



Foundation for Individual Rights in Education

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January 28, 2005

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Sent By U.S. Mail and Facsimile (401-456-8287)

Dear President Nazarian,

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Kenny J. Williams (d. 2003)

It is with disappointment that the Foundation for Individual Rights in Education (FIRE) writes you for the third time in a year concerning issues of free expression at Rhode Island College. After our last letter to you, RIC abandoned its plans to punish Professor Lisa Church for refusing to censor protected speech and eventually appointed a commission to investigate free speech issues at the college. FIRE awaits the final findings of the commission, and hopes that RIC will bring its policies in line with the U.S. Constitution and the principles of academic freedom. However, in the meantime, a recent incident at RIC once again raises profound doubts about its respect for academic freedom and freedom of speech.

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According to a variety of credible sources, RIC's School of Social Work has engaged in a campaign of repression against one of its outspoken students, Bill Felkner. An RIC faculty member has 1) suggested that Mr. Felkner's personal political beliefs may make him unsuitable for the social work profession; 2) required him to lobby the state legislature for positions that he does not believe; and 3) retaliated against his protests of these unconscionable and unconstitutional actions by giving him failing grades.

The following is our understanding of the facts. Please inform us if you believe we are in error. On October 14, 2004, Masters of Social Work student Bill Felkner e-mailed Professor James Ryczek, who taught Felkner's "Policy and Organizing" class. Felkner objected to the decision of some School of Social Work professors to show the Michael Moore film *Fahrenheit 9/11* in their classes, and expressed concern that the school was not providing a balanced political view of the upcoming elections.

In his response, Ryczek stated his opinion that social work is a profession in which one is required to hold certain political views. Ryczek called social work “a value-based profession that clearly articulates a socio-political ideology about how the world works and how the world *should be*.” [Emphasis in original.] He stated that the National Association of Social Workers has a political action committee that “is working actively to defeat Bush.” Ryczek then suggested that if Felkner did not agree with the school’s political philosophy, he should consider leaving RIC or finding another line of work.

Ryczek further declared, “I revel in my biases,” and added that “anyone who consistently holds antithetical views to those that are espoused by the profession might ask themselves whether social work is the profession for them...or similarly, if one finds the views in the curriculum at RIC SSW antithetical to those they hold closely, then this particular school might not be a good fit for them.”

Professor Ryczek’s two-semester “Policy and Organizing” class also involved an assignment for the next semester to lobby the Rhode Island legislature on the “pro” side of one of several political issues. After doing some research, Felkner felt he could not agree with the “pro” position on any of the issues suggested and asked whether he could lobby against one of them. When Ryczek told Felkner that he could not, he instead asked permission to lobby for an “Academic Bill of Rights.” This request was also denied.

While Felkner, rightly, did not believe he could be compelled to lobby the legislature for issues that he did not support, he did write the required paper on one of the lobbying issues—the “Education and Training (F.I.P. Program)” issue. In his 15-page paper, Felkner took a stand against the expansion of government programs as a means of helping the poor and criticized what he saw as “inferior research” that Rhode Island authorities were using to guide welfare policy decisions. The stance that Felkner took against the creation of a “comprehensive welfare state” is in direct opposition to Professor Ryczek’s expressed opinion in favor of such a political arrangement. It was Mr. Felkner’s understanding that his paper would be used as part of the mandatory lobbying effort and the arguments contained therein were not limited to a mere classroom exercise.

At the beginning of this year, Mr. Felkner discovered that he had received a failing grade on his “Policy and Organizing” paper. In his “Policy Paper Feedback,” Professor Ryczek stated, “Regardless of the content, application of theory, and critical analysis, you did not write from the perspective you were required to use in this academic exercise. Therefore, the paper is must [*sic*] receive a failing grade.” Ryczek also gave Felkner a failing grade for a classroom debate on the same topic. It is apparent that the reason for the failing grade was Mr. Felkner’s unwillingness to petition the government in favor of positions he opposed.

RIC's School of Social Work Enforces an Unconstitutional Ideological Orthodoxy

This pattern of facts demonstrates an obvious and disturbing expectation of ideological conformity within RIC's School of Social Work. Professor Ryczek's words and actions repeatedly made it clear to Felkner that dissenting political opinions were not welcome in the school. His behavior also appeared calculated to ensure that those who do not agree with the approved political perspective of the School of Social Work are unable to continue their education at RIC without changing or denying their dissenting personal political beliefs.

Such a state of affairs at a public institution of higher education such as RIC is unacceptable. As an agency of the state government, RIC has a responsibility not to discriminate on the basis of political beliefs. As U.S. Supreme Court Justice Robert Jackson wrote more than sixty years ago in *West Virginia Board of Education v. Barnette* (1943), “[I]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what will be orthodox, in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” Jackson's statement constitutes a ringing statement of freedom from ideological coercion by government agencies, and is all the more notable because it was written at a time when concerns about national unity were paramount in the minds of Americans.

