



June 23, 2015

President Cheryl A. Marshall  
Crafton Hills College  
Office of the President  
11711 Sand Canyon Road  
Yucaipa, California 92399

*Sent via U.S. Mail and Electronic Mail (cmarshall@sbccd.cc.ca.us)*

Dear President Marshall:

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, [thefire.org](http://thefire.org), will give you a greater sense of our identity and activities.

FIRE writes today to express our concern about the potential threat to free expression and academic freedom arising from a recent controversy concerning the inclusion of four graphic novels in a Crafton Hills College (CHC) English course. Per news reports, complaints from a student and her parents about the graphic novels have resulted in the course's professor placing content warnings on the course's syllabus.

While the professor has reportedly agreed to the inclusion of content warnings in his class by his own volition, and his voluntary decision to use such warnings is protected by his right to academic freedom, we are nonetheless concerned by this incident's potentially chilling effect on faculty rights. To ensure its faculty's academic freedom, CHC should disavow future mandates of such content warnings on course syllabi and make clear that discretion over such academic decisions will remain where it belongs—with the faculty.

The following is our understanding of the facts. Please inform us if you believe we are in error.

In the Spring 2015 semester, student Tara Shultz enrolled in English 250, which specifically focused on graphic novels. Shultz, along with her parents, later objected to four of the works included in the course materials: *Persepolis*, by Marjane Satrapi; *Fun Home*, by Alison Bechdel; *Y: The Last Man, Vol. 1*, by Brian Vaughan; and *The Sandman, Vol. 2: The Doll's House*, by Neil Gaiman. Shultz and her parents variously objected to these works due to their use and depictions of nudity, sexuality, violence, and profanity, among

other issues. Though the syllabus for English 250 did not have any warnings concerning the works' content, it included a full list of all works that would be covered during the semester as required by CHC policy, giving students ample time to research the works for themselves to determine if the course was suitable for them.

Following discussions among Shultz, her parents, the professor, and the CHC administration, content warnings will be placed on the syllabus when the course is taught in the future.

FIRE notes that professors, at their discretion, have long cautioned students about course materials, and the right of faculty members to do so as they see fit is a pedagogical choice protected by the right of academic freedom. We do not have sufficient cause to believe that the college is unilaterally mandating that the professor place a content warning on his syllabus, in violation of this right.

Nevertheless, we worry about the potentially chilling precedent this decision may set moving forward. As you are likely aware, CHC is far from the only institution grappling with requests for warnings about course content, and the debate concerning their use has attracted national attention.<sup>1</sup> Indeed, colleges around the country have faced a proliferation of demands for mandatory “trigger warnings”—a form of content warning—on a wide variety of course content, including Ovid’s *Metamorphoses* and F. Scott Fitzgerald’s *The Great Gatsby*. As colleges consider the sensitivities of their students, it is all too easy to ignore the academic freedom of their faculty members. Yet it is with faculty alone that control over the use of such warnings properly rests.

FIRE firmly supports the American Association of University Professors’ (AAUP’s) 2014 statement “On Trigger Warnings,” in which the AAUP strongly opposed mandatory trigger warnings for faculty. The AAUP further cautioned that even suggesting faculty employ trigger warnings could have negative effects on academic freedom by dissuading faculty from including relevant materials in their courses for fear any student might find them disturbing. As the statement eloquently notes, this possibility cuts to the very heart of the academic enterprise:

Some discomfort is inevitable in classrooms if the goal is to expose students to new ideas, have them question beliefs they have taken for granted, grapple with ethical problems they have never considered, and, more generally, expand their horizons so as to become informed and responsible democratic citizens. Trigger warnings suggest that classrooms should offer protection and comfort rather than an intellectually challenging education. They reduce students to vulnerable victims rather than full participants in the intellectual process of education. The effect is to stifle thought on the part of both

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<sup>1</sup> See, e.g., Jenny Jarvie, *Trigger Happy*, THE NEW REPUBLIC, Mar. 3, 2014, available at <http://www.newrepublic.com/article/116842/trigger-warnings-have-spread-blogs-college-classes-thats-bad>.

teachers and students who fear to raise questions that might make others “uncomfortable.”

A full copy of the AAUP’s statement has been enclosed for your reference.

We appreciate your statement that CHC “want[s] students to learn and grow from their college experiences” and the recognition that this necessarily involves having one’s perspectives challenged. To emphasize the importance of preventing this controversy from becoming a platform for the future chilling of faculty expression, we call to attention the Supreme Court’s impassioned opinion in *Sweezy v. New Hampshire*, 354 U. S. 234, 250 (1957):

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. . . . Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

The U.S. Court of Appeals for the Ninth Circuit, whose jurisdiction includes California, has similarly noted that academic freedom is essential to the purpose, mission, and vitality of higher education:

Intellectual advancement has traditionally progressed through discord and dissent, as a diversity of views ensures that ideas survive because they are correct, not because they are popular. Colleges and universities—sheltered from the currents of popular opinion by tradition, geography, tenure and monetary endowments—have historically fostered that exchange. But that role in our society will not survive if certain points of view may be declared beyond the pale. . . . We have therefore said that “[t]he desire to maintain a sedate academic environment . . . [does not] justify limitations on a teacher’s freedom to express himself on political issues in vigorous, argumentative, unmeasured, and even distinctly unpleasant terms.”


*Rodriguez v. Maricopa County Community College District*, 605 F.3d 703, 708–09 (9th Cir. 2010) (quoting *Adamian v. Jacobsen*, 523 F.2d 929, 934 (9th Cir. 1975)).

We remind you that confronting challenging and uncomfortable topics is often necessary to master the subject matter at hand. History, literature, and many other disciplines require engaging with topics that may be deeply unsettling. Mandating the use of trigger warnings creates the risk that faculty members may avoid challenging issues altogether—

leaving students with a troublingly and profoundly incomplete education.<sup>2</sup> Such a risk runs counter to the purpose and mission of higher education and redounds to the detriment of all.

CHC must respect the right of faculty to institute warnings about course topics and materials at their discretion. It must not mandate their use, and it must not sanction faculty members who exercise their right not to use them. We ask that CHC make this commitment to academic freedom clear to the entire community, and we appreciate your attention to these concerns.

Sincerely,



Peter Bonilla  
Director, Individual Rights Defense Program

Encl.

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<sup>2</sup> See, e.g., Jeannie Suk, *The Trouble With Teaching Rape Law*, THE NEW YORKER, Dec. 15, 2014, available at <http://www.newyorker.com/news/news-desk/trouble-teaching-rape-law> (Harvard Law School professor details requests from students to utilize “trigger warnings” in teaching criminal law classes dealing with rape, observing that “[i]f the topic of sexual assault were to leave the law-school classroom, it would be a tremendous loss—above all to victims of sexual assault.”).