

Title: Faculty Senate Resolution on Diversity, Inclusion, Academic Freedom, and Freedom of Speech and Artistic Expression

To: The Faculty Senate Executive Committee

From: The Faculty Senate Academic Planning & Assessment Committee

Date Proposed: 29 January 2016

First Reading to the Faculty Senate: April 5, 2016

Second Reading to the Faculty Senate: May 3, 2016

Approved by the Faculty Senate on May 3, 2016

Whereas, considering recent events with regard to charges of racism and discrimination on campuses across the country, and the events surrounding a performance art exhibit on our campus that, regardless of intent, was hurtful to many and,

Whereas, the University at Buffalo faculty reaffirms that our university aspires to be a community of diversity and inclusion governed by responsibility, tolerance and mutual respect, where discrimination is met with disapproval and dealt with in accordance with applicable laws, policies, and regulations, and

Whereas the University at Buffalo is a public forum of ideas, some of them unpleasant to many and many of them unpleasant to some,

Therefore be it resolved that hidden and unacknowledged issues of racism and discrimination against any group should be brought to the surface by appropriate study with evidence-based conclusions so they can be examined and addressed, and

Therefore be it resolved that all issues should be addressed through thoughtful discussion and education and the application of applicable laws, policies, and regulations, and

Therefore be it resolved, as a community and as individuals we must uphold academic freedom and freedom of speech and artistic expression in accordance with the United States Constitution and the laws of the land and UB policies; at the same time we encourage discursive and behavioral respect across differences, and

Therefore be it resolved, in this public forum of ideas, we ask that all ideas be presented in a respectful manner, considering that members of our community come from varied backgrounds and nations and have varied experiences within such backgrounds and nations.

APPENDIX

Freedom of Expression Statement for the University at Buffalo, SUNY

(Adapted from the University of Chicago Freedom of Expression Committee Report*)

Because the University at Buffalo (UB), SUNY 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 at Buffalo fully respects and supports the freedom of all members of the University community "to discuss any problem that presents itself".

The ideas of different members of the University at Buffalo 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 at Buffalo 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 mean that individuals may say whatever they wish, wherever they wish. The University at Buffalo 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 at Buffalo 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.

The University at Buffalo'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 at Buffalo 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 at Buffalo's educational mission.

As a corollary to the University at Buffalo'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 at Buffalo 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.

*University of Chicago Freedom of Expression Committee Report (January, 2015).

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<http://freeexpression.uchicago.edu/sites/freeexpression.uchicago.edu/files/FOECommitteeReport.pdf>