *Finally, the University should collaborate as broadly as possible with other institutions and organizations involved in higher education to counter these threats to democracy and science, including through legal action.*