



RUTGERS

Robert L. Barchi, President

August 29, 2018

Dr. Peter March
Executive Dean
School of Arts and Sciences—New Brunswick
Rutgers, The State University of New Jersey
77 Hamilton Street
New Brunswick, NJ 08901

Dear Dean March,

As you know, late this spring Professor James Livingston posted a rant beginning, “OK, officially, I now hate white people,” on his Facebook page. Following normal procedures after receiving a number of complaints about this post, the Office of Employment Equity at Rutgers conducted an investigation into whether or not the professor had violated the University Policy Prohibiting Discrimination and Harassment. In its analysis of this situation, the report determined that Professor Livingston’s comments were not protected by the First Amendment. This report was released to you and Professor Livingston before I had been made aware of its content.

Like many in our community, I found that Professor Livingston’s comments showed exceptionally poor judgment, were offensive, and, despite the professor’s claims of satire, were not at all funny. At the same time, few values are as important to the University as the protection of our First Amendment rights—even when the speech we are protecting is insensitive and reckless. We always strive to balance our First Amendment rights against the University’s mission to create an inclusive and tolerant community. In light of the complexities of this matter and the importance of our considering these matters with exceptional diligence, I am taking the following steps.

I have remanded the report to the Office of Employment Equity and have asked the Office to more rigorously analyze the facts and assumptions underlying its conclusions. I have asked that this review be completed as quickly as possible, at which time you will receive a letter of determination based on the review.

Further, I have asked the Office of the General Counsel, in its capacity as the legal counsel to the University, to convene an advisory group to provide guidance on alleged policy violations that involve First Amendment and academic freedom questions. This advisory group will consist of First Amendment and academic freedom scholars and attorneys and will include Rutgers faculty. It will begin its service by providing guidance to the Office of Employment Equity on its review of Professor Livingston’s comments.

Thank you for your patience as this matter is carefully reviewed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Barchi', written in a cursive style.

Robert Barchi

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c: Christopher Molloy, Interim Chancellor, Rutgers University–New Brunswick
Vivan Fernandez, Senior Vice President, Human Resources and Organizational Effectiveness
John J. Hoffman, Senior Vice President and General Counsel
James Livingston, Professor of History, School of Arts and Sciences–New Brunswick