

**SAN JOSE STATE UNIVERSITY  
ONE WASHINGTON SQUARE  
SAN JOSE, CA 95192**

**SS-S21-3, Sense of the Senate Resolution, Endorsement of  
The University of Chicago Statement on Freedom of  
Expression**

**Legislative History:**

On April 19, 2021, the San José State University Academic Senate approved the following Sense of the Senate Resolution presented by Senator Peter for the Professional Standards Committee.

**Whereas:** Academic Freedom is a cherished value and a necessary condition for the work of a University; and

**Whereas:** Numerous threats to Academic Freedom from across the political spectrum have emerged in recent years; and

**Whereas:** The Higher Education Employer-Employee Relations Act of 1979 (HEERA) and the Collective Bargaining Agreement support academic freedom in teaching, research, and learning through the free exchange of ideas among the faculty, students, and staff of the Californian State University; and whereas

**Whereas:** In 2014, the University of Chicago Committee on Freedom of Expression authored an influential defense of academic freedom<sup>1</sup> that has since be endorsed by 81 universities<sup>2</sup>; and

**Whereas:** The 2014 Chicago Statement is entirely consistent with SJSU's own policy on academic freedom and professional responsibility (S99-8); therefore, be it

**Resolved:** The Academic Senate of San José State University (SJSU) endorses the 2014 statement on Freedom of Expression (attached) authored by the University of Chicago committee, and stands firmly with the growing list of responsible universities who have done so; be it further

**Resolved:** Copies of this resolution and the attached 2014 University of Chicago Committee on Freedom of Expression statement shall be distributed widely to students, faculty, and staff members of the SJSU community, to the Academic Senate of the CSU, the campus senates of the CSU, campus and higher education publications and media outlets, Offices of Diversity, Equity, and Inclusion (or equivalent) in the CSU, the University of Chicago Committee, the AAUP, and other interested parties.

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<sup>1</sup> <https://freexpression.uchicago.edu/foundational-principles/>

<sup>2</sup> <https://www.thefire.org/chicago-statement-university-and-faculty-body-support/>

**Approved:** April 12, 2020.  
**Vote:** 11-0-0  
**Present:** Peter, Wang, Raman, Smith, Cargill, Saldamli, Riley, Quock,  
Mahendra, Barrera, Monday  
**Absent:** None  
**Financial Impact:** None foreseen  
**Workload Impact:** None foreseen

# Report of the Committee on Freedom of Expression

*The Committee on Freedom of Expression at the University of Chicago was appointed in July 2014 by President Robert J. Zimmer and Provost Eric D. Isaacs “in light of recent events nationwide that have tested institutional commitments to free and open discourse.” The Committee’s charge was to draft a statement “articulating the University’s overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University’s community.”*

*The Committee has carefully reviewed the University’s history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future.*

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University’s culture. In 1902, in his address marking the University’s decennial, President William Rainey Harper declared that “the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago” and that “this principle can neither now nor at any future time be called in question.”

Thirty years later, a student organization invited William Z. Foster, the Communist Party’s candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that “our students . . . should have freedom to discuss any problem that presents itself.” He insisted that the “cure” for ideas we oppose “lies through open discussion rather than through inhibition.” On a later occasion, Hutchins added that “free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities.”

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated “those virtues which from the beginning and until now have characterized our institution.” Central to the values of the University of Chicago, Levi explained, is a profound commitment to “freedom of inquiry.” This freedom, he proclaimed, “is our inheritance.”

More recently, President Hanna Holborn Gray observed that “education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.”

The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University’s commitment to a completely free and open discussion of ideas.

In a word, the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University’s educational mission.

As a corollary to the University’s commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom

of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Geoffrey R. Stone, Edward H. Levi Distinguished Service Professor of Law,  
*Chair*

Marianne Bertrand, Chris P. Dialynas Distinguished Service Professor of Economics,  
Booth School of Business

Angela Olinto, Homer J. Livingston Professor, Department of Astronomy and  
Astrophysics, Enrico Fermi Institute, and the College

Mark Siegler, Lindy Bergman Distinguished Service Professor of Medicine and Surgery

David A. Strauss, Gerald Ratner Distinguished Service Professor of Law

Kenneth W. Warren, Fairfax M. Cone Distinguished Service Professor, Department of  
English and the College

Amanda Woodward, William S. Gray Professor, Department of Psychology and the  
College