



December 1, 2017

Dear members of the University Senate:

The University Senate on Wednesday, November 29, narrowly passed resolution US17/18-02, titled “Resolution to Support the UO Student Collective.” Under section 7.2.3.1 of the University of Oregon Constitution, “[i]f the University President concludes that it is not in the best interests of the University to act as requested by a resolution of the University Senate, s/he shall explain to the University Senate within 60 days the reasons for inaction or for amended action.”

Before getting into my immediate concern with the resolution, I want to reaffirm my belief that we all care deeply about the best interests of our students, and while we may disagree on specifics, I do believe we are united in our goal of providing helpful guidance founded in rationality and consistent with the University of Oregon’s academic values and policies. Normally, I would wait for a period of time to pass before sending you my response to a resolution, but for the reasons set forth below, I feel that time is of the essence. I have several problems with the substance of the resolution, which I would be happy to share with you at a later time, but I am going to focus this message on only one of these issues that requires an immediate response.

The university’s Freedom of Inquiry and Free Speech policy, affirmed by the Senate on May 26, 2010, and quoted in the resolution, states in part, “The University supports free speech with vigor, including the right of presenters to offer opinion, the right of the audience to hear what is presented, and the right of protesters to engage with speakers in order to challenge ideas, *so long as the protest does not disrupt or stifle the free exchange of ideas*. It is the responsibility of speakers, listeners and all members of our community to respect others and to promote a culture of mutual inquiry throughout the University community.” (Emphasis added).

Senate Resolution US17/18-02, directly contradicts this university policy by stating: “2.1 BE IT THEREFORE RESOLVED that the UO Senate supports the rights of students to peacefully protest during university events, *even disruptively*, so long as those protests do not prevent speakers from being heard and the audience from hearing what they have to say....”, (emphasis added).

I cannot accept this Senate resolution because of these contradictions and because of the danger that it may encourage students to act in a manner that would put them in the same situation as the students who are currently petitioning the Senate. Senate resolutions have no binding effect. They do not supersede university policy. If the Senate meant to vote to provide its support to students who disrupt university events such as



speeches, university meetings, or classes, students should understand that by doing so they will open themselves up to potential disciplinary action for violating the Student Code of Conduct.

An academic institution cannot allow its members to disrupt classes, heckle speakers, or otherwise interfere with the free speech rights of other members of the community. Peaceful protest that does not interfere with the rights of others to express their own views and that does not interfere with university activities is, of course, acceptable.

It is my assumption that the members of the Senate did not mean to approve of or encourage students to disrupt university events or classes in violation of the Freedom of Inquiry and Free Speech policy. As some members of the body noted, they were voting on a resolution that they had seen less than one hour before. If the Senate wishes to show its support for student protest, then I encourage it to take the time to re-work its resolution so that it is consistent with the principles of our university.

I hope each of you has a wonderful holiday and I look forward to working with you in the new year.

Sincerely,

Michael H. Schill
President and Professor of Law