



Dear Dean Riley,

As you know, the University of Rhode Island has released a [public statement](#) regarding the constitutionally protected speech of Professor Donna Hughes of the Department of Gender and Women’s Studies. Professor Hughes published an [essay](#) on the feminist website 4W arguing that claims that human beings can change sexes and that some people are born in the wrong bodies are false and pose challenges to traditional feminist concerns and risks harm to young boys and girls. The essay proved controversial and some students threatened to “take her down,” i.e., pressure the university to take action against Professor Hughes.

The University’s statement admits that Professor Hughes has a constitutional right to freedom of speech that protects her from any formal sanction or retaliation by the University. Her rights are protected by the First Amendment of the U.S. Constitution and are binding on the University of Rhode Island as a public institution. It is beyond question that the expressed opinions are not outside the protections of freedom of speech that the Constitution provides to any citizen. It is also quite evident that the expression of private political opinions on matters of general public concern in a published article in a political journal cannot, under the federal Constitution, be the basis of disciplinary action or sanctions by a government employer against a government employee.

Moreover, the university has specifically adopted the principles of academic freedom articulated by the American Association of University Professors as a further contractual protection to the speech rights of the members of its faculty. The [University Manual](#) at 6.10.10 specifically references the AAUP’s 1940 Statement of Principles:

Academic freedom has been defined and codified in a statement of principles that was prepared by representatives of the American Association of University Professors and the Association of American Colleges. Adopted by both organizations in 1941 and later endorsed by many other professional and learned societies, it is known as “The 1940 Statement of Principles on Academic Freedom and Tenure.” The former Board of Trustees of State Colleges and the University of Rhode Island unconditionally endorsed the 1940 Statement. . . .

The Manual specifically adopts the AAUP’s language stating that,

“The college or university teacher is a citizen, a member of a learned profession, and an officer of an education institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a person of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be



accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.”

And goes on to state,

Academic Freedom means inter-alia that political beliefs, political activities and political associations shall not be used as criteria in reaching decisions about hiring, termination, promotion and tenure.

The public statement regarding Professor Hughes emphasizes that a faculty’s members speech rights “are not boundless” but “should be exercised responsibly” and with “appropriate restraint.” This qualification references the language of the AAUP’s 1940 Statement and the University Manual. By emphasizing these comments in this context, the university has implied that satisfying these expectations (indeed satisfying them in the judgment of university officials) is a condition under which Professor Hughes’ speech is protected. That implication is a misreading of the AAUP statement and a chilling message to her and other faculty regarding the scope of their protected free speech under the university’s own contractual commitments.

The AAUP has long taken the view that such extramural utterances should not lead to university investigations or sanctions unless they “raise grave doubts concerning the teacher’s fitness for his or her position.” Moreover, in 1964 the AAUP resolved that “the controlling principle is that a faculty member’s expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness to serve.” Such should “rarely” be the case, and any such conclusion of unfitness should not be based solely on the extramural speech but should “take into account the faculty member’s entire record as a teacher in scholar.” Language regarding what professors “should remember” when they speak in public about matters of public concern are aspirational and hortatory only, and it would be inappropriate and inconsistent with the common interpretation of the scope of academic freedom for the university to hold out the possibility of investigating or sanctioning members of its faculty for alleged failures to exercise their speech rights “responsibly” or to show “appropriate restraint” or “respect for the opinions of others.” Opening that door puts the freedom of speech of all faculty at the university in a tenuous position inconsistent with the high demands of academic freedom at American universities generally and the University of Rhode Island specifically.

The university’s public statement in response to the controversy spurred by Professor Hughes’ published article sends a chilling message about the protections for academic freedom at the university and misrepresents the meaning of the AAUP’s 1940 Statement of Principles on



Academic Freedom and Tenure that the university has “unconditionally endorsed.” The Academic Freedom Alliance calls on URI to adhere to its academic freedom principles by rescinding its denunciation of Professor Hughes and terminating any consideration of disciplinary proceedings against her based on her published writing.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Whittington", with a long, sweeping horizontal line extending to the right.

Keith Whittington
Chair, Academic Committee