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March 24, 2022

Kelly Bendell, Esq.
University Counsel
Office of General Counsel
The California State University
401 Golden Shore
Long Beach, California 90802-4210

Re: Professor J. Angelo Corlett

Dear Ms. Bendell:

I represent San Diego State University Professor J. Angelo Corlett in connection with recent sanctions imposed on him by Dean of the College of Arts and Letters Monica J. Casper. It is my understanding that Professor Corlett's claims arising out of this matter have been referred to you for further handling. Enclosed is my client's authorization enabling CSU to share his confidential personnel information with me.

On March 1, 2022, Dean Casper suspended Professor Corlett from teaching his course on Philosophy, Racism and Justice and his course on Critical Thinking and Composition based upon student complaints earlier that same day regarding his purported use of racial and other epithets during his class. Professor Corlett's discussion of these epithets, however, was pedagogically relevant to his class discussion regarding the analytical distinction between the "use" as opposed to the "mention" of such words. This use-mention distinction was critically important to Professor Corlett's lecture and class discussion regarding issues concerning the use of language and racism. Indeed, for this reason, he has been mentioning racial epithets in class when teaching this lesson for many years. It is indisputable that at no time did Professor Corlett direct any epithets, racial or otherwise, at any student in the class.

As you know, the courts have long held that the First Amendment's protection of free speech is binding upon public universities like SDSU and guarantees faculty the academic freedom to engage in pedagogically relevant classroom speech. The fact that some students in a class might take offense at certain speech in no way strips the instructor of this constitutionally protected right. To the contrary, the law is clear that the purpose of these constitutional protections is to allow faculty the freedom to teach their coursework without the fear of sanction. To suggest otherwise would chill faculty speech by providing anyone in the class who takes offense with a "heckler's veto," thereby violating the instructor's right to academic freedom and depriving the other students of their right to a vigorous learning experience.

Dean Casper, perhaps with the complicity of other administrators, ignored these basic constitutional principles and violated Professor Corlett's First Amendment rights when she removed him from his teaching duties in two of this three courses. Dean Casper's euphemistic reference to this action as a "reassignment" does not change the punitive character of essentially suspending him from these classes. Furthermore, despite having every opportunity to do so, Dean Casper did not notify Professor Corlett of the student complaints; nor did she advise him of her intended actions or provide him with any opportunity to respond before sanctioning him. We contend that this was a violation of Professor Corlett's due process rights as well.

The willingness of universities to either ignore or actively participate in the violation of the free speech rights of faculty, students, and other speakers based on the complaints of allegedly offended listeners has become a well reported national embarrassment. SDSU, whose published policies express the commitment to academic freedom as a "core value," has the opportunity in this case to show its actual support of that principle. We demand that SDSU rescind Dean Casper's directive and permit Professor Corlett to resume teaching the courses from which he was removed and that SDSU publicly acknowledge that his speech was protected. Please understand that Professor Corlett reserves his right to seek all relief available under the applicable law.

I look forward to receiving your response to this letter by March 30, 2022.

Very truly yours,

Arthur I. Willner

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AIW:sa
Enclosure

cc: Professor J. Angelo Corlett