



April 1, 2021

Tom Skinner, Esq.
General Counsel and Advisor to the President
University of San Diego
Hughes Center, Room 320
5998 Alcalá Park, Warren Hall
San Diego, California 92110

Sent via Electronic Mail (tskinner@sandiego.edu)

Dear Mr. Skinner:

FIRE is disappointed not to have received a substantive response to our letter of March 22, 2021, concerning the University of San Diego Law's investigation into Professor Thomas Smith. The cursory March 29 response stated that the university is "reviewing the matter and expeditiously will take action as appropriate."

This response does not assuage our concerns; it compounds them. Smith's speech, however offensive others might find it, is squarely within the rights of faculty members to be free from institutional censorship due to their extramural expression, as recognized by USD's adoption of the American Association of University Professors' 1940 Statement of Principles on Academic Freedom. The only appropriate action for USD to take is to cease its investigation.

Again, USD's initiation of an investigation on its own creates an impermissible chilling effect that does not comport with the free speech and academic freedom promises USD makes to its faculty. A commitment to "expeditiously" continue an investigation—some twenty-two days after the post—is a commitment to continue its violation of Smith's rights.

We request receipt of a substantive response by the close of business on April 9, 2021.

Sincerely,

Sabrina Conza
Program Analyst, Individual Rights Defense Program

Cc: Megan Mazza, Associate General Counsel
Robert Schapiro, Dean, University of San Diego School of Law