



FIRE

Foundation for Individual
Rights and Expression

January 4, 2023

Higher Learning Commission
230 South LaSalle Street
Suite 7-500
Chicago, Illinois 60604-1411

Re: Hamline University

Sent via HLC Complaint Form

To the Higher Learning Commission:

As a nonpartisan nonprofit dedicated to defending freedom of speech and academic freedom, the Foundation for Individual Rights and Expression (FIRE) respectfully submits this complaint regarding Hamline University, which is not in compliance with HLC's Criteria for Accreditation section 2.D., requiring the institution to be "committed to academic freedom and freedom of expression in the pursuit of truth in teaching and learning." *Criteria for Accreditation; Criterion 2. Integrity: Ethical and Responsible Conduct; 2.D., HIGHER LEARNING COMM'N*, <https://www.hlcommission.org/Policies/criteria-and-core-components.html> [<https://perma.cc/87WS-444U>].

Hamline admits that it non-renewed an art history instructor last semester after a Muslim student complained that, during a discussion about Islamic art, the instructor facilitated an optional, in-class viewing of a renowned 14th century painting depicting the Prophet Muhammad, which the student said offended her religious beliefs. *See, e.g., Scott Jaschik, Academic Freedom vs. Rights of Muslim Students, INSIDE HIGHER ED, (Jan. 3, 2023)*, <https://www.insidehighered.com/news/2023/01/03/debates-whether-academic-freedom-includes-images-offensive-muslims> [<https://perma.cc/4UFC-66KE>].

Such nonrenewal violates both HLC and Hamline policies clearly committing the university to free expression and its corollary, academic freedom for all faculty, with Hamline claiming it "is committed to academic freedom and celebrates free expression for everyone. The University embraces the examination of all ideas, some of which will potentially be unpopular and unsettling, as an integral and robust component of intellectual inquiry." *Hamline University's statement of civility, OFFICE OF INCLUSIVE EXCELLENCE, HAMLINE UNIV.,* <https://www.hamline.edu/about/office-inclusive-excellence> [<https://perma.cc/3DTC-D4YZ>].

As HLC knows, academic freedom entitles faculty to full freedom in the classroom to teach any material pedagogically relevant to the subject of the course. *1940 Statement of Principles on Academic Freedom and Tenure*, AM. ASS'N. OF UNIV. PROFESSORS, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure> [<https://perma.cc/9A23-RDCT>].

FIRE has attempted to resolve this matter before seeking HLC's intervention. We wrote Hamline detailing our objections on December 27, 2022. *FIRE Letter to Hamline University, December 27, 2022*, FOUND. FOR INDIV. RIGHTS AND EXPRESSION, <https://www.thefire.org/research-learn/fire-letter-hamline-university-december-27-2022>.

Hamline President Fayneese Miller has since doubled down on the university's initial statement that "respect for the observant Muslim students in that classroom should have superseded academic freedom. . . . Academic freedom is very important, but it does not have to come at the expense of care and decency toward others." On December 31, she wrote: "Students do not relinquish their faith in the classroom," suggesting any teaching that might offend a student's religion could be censored. Anthony Gockowski, *Hamline stands by removal of art instructor*, ALPHA NEWS. (Jan. 3, 2023), <https://alphanews.org/hamline-stands-by-removal-of-art-instructor> [<https://perma.cc/9GDE-4TL9>].

This conception of academic freedom is inconsistent with all widely established standards and HLC requirements.

Accrediting agencies like HLC are often the last line of defense for faculty members' expressive freedoms, particularly adjuncts who lack tenure protection and the resources to challenge such decisions. HLC's Standard 2.D. is one of the strongest protections for student and faculty expression at private institutions in the United States, and FIRE urges HLC to hold Hamline accountable for violating this laudable standard.

I can be reached at alex@thefire.org and at (215) 717-3473, should you need additional information.

Sincerely,



Alex Morey
Director, Campus Rights Advocacy