



June 5, 2026

Denise Cunningham
Office of Human Resources
Hofstra University
144 Hofstra University
Hempstead, New York 11549-1440

Sent via U.S. Mail and Electronic Mail (denise.s.cunningham@hofstra.edu)

Dear Ms. Cunningham:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Hofstra University's harassment investigation into Professor Richard Himelfarb because he described another professor's course proposals as "word salad." Although the other professor may have been offended or hurt by Himelfarb's remark, such a remark does not meet the stringent definition of harassment set by both federal law and Hofstra's own policy. We therefore urge Hofstra to cease the investigation into Himelfarb and not mete out any punishment.

At a November 3, 2025 faculty meeting, Professor Santiago Slabodsky proposed two new Jewish studies courses, with what Himelfarb described as a "rambling, dissembling explanation."² Himelfarb, who believed Slabodsky's proposal did not have enough Jewish content, said it was incoherent and amounted to "word salad."³ Slabodsky then filed a harassment complaint, alleging the phrase "word salad" was discriminatory against his accent, native language, and Latino identity.⁴ On April 27, 2026, Vice President of Human Resources Denise Cunningham informed Himelfarb that Slabodsky requested an informal resolution to the complaint and that Himelfarb apologize to the entire faculty.⁵ Himelfarb accepted and sent Cunningham a draft

¹ For more than 25 years, FIRE has defended free expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

² The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ Word salad is defined as "a string of empty, incoherent, unintelligible, or nonsensical words or comments." *Word salad*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/word%20salad> (last visited May 27, 2026).

⁴ *Formal Complaint Regarding Workplace Discrimination* from Santiago Slabodsky (on file with author).

⁵ Email from Denise Cunningham, Vice President of Human Resources to Richard Himelfarb, professor (Apr. 27, 2026, 4:28 PM) (on file with author).

apology on April 29.⁶ On May 8, Cunningham informed Himelfarb that Slabodsky had withdrawn his request for an informal resolution and the matter would be referred to the University Harassment Review Board.⁷ On May 28, Cunningham notified Himelfarb that he would need to attend a hearing, which will be scheduled in the coming weeks.⁸

Hofstra’s policies guarantee academic freedom to faculty.⁹ Moreover, the Middle States Commission on Higher Education, which accredits Hofstra, requires all its accredited institutions to “possess[] and demonstrate[] ... a commitment to academic freedom, intellectual freedom, freedom of expression.”¹⁰ While Hofstra is a private institution, its commitment to academic freedom—required to remain accredited—is only comprehensible when considered within our nation’s tradition of academic freedom and First Amendment jurisprudence.

The First Amendment protects faculty speech “related to scholarship or teaching.”¹¹ This protection is not limited to classroom speech but includes speech that serves an academic purpose.¹² Indeed, courts have established that free speech is the lifeblood of academic freedom, which is “a special concern of the First Amendment.”¹³

Himelfarb’s remark that Slabodsky’s proposals were “word salad” is clearly speech related to teaching and thus protected. His remark was made at a *college faculty meeting*. Discussing proposed courses and curriculum is squarely part of faculty members’ teaching, especially on such occasions. By characterizing Slabodsky’s course proposals as “word salad,” Himelfarb was expressing a view about the proposal’s clarity and coherence—considerations directly relevant to academic offerings. Disagreements among faculty on whether proposed courses “have enough Jewish content” are protected by the principles of academic freedom and free speech, which provide that professors “may have [] to withstand colleagues that do not like them, are rude, and may be generally disagreeable people.”¹⁴

⁶ Email from Himelfarb to Cunningham (Apr. 29, 2026, 8:15 PM) (on file with author).

⁷ Email from Cunningham to Himelfarb (May 8, 2026, 9:54 AM) (on file with author).

⁸ Letter from Cunningham to Himelfarb (May 28, 2026) (on file with author).

⁹ *The Faculty Statutes of Hofstra University*, Academic Freedom, HOFSTRA UNIV., 3 (last revised May 4, 2026), <https://www.hofstra.edu/sites/default/files/2024-04/facultystatutes.pdf> [<https://perma.cc/6PLA-Z6AU>].

¹⁰ *Standards for Accreditation and Requirements for Affiliation*, Standard II, Ethics and Integrity, Criteria, MSCHE (effective July 1, 2023), <https://www.msche.org/standards/fourteenth-edition>.

¹¹ Faculty speech, as a general rule, may not be protected if it occurs pursuant to a faculty member’s normal job duties. *Garcetti v. Ceballos*, 547 U.S. 410, 417-18 (2006). But nearly every U.S. Circuit Court has recognized an exception to this rule for faculty’s academic speech. *See, e.g., Heim v. Daniel*, 81 F.4th 212, 227–28 (2d. Cir. 2003); *Meriwether v. Hartop*, 992 F.3d 492, 505 (6th Cir. 2002); *Demers v. Austin*, 746 F.3d 402, 412 (9th Cir. 2014).

¹² *Buchanan v. Alexander*, 919 F.3d 847, 853 (5th Cir. 2019).

¹³ *Keyishian v. Bