



October 31, 2014

Chancellor Linda P.B. Katehi  
University of California, Davis  
Office of the Chancellor  
Fifth Floor, Mrak Hall  
One Shields Avenue  
Davis, California 95616

**URGENT**

*Sent via U.S. Mail and Facsimile (530-752-2400)*

Dear Chancellor Katehi:

As you can see from the list of our directors and board of advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectra on behalf of liberty, due process, legal equality, voluntary association, freedom of conscience, freedom of speech, and academic freedom on our nation's college campuses. Our website, [thefire.org](http://thefire.org), will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to freedom of conscience posed by the University of California, Davis' (UC Davis') mandatory online Violence Intervention & Prevention program. While much of the program is unobjectionable, one module requires students to agree that certain types of constitutionally protected expression are "problematic" in order to complete the module. Failing to agree with UC Davis' approved opinion has negative consequences; students who do not complete the module are prevented from registering for classes. This compelled speech is incompatible with your students' expressive rights as protected by the First and Fourteenth Amendments to the U.S. Constitution.

This is our understanding of the facts; please inform us if you believe we are in error.

At the start of the Fall 2014 quarter, new UC Davis students received an email from Sarah Meredith, Education & Outreach Coordinator of the Campus Violence Prevention Program, titled "Mandatory Violence Prevention Education Requirement for UC Davis

Incoming Students.” Meredith’s email described the university’s “requirement that all incoming students complete a mandatory online Violence Intervention & Prevention (VIP) program,” and warned that students who do not complete the program by November 7, 2014 “will have a hold placed on their ability to register for classes the following quarter.”

One section of the VIP program focuses on so-called “Harmful Language.” In this section, students are instructed that certain types of “everyday language”—such as “I’d hit that!” or “I stalked him/her on Facebook”—“have a significant impact on normalizing violence” and “perpetuate a community’s tolerance of inappropriate attitudes and behaviors.”

This section is followed by “Words that Hurt,” an “activity” in which students are instructed to “match the following words/phrases with why they are problematic.” For example, “I’d hit that” is deemed “problematic” because the phrase “indicates an inherent connection [sic] between sex and a physically violent act.” Likewise, the word “pimp” is “problematic” because it “romanticises [sic] the profession of someone who sells other people’s bodies as a commodity [sic].”

The phrases identified as “problematic” in this exercise are—unless spoken in the context of expressive activity that otherwise falls outside the bounds of constitutional protection—wholly protected by the First Amendment. As you know, UC Davis is a public institution and is thus legally and morally bound to uphold the First Amendment. *See Papish v. Board of Curators of the University of Missouri*, 410 U.S. 667, 670 (1973) (“[T]he mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of ‘conventions of decency.’”); *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

While UC Davis is free to urge students to consider the broader social and political implications of their speech, the university cannot, consistent with students’ right to be free from compelled speech, **require** its students to adopt certain viewpoints or affirm that particular types of constitutionally protected speech are objectionable as a condition of their ability to register for classes at the university. *See Wooley v. Maynard*, 430 U.S. 705, 717 (1977) (“[W]here the State’s interest is to disseminate an ideology, no matter how acceptable to some, such interest cannot outweigh an individual’s First Amendment right to avoid becoming the courier for such message.”); *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943) (“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”).

By compelling students to affirm beliefs with which they may disagree in order to attend the university, UC Davis has encroached upon the very respect for humanity that its

Violence Intervention & Prevention program appears to be designed to teach. The university may certainly require its students to take instruction on the applicable laws and university policies relating to sexual assault, harassment, and other forms of misconduct, but students must be free—while obeying constitutionally valid university policies—to maintain their own private beliefs about those policies and the implications of particular words and viewpoints.

At the heart of the First Amendment’s protection of freedom of conscience is a recognition of our own limitations: Like us, those in power are neither omniscient nor omnipotent, and therefore have no right to dictate to others what personal beliefs are acceptable to hold. Our nation’s respect for the inviolable sanctity of the individual mind is rooted in the wisdom of humility and restraint. It is hard to imagine a social goal more benign than that of reducing the heinous crime of sexual assault. However, by dictating to students the specific ideological, political, and moral assumptions they *must* make in order to attend the university, this program impermissibly crosses the boundary from education into thought reform.

FIRE asks that you revise the Violence Intervention & Prevention training program immediately so that it no longer requires students to take a stance with which they may disagree in order to complete the training and continue their education. Since we understand that making the appropriate revisions may take time, we ask that in the interim, no holds be placed on the registration of students who may object to the training as currently offered.

Since the university is set to place holds on the registration of non-compliant students by Friday, November 7, FIRE asks you to respond immediately by announcing that no such holds will be placed and by informing FIRE that you have done so. We look forward to hearing from you.

Sincerely,



Samantha Harris  
Director of Policy Research

cc:

Jacob A. Appelsmith, Chief Campus Counsel, University of California, Davis  
Sarah Meredith, Education & Outreach Coordinator, Campus Violence Prevention Program, University of California, Davis