Yet RIC's School of Social Work has done exactly what Justice Jackson declared as being beyond the government's power even in a time of war. Professor Ryczek's e-mail to Bill Felkner makes it clear that, at least in his opinion, RIC's School of Social Work—and even the entire profession of social work—is closed to those who do not agree with his own political views. The e-mail also indicates that it is the policy of RIC's School of Social Work to be inhospitable to those who share Felkner's views. This constitutes precisely the kind of political “orthodoxy” that conflicts with the Supreme Court's decision in *Barnette*.

Professor Ryczek is, of course, entitled to his biases. He is not permitted, however, to enforce those biases on his students by punishing dissent and essentially drafting his students into his own ideological crusades.

RIC's School of Social Work Unconstitutionally Compels Student Speech

Felkner's assignment to lobby the state legislature in favor of certain issues is inappropriate for several reasons. First, requiring students at a state university to lobby for certain political issues is ethically questionable at best. Even more disturbing, however, is the fact that Felkner and the other students in Professor Ryczek's class are required to publicly lobby the state legislature in favor of legislation that they may not support. Such coerced speech is *directly contrary* to the plain meaning of freedom of speech as guaranteed to every American by the First Amendment. No person may be required by the state to publicly advocate beliefs with which he disagrees. Forced allegiance to a set of political principles is the mark of a totalitarian state, not a free society. The explicitly enumerated constitutional right to petition the government for redress of

grievances means little if state employees are allowed to compel those under their authority to advocate whatever position that employee deems “correct.”

Professor Ryczek refers to NASW actions and guidelines to justify his opinion that only the politically liberal can be social workers. Yet he has confused the NASW’s political efforts to defeat President Bush with a mandate from that body for professors to ensure the ideological conformity of their students. Even if the NASW had such an agenda, Professor Ryczek would be forbidden from enforcing it because of his status as an employee of a state government agency.

RIC Appears to Have Engaged in Unconstitutional Retaliation

Professor Ryczek’s actions strongly suggest that he has discriminated against Bill Felkner on the basis of his political beliefs. The fact that Mr. Felkner has received a failing grade for refusing to parrot Ryczek’s political philosophy and after he publicly exposed Ryczek’s biases creates a presumption of retaliation. For a professor to retaliate against a student in this manner is unacceptable and potentially exposes RIC to significant liability.

This apparent retaliation against a student who does not agree with those in power at RIC has also served to illuminate a larger problem—the establishment of a pervasive and unconstitutional political orthodoxy within RIC’s School of Social Work. Were RIC a private college, it would be within its rights to declare that the School of Social Work was to be an ideologically monolithic department that expected intellectual conformity among its students and professors. While this would undoubtedly cause public uproar and dissatisfaction among alumni and donors, the college would not be liable for violating the U.S. Constitution. However, RIC, as a public institution, does not have the right to make such a decision. Bound by the U.S. Constitution, RIC is required to protect the First Amendment rights of its students to peacefully disagree with the authorities, to appeal to the public when they feel the sting of injustice, and to suffer no retaliation for their actions or political beliefs.

It is becoming clear to FIRE and the public that there is a serious problem with respect to First Amendment free expression rights at RIC. Last time we wrote to you, we asked that you end disciplinary hearings for a professor whose only “offense” was to refuse to censor constitutionally protected speech. You refused to do so, only to find the college publicly embarrassed and the professor in question subsequently exonerated. You then appointed a committee to study free speech issues at RIC, while, in the meantime, keeping in effect the existing unconstitutional policies at RIC.

The case of Bill Felkner only adds to the urgency with which RIC needs to reconsider and withdraw its unconstitutional policies. If RIC does not address this issue immediately, it runs the risk becoming a prominent national example of campus excess and repression. Two free speech controversies in one year are two too many. RIC owes it to its students, faculty, and alumni to immediately take steps to remedy these problems.

FIRE requests that RIC's School of Social Work immediately cease its unconstitutional viewpoint discrimination and make it clear to professors that retaliation against students for exercising their rights is unacceptable and unethical behavior. We also request that RIC never again attempt to compel students to petition the government and advocate positions that are contrary to their consciences on any topic. FIRE is, again, committed to using all of its legal and media resources to come to a satisfactory outcome in this case. Because of the ongoing and severe nature of the injury to Bill Felkner's rights, we request a response by **February 10, 2005**.

Sincerely,

Handwritten signature in blue ink, appearing to read 'D French'.

David French
President

cc:

Dan King, Vice President for Academic Affairs, Rhode Island College
Gary Penfield, Vice President for Student Affairs, Rhode Island College
George D. Metrey, Dean, School of Social Work, Rhode Island College
Jim Ryczek, Professor, School of Social Work, Rhode Island College
Nicholas T. Long, General Counsel, Rhode Island College
Bill Felkner