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September 24, 2021

Dear Faculty Colleagues,

As educators, we know that the proliferation of “divisive concepts” bills enacted in eleven states and introduced in over a dozen more must be condemned in the strongest of terms. As previously articulated by the American Association of University Professors, the American Historical Association, the Association of American Colleges and Universities, and PEN America in their June 16, 2021 joint letter signed on by over 149 additional organizations, this repressive legislation is nothing more than “an infringement on the right of faculty to teach and students to learn.” We cannot allow partisan politicians to dictate what can and cannot be taught in our classrooms over the professional judgment of college and university faculty.

As faculty who have convened over six hundred participants to the African American Policy Forum’s 2021 Critical Race Theory Summer School, we write to ask you to take the next step in voicing our strongest opposition to these McCarthyistic attempts to censor any classroom discussions of structural racism, sexism, or inequalities that permeate our society.

We must pushback against these insidious censorship bills by calling upon our institutions of higher learning to respect and support open and candid dialogue about our shared history and present day conditions. We must also work in solidarity with K-12 teachers on the front-line of attack in states where such legislation has passed, and who are subjected to fines and firing, even for those *suspected* of teaching “divisive concepts.”

As educators, we are well aware that 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 that’s the point. These bills are designed to chill speech about race, gender and structural discrimination, for example, by permitting actions by any individual student who may feel “discomfort” in classroom conversations because of their race or gender. As Ellen Schrecker, respected expert on McCarthyism recently [wrote](#), the attempt to use the state to restrict teaching about race and racism is, in fact, “worse than McCarthyism,” because “the red scare of the 1950s marginalized dissent and chilled the nation’s campuses, but it did not interfere with such matters as curriculum or classroom teaching.”

Even for faculty whose teaching and research expertise falls outside of the currently targeted areas, these bills represent a radical limitation of the right of faculty to design courses, curriculum, and pedagogy to best meet the needs of their students. Indeed, once such a

precedent is established, lawmakers would be free to pass similar restrictions on faculty teaching and research in other fields, including climate science, public health, reproductive medicine, election law and even evolution.

**We must collectively demonstrate that faculty are organized on our own campuses across the country to fight back.** We must voice our rejection of these bills, *whether they have been proposed or passed in our particular states or not.* How will we do this? Faculty must use our most powerful channel of shared governance—our senates and university assemblies—to make strong statements rejecting political interference in higher education to serve narrow partisan interests.

To this end, please find three documents attached to this email. One is a resolution template you can propose at your Faculty Senate or University Council, entitled, “*Defending Academic Freedom to Teach About Race and Gender Justice and Critical Race Theory.*” The template can be adapted to what you think would be most effective at your institution. The second and third documents demonstrate how faculty at two campuses (Portland State and DePaul University) incorporated language from their governance documents and mission statement into the resolution.

We hope you share this communication with a few of your allies and, together, draft, introduce and help pass this resolution at your institution. (Once you do, please share it with us at [truthbetold@aapf.org](mailto:truthbetold@aapf.org).) If you have any questions, please contact [Jennifer Ruth](#), professor of film studies at Portland State University, [Emily Houh](#), professor of law at University of Cincinnati, or [Valerie Johnson](#), professor of political science at DePaul University. Jennifer, Emily, and Valerie lead our Higher Education initiatives out of the AAPF’s #TruthBeTold campaign and will be happy to help you strategize about how to pass the resolution on your campus. If you are interested in joining our faculty resolution organizing team to help reach out to our flagship universities, Historically Black Colleges and Universities (HBCU’s), Hispanic-serving institutions (HSI’s) and other institutions, please email us at [truthbetold@aapf.org](mailto:truthbetold@aapf.org).

Sincerely,

**2021 Critical Race Theory Summer School Steering Committee:**

DEVON CARBADO, *Professor, UCLA School of Law*

SUMI CHO, *Professor, DePaul University College of Law (retired) &  
Director of Strategic Initiatives, African American Policy Forum*

KIMBERLÉ CRENSHAW, *Professor, Columbia Law School and UCLA School of Law &  
Co-Founder, African American Policy Forum*

LUKE CHARLES HARRIS, *Professor, Vassar College (Political Science) &  
Co-Founder, African American Policy Forum*

DANIEL MARTINEZ HOSANG, *Professor, Yale University (Ethnicity, Race and Migration  
and American Studies)*

