

MINUTES OF THE SPECIAL MEETING OF THE RIVERSIDE DIVISION

**MEETING:** The Riverside Division of the Academic Senate met on Thursday, April 12 at 2:32 p.m. in the Genomics Auditorium Room 1102A. Chair M. Gauvain presided.

**MINUTES:** The Minutes of the Regular and Annual meeting of February 21, 2012 were reviewed. Professor T. Morton offered two amendments to the minutes. He asked that the reference to him (under New Business) refer to his position as Chair of UCR's Committee on Academic Freedom rather than as "Assembly Representative for the Committee on Academic Freedom." He also suggested that the statement "The Division requests that this resolution be introduced at the next meeting of the University Committee on Academic Freedom" be recorded as the final part of the resolution. The minutes were approved as amended.

**PURPOSE OF THE SPECIAL MEETING:**

The Chair announced that the requisite number of faculty submitted a request to call a special meeting of the Division. Professor T. Morton reviewed the Statement of Purpose, included in the meeting Agenda, and introduced the motion included in that statement: To amend the resolution on freedom of assembly passed on February 21.

The resolution passed on Feb. 21 states:

"The right of assembly and expression of views shall not be suppressed. Such assemblies and expressions, however, shall not interfere with the lawful conduct and public safety of others at the University.' The Division requests that this resolution be introduced at the next meeting of the University Committee on Academic Freedom."

The proposed amendment would revise the resolution to:

"The right of assembly and expression of views shall not be suppressed. The Senate affirms, moreover:

- (i) that peaceful protest is not only permissible but protected and valued as a vital form of speech;
- (ii) that responses to campus protest should be led with the presumption that force should never be used against demonstrators."

Professor T. Morton moved that the revised resolution be considered as a separate matter, independent of the original Feb. 21 version. Professor T. Morton explained the objective of the Committee on Academic Freedom at the February 21 Division meeting was to assert that the right of assembly is a part of academic freedom, with the long term intent of modifying APM 15 to recognize this understanding. This motion was seconded, however after discussion of the merits of the language in both the original and proposed resolutions, the motion to consider the new resolution as an independent matter failed.

Discussion on the main motion to amend the resolution continued. A motion to amend this main motion was moved and seconded. The amendment (1) replaces "never" with "not" and (2) adds the statement that the resolution be introduced at UCAF. This amendment passed, so that the main motion under consideration now states:

"The right of assembly and expression of views shall not be suppressed. The Senate affirms, moreover:

- (i) that peaceful protest is not only permissible but protected and valued as a vital form of speech;
  - (ii) that responses to protests on campus should be led with the presumption that force should not be used against demonstrators.'
- The Division requests that this resolution be introduced at the next meeting of the University Committee on Academic Freedom."

Due to the change of wording, it was moved and seconded to consider the new resolution using an electronic ballot so that all faculty might participate in the vote. The motion passed by the 25% threshold. As a result, the main motion will be carried out by electronic ballot. Individuals will have five days to present short arguments to the Secretary-Parliamentarian.

The call for the Special Meeting also indicated the goal of identifying a set of principles to complement the resolution so that the university can adopt policies that encourage rather than intimidate robust debate and peaceful protest. A February 10, 2012 letter from Linda Lye, Staff Attorney of the ACLU to Dean Edley of UCB and General Counsel Robinson containing four points was summarized: ( 1) Peaceful protest is not a threat to be eradicated, but a form of debate and dialogue to be protected, respected, and fostered; (2) The process for declaring a protest to be “unlawful assembly” must be transparent; (3) Crowd control policies must reflect the police department’s duty to protect and respect the right to protest; and (4) Mechanisms of accountability must be established.

There being no further business, the meeting adjourned at 3:38 p.m.

ATTEST:

D. Ozer, Secretary-Parliamentarian  
Riverside Division of the Academic Senate

Genie Mulari  
Recording Secretary