

Analysis and proposed revisions to the proposed Bakersfield College Statement on Free Expression

Developed by Helen Acosta, revised in discussion with Joe Saldivar, March 4, 2025

1. Revised document title "Bakersfield College Statement on Free Expression and Collegial Discourse"

Rationale for the Title Change:

The original title, *Support of Freedom of Expression for All BC Community Members*, focused solely on protecting speech without recognizing the shared responsibilities that come with engaging in open discourse. The revised title, *Bakersfield College Statement on Free Expression and Collegial Discourse*, reinforces that free expression is about the right to speak and the responsibility to engage in thoughtful, respectful, and constructive dialogue. This better reflects Bakersfield College's role as an educational institution that upholds free expression and fosters a culture of mutual respect, academic integrity, and meaningful intellectual exchange.

2 . Opening Declaration of Commitment

BC Statement Excerpt:

Because Bakersfield College is committed to free and open inquiry in all matters, including the "Core Value of Diversity", it guarantees students, staff, faculty, and administration of Bakersfield College the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of Bakersfield College, Bakersfield College fully respects and supports the freedom of all members of Bakersfield College "to discuss any problem that presents itself."

Problems Identified:

- **Institutional Guarantee vs. Personal Responsibility** – The language presents the guarantee as a top-down privilege rather than an invitation to responsible engagement. The college positions itself as the ultimate guarantor rather than empowering individual speakers.
- **Paternalism** – By "guaranteeing" freedom, the statement implies that the institution must manage or police the bounds of expression, which can limit how speakers see their own ethical responsibilities.

Alternative Language Proposal:

Commitment to Free and Responsible Expression

Recognizing that the health of our democratic community depends on robust and responsible discourse, Bakersfield College affirms that every member—student, staff, faculty, and administrator—has the right to express ideas and challenge perspectives. We also recognize that with the right to speak comes the responsibility to engage thoughtfully and ethically.

Rationale:

This revision maintains a commitment to free inquiry while immediately pairing it with the notion of personal responsibility. It encourages speakers to take charge of their ethical duties rather than expecting the institution to mediate all potential conflicts.

3. On Shielding Individuals from Offensive or Disagreeable Ideas

BC Statement Excerpt:

Of course, the ideas of different members of the Bakersfield College community will often and quite naturally conflict. But it is not the role of Bakersfield College to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although Bakersfield College greatly values civility, and although all members of Bakersfield College share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

Problems Identified:

- **Shifting the Ethical Burden** – By stating that the college will not “shield” anyone, the statement implicitly assigns the task of processing or contesting offensive ideas entirely to the individual listener. This overlooks the ethical responsibility of the speaker to consider the impact of their words.
- **Lack of Call for Ethical Speech** – There is no invitation for speakers to consider how to present controversial ideas responsibly; the focus is solely the responsibility of the audience to endure them.

Alternative Language Proposal:

Freedom to Engage with Challenging Ideas

Bakersfield College upholds the right of every community member to confront challenging or controversial ideas. At the same time, we believe that those who present such ideas have a duty to do so with clarity, integrity, and a commitment to evidence-based reasoning. The goal is to expose audiences to diverse views and foster an environment where ideas are debated in a manner that respects both intellectual freedom and mutual accountability.

4. On Limiting Expression Based on Legal or Functional Constraints

BC Statement Excerpt:

The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. Bakersfield College may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of Bakersfield College. In addition, Bakersfield College may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of Bakersfield College. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with Bakersfield College’s commitment to a completely free and open discussion of ideas.

Problems Identified:

- **Focus on External Regulation** – Although the statement acknowledges narrow exceptions (defamation, threats, etc.), it does so in a way that emphasizes institutional control over speech rather than promoting self-regulation among speakers.
- **Potential for Misuse** – By framing these restrictions as necessary for institutional functioning, the language risks being used to preempt ethical self-reflection on the part of speakers.

Alternative Language Proposal:

Limits on Expression and the Role of Self-Regulation

While robust debate is essential, the practice of free expression is not without limits. Communicators are expected to ensure that their contributions do not intentionally harm others through false statements, intimidation, or harassment. Our community guidelines serve as a framework not for censoring ideas, but for encouraging communicators to self-regulate and to engage in discourse that is both legally sound and ethically responsible.

