

Resolution On the Use of Punitive Action in Response to Peaceful Student Protests

WHEREAS, the University Faculty Senate is committed to upholding the core principles of free speech and the right to assembly for all members of the university community, including faculty, staff, and students;

WHEREAS, the rights of faculty, students, and staff to engage in speech and peaceful assembly are fundamental to the values of the university community;

THEREFORE, BE IT RESOLVED that the Faculty Senate calls on the Administration to refrain from threatening heavy-handed punitive actions in response to peaceful student protests.

Blue text is to provide comment/context for the senate, this is NOT part of the resolution

<u>Comments/Questions that arose from FSEC members</u>
-We support peaceful protest action and recognize its importance in civil discourse
-The resolution reflects the national context of heavy-handed actions against protesters at other institutions in recent times.
-What does heavy-handed mean?/How should it be interpreted? -How is “peaceful” defined in this context?
-The resolution does not acknowledge that protest, even if peaceful, is not always possible. I.e., may need to be disbanded if protest disrupts university business or to ensure that other campus groups have access to spaces they have reserved for their own free speech rights.
-How does this resolution relate to the University Policy “Guidelines for Non-Credit Use of Campus Facilities”? https://www.binghamton.edu/operations/policies/policy-410.html This policy states that “Students should expect that violations of this policy will result in disciplinary action under the University’s Student Code of Conduct, up to and including interim suspension, suspension, and expulsion”
-Given that such events may be time-sensitive and occur in the context of a wider political environment, the administration is charged with doing what is best for the campus as a whole.
-The framing of the resolution is that if any protest is peaceful it should be allowed to proceed, but the fundamental issue is that the institution has a legitimate claim to enforce the rules of place, time and manner. The framing of the resolution suggests that time, place and manner

Resolution C

restriction are not valid.

-The title of the resolution is about “USE” of punitive action, but the resolved statement is about the “threat” of use. Shouldn’t these be in alignment?

-Disciplinary action can be appropriate and students should be informed of consequences of actions which may lead to disciplinary action. This should be distinguished from punitive.

FSEC: Does NOT Endorse the resolution (vote to not endorse (majority); vote to endorse (minority); abstain (none)

FSEC: No amendments proposed at this time.

Diversity committee: comment pending