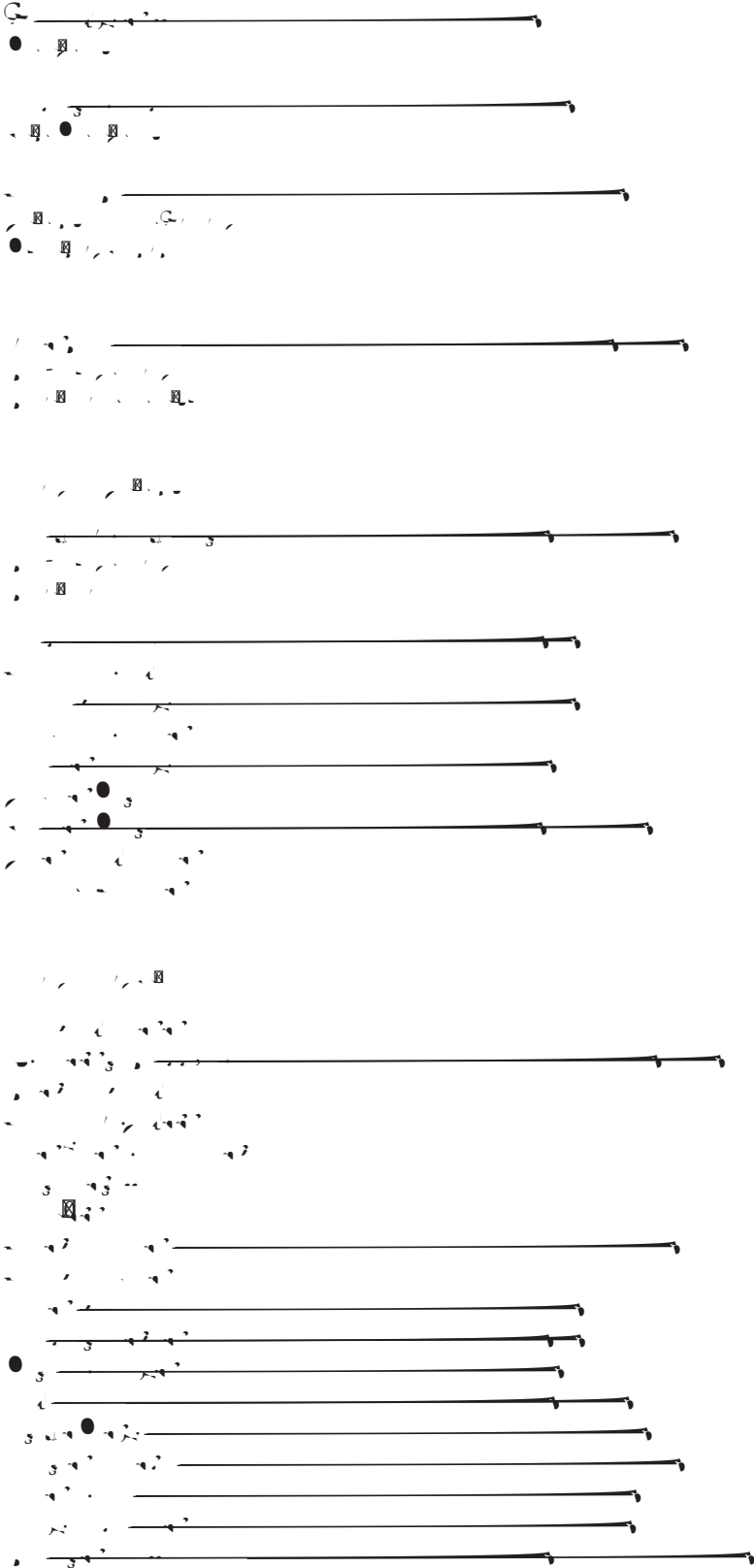
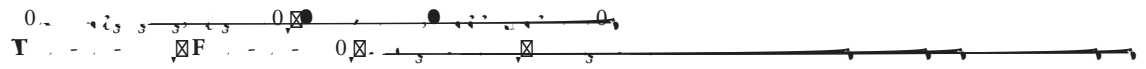


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transnational social movements, and local-global linkages.” In the January 19 e-mail, which he

- * You, as professor of an academic course, sent to each student enrolled in that course a highly partisan email accompanied by lurid photographs.
- * The email was unexpected and without educational context.
- * You offered no explanation of how the material related to the content of the course.
- * You offered no avenue to discuss, nor encouraged any response, to the opinions and photographs included in the email.
- * You directly told a student who inquired that the email was not connected to the course.
- * As a result, two enrolled students were too distraught to continue with the course.

