

## **Foothill-De Anza Community College District Academic Freedom and Free Speech Policy**

Proposed by VIDA at De Anza College

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Existing Academic Freedom Policy is [Board Policy 4190](#)

Existing Student Free Speech Policy is [Section III of Board Policy 5500](#)

The Foothill De Anza Community College district affirms its commitment to academic freedom and free speech for all of its employees and students. It commits to working proactively to protect these rights and to stand by and support members of its community whose academic freedom or rights to free speech are challenged. It also commits to helping employees and students develop their civic capacity and ability to engage in thoughtful dialogue across differences.

### **Academic Freedom and Freedom of Speech**

Academic freedom and freedom of speech share a foundational commitment to protecting open inquiry and expression without fear of censorship or retaliation. Both concepts uphold the right to explore, discuss, and express ideas—even controversial or unpopular ones—essential for academic progress and democratic engagement. In academic settings, students and educators alike can freely question and challenge established beliefs, contributing to intellectual growth and societal development. These freedoms together promote a robust exchange of ideas central to learning and democracy.

The free expression guarantee provided by the United States Constitution's First Amendment is vital to America's democracy; the functioning of democratic institutions depends on the people's freedom to vigorously discuss, debate, disagree, challenge and dialogue on all topics of public concern.

To fulfill its civic and educational mission, an institution of higher education must encourage its campus community to comprehend and value the importance of the right of free expression to an open society and an educated populace.

Developing the critical inquiry and thought required for individual success and societal progress can only occur in an academic environment that promotes an open and free exchange of ideas and freedom of expression must, therefore, extend to students, faculty and all employees in an educational environment.

The Foothill-De Anza Community College District supports academic freedom and free speech for its faculty, administrators, staff, and students and encourages them to develop and engage in

opportunities for critical thinking and personal growth without compromising the respect to which all persons are entitled.

The chart below highlights the distinct but related nature of academic freedom and freedom of speech. Academic freedom is more specific to educational contexts and professional expertise, while freedom of speech is a broader constitutional right applicable to all individuals.

<b>ASPECT</b>	<b>ACADEMIC FREEDOM</b>	<b>FREEDOM OF SPEECH</b>
Definition	A professional right grounded in disciplinary expertise, recognized within academic institutions.	An individual right protecting the ability to express ideas publicly without government interference.
Scope	Pertains to teaching, research, and expression within an academic context.	Applies to all individuals expressing ideas in the public sphere.
Context	Limited to academic and educational settings, involving scholarly discourse and critique.	Broadly applicable across various public and private contexts.
Protection	Protects educators from institutional censorship and allows critique of institutional policies.	Protects individuals from government censorship or punishment for expressing their ideas.
Focus	Related to academic subjects and expertise, ensuring intellectual exploration and discourse.	Focused on personal beliefs and opinions, regardless of truth or falsity.
Responsibilities	Carries duties correlative with rights, such as maintaining relevance to subject and academic rigor.	Provides the right to express ideas but may not guarantee protection from all forms of social backlash.
Key Examples	Freedom in teaching and research; ability to criticize institutional practices.	Public protests, social media postings, and opinion articles.

## ACADEMIC FREEDOM AND FACULTY

Faculty members have the principal right and responsibility to determine the content, pedagogy, methods of instruction, the selection, planning and presentation of course materials, and the fair and equitable methods of assessment in their assignment in accordance with the approved curriculum and course outline and the educational mission of the Foothill-De Anza Community College District, and in accordance with state laws and regulations. These rights and

responsibilities include, but are not limited to, the faculty member's choice of textbooks and other course materials, assignments and assessment methods, teaching practices, grading and evaluation of student work, and teaching methods and practices.

Faculty have the freedom to address the larger community with regard to any matter of social, political, economic or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence.

Faculty shall be free from censorship and punitive sanctions for their correspondences, publications, public speeches, or other non-verbal speech acts such as protests and demonstrations related to academic and professional matters, so long as these do not violate the California Education Code or the Statement of Professional Ethics.

#### ACADEMIC FREEDOM AND STUDENTS

By engaging in academic study within the district, students should accept that they will study in an environment designed to present a full, open, and thoughtful range of academic insights, perspectives, and viewpoints and that they are likely to be exposed to conflicting and controversial views as a result.

Academic freedom allows students to take reasoned exception to the concepts and conclusions presented in any course of study in a manner that is consistent with the District's Code of Student Conduct. Students remain responsible, however, for learning the content of any course in which they are enrolled, and can expect to be evaluated on their knowledge of such information.

