

PSC STATEMENT ON DRAFT CUNY POLICY ON “EXPRESSIVE CONDUCT”

Whereas, the CUNY Central Administration has circulated at least two draft policies on “expressive activity” or “expressive conduct” during a period in which it has measurably increased its repression of protest and surveillance of faculty, staff and students; a period in which it has used intimidation and coercion against faculty who dissent on curriculum; a period in which CUNY security personnel have stood by while NYC police used violence against CUNY students engaged in peaceful protest; a period in which CUNY colleges have applied harsh administrative and disciplinary penalties—as well as criminal charges—to student protesters on campuses; and

Whereas, regardless of CUNY’s official explanation that the draft “Policy on Expressive Activity” (dated June 27, 2013) originated in a single discussion with the college administration at Baruch, the policy was issued against this backdrop of increased repression; and

Whereas, the draft policy (and its successor draft), if implemented, would have an impact on terms and conditions of employment and a dramatic impact on the intellectual, political and moral life of the University; and

Whereas, after the union leadership sent the June 27 draft to its membership, together with a letter by President Bowen condemning the proposed policy’s “severe limitations on how the fundamental and distinct freedoms of speech and assembly may be exercised at the City University,” the CUNY Administration quickly produced a revised version of the draft policy, now titled “Policy on Expressive Conduct”; and

Whereas, while the revised version of the policy eliminates some of the more egregious limitations on the freedoms of speech and assembly at CUNY, it remains an unnecessary policy and a profound violation of the essential nature of a university; and

Whereas, the draft “Policy on Expressive Conduct” would limit protest on campus to “areas designated . . . for demonstrations,” would allow college administrations to declare all campus buildings off-limits for any kind of demonstration, would give college administrations the exclusive right to “terminate” a demonstration and “seek the immediate intervention of . . . external law enforcement authorities,” and would allow college administrations to prohibit the “distribution of written materials by hand” in classrooms; and

Whereas, the draft policy reads as an attempt to silence dissent, to stifle protest before it starts, and to crush emerging political movements among students, staff and faculty; and

Whereas, CUNY informed the union on November 11, 2013 that the University refuses the PSC’s demand to bargain on the impact of the proposed policy; and

Whereas, the CUNY Administration has a decades-long history of institutionalized and intermittently violent suppression of dissent, a history that undermines CUNY’s founding mission of democratic, open college education: in 1940-42 the Rapp-Coudert Committee,

supported by the University Board, interrogated, fired, and imprisoned instructors and staff; and in the 1950s, the University conducted investigations and firings of faculty and staff for their political beliefs, imposed loyalty oaths, and demanded that student clubs deliver up their membership lists, with the result that freedom of association was virtually eliminated; and

Whereas, many decades later, in 1981, the University publicly acknowledged its historical violations of academic freedom and civil rights, apologizing to the Rapp-Coudert victims and issuing a statement on freedom of expression that remains part of official University policy (Section 2.17, *Manual of General Policy*): “The University pledges diligently to safeguard the constitutional rights of freedom of expression, freedom of association and open intellectual inquiry of the faculty, staff and students of the University”—a pledge that would be violated by the enactment of the “Policy on Expressive Conduct”; therefore be it

Resolved, that the PSC asserts that universities, as institutions devoted not just to the transmission of knowledge but to the creation of new knowledge, are inherently places of exploration, creativity, debate, dissent, and, sometimes, protest; and

Resolved, that the PSC asserts that CUNY, a university founded in 1847 as the result of progressive political movements and popular dissent, and a university some of whose colleges—such as Hostos in 1976—have been saved only because of demonstration and protest, should uphold the *highest* standards for freedom of speech and assembly; and

Resolved, that the PSC takes very seriously the University’s responsibility to maintain a safe environment for all who work and study at CUNY, but holds that safety can be maintained without stamping out protest and chilling dissent; and

Resolved, that the PSC calls on the University Administration to withdraw the proposed “Policy on Expressive Conduct” from any future consideration by the Board of Trustees; and

Resolved, that until the policy is withdrawn, the PSC demands that the University Administration bargain collectively with the PSC over the impact of the proposed “Policy on Expressive Conduct” and any successor drafts that may be issued; and

Resolved, that the PSC calls on the University Administration to acknowledge, through policy and conduct, that if CUNY is to be an intellectually vibrant university and is to serve the interests of its students, it must recognize that “expressive conduct” is not a danger to be confined to narrow limits, but is, rather, an essential part of university life.

Passed by the PSC Delegate Assembly, November 14, 2013