Third, professors do not need to provide explicit “educational context” for their e-mails when the subject matter of the e-mail so clearly touches on subjects at issue in the course. Nor need a professor offer an explicit “explanation of how the material relate[s] to the content of the course.” Nor need a professor explicitly offer an “avenue to discuss” such materials, nor need a professor “encourage[] a

must be able to view materials that might be highly upsetting, without thereby becoming coerced in their judgment or conscience or feeling actionable "harm."

Although no professional experience is required to judge Robinson's e-mail as entirely within the bounds of professional conduct of a university professor, let me note here that I have taught sociological theory, freshman humanities, and other topics to University of Chicago undergraduates. I have worked for senior sociologists at Harvard University and the Usocio-mail as ent

The Case Has Raised Serious Due Process Concerns

This case also introduces serious due process concerns besides the obvious point that significant outside pressure has been brought to bear on UCSB because of the content of the professor's protected speech. First of all, Robinson was not given any statement of the charges against him until April 5. Although Robinson took several opportunities to respond to the students' informal and formal complaints before that time, it was not until April 5 that he knew definitively what allegations he was facing.

Second, the identity of the complainant(s) in this case has been put in question because of the inconsistent list of charges between the formal student complaints and Scharlemann's statement of charges. It appears that Scharlemann is now the formal complainant and that the two students may or may not be required to appear as witnesses. If so, it seems that Scharlemann is now both the author and the initial judge of his own complaint.

Moreover, a central principle of due process is the right of the accused to face and question his accusers. If a hearing, against all common sense and against Robinson's rights, is permitted to proceed, Robinson might not have any opportunity to confront his initial accusers, even though "coerc[ing] ... the judgment or conscience of a student" is one of the allegations. To make matters worse, the right to question *any* witnesses is not afforded to *any* faculty member in a hearing before a Charges Committee ("Policies and Rules for Hearing before Charges Committees," item 7).

I further encourage you to read carefully the entire letter from Raymond described above as well as his April 4 letter to the Academic Senate's Committee on Committees (see <http://sb4af.wordpress.com/robinson-case>), as well as the motions passed by the Academic Senate on June 4, regarding additional due process concerns.

Robinson also aptly quotes several relevant statements from the American Association of University Professors regarding academic freedom. While AAUP statements are not necessarily binding on UCSB, they carry significant moral force in cases like this one, when significant outside political pressure comes to bear on a professor's class expression.

Conclusion

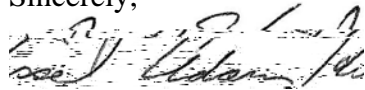
Professor William Robinson cannot legally be investigated or punished by UCSB and deprived of his rights. The current charges against Robinson are a pretext for violating his rights by other means. FIRE urges you to immediately cease investigating Robinson's e-mail, ensure that any record of this matter be expunged from the administrative record, and announce to the UCSB

cloud what must be a clear message. Noting that, for example, “The University supports the right to free speech, but we intend to check into this matter,” or “The University supports the right of free speech, but I have asked Dean X or Provost Y to investigate the circumstances,” is unacceptable. There is nothing to “check into,” nothing “to investigate.”

We have enclosed a waiver from Professor Robinson which authorizes you to fully discuss his case with us.

We urge UCSB to show the courage necessary to admit its error. Please spare the university the deep embarrassment of fighting against the Bill of Rights and the California Constitution, by which it is legally and morally bound. While we hope this situation can be resolved amicably and swiftly, we are committed to using all of our resources to see this situation through to a just and moral conclusion. Because of the chilling effect on faculty speech that increases every day without a resolution of this issue, we request a timely response to this letter by 5:00 p.m. EST on June 24, 2009.

Sincerely,



Adam Kissel

Director, Individual Rights Defense Program

cc:

Gene Lucas, Executive Vice Chancellor, UCSB

Joel Michaelsen, Divisional Chair, Academic Senate, UCSB

Martin G. Scharlemann, Charges Officer, Academic Senate, UCSB

Stephanie Smagala, Charges Officer, Academic Senate, UCSB

Melvin L. Oliver, SAGE Sara Miller McCune Dean of Social Sciences, UCSB

Verta Taylor, Chair, Department of Sociology, UCSB

Yousef Baker, Coordinator, Committee to Defend Academic Freedom at UCSB

Encl.