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SR-02-03-(50) 80 EC, Executive Committee Resolution

Marshall University

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EXECUTIVE COMMITTEE RESOLUTION

SR-02-03-(50) 80 EC

In the aftermath of the attacks of September 11, 2001 the United States government has acted to limit the threat of further terrorism in the United States. Some of the actions taken, or contemplated, by the federal government, however, threaten to harm the fundamental educational and research mission of our university. These include (but are not limited to) restrictions introduced by the "PATRIOT" Act on who may use certain biological materials, limitations on visas for foreign students, visiting professors and lecturers; the possibility of going beyond the existing security classifications to restrict a broad set of vaguely defined "sensitive" information; the loosening of restrictions on federal agencies' ability to track and arrest citizens and visitors to the U.S. without the need for judicial warrants to be issued; the possible introduction of a new "Domestic Security Enhancement Act of 2003"; and the broadened range of monitoring of public and private communications, including new access given to federal and INS agents to citizens' and non-citizens' previously legally protected voice-mail and email information.

As a consequence, we, the Faculty Senate of Marshall, adopt the following resolution and bring it to our University President and his colleagues and staff to implement:

WHEREAS, the USA PATRIOT Act contains provisions that threaten the basic rights of citizens and non-citizens as provided for, for instance, in the Fourth, Fifth and Fourteenth Amendments of the U.S. Constitution;

WHEREAS, the USA PATRIOT Act severely limits our most important tasks as scholars and teachers; books and CD-ROMs are being removed from Federal depository libraries, and web sites are being closed for presumed terrorist ties; and the ability of librarians to do their work is threatened by federal agencies that demand they turn over patron records, and then prohibit librarians from reporting or discussing the records' being handed over;

WHEREAS, the American Library Association has joined other research and science groups such as the Electronic Frontier Foundation and the American Studies Association in protesting the counter-productive and rights-threatening nature of the USA PATRIOT Act of 2001;

WHEREAS, the FBI and INS, due in part to the provisions of the PATRIOT Act, have started asking universities and colleges to monitor and provide information about students from countries outside the U.S., creating a climate of intimidation and suspicion inimical to free participation and exchange of ideas;

WHEREAS, government contracts for scientific research now sometimes specify that international students be excluded from funded projects discouraging international students from applying to Marshall to pursue their research agendas and from participating in academic exchange;

WHEREAS, the FBI has approached, tracked, and interviewed international students on Marshall University's campus without warrant and without justification other than racial profiling and said students' religious affiliations;

WHEREAS, the American Studies Association has called on colleges and universities to “resist external pressure to curtail academic freedom and to stop aiding federal agencies in the surveillance of teachers and scholars with scholarly or familial ties to other countries”;

WHEREAS, Marshall University is a non-sectarian, Equal Opportunity, non-discriminating public university with a mission to foster education within the state of West Virginia, and as part of this mission is actively committed to breaking down barriers between international researchers and students and U.S. citizens engaged in complementary scholarly projects, and to protecting the right to free speech and the ideals of pluralism within the University context and beyond it;

NOW THEREFORE BE IT KNOWN, the Faculty Senate of Marshall University calls on the Administration of the University, on leaders of other colleges and universities throughout the United States, and on executive and legislative leaders of the government of the United States to work together to ensure that governmental actions against terrorism do not compromise research and education. In particular, we call upon the Administration of our campus to:

- provide policy guidance to Marshall University Campus Security and Police that makes clear that they are not to cooperate with any investigations at the City, State or National levels that compromise the civil rights of all Huntington residents and Marshall University community members;
- turn down government contracts that exclude participation by international students;
- resist external pressure to curtail academic freedom, as exemplified by the witch-hunts revived by groups such as Campus Watch (which publishes information about faculty critical of the U.S. administration’s policies abroad);
- refuse to aid federal agencies in the surveillance of teachers and scholars with scholarly or familial ties to other countries
- take a public stand, along with other universities, cities and individuals across the U.S., in favor of repealing the USA PATRIOT Act as soon as possible.

FACULTY SENATE PRESIDENT:

APPROVED

BY SENATE: _____ Returned to Committee _____ DATE: _____

DISAPPROVED

BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

READ: _____ DATE: _____