Rationale:

This version maintains the necessary legal and safety parameters while stressing that ethical expression arises from self-regulation rather than top-down enforcement.

5. Shifting Ethical Responsibility from Speaker to Listener

BC Statement Excerpt:

Bakersfield College's fundamental commitment is the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the Bakersfield College community to be offensive, unwise, immoral, or wrong. It is for the individual, not for Bakersfield College as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of Bakersfield College to engage in such debate and deliberation in an effective and responsible manner is essential to Bakersfield College educational mission and support of Bakersfield College's "Core Value of Diversity".

Problems Identified:

- **Stealing the Ethical Burden from the Speaker** – The statement insists that it is solely the responsibility of the audience to judge ideas, thus neglecting the proactive role speakers should play in framing their discourse ethically.
- **Missed Opportunity for Educative Engagement** – There is no mention of how speakers should provide context, evidence, or a clear rationale for their views, leaving the audience to fend for themselves.

Alternative Language Proposal:

Shared Responsibility in Evaluating Ideas

While every individual has the right to assess ideas according to personal values and experiences, speakers carry a responsibility to present their views with transparency and logical reasoning. Our institution encourages all members to engage in open debate, where both the responsibility to articulate one's own ideas and the duty to assess others' contributions critically are shared.

Rationale:

This language creates a balanced expectation: both speakers and listeners participate in the ethical landscape of free inquiry. It reinforces the notion that ethical communication is a shared process rather than a burden imposed solely on the audience.

6. Protecting Expression Without Emphasizing Ethical Communication

BC Statement Excerpt:

Although members of the Bakersfield College community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, Bakersfield College has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

Problems Identified:

- **One-Sided Focus on Protection** – The directive emphasizes that the institution must protect free expression from external interference without addressing the responsibility of those expressing ideas to consider the consequences of their communication choices.
- **Lack of Constructive Engagement** – Framing criticism solely as a potential obstruction may discourage constructive feedback or genuine dialogue that can help refine or improve ideas.

Alternative Language Proposal:

Encouraging Thoughtful Dialogue, Not Obstruction

While we respect and protect the right of every individual to express their views, we also encourage all members of our community to engage in thoughtful critique and constructive dialogue. Responsible speakers welcome challenges to their ideas, and such challenges are best addressed through rigorous, evidence-based discussion rather than through attempts to silence or obstruct.

Rationale:

This revised section acknowledges the need for protection against unwarranted disruption while also inviting speakers to actively engage in the process of ethical communication. It makes clear that both expression and critique are parts of a healthy intellectual ecosystem.

7. Commitment to Academic Freedom and Ethical Discourse (new section)

Proposed Language:

Bakersfield College is committed to academic freedom and recognizes that a thriving intellectual community depends on open discussion. At the same time, we affirm that free expression is most powerful when coupled with a commitment to ethical communication. We encourage all members of our community to practice intellectual honesty, seek understanding, and engage in discourse that contributes to meaningful learning and growth.

Rationale:

The original statement emphasized protecting speech from external suppression but did not address the deeper purposes of free expression within an academic institution: the pursuit of knowledge, intellectual honesty, and responsible engagement.

This new section ensures that the statement does not simply defend free speech as an abstract right but also affirms that academic freedom is most meaningful when coupled with ethical discourse. It reminds all community members—students, faculty, staff, and administrators—that free expression is not just about the ability to speak but also about the responsibility to communicate with integrity and openness to learning.

Additionally, this section aligns the statement with higher education's broader mission: fostering critical thinking, informed dialogue, and ethical reasoning. By adding this section, the statement becomes more than just a defense of speech—it becomes a guiding philosophy for how communication should function in a scholarly community.

Final Thoughts on these proposed revisions

By revising the **Bakersfield College Statement on Free Expression** with these changes, the document:

- **Restores Speaker Agency** – Encouraging individuals to take ethical responsibility for their communication choices.
- **Balances Rights with Responsibilities** – Ensuring that free expression does not become an unchecked license for irresponsible speech.
- **Aligns with Educational Principles** – Emphasizing that institutions have a role in cultivating responsible communication, not just protecting speech at all costs.