GARY PELLER, *Professor, Georgetown Law Center*

**Resources (partial list only):**

Faculty are speaking out against these bills and organizing events. [Kimberlé Crenshaw](#) (professor of law at UCLA and Columbia and co-founder of African American Policy Forum) explains what's behind these bills. [Khiara Bridges](#) (professor of law at UC Berkeley) reveals the hidden agenda behind these attacks. [Gary Peller](#) (professor of law at Georgetown University) rebuts the coordinated disinformation claims against Critical Race Theory. [Jennifer Ruth](#) (professor of film studies at Portland State University) analyzes how “divisive concepts” bills coopt the “colorblind” language of civil rights. [Peter Laurence](#) (professor of architecture at Clemson) discusses the legislation that passed in South Carolina. [Eric Smaw](#) (professor of philosophy at Rollins College) analyzes the viewpoint diversity bill that passed in Florida. [Pranav Jani](#) (professor of English at Ohio State University) critiques the proposed Ohio legislation. [Emily Houh](#) (professor of law at University of Cincinnati) provides testimony against proposed bills in Ohio before the Ohio State and Local Government Committee. And finally, [here](#) is an event that was held in late August to raise awareness about Ohio’s “Divisive Concepts” bills.

## Template Academic Senate Resolution

TO: [Name of College or University] University Senate [or other named used for this body]  
FROM: Faculty Senate Executive Committee [or name of subcommittee bringing the proposal]  
RE: Resolution: Defending Academic Freedom to Teach About Race and Gender Justice and  
Critical Race Theory  
Date: 00, 00, 2021

### RATIONALE:

**WHEREAS** state legislative proposals are being introduced across the United States that target academic discussions of racism and related issues in American history in schools, colleges and universities.

**WHEREAS** the Faculty Handbook and [include here any other governance and/or bargaining language on academic freedom] affirms the importance of academic freedom to the proper functioning of universities, citing the American Association of University Professors' [1940 statement of Principles on Academic Freedom and Tenure](#) [if your governance language does not cite the 1940 statement, consider adding an extra "whereas" line that specifically notes the 1940 statement].

**WHEREAS** faculty have responsibility for the curriculum at their universities, as stated in [insert AAUP policy] and [insert university's own policy].

**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;

**WHEREAS** educating about systemic barriers to realizing a multiracial democracy based on race or gender should be understood as central to the active and engaged pursuit of knowledge in the 21<sup>st</sup> century to produce engaged and informed citizens;

**WHEREAS** over seventy 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](#) (June 16, 2021) 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."

**WHEREAS** the [Name] University’s mission is to “promote access, inclusion and equity as pillars of excellence” [insert language from your own university’s mission statement that directly or indirectly affirms values associated with racial and social justice]

**WHEREAS** the University statement on \_\_\_\_\_ affirms the importance of racial and social justice (or BLM or Juneteenth or the importance of gender studies or Black studies or diversity and inclusion). [Here, reference any previous resolution passed by your Senate that supports initiatives or statements in support of racial and/or social justice. If you have more than one that you feel supports the resolution, add them each as a separate item.]

**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 and the policies that contributed to inequities, [Name] University has a responsibility and opportunity to help build equity and social justice.

RESOLUTION:

**THEREFORE BE IT RESOLVED** that 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 legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that the Senate stands with our K-12 colleagues throughout the country who may be affected by this pernicious legislation when they seek to teach the truth in U.S. history and civics education.

**BE IT FURTHER RESOLVED** that Senate calls upon President [insert name] and Provost [insert name] to affirm that they reject 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 legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that Senate affirms the [Joint Statement on Efforts to Restrict Education about Racism](#), authored by the AAUP, PEN America, the American Historical Association, and the Association of American Colleges & Universities, endorsed by over seventy organizations, and issued on June 16, 2021.

Background:

- Scholarly Groups Condemn Laws Limiting Teaching on Race (New York Times, June 16, 2021)
- Texas 'critical race theory' bill limiting teaching of current events signed into law

