

# UNIVERSITY OF MINNESOTA

---

Office of the General Counsel

360 McNamara Alumni Center  
200 Oak Street S.E.  
Minneapolis, MN 55455  
Office: 612-624-4100  
Fax: 612-626-9624

December 21, 2009

Mr. Adam Kissel, Director  
Individual Rights Defense Program  
Foundation for Individual Rights of Education  
250 West 57<sup>th</sup> St., Suite 1830  
New York, NY 10107

Dear Mr. Kissel:

President Bruininks has asked me to respond to your letter concerning the Teacher Education Redesign Initiative (“TERI”) at the University of Minnesota College of Education and Human Development (“CEHD”).

The University takes seriously the concerns you have expressed, and respects your organization’s stated mission to defend individual rights on our country’s college campuses. Our University Board of Regents Policy on Academic Freedom and Responsibility for many decades has enshrined the principle of academic freedom for all members of our academic community, a freedom that includes the opportunity to “discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties and the functioning of the University.”

Many of the fears you expressed in your letter are based on an unfortunate misunderstanding of the facts. Let me state them plainly. Neither the University nor CEHD has adopted or implemented any “new policies” discussed in the particular TERI task force report submitted in July 2009 from which you quoted extensively. The task force report at issue was one of seven separate task force reports; none of them has been adopted as CEHD policy, nor is there any commitment by CEHD to adopt all the myriad faculty ideas contained in the various reports. Far from articulating CEHD or University policy, the various task group reports reflect the creative thinking of many faculty members charged with exploring ideas to improve P-12 education and student achievement. CEHD created TERI for the purpose of re-exploring the designs of our teacher education programs and involved more than 50 faculty members and Minnesota educators in the initiative. CEHD Dean Jean Quam has characterized the various task group reports as “faculty brainstorming” on how best to accomplish this curricular redesign.

As reflected in our Regents Policy, the University considers it essential that both “teachers and students must always remain free to inquire, to study and evaluate, to gain new maturity and understanding....” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957) (plurality

Mr. Adam Kissel  
December 21, 2009  
Page 2

op.). No University policy or practice ever will mandate any particular beliefs, or screen out people with “wrong beliefs” from the University. To the contrary, as Dean Quam repeatedly has emphasized, an essential component of CEHD’s curriculum initiative will be to expand – not restrict – the horizons of future teachers. CEHD’s commitment in this regard was recognized by the National Council for Accreditation of Teacher Education in its 2006 evaluation of the College, which praised CEHD for “exposing candidates to a diversity of ideas and viewpoints,” and for “respecting the variability of race/ethnicity, nationality, culture, language, religion, socioeconomic status, sexual orientation, disability status, and human potential.”

Consistent with these observations, it is also clear that the CEHD faculty has the right – indeed, a duty – to engage in creative thinking, dialogue, and advocacy with respect to a broad range of ideas for improving P-12 education. Surely FIRE can acknowledge and support the right of our faculty to engage in a robust exchange of viewpoints and proposals to this end, including controversial proposals and perspectives that may well require further refinement in the coming months. Academic freedom means little if our teaching faculty is inhibited from discussing and proposing curriculum innovations simply because others find them “illiberal” or “unjust.”

[I]n view of the nature of the teacher’s relation to the effective exercise of the rights which are safeguarded by the Bill of Rights and by the Fourteenth Amendment, inhibition of freedom of thought, and of action upon thought, in the case of teachers brings the safeguard of those amendments vividly into operation. Such unwarranted inhibition upon the free spirit of teachers ... has an unmistakable tendency to chill that free play of the spirit which all teachers ought especially to cultivate and practice ....

*Shelton v. Tucker*, 364 U.S. 479, 487 (1960) (quoting *Wieman v. Updegraff*, 344 U.S. 183, 185 (1952) (Frankfurter, J. concurring).

Inevitably, choices must be made about what to teach, and how to teach, our University students. Those curricular choices are made by our faculty on an individual and collective basis throughout all of our many campuses, colleges, and academic departments. Such choices, and the deliberative processes (like the TERI task forces) from which those choices emerge, are broadly protected by principles of academic freedom, principles that lie at the heart of American higher education. Rest assured that the University of Minnesota will protect and defend those principles.

Sincerely,



Mark B. Rotenberg  
General Counsel