



November 15, 2021

Dear Dean Culver,

The Academic Freedom Alliance (AFA) is a coalition of faculty members from across the country and across the ideological spectrum who are committed to upholding the principles of academic freedom and professorial free speech.

We are concerned about the University of Rochester's handling of complaints involving Professor David Bleich. As you know, the University of Rochester received a complaint from students that Professor Bleich had said the "n-word" and other "four letter words" during a September 21 session of his class on Gender and Anger offered by the Department of English. According to your letter, he "read aloud" an article by Harvard Law Professor Randall Kennedy that included multiple mentions of the n-word. This apparently occurred after and in response to a previous discussion with students in the class about the use of the word. (We understand that there is a factual dispute over whether Professor Bleich had told the students that he would not say the word again in the future.) He has been suspended from teaching and a number of onerous conditions have been put on him before he will be allowed to return to his teaching duties.

I write on behalf of the Academic Freedom Alliance to express our firm view that these disciplinary actions directed toward Professor Bleich are an egregious violation of his academic freedom. This interpretation and application of the university's harassment policy would conflict with longstanding principles of academic freedom embraced by American universities, and it would be in breach of the University of Rochester's own stated commitment to academic freedom.

The University of Rochester [Faculty Handbook](#) embodies the principles of academic freedom advanced by the American Association of University Professors in the 1940 Statement of Principles on Academic Freedom and Tenure. The Handbook promises simply that Rochester faculty enjoy the freedom "in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject." There is no question that this classroom discussion fell within the bounds of this provision. The n-word was already a topic of discussion in the class, and that discussion arose out of the inclusion of the word in assigned readings. Once the specific topic was broached, it was more than reasonable for Professor Bleich to introduce more materials to enrich the analysis in the classroom of the use of such language. In your letter to Professor Bleich you characterize any use of the word in class as necessarily "demeaning" to the students and never "appropriate." Academic freedom is designed precisely to preserve the authority of the faculty member to make such judgments about their own discipline and class and not subordinate such scholarly judgments to the discretion of a dean. The University of Rochester secures the



freedom of its faculty from censure or sanction for their teaching except where such teaching is marred by “incompetence or unprofessional behavior.” It would be extraordinary for the university to adopt the view that it is incompetent or unprofessional for a faculty member to read aloud from a scholarly article by a distinguished scholar addressing a topic of discussion in the class.

As the AAUP has elaborated on the implications of this freedom to teach, it has repeatedly emphasized that classroom discussions of the type at issue here are well within the bounds of the principles of academic freedom to which Rochester has contractually committed itself and that are generally accepted within the profession. The AAUP’s [1994 report on freedom of expression](#) firmly concluded that it would be a breach of professional ethics and outside the bounds of academic freedom for a professor to ridicule or harass a student in the classroom, but that such “verbal assaults” had to be sharply distinguished from the expression of hateful ideas, including the words that are used to express those ideas. Offensive speech must sometimes be used in the classroom, and it is subversive of the protection of freedom of classroom teaching to depart from established legal standards of harassment to proscribe frank classroom discussions of the ideas, words and behaviors that might be used to harass. Likewise, the AAUP’s [2007 report on freedom in the classroom](#) emphasized that “ideas that are germane to a subject under discussion in a classroom cannot be censored because a student with particular religious or political beliefs might be offended.” It would be “inimical to the free and vigorous exchange of ideas necessary for teaching and learning in higher education” if professors could be sanctioned because of the reaction of one or more students to the words and ideas being discussed.

For the University of Rochester to sanction a member of its faculty for making relevant instructional use of words in a class session that some students found offensive, it would violate its own contractual commitments to academic freedom and would send a chilling message to every member of its faculty who must discuss difficult and controversial material as part of their teaching duties. The Academic Freedom Alliance stands firmly behind Professor Bleich in this matter and is prepared to provide him with the assistance that he might find necessary to vindicate adequately his contractual and civil rights with his university employer.

Sincerely,

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

Keith Whittington
Chair, Academic Committee, Academic Freedom Alliance
William Nelson Cromwell Professor of Politics, Princeton University



cc. Donna Gooden Payne, Vice President and General Counsel
Sarah Peyre, Provost and Chief Academic Officer
Sarah Mangelsdorf, President
Richard Handler, Chair, Board of Trustees