



May 5, 2020

Dr. Jonathan Reed
Provost and Vice President for Academic Affairs
University of La Verne
1950 Third Street
La Verne, California 91750

Sent via Electronic Mail (jreed@laverne.edu)

Dear Provost Reed:

FIRE¹ was disappointed not to receive a response to our letters of February 13, 2020 and April 10, 2020. We remain concerned about the University of La Verne College of Law Personnel Committee's April 1 recommendation that Professor Diane Klein's tenure be involuntarily surrendered.

We write to reiterate our concerns about how ULV's actions have frustrated Professor Klein's ability to prepare a meaningful defense to the charges against her, a right due to her under basic principles of due process and ULV's own Faculty Handbook.² FIRE was disappointed to see ULV publicly argue that its actions followed the ULV Faculty Handbook, other university policies and procedures, and applicable laws.³ This is false.

As we detailed in our letter of April 10, ULV's failure to effectively communicate with Professor Klein, its omission of human resources investigatory reports from the binders provided as evidence against her, and its enforcement of a gag order against her⁴ all prevented Professor Klein from gathering evidence on her own behalf and effectively defending herself.

¹ As you know from previous correspondence, the Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

² *Faculty Handbook 2019-2020*, UNIV. OF LA VERNE, at 71 (July 15, 2019), <https://drive.google.com/file/d/1f4UaYPDJcrYQTFL7XYPcaOhuYxPO7JgZ/view>.

³ Christian Lubke, *Professor says university trying to fire her by 'racializing' criticism of black colleague*, THE COLLEGE FIX, Apr. 29, 2020, <https://www.thecollegefix.com/professor-says-university-trying-to-fire-her-by-racializing-criticism-of-black-colleague>.

⁴ Since January 8, when she was placed on unpaid administrative leave, Professor Klein has been banned from communicating with members of the ULV community except for faculty and staff for the limited purpose of

ULV's email⁵ to Professor Klein's attorney last week instructing her to cease and desist *all* direct communication with the university in reaction to Professor Klein's sharing an article from *The College Fix*⁶ about her experience only furthers this injustice as she awaits the university's final decision. ULV has deprived Klein of the ability to communicate with other faculty and staff in order to gather evidence for her own defense and rebut the claim that she threatened Assistant Dean Jendayi Saada, as well as the other nebulous allegations against her. In doing so, the university has left its own administrators free to craft the narrative as the proceeding against Klein moves forward. This surprising and self-interested restraint on Professor Klein's expressive rights cannot stand.

FIRE again calls on ULV not to revoke Professor Klein's tenure, and to allow her to communicate with members of the university community in defense of herself.

We respectfully request a response to this letter by May 18, 2020.

Sincerely,



Katlyn A. Patton

Program Officer, Individual Rights Defense Program and Public Records

Cc:

Dr. Devorah Lieberman, President

Kevin Marshall, Interim Dean, College of Law

Doajo Hicks, General Counsel

Encl.

FIRE Letter to the University of La Verne, February 13, 2020

FIRE Letter to the University of La Verne, April 10, 2020

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rebutting evidence or arguments against her, or gathering evidence on her own behalf. Letter from Kevin Marshall, Interim Dean of the College of Law, University of La Verne, to Professor Diane Klein (Jan. 8, 2020) (on file with author).

⁵ Email from Doajo Hicks, General Counsel, University of La Verne, to Dan Yakobian (Apr. 30, 2020 3:07 PM) (on file with author).

⁶ Lubke, *supra* note 3.