

**ACADEMIC SENATE**  
**of**  
**THE CALIFORNIA STATE UNIVERSITY**

Item 3

AS-2685-05/FA  
January 20-21, 2005

**Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act**

- RESOLVED: That the Academic Senate of the California State University (CSU) affirm its strong support of fundamental civil rights and civil liberties, as contained in the first, fourth and fourteenth Amendments of the United States Constitution and in Article 1 of the California Constitution, and its opposition to any measures that infringe on the civil rights and civil liberties of those in the academic community; and be it further
- RESOLVED: That the Academic Senate CSU specifically oppose those federal and state measures seeking information and/or intelligence that singles out individuals or specific groups on the basis of their race, religion, ethnicity, gender, age or national origin, for what are described as investigative and/or national security purposes, including requests for library circulation and usage records; and be it further
- RESOLVED: That the Academic Senate CSU strongly urge that all subpoenas, requests for information, and other demands for information about CSU faculty, staff and/or students pursuant to the USA PATRIOT Act or other related intelligence gathering acts be directed to the Vice Chancellor of Human Resources or her/his designee; and be it further
- RESOLVED: That the Academic Senate CSU strongly urge that the Vice Chancellor of Human Resources take all reasonable steps to oppose and challenge such investigations and/or requests for information, which may violate an individual's civil rights and/or civil liberties as contained in the California and United States Constitutions, and other such recognized rights; and be it further
- RESOLVED: That the Academic Senate CSU urge that the CSU promptly notify those who are the targets of such requests for information or investigation and that, where it may be unlawful to provide such notification to the target of the request for information or investigation, the chair of the campus academic senate be informed of the request for information or investigation; and be it further
- RESOLVED: That the Academic Senate CSU urge each CSU campus to establish policies and procedures to provide a public warning to members of the campus community who may be the subject of an investigation, and/or whose confidentiality may be violated by actions taken pursuant to certain provisions of the USA PATRIOT Act or other related intelligence gathering acts.

*RATIONALE: With the passage of the USA PATRIOT Act (Public Law 107-56) and the creation of the Department of Homeland Security there has been a directed effort to focus investigations and information-gathering on academic institutions. The provisions of the USA PATRIOT Act that violate the basic rights of students, faculty, and staff include:*

- *secret monitoring of email communications and internet activities of students, faculty or staff and the wiretapping of phones;*
- *increased access to medical, financial and academic records of students, faculty or staff without notification to the person(s) whose records are being sought;*
- *law enforcement directives to libraries and bookstores to maintain and produce records pertaining to the circulation and/or purchase of books used by students, faculty, staff and other persons, while forbidding the disclosure that such records are kept and are/may be provided to law enforcement;*
- *increased efforts to detain and deport non-citizens without charging them with crimes.*

*Currently there is no central means in the CSU to address and/or challenge request(s) for information and/or surveillance from law enforcement agencies. Such requests need to be addressed in an organized and consistent manner to provide protection to members of the academic community. The lack of a specific systemwide policy and procedure to address such investigations and/or requests for information creates an atmosphere of fear and distrust detrimental to the very heart of academic freedom. Each campus must be an environment where students and faculty are free to express the widest range of viewpoints, openly exchange ideas and challenge decisions without fear of reprisal.*

**APPROVED UNANIMOUSLY – March 10-11, 2005**