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July 28, 2020

Katlyn A. Patton  
Program Officer  
Foundation for Individual Rights in Education  
510 Walnut Street, Suite 1250  
Philadelphia, PA 19106

Dear Ms. Patton:

Thank you for contacting me with your concerns about Interim Vice President Villalpando's June 2, 2020, email entitled "Your Words Matter."

Bellevue College is one of thirty-four community and technical colleges within Washington State's community college system. Diversity, equity, and inclusion are core values for the College and College leadership is committed to developing and maintaining a working and learning environment that is welcoming to and inclusive of all members of the campus community. See Bellevue College Policy (BCP) 1200 College Vision, Core Values, Mission and Core Themes, and BCP 4000 Affirmation of Inclusion.

As a public institution of higher education, Bellevue College upholds the principles of free speech embodied in the First Amendment and is deeply committed to the freedom of expression of all viewpoints. The College recognizes that the ability to engage in academic inquiry and free speech without fear of government restraint are important components of an educational experience. To this end, the College has adopted policies both acknowledging and protecting the exercise of these constitutionally protected rights. See BCP 2050 Student Conduct Code, Statement of Student Rights (WAC 132H 126-020,) and Article 9 Academic Freedom of the College's collective bargaining agreement with the Bellevue College Association of Higher Education.

During the past few months, racially charged incidents have occurred across the United States, including the deaths of Breonna Taylor, Ahmaud Arbery, and George Floyd. The intent of Vice President Villalpando's email on June 2, 2020 was to explain why certain statements are hurtful to the Black community and to provide recommendations on how to identify, evaluate and address racist rhetoric. The email was not meant to be directive, ban specific phrases, or restrict the exercise of freedom of expression, but rather to inform people about the impact of various words and phrases during a time of anguish and high emotions in our community and all across the nation.

It is of course well-established that a public institution of higher education, like Bellevue College, has the right to speak for itself. *Board of Regents of Univ. of Wis. System v. Southworth*, 529 U.S. 217, 229, 120 S.Ct. 1346, 146 L.Ed.2d 193 (2000). "The First Amendment is intended to 'preserve an uninhibited marketplace of ideas in which truth will ultimately prevail. That marketplace of ideas is undermined if public officials are prevented from responding to speech of citizens with speech of their own.'" *Mulligan v. Nichols*, 835 F.3d 983, 989 (9th Cir. 2016) (internal quotes and citations excluded). The College (through Vice President Villalpando's email) was fully within its rights to express its views and offer advice as it did on this important and emotional issue.

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*Become Exceptional*

As president of the College, I recently participated in a virtual forum with the Washington State Office of the Attorney General reemphasizing the first amendments rights of all individuals on campus. Bellevue College is continually working to balance constitutional free speech protections while fostering an inclusive and secure environment for our students, faculty, and staff. As an institution of higher education, we must take the lead in addressing issues of social injustice, including educating people about how their words matter and can have significant impact on people around them. At the same time, however, we recognize the right of all people to freely express their own ideas, no matter how controversial or offensive.

Finally, to the extent there is any confusion on this issue, please be assured that Bellevue College did not, and does not, intend to institute discipline or take any other adverse action against any student or employee who does not heed the recommendations in Vice President Villalpando's email.

Thank you again for raising your concerns.

Sincerely,

A handwritten signature in blue ink that reads "Gary Locke". The signature is fluid and cursive, with the first name "Gary" and last name "Locke" clearly legible.

Gary Locke  
Interim President

CC: Gilbert Villalpando