



**RHODE ISLAND
COLLEGE**

August 25, 2004

President

Greg Lukianoff, Esq.
Director of Legal and Public Advocacy
Foundation for Individual Rights in Education
201 West Washington Square, Suite 303
Philadelphia, PA 19106

Dear Mr. Lukianoff:

I write in response to your letter of August 2, 2004. I share your enthusiastic appreciation of the First Amendment and the need to guard vigorously the freedoms it ensures.

Your letter acknowledges that your understanding of the facts is based solely upon information provided to you by Professor Church. Since, according to the College's Complaint Resolution Process I may ultimately have to judge this matter, I have deliberately not made myself aware of any "facts" pertaining to the case. Moreover, since there has been no hearing to date, even at the Step 1 level, the "facts" as perceived by the complainant have yet to be presented.

That being said, you should understand that the College's Complaint Resolution Procedure is designed to enable anyone within the College community who believes that a violation of College policy has taken place, to voice that concern before a responsible College official. The policy reads, in part:

Rhode Island College affirms its commitment to ensuring an environment for all students and employees which is fair, humane, and respectful; an environment which supports and rewards students and employees on the basis of relevant considerations, and which is free from discriminatory, inappropriate, and disrespectful conduct or communication. As an institution of higher education dedicated to fostering and upholding higher order values of human dignity and respect for the individual, Rhode Island College expects standards of professional behavior which exceed those minimally prescribed by law.

In an instance of perceived violation of the College policies, a member of the College community may file a complaint. In pursuing a complaint, the individual may be accompanied and otherwise assisted by an advisor/advocate from within the College community. The advisor shall not act as an attorney. Should any of the parties retain legal counsel, counsel may not be present at any level of the complaint called for by these procedures. College employees governed by collective bargaining agreements

Providence, RI 02908-1991
(401) 456-8100
TDD: (401) 456-8061



may pursue violations of these collective bargaining agreements according to grievance procedures set forth in their contracts.

The Complaint Resolution Process happens also to serve as the College's grievance procedure for discrimination complaints alleging violations of Title IX, Title VI, the ADA, section 504, etc. However, complaints need not be limited to allegations of discrimination.

Rhode Island College recognizes the value of the "free marketplace of ideas" and does not seek to censor the speech of any member of the community except in the most unusual circumstances. From what I understand, Professor Church is not being complained about for any remarks she may have made. Rather, an individual is concerned that Professor Church, in her capacity as an administrator of the College's cooperative preschool program, failed to respond appropriately to a complaint about one student/mother brought by another student/mother, by inter alia, seeking to censor a proposed discussion on the subject of racism.

While, in theory, Professor Church could be subject to discipline if it were established, on the basis of credible evidence presented at a hearing, that she willfully engaged in a deliberate act of illegal discrimination, discipline is not the focus of the complaint filed in this instance and discipline is not generally the focus of the Complaint Resolution Procedure. .

Unfortunately, the exchange of e-mails discussing hypothetical situations, which were referenced in your letter apparently generated some misunderstandings and confusion. However, I can assure you that Professor Church faces no campus discipline because of any exercise of her First Amendment rights.

Very truly yours,

John Nazarian
President