

DRAFT (vgz 10.12.22)

TO: UNM Faculty Senate
FROM: Ad-Hoc Committee to the Faculty Senate President on Academic Freedom & Equity
RE: Proposed Resolution: *Defending Academic Freedom to Teach About Race and Gender Justice and Critical Race Theory*
DATE: Nov. 29, 2022

WHEREAS multiple states have already passed, are in the process of debating, and have proposed legislation to curb and limit academic freedom by targeting, undermining, and/or prohibiting academic discussions of racism, gender, sexuality, and related issues deemed “divisive” in American history in primary, secondary, and/or higher education schools, colleges, and universities; and

WHEREAS multiple school districts are also attempting and passing book bans and otherwise restricting access to books in schools, particularly books on racial history and LGBTQ+ relationships and expression; and

WHEREAS multiple organizations in the United States are soliciting, circulating, and publishing misleading information about curriculum in order to encourage the rejection of race and social justice education; and

WHEREAS the [Ratified and Signed Collective Bargaining Agreement Between UA-UNM and the Administration, Article 6](#) (6-23-21) affirms the importance of academic freedom “to the conception of the University as a community of scholars engaged in the pursuit of truth and communication of knowledge in an atmosphere of tolerance and freedom;” and

WHEREAS the [University Administrative Policies and Procedures Manual - Policy 2220\(1\): Freedom of Expression and Dissent](#) (1-14-2002) states: “As an institution that exists for the express purposes of education, research, and public service, the University is dependent upon the unfettered flow of ideas, not only in the classroom and the laboratory, but also in all University activities. As such, protecting freedom of expression is of central importance to the University. The exchange of diverse viewpoints may expose people to ideas some find offensive, even abhorrent. The way that ideas are expressed may cause discomfort to those who disagree with them. The appropriate response to such speech is speech expressing opposing ideas and continued dialogue, not curtailment of speech;” and

WHEREAS the [Faculty Handbook Section B, Appendix I](#) (as revised 1990) incorporates the American Association of University Professors’ (AAUP) [1940 statement of Principles on Academic Freedom and Tenure](#) and 1970 Interpretive Comments, noting: “As citizens engaged in a profession that depends upon freedom for its health and integrity,

professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom;” and

WHEREAS the AAUP’s statement [On the Relationship of Faculty Governance to Academic Freedom](#) (06-1994) noted that academic freedom of faculty members includes the freedom to express their views on academic matters in the classroom and in the conduct of research, having to with their institution and its policies, and in the interest of the general public even if their views are in conflict with others;” and

WHEREAS the [Faculty Handbook Section B, Appendix I](#) (as revised 1990) recognizes U.S. Supreme Court jurisprudence stating: “As the Supreme Court said in *Keyishian v. Board of Regents*, 385 U.S. 589 (1967): ‘Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom;’ ” and

WHEREAS the [Faculty Handbook at B.6.2.1\(b\)](#) (12-07-98) provides: “Academic freedom is defined in the 1940 Statement of Principles adopted by the American Association of University Professors and is the right of all members of the faculty and graduate students employed in teaching and research positions;” and

WHEREAS the faculty senate statement on [Right to Free Speech & Assembly](#) (12-20-11) affirms that universities have historically been vibrant public spaces for political debate, civil protest, and intellectual discourse; and

WHEREAS the faculty senate statement on [Right to Free Speech & Assembly](#) (12-20-11) affirms that for democratic life to thrive and for society to flourish, political and intellectual dialogue must be forever protected and cultivated (Right to Free Speech & Assembly); and

WHEREAS faculty have responsibility for the curriculum at their universities, as stated in AAUP’s statement on [Freedom in the Classroom at II.B.](#) (06-2007); the Faculty Handbook [A50: The Faculty’s Role in the University’s Academic Mission](#), [A51: Faculty Constitution](#) at Sections 2, 6, 7 (12-18-14) and [A61.2 Faculty Senate Curricula Committee](#) (8-03-21); and

WHEREAS the term “divisive” is indeterminate, subjective, and chills the capacity of educators to explore a wide variety of topics based on subjective criteria that are inapposite from the goals of education and the development of essential critical thinking skills; and

WHEREAS educating about systemic racism, sexism, and gender discrimination - subjects considered divisive, difficult, controversial, or challenging in proposed or enacted state legislative bills - is critical to the active and engaged pursuit of knowledge

necessary to produce engaged and informed citizens and residents in a multiracial democracy; and

WHEREAS legislation preventing these subjects and topics from inclusion in university instructional curricula poses a threat to continued institutional and program accreditation from the Higher Learning Commission and/or other accrediting bodies; and

WHEREAS over 70 organizations, including the American Association of University Professors (AAUP) and the Association of American Colleges and Universities (AACU), issued the [Joint Statement on Legislative Efforts to Restrict Education about Racism and American History](#) (6-16-21) stating their “firm opposition to a spate of legislative proposals being introduced across the country that target academic lessons, presentations, and discussions of racism and related issues in American history in schools, colleges and universities . . . In higher education, under principles of academic freedom that have been widely endorsed, professors are entitled to freedom in the classroom in discussing their subject. Educators, not politicians, should make decisions about teaching and learning;” and

