

CAL POLY HUMBOLDT

University Senate

**Sense of the Senate Resolution on
Dropping the Charges Against Student and Faculty Protesters**

27-23/24-SenEx - May 7, 2024

WHEREAS: The University Senate recognizes the importance of free speech, including [symbolic speech](#), as a core value of higher education; and

WHEREAS: Cal Poly Humboldt has a long-standing culture of allowing students to express dissent through protest and symbolic speech, including sit-ins; and

WHEREAS: [In 1970 there was a week-long student strike on campus to protest the highly divisive Vietnam War](#). Cornelius Siemens, President of Humboldt State College, for whom Siemens Hall is named, supported student protesters and worked with them to carry out the strike, changed the ringing of the Founder's Hall bell, hung the American flag at half mast and hung a peace flag and a mourning flag above it -- all in solidarity with students who he did not fully agree with. Rather than disciplining the student protesters, Siemens accompanied them to Washington D.C. to lobby legislators; and

WHEREAS: [Students occupied the Native Forum in 2015 for 35 days](#), campus remained open and student protesters were not arrested; and

WHEREAS: [Students occupied the Library building overnight in 2015](#), the library remained open, administrators engaged in dialogue with student protesters, police presence was minimal; and

WHEREAS: [Students occupied the Provost's office in 2018, held a demonstration, briefly occupied Siemens Hall](#), and campus remained open and student protesters were not arrested; and

WHEREAS: Presidents at [Sonoma State University](#) and [Sacramento State University](#) currently respect student rights to occupy areas on campus and students have not been disciplined for exercising their right to symbolic speech; and

WHEREAS: On April 22, 2024 at approximately 5:00 pm, Cal Poly Humboldt students began a sit-in in Siemens Hall within the context of this rich history of university support for student expression and dissent; and

WHEREAS: On April 22, 2024 the administration approved direct police action to remove students from Siemens Hall; and

WHEREAS: On April 22, 2024 the direct police action and subsequent violence led to physical injury of students and police; and

WHEREAS: The initial response to use law enforcement to disrupt the sit-in at Siemens Hall, and subsequent disciplinary action, went against the advice of CSU Office of General Counsel (2009), which specifically states: “Trustee regulations also preclude the taking of disciplinary action... [in cases including] ‘sit-ins’ (where students occupy an area on campus).” [[CSU Handbook of Free Speech Issues, Office of General Counsel, The California State University](#), retrieved from [OGC Manuals on CSU Legal Issues](#), see p. 18]; and

WHEREAS: In agreement with the CSU Office of General Counsel (2009), The [ACLU has advised universities](#) to protect student rights to free speech, including “If a university has routinely tolerated violations of its rules, and suddenly enforces them harshly in a specific context, singling out particular views for punishment, the fact that the policy is formally neutral on its face does not make viewpoint-based enforcement permissible;” and

WHEREAS: The [ACLU further advises](#) that particular viewpoints should not be singled out, even if considered offensive, going so far as to specify that “even if many listeners find these messages deeply offensive, cannot be prohibited or punished by a university that respects free speech principles;” and

WHEREAS: Cal Poly Humboldt University leadership has expressed the need for students who caused damage to university property be held accountable in a way that is in accordance with restorative justice practices; and

WHEREAS: Students engaged in protest are being disciplined through interim suspensions, which is a better avenue than criminal and civil charges to truly engage with restorative justice so that our campus can resolve any claims of student misconduct and/or property damage and work toward healing; and

RESOLVED: That the University Senate asks the Humboldt County District Attorney, Stacey J. Eads, to drop all charges against student and faculty involved in the protest; and be it further

RESOLVED: That the university sincerely engage in an informed restorative justice approach to resolve concerns with student conduct on campus and take care not to violate student rights; and be it further

RESOLVED, That this resolution be distributed to:

Humboldt County District Attorney Stacey J. Eads
Humboldt County Sheriff William Honsal

President Tom Jackson
President's Administrative Team
Mitch Mitchell, Dean of Students
General Counsel Dustin May
Associated Students Executive Director Kendra Higgins
Staff Council
General Faculty
City of Arcata Council
City of Eureka Council
County of Humboldt Board of Supervisors