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March 5, 2021

Peter Harrington  
Interim General Counsel  
University of Rhode Island  
Green Hall  
Kingston, RI 02881

*Via Electronic Mail (pjhlaw@uri.edu)*

Dear Mr. Harrington:

I represent Donna Hughes, a professor in the Department of Gender and Women's Studies. Recently, Dr. Hughes' department chair gave her a series of instructions that infringe on her right to academic freedom, in violation of both the First Amendment and the University of Rhode Island's own policies.

Dr. Hughes is currently teaching an Introduction to Feminist Theories course that covers a wide range of topics, including transgenderism, gender identity, gender expression, and gender critical feminism. On January 5, 2021, Dr. Hughes had a Zoom meeting with her department chair, Rosaria Pisa, at which Dr. Pisa stated that the Gender and Women's Studies professors were not doing enough to "acknowledge" and "affirm" the transgender students in their classes. Dr. Pisa then stated that a student had expressed concern with the fact that Dr. Hughes had listed a website, Feminist Current, as one of a number of resources students could use to learn more about contemporary women's issues. Feminist Current is run by a gender-critical feminist named Meghan Murphy. **Dr. Pisa informed Dr. Hughes that she should not recommend material from the Feminist Current website because its association with Meghan Murphy upset some of her students.** When Dr. Hughes informed Dr. Pisa that she covers gender identity issues in her Introduction to Feminist Theories course, including a reading on "detransitioning," **Dr. Pisa recommended that she not include that reading, again citing student discomfort.**

Dr. Hughes' concern that her coverage of gender identity issues could result in discipline intensified following a February 5, 2021 faculty meeting at which Dr. Pisa stated that the faculty needed to participate in an upcoming "Safe Zone" training on LGBTQ+ issues. To be clear, Dr. Hughes has no objection to participating in this training. However, in presenting the training to the department, Dr. Pisa cited "legal issues," stating that if transgender students were not "acknowledged," it might be a violation

of the Americans with Disabilities Act. Since Dr. Pisa used this same language of “acknowledgment” in telling Dr. Hughes to remove certain readings from her syllabus, Dr. Hughes understood this warning to mean that she could face consequences for continuing to teach these materials.

Dr. Hughes is also an internationally recognized expert in human trafficking, particularly the sexual exploitation of women and girls, and she teaches courses on this topic based on her unique expertise. While some argue that the commercial sex industry can be “empowering” to women and girls, Dr. Hughes’ view – based on her extensive experience doing research and working with survivors of prostitution and sex trafficking and service providers who work with victims of the sex trade – is that the commercial sex industry causes harm to women. After a student – a former sex worker – who disagreed with Dr. Hughes’ perspective dropped her class, Dr. Pisa reminded Dr. Hughes that she must “affirm” and “acknowledge” all of her students. While Dr. Hughes welcomes reasoned disagreement in her class, she also has the academic freedom to teach her subject in the way she believes to be most accurate based on her years of research, and she is now concerned that this will lead to charges that she has been insufficiently “affirming” of her students.

Dr. Hughes’ right to academic freedom is protected both by URI’s policies and by the First Amendment. As the Supreme Court has held,

Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom. The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.

*Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (internal citations omitted).

Moreover, chapter 6.11.14 of the University Regulations provides that “The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.”

The constraints that Dr. Pisa has placed on Dr. Hughes’ ability to select pedagogically appropriate materials for her classes, and to teach those materials in the way she believes to be most accurate, violates her right to academic freedom. Dr. Hughes does not intend to remove pedagogically appropriate readings from her syllabus or refrain from discussing challenging topics in the classroom, but she fears that she could face institutional consequences based on this protected exercise of academic freedom – a fear that is amplified by the fact that this is happening with alarming regularity to faculty around the country.

Therefore, we are seeking an assurance from the university that she may continue to teach the topics of gender identity and sex trafficking as she deems pedagogically appropriate, and may continue to select reading materials germane to the subject of her courses, without fear of investigation or disciplinary action.

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I look forward to hearing from you.

Sincerely,

*Samantha Harris*

Samantha K. Harris