WHEREAS the [University’s Mission Statement](#) is to (1) “Educate and encourage students to develop the values, habits of mind, knowledge and skills that they need to be enlightened citizens,” (2) “Discover and disseminate new knowledge and creative endeavors that will enhance the overall well-being of society”, and (3) “Actively support social, cultural and economic development in our communities to enhance the quality of life for all New Mexicans;” and

WHEREAS several departments, committees, and groups at the University– including, for example the [UNM Honors College](#) (03-21), [College of the University Libraries and Learning Sciences](#) (7-07-20), [History, School of Architecture and Planning](#) (2-19-19), Diversity Committee of the [College of Education and Human Sciences](#) (6-10-20), [Institute for the Study of Race and & Social Justice](#) (2-1-22, Committee for Anti-Racist Education for the [Center for Teaching and Learning, Art Museum](#) (06-09-20), [Chicana/o Studies and research faculty associated with the Southwest Hispanic Research Institute, Division of Equity and Inclusion](#) (2021), [Student Health and Counseling](#) (6-05-20), [Black Faculty Alliance](#) (05-20) and [School of Law](#) (06-20)– have issued statements affirming the importance of racial, gender, criminal, tribal, and social justice, diversity and inclusion, gender studies, Black studies, and Chicanx studies; and

WHEREAS the [Division for Equity and Inclusion’s Diversity Statement](#) affirms a commitment to “deploy[s] justice, equity, accessibility, diversity, and inclusion (JEADI) resources to expand opportunity and cultivate potential of students, faculty, and staff at UNM by centering the community wealth of the peoples of New Mexico and beyond;” and

WHEREAS the University’s [Strategic Planning Framework UNM 2040: Opportunity Defined](#) stated objectives include being a force for social justice, addressing historical

and current injustices and inequities, and actively working to evolve cultural humility and literacy within our communities;

WHEREAS the University's [Strategic Planning Framework UNM 2040: Opportunity Defined](#) stated Vision is to: "Be a global leader in realizing human potential, addressing critical community challenges, and demonstrating the power of inclusive diversity;" and

WHEREAS in a nation that has for centuries struggled with issues of racial inequity and injustice, many students do not have adequate knowledge of BIPOC and LGBTQI+ history, New Mexico history, and the policies that contributed to inequities and injustices, UNM has a responsibility and opportunity to help work toward equity and foster racial and social justice.

Now therefore be it **RESOLVED** that the faculty senate resolutely rejects any attempts by bodies external to the faculty to restrict or dictate university curriculum on any matter, including matters related to racial and social justice, and will stand firm against encroachment on faculty authority by the state or federal legislature, or the Boards of Trustees or Board of Regents; and let it be further

RESOLVED that faculty senate support the [Joint Statement on Efforts to Restrict Education about Racism](#) (6-16-21), authored by the AAUP, PEN America, the American Historical Association, and the Association of American Colleges & Universities, endorsed by over 70 organizations; and let it be further

RESOLVED that the UNM faculty senate supports the right of academics, regardless of contingent or permanent status, to have autonomy over the inclusion of racial and gender justice, and critical studies in curriculum and pedagogy; and let it be further

RESOLVED that the faculty senate stands with our K-12 colleagues throughout the country and in New Mexico who are affected by similarly harmful legislation when they seek to teach the truth in U.S. history and civics education, and seek to be culturally and linguistically-responsive in their instruction and pedagogy; and let it be further

RESOLVED that faculty senate calls upon the University President, the Provost, the Executive Vice President for UNM Health Sciences and Chief Executive Officer of the UNM Health System, and the UNM Board of Regents to reject any attempts by bodies external to the faculty to restrict or dictate university curriculum on any matter, including matters related to gender, racial, and social justice, and critical studies; and let it be further

RESOLVED that faculty senate calls upon University President, the Provost, the Executive Vice President for UNM Health Sciences and Chief Executive Officer of the UNM Health System, and the UNM Board of Regents to stand firm against encroachment on faculty authority by the state or federal legislature or the Boards of Trustees or the Board of Regents; and let it be further

RESOLVED that faculty senate calls upon University President, the Provost, the Executive Vice President for UNM Health Sciences and Chief Executive Officer of the UNM Health System, and the UNM Board of Regents and the UNM Board of Regents to assure that the University permanently retains a campus climate conducive to intellectual dialogue on race, gender, justice, and critical studies; and let it be further

RESOLVED that the faculty senate calls upon other representative bodies at the university, such as the [Faculty Union UA-UNM](#), the [Graduate and Professional Student Body Government](#), [Associated Students at UNM](#), Latinx Faculty Alliance, Black Faculty Alliance, Native American Faculty Council, and [Staff Council](#), to support this resolution.