



February 28, 2022

Dear President Spina,

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 dismayed at the recent decision to disinvite Dr. Tlaleng Mofokeng from participating as a keynote speaker in the Social Practice of Human Rights conference hosted by the Human Rights Center on the University of Dayton campus. She was to speak at the conference in December 2021 and was reportedly disinvited by the university administration on October 28, 2021. The disinvitation was only recently [publicly reported](#). The university administration apparently concluded that Dr. Mofokeng could not speak on campus about public health issues relating to the pandemic because she had earlier done work “related to reproduction” that is “inconsistent with the University’s Catholic, Marianist mission and identity” and for fear that her participation “would prompt considerable negative reactions that would really disrupt the conference.”

I write on behalf of the Academic Freedom Alliance to express our firm view that this disinvitation represents an egregious violation of the principles of academic freedom and an abnegation of the University of Dayton’s own stated commitment to freedom of thought. The university’s [Faculty Handbook](#) in Section IV.6 states simply that “all members of the faculty, whether tenured or not, are entitled to academic freedom as set forth in the *1940 Statement of Principles on Academic Freedom and Tenure*, formulated by the Association of American Colleges and the American Association of University Professors.” Moreover, the Faculty Handbook simply copies the AAUP’s policy document on church-related institutions including its conclusion that “most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 Statement, and we do not now endorse such a departure” and warns that “any limitation on academic freedom should be essential to the religious aims of the institution.”

In a [letter to the Foundation for Individual Rights in Education](#), the university contended that the “University expects advance consultation and thoughtful consideration about high-profile external speakers before they are invited” and that Dr. Mofokeng’s “work as an abortion provider” made her presence on campus a “sharp conflict with the University’s Catholic, Marianist mission and the right to life.” Such an expectation certainly echoes instructions given to [student groups](#) about outside speakers.



When applied to university faculty putting together scholarly events on campus, however, such an expectation is inconsistent with the university's contractual commitment to traditional academic freedom principles.

We do not quarrel with the right of religiously affiliated institutions to govern themselves in line with the precepts of their sponsoring religious bodies, and to pursue their faith-based missions. We insist, however, that all institutions, including religiously affiliated colleges and universities, live up to their free speech and other academic freedom commitments, and honor the formal and informal contracts the institutions have made with their faculty and students.

Beyond those basic obligations, we urge you to consider that universities are places where individuals with diverse beliefs, ideas and commitments can gather and civilly discuss their views. Universities are founded on the belief that the free exchange of ideas is essential to the advancement of human knowledge and that our society is improved by working through our disagreements by discussion rather than coercion. Universities, including those that are faith-based, should not shy away from controversy. They should certainly not yield to intimidation. They should be seeking to provide a forum in which disagreements can be openly expressed. Those disagreements will sometimes be intense and might be expressed in strong terms, but universities will be sacrificing their core values if they seek to suppress speakers who might elicit controversy or silence debate before it has even begun.

We commend to the University of Dayton the example set a few years ago by Liberty University in Virginia, a very conservative Evangelical Christian institution, when it invited socialist presidential candidate Bernie Sanders to speak on campus. By inviting Senator Sanders and allowing students hear his ideas and arguments, Liberty was not endorsing Sanders' beliefs, nor did anyone suppose the University was endorsing them. They were advancing the cause of learning and civil discourse. Students vigorously challenged the Senator, but listened to him and engaged him respectfully.

By contrast, permitting those who disagree with ideas to cancel events subverts the principles of freedom of speech that ought to guide university life. Justice William O. Douglas observed in *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949) that "a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging." The alternative to the robust protection of such speakers and the expression of their ideas is the "standardization of ideas either by legislatures, courts, or dominant political or community groups." In *Sweezy v. New Hampshire*, 354 U.S. 234, 262 (1957), Justice Felix Frankfurter emphasized the "dependence of a free society on free universities" and strong protections against "action that inevitably tends to



check the ardor and fearlessness of scholars, qualities at once so fragile and so indispensable for fruitful academic labor.”

By canceling Dr. Mofokeng’s lecture, the University of Dayton violated its own stated commitments to academic freedom, sending a chilling message to its faculty and students that their rights of intellectual inquiry will not be respected when objections are raised and diminishing its own standing as an institution of higher education. The Academic Freedom Alliance stands firmly behind the Human Rights Center in this matter. We call on the university to reaffirm its commitment to academic freedom and the ability of its faculty to host scholarly events reflecting a diverse set of participants and views without the threat of intervention by university leadership out of fear of disruption or that the event might challenge the deeply held views of members of the university community.

Sincerely,

A handwritten signature in black ink, appearing to be "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. Prof. Shelley Inglis, Executive Director, Human Rights Center
Dean Jason Pierce
Provost Paul Benson