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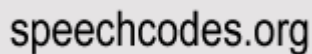
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Foundation for Individual Rights in Education

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Read excerpts from *The Shadow University* by Alan Charles Kors & Harvey A. Silverglate.



Read *Thought Reform 101* by Alan Charles Kors.

September 10, 2004
BY FAX AND MAIL

President John Nazarian
Rhode Island College
600 Mt. Pleasant Avenue
Providence, RI 02908

Dear President Nazarian:

I have read the decision issued yesterday in the Lisa Church “discrimination” complaint as well as your message to the Rhode Island College community “support[ing] the right to free speech for all.”

Unfortunately, neither document provides much comfort to faculty or students who are concerned about the vitality of freedom of speech on campus.

Obviously, we are very pleased that the charges against Professor Church have been dismissed. At bottom, however, the reasoning of the decision amounts to nothing more than bureaucratic hooey that only obfuscates the fundamental issues at stake.

Your message claims that the ruling determined that this case “was not an issue of free speech, the First Amendment, academic freedom, discrimination or censorship.” While the ruling did indeed find that Professor Church’s actions were not “racially discriminatory,” it simply did not address *at all* the free speech concerns raised by the charges. Incredibly, the decision never cites or even *mentions* the specific charge against which Professor Church was forced to defend herself: failing to “create, promote and ensure a positive climate where individuals may learn, teach and work free from discrimination.” It is the use of this nebulous command against a professor that has legitimately and understandably provoked much of the free speech debate surrounding this incident. It is only by ignoring the specific charge that the ruling could ignore the First Amendment implications of that charge.

Indeed, upon a careful parsing of the decision, it appears that Professor Church could easily face the same charges tomorrow if she took the same steps in response to a new incident of offensive parental speech. Although the ruling finds no racially discriminatory behavior on her part, it does not rest its conclusion on that basis. Instead, the last sentence of the decision concludes that no “*further* formal action by the College is required” because “the substantive objectives sought by the Complainant have been met”; i.e.,



Read *Memo to Free Speech Advocates University of*

Wisconsin-Madison by Harvey A. Silverglate.

Foundation for Individual Rights
in Education, Inc.
210 West Washington Square
Suite 303
Philadelphia, PA 19106
Phone: (215) 717-3473
(717-FIRE)
Fax: (215) 717-3440
Email: fire@thefire.org

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Professor Church ultimately addressed in alternative ways the issues surrounding the parent conversation that led to the charge. If she had not, Dr. Kane's decision suggests, she might be facing "further formal action."

In short, the dismissal of the charges against Professor Church has done nothing to allay our concerns about the disturbingly enormous breadth of the College's various "hate speech" provisions. Rather, the decision's deficient and rather elusive analysis only highlights their lurking presence, available to be unsheathed at a moment's notice against other unsuspecting professors or students.

I appreciate your comment that the college "supports the right to free speech for all." However, I would respectfully suggest that Professor Church's vindication has not vindicated the First Amendment. It has only left the issue for another day. We must therefore reiterate the request from our September 7th letter that the college "immediately begin a review of all college policies, procedures and other written materials – including those brought to light in this case – that have the potential to impact freedom of speech on campus, and to revise them to address that impact" and that you "promptly make clear to all college personnel and students that ... henceforth, no anti-discrimination policies will be interpreted or enforced in a way that impinges upon free speech rights."

Sincerely,

Steven Brown
Executive Director

Because Your Liberty is a Precious Thing