- (ABC13, June 16, 2021)
- Republicans Want Federal Funding Cuts to Schools Using ‘1619 Project’—But There’s a Twist  
(Education Week, June 15, 2021)
  - Critical race theory battle invades school boards — with help from conservative groups  
(NBC News, June 15, 2021)
  - Teachers across the country protest laws restricting lessons on racism  
(Washington Post, June 12, 2021)
  - ‘Children deserve to be taught’: Teachers in 22 cities are planning protests over laws restricting racism lessons in schools  
(USA Today, June 11, 2021)
  - ‘Critical Race Theory Is Simply the Latest Bogeyman.’ Inside the Fight Over What Kids Learn About America's History (TIME Magazine, June 24, 2021)
  - Uncovering Who Is Driving The Fight Against Critical Race Theory In Schools (LISTEN) (Fresh Air, June 24, 2021)
  - How the media's helping GOP fuel critical race theory hysteria  
(Press Run, June 23, 2021)
  - Critical race theory has been around for decades — why’s it a powder keg now?  
(LISTEN)  
(Marketplace, June 22, 2021)
  - VIDEO: Creator of term ‘Critical Race Theory’ Kimberlé Crenshaw explains what it really is  
(MSNBC/The Reid Out, June 21, 2021)
  - VIDEO: The truth about ‘critical race theory’: co-founder breaks down GOP gaslight  
(MSNBC/The Medhi Hasan Show, June 20, 2021)
  - Fox’s anti-“critical race theory” parents are also GOP activists  
(Media Matters, June 17, 2021)
  - Critical Race Theory: What It Means for America and Why It Has Sparked Debate  
(Wall Street Journal, June 17, 2021)
  - Why are states lining up to ban critical race theory?  
(University World News, June 12, 2021)
  - The New York Times’ Culture-War Definition of Free Speech  
(Melissa Gira Grant, The New Republic, June 8, 2021)
  - Guest Blog: Where Does the Bizarre Hysteria About ‘Critical Race Theory’ Come From? Follow the Money!  
(Inside Higher Ed, June 3, 2021)
  - Opinion: Why Conservatives Really Fear Critical Race Theory  
(Christine Emba, The Washington Post, May 26, 2021)
  - (VIDEO) What critical race theory is really about  
(CNN/Don Lemon Tonight, May 17, 2021)

DePaul University Faculty Council

RESOLUTION TO DEFEND ACADEMIC FREEDOM TO TEACH ABOUT  
RACE & GENDER JUSTICE AND CRITICAL RACE THEORY

(submitted September 22, 2021)

RATIONALE:

**WHEREAS** state legislative proposals are being introduced and enacted across the United States that target academic discussions of racism, sexism and related issues in American history in schools, colleges and universities.

**WHEREAS** these legislative proposals vary but all seek to prohibit or restrict what they often call “divisive concepts” in the teaching and education of students.

**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;

**WHEREAS** educating about systemized barriers to realizing a multiracial democracy based on race or gender should be understood as central to the active and engaged pursuit of knowledge in the 21<sup>st</sup> century to produce engaged and informed citizens;

**WHEREAS** DePaul has a stated commitment to diversity, equity, and inclusion (DEI) and to mitigating inequities related to diverse populations.

**WHEREAS** DePaul University’s newly revised mission statement affirms that “DePaul compassionately upholds the dignity of all members of its diverse, multi-faith, and inclusive community” and is committed to “promoting peaceful, just, and equitable solutions to social [...] changes.”

**WHEREAS** the Message of Solidarity from DePaul University Officers acknowledges that “Racism is woven into the fabric of this country. It is the legacy of slavery, colonization, and the taking by force of lands and peoples to create power and privilege for some while marginalizing many. Despite the efforts of many, the principal objectives of the past decades to combat racism and racial discrimination have not been attained and to the present day, countless human beings continue to be victims of racism, racial discrimination and related intolerance.”

**WHEREAS** in light of the ongoing reality of violence and discrimination committed against the BIPOC community, DePaul University has committed itself to a sincere reconsideration of policies and practices at DePaul that perpetuate racist patterns.

**WHEREAS** The American Association of University Professors and DePaul’s AAUP chapter affirms the importance of academic freedom to the proper functioning of universities, citing the

American Association of University Professors' 1940 statement of Principles on Academic Freedom and Tenure .

**WHEREAS** Section 1.2.1 of the Faculty Council Handbook states that “the faculty is vested with primary governance responsibility of academic and scholarly activities... including Curriculum matters, including establishment, dissolution, and substantial changes of degree programs...”

**WHEREAS** over seventy 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 (June 16, 2021) 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.”

**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 LGBTQIA history and the policies that contributed to inequities, DePaul University has a responsibility and opportunity to help build equity and social justice.

RESOLUTION:

**THEREFORE BE IT RESOLVED** that the Faculty Council 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 legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that the Faculty Council stands with our K-12 colleagues in Illinois and throughout the country who may be affected by this restrictive legislation.

**BE IT FURTHER RESOLVED** that the Faculty Council calls upon President A. Gabriel Esteban and Provost Salma Ghanem to affirm that they reject 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 legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that the Faculty Council affirms the Joint Statement on Efforts to Restrict Education about Racism, authored by the AAUP, PEN America, the American Historical Association, and the Association of American Colleges & Universities, endorsed by over seventy organizations, and issued on June 16, 2021.