These revisions bring the statement closer in spirit to the [National Communication Association Credo for Free and Responsible Communication in a Democratic Society](#) and the [AAUP Statement on Professional Ethics](#), fostering a culture where free expression is both robust and responsibly exercised.

New Proposal- Bakersfield College Statement on Free Expression and Collegial Discourse

Commitment to Free and Responsible Expression

Recognizing that the health of our democratic community depends on robust and responsible discourse, Bakersfield College affirms that every member—student, staff, faculty, and administrator—has the right to express ideas and challenge perspectives. We also recognize that with the right to speak comes the responsibility to engage thoughtfully and ethically.

Freedom to Engage with Challenging Ideas

Bakersfield College upholds the right of every community member to confront challenging or controversial ideas. At the same time, we believe that those who present such ideas have an ethical duty to do so with clarity, integrity, and a commitment to evidence-based reasoning. The goal is not merely to expose audiences to diverse views but to foster an environment where ideas are debated in a manner that respects both intellectual freedom and mutual accountability.

Limits on Expression and the Role of Self-Regulation

While robust debate is essential, the practice of free expression is not without limits. Communicators are expected to ensure that their contributions do not intentionally harm others through false statements, intimidation, or harassment. Our community guidelines serve as a framework not for censoring ideas, but for encouraging communicators to self-regulate and to engage in discourse that is both legally sound and ethically responsible.

Shared Responsibility in Evaluating Ideas

While every individual has the right to assess ideas according to personal values and experiences, speakers carry a responsibility to present their views with transparency, logical reasoning, and a commitment to truth. Our institution encourages all members to engage in open debate, where both the responsibility to articulate one's own ideas and the duty to assess others' contributions critically are shared.

Encouraging Thoughtful Dialogue, Not Obstruction

While we respect and protect the right of every individual to express their views, we also encourage all members of our community to engage in thoughtful critique and constructive dialogue. Responsible speakers welcome challenges to their ideas, and such challenges are best addressed through rigorous, evidence-based discussion rather than through attempts to silence or obstruct.

Commitment to Academic Freedom and Ethical Discourse

Bakersfield College is committed to academic freedom and recognizes that a thriving intellectual community depends on open discussion. At the same time, we affirm that free expression is most powerful when coupled

with a commitment to ethical communication. We encourage all members of our community to practice intellectual honesty, seek understanding, and engage in discourse that contributes to meaningful learning and growth.

Drafted by Helen Acosta in conversation with Joe Saldivar, March 7, 2025

Previous Proposed Bakersfield College Statement

Support of Freedom of Expression for All BC Community Members

First read, BC Academic Senate, February 26, 2025, sent to Academic Senate by Joe Saldivar in 2021-22.

Because Bakersfield College is committed to free and open inquiry in all matters, including the “Core Value of Diversity”, it guarantees students, staff, faculty, and administration of Bakersfield College the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of Bakersfield College, Bakersfield College fully respects and supports the freedom of all members of Bakersfield College “to discuss any problem that presents itself.”

Of course, the ideas of different members of the Bakersfield College community will often and quite naturally conflict. But it is not the role of Bakersfield College to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although Bakersfield College greatly values civility, and although all members of Bakersfield College share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not mean that individuals may say whatever they wish, wherever they wish. Bakersfield College may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of Bakersfield College. In addition, Bakersfield College may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of Bakersfield College. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with Bakersfield College’s commitment to a completely free and open discussion of ideas.

Bakersfield College’s fundamental commitment is the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the Bakersfield College community to be offensive, unwise, immoral, or wrong. It is for the individual, not for Bakersfield College as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of Bakersfield College to engage in such debate and deliberation in an effective and responsible manner is essential to Bakersfield College educational mission and support of Bakersfield College’s “Core Value of Diversity”

Although members of the Bakersfield College community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, Bakersfield College has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

This resolution is adapted from the "Report of the Committee on Freedom of Expression" at the University of Chicago, July 2014