#### FREE SPEECH AND ALL MEMBERS OF THE FOOTHILL-DE ANZA COMMUNITY

Freedom to express opinions and share viewpoints shall be protected for all employees and students in the district. This includes our work as club advisors, when we invite speakers to our campuses, in our centers, in our one on one conversations, in meetings, and in our activities on our campuses and off.

This freedom of expression shall be maintained in all media (printed, oral, visual, and electronic) and in all interactions among students, faculty, staff, and administration, subject to applicable law. All members of our community shall enjoy the protections offered by this policy.

#### UNPROTECTED SPEECH

Some speech is not protected because of the harm it causes or threatens. In addition to libel and slander (specific types of harmful false statements), such unprotected speech includes:

- Speech advocating for the use of force or the violation of law (or certain school regulations), where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
- “[T]rue threats of violence,” which are statements intended to communicate a serious expression of intent to commit unlawful violence against a particular individual or group of individuals;
- “[F]ighting words,” which are personally abusive epithets that are commonly known to be inherently likely to provoke violent reaction when addressed to a reasonable person; and
- As discussed below, harassing conduct based on protected characteristics that is so severe, pervasive or persistent that it interferes with or limits the ability of an individual to engage in the school’s services, activities or privileges.

#### DISTRICT’S OBLIGATION TO PREVENT DISCRIMINATION AND HARASSMENT

The district has a responsibility to protect all students from threats and harassment, and to prevent discrimination due to a hostile learning environment. Under California law, all students have the right to participate fully in the education process, free from discrimination and harassment. Therefore, schools are not only prohibited from discriminating, but also have a responsibility to provide equal educational opportunity to all students and an affirmative duty to combat racism and other forms of bias. This duty includes countering or preventing a discriminatory hostile school environment where there is harassment based on an individual’s protected characteristic, such as their ethnicity or religion. Public colleges and universities also have the responsibility to ensure that campus programs and activities are free from discrimination and harassment.

In addition to State law protections, Title VI of the federal Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by educational institutions that receive federal funding. This prohibits discrimination against students of any religion, including those who are or are perceived to be Jewish, Muslim, Christian, Sikh, Hindu, or Buddhist, when the discrimination, for example, involves:

- Racial, ethnic, or ancestral epithets, slurs or stereotypes;
- How a student looks, including skin color, physical features, or style of dress that reflects ethnic, ancestral, and religious traditions;
- Potentially or allegedly inherited traits;
- Stereotypes about people who share certain ancestral or ethnic characteristics; and
- A foreign accent; a foreign name, including names commonly associated with particular shared ancestry or ethnic characteristics; or speaking a foreign language

## TIME, MANNER, AND PLACE RESTRICTIONS

The use of campus buildings, facilities, or grounds for purposes of commercial solicitations or transactions, non-commercial solicitations or transactions, freedom of expression activities, amplified sound and posting, including the distribution of handbills and circulars, must comply with all applicable federal, state, and local laws. In addition:

- The activities must conform to the time, place, and manner restrictions established by this policy;
- The activities must not unreasonably interfere with students' ability to participate in the educational process or to gain access to the educational resources and opportunities the colleges provide;
- The activities must not disrupt college activities, including classes in session or other scheduled academic, educational, athletics, cultural arts, and career programs or with use of a library;
- The activities must not obstruct the flow of pedestrian or vehicular traffic;
- The activities must not interfere with or disrupt the conduct of college or district business and operations;
- The activities must not employ unauthorized sound amplification or create unreasonable noise disruptive of normal college activities;
- The activities must not violate any federal, state, local, or District safety code, such as regulations set by the State Fire Marshall.

### Sources:

General Statement and Academic Freedom vs Free Speech Chart:

<https://asccc.org/papers/academic-freedom-resource-guide>

Academic Freedom and Faculty: FHDA Board Policy 2010 Academic Freedom

<https://www.deanza.edu/policies/academic-freedom.html>

Academic freedom and Students:

[https://www.canyons.edu/\\_documents/administration/board/bp-ap/4000academicaffairs/BP4030.pdf](https://www.canyons.edu/_documents/administration/board/bp-ap/4000academicaffairs/BP4030.pdf)

Limits: <https://oag.ca.gov/system/files/media/legal-alert-oag-2023-03.pdf>

Time Manner Place: <https://www.csuchico.edu/pres/em/2020/20-006.shtml>