

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3076-12/FA (Rev)
March 15-16, 2012

**Amending the Constitution of the Academic Senate, the California State University
(ASCSU) to Include Advancing Academic Freedom**

RESOLVED: That the Academic Senate of the California State University (ASCSU) endorse the following amendment to Article I, Section 1. (a) of the Constitution of the Academic Senate, the California State University (proposed amendment underlined):

It shall be the purpose of the Academic Senate of the California State University (ASCSU) to promote academic excellence in the California State University; to advance the principles of academic freedom and freedom of inquiry as generally recognized in the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments when faculty carry out their responsibilities; to serve as the official voice...;

and be it further

RESOLVED: That the ASCSU, in accordance with Article VII of the Constitution of the Academic Senate, The California State University (CSU) forward this amendment to the individual campuses for a vote and initiate a system-wide referendum for its ratification; and be it further

RESOLVED: That the ASCSU distribute this resolution to the Board of Trustees, the Office of the Chancellor, Provosts/Vice Presidents for Academic Affairs, and campus Senate Chairs.

RATIONALE: The Preamble, The Constitution of the Academic Senate, The California State University, specifies that the Constitution is adopted by the faculty of the CSU “in order to exercise its rights and fulfill its responsibilities in the shared governance of the University.” In setting forth these rights and responsibilities in subsequent Articles, at no point does the Constitution reference the important role of the ASCSU in safeguarding and preserving the principles of academic freedom for the faculty it serves throughout the CSU system. The purpose of this amendment is to remedy this serious omission in the Constitution.

The American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments sets forth the most widely accepted and understood statement of academic freedom for higher education. The 1940 Statement was developed as a joint project by the AAUP and the Association of American Colleges (now the Association of American Colleges and Universities). In 1966 the AAUP, the American Council on Education, and the Association of Governing Boards of Colleges and Universities jointly formulated a Statement on Government of Colleges and Universities which was formally recognized by the executive bodies of each group. That statement incorporates, by reference, the 1940 Statement of Principles on Academic Freedom and Tenure. In 1969, a joint committee of the AAUP and the Association of American Colleges developed Interpretive Comments

on the 1940 Statement, which were adopted by the Council of the American Association of University Professors in April 1970. In addition Section 3561(c) of the Higher Education Employer-Employee Relations Act (HEERA) encourages the free exchange of ideas among faculty, students, and staff, and goes on to state: "All parties subject to this chapter shall respect and endeavor to preserve academic freedom in the ... California State University." In 1971 the CSU Board of Trustees affirmed their commitment to the principles of academic freedom and referenced the AAUP 1940 Statement of Principles on Academic Freedom and Tenure from which the Board's own policy was extracted.ⁱ

For decades, the ASCSU has been a strong supporter of academic freedom.ⁱⁱ In 2004, the ASCSU affirmed its endorsement of the (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure and its 1970 Interpretive Comments.ⁱⁱⁱ

Given the recognized importance of preserving and safeguarding academic freedom within higher education, and the unwavering commitment of the ASCSU to advancement of academic freedom in the CSU, this principle must be articulated within the Constitution of the ASCSU and regularly monitored as circumstances generate new interpretations. As the AAUP contends, "The 1940 Statement is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances." Given the nature of shared governance in the CSU, any future developments which require new interpretations of the principle of academic freedom could be discussed by the ASCSU for formulating recommendations to the Board of Trustees, which has the authority over adoption and implementation of the ASCSU recommendations.

This resolution addresses concerns raised by the CSU General Counsel following campus approval of an amendment previously proposed to accomplish this goal ([AS-3003-11/FA \[Rev\]](#)).

Approved Unanimously – May 3-4, 2012

ⁱ CSU Board of Trustees statement on Academic Freedom (RFSA 71-11).

ⁱⁱ "Academic Freedom and Artistic Expression" (This resolution, 2111, was approved by the Academic Senate CSU in November 1992.) <http://www.calstate.edu/AcadSen/Records/Reports/pp.pdf>

"Reaffirmation of Academic Freedom" (AS-2675-04/FA - November 11-12, 2004)
<http://www.calstate.edu/AcadSen/Records/Resolutions/2003-2004/2675.shtml>

"Supporting Academic Freedom for CSU International Exchange and Study-Abroad Programs" (AS-2788-06/FA - November 9, 2006)
<http://www.calstate.edu/AcadSen/Records/Resolutions/2006-2007/2788.shtml>

"Resolution on Private Donors' Respect for Academic Freedom" (AS-2936-10/FA (Rev)- January 21, 2010)
<http://www.calstate.edu/AcadSen/Records/Resolutions/2009-2010/documents/2936.pdf>

"Protecting Academic Freedom for California State University (CSU) Academic Programs, Including Area Studies" (AS-2822-07/FA (Rev) November 8-9, 2007)
<http://www.calstate.edu/AcadSen/Records/Resolutions/2007-2008/documents/2822.pdf>

ⁱⁱⁱ "Endorsing the AAUP Statement of Principles on Academic Freedom and Tenure." (AS-2661-04/FA – March 6-7, 2004)
<http://www.calstate.edu/AcadSen/Records/Resolutions/2003-2004/2661.shtml> .