Background:

- Scholarly Groups Condemn Laws Limiting Teaching on Race



- (New York Times, June 16, 2021)
- Texas 'critical race theory' bill limiting teaching of current events signed into law (ABC13, June 16, 2021)
  - Republicans Want Federal Funding Cuts to Schools Using '1619 Project'—But There's a Twist (Education Week, June 15, 2021)
  - Critical race theory battle invades school boards — with help from conservative groups (NBC News, June 15, 2021)
  - Teachers across the country protest laws restricting lessons on racism (Washington Post, June 12, 2021)
  - 'Children deserve to be taught': Teachers in 22 cities are planning protests over laws restricting racism lessons in schools (USA Today, June 11, 2021)
  - Florida bans use of critical race theory, "1619 Project" in teaching history
  - Uncovering Who Is Driving The Fight Against Critical Race Theory In Schools (LISTEN) (Fresh Air, June 24, 2021)
  - 'Critical Race Theory Is Simply the Latest Bogeyman.' Inside the Fight Over What Kids Learn About America's History (TIME, June 24, 2021)
  - How the media's helping GOP fuel critical race theory hysteria (Press Run, June 23, 2021)
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  - Fox's anti-"critical race theory" parents are also GOP activists (Media Matters, June 17, 2021)
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  - The New York Times' Culture-War Definition of Free Speech (Melissa Gira Grant, The New Republic, June 8, 2021)
  - Guest Blog: Where Does the Bizarre Hysteria About 'Critical Race Theory' Come From? Follow the Money! (Inside Higher Ed, June 3, 2021)
  - Opinion: Why Conservatives Really Fear Critical Race Theory (Christine Emba, The Washington Post, May 26, 2021)
  - (VIDEO) What critical race theory is really about (CNN/Don Lemon Tonight, May 17, 2021)
  - The War on Critical Race Theory

## DRAFT

TO: Portland State University Faculty Senate

FROM: Faculty Senators

RE: Resolution: University Faculty Senate Rejects Any Attempts to Interfere with Faculty Autonomy in Teaching Racial and Social Justice, Including Attempted Bans on Teaching Critical Race Theory

Date: September 12, 2021

### RATIONALE:

**WHEREAS** state legislative proposals are being introduced across the United States that target academic discussions of racism and related issues in American history in schools, colleges and universities.

**WHEREAS** the Faculty Handbook and the collective bargaining agreement with PSU-AAUP affirms the importance of academic freedom to the proper functioning of universities, citing the American Association of University Professors' [1940 statement of Principles on Academic Freedom and Tenure](#).

**WHEREAS** the Constitution of the Portland State University Article 3 "Faculty Powers and Authority", section 2, "Faculty Authority," states that "The Faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the education process."

**WHEREAS** these legislative proposals vary but all seek to prohibit or restrict curriculum on what they call "divisive concepts" in the teaching and education of students.

**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;

**WHEREAS** educating about systemic barriers to realizing a multiracial democracy based on race or gender should be understood as central to the active and engaged pursuit of knowledge in the 21<sup>st</sup> century to produce engaged and informed citizens;

**WHEREAS** over seventy 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](#) (June 16, 2021) 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.”

**WHEREAS** Portland State University’s mission statement expresses the goal of “promot[ing] access, inclusion and equity as pillars of excellence.”

**WHEREAS** the President of Portland State University, Stephen Percy, wrote in the statement “Justice for George Floyd” (April 20, 21) that George Floyd’s death “was an important catalyst for a broader awareness of the harm caused by systemic injustice and racial discrimination” and that “there is still much work to be done on racial equity.”

**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 and the policies that contributed to inequities, Portland State University has a responsibility and opportunity to help build equity and social justice.

RESOLUTION:

**THEREFORE BE IT RESOLVED** that 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 legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that the Senate stands with our K-12 colleagues throughout the country who may be affected by this pernicious legislation.

**BE IT FURTHER RESOLVED** that Senate calls upon President Percy and Provost Jeffords to affirm that they reject 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 legislature or the Boards of Trustees.

**BE IT FURTHER RESOLVED** that Senate affirms the [Joint Statement on Efforts to Restrict Education about Racism](#), authored by the AAUP, PEN America, the American Historical Association, and the Association of American Colleges & Universities, endorsed by over seventy organizations, and issued on June 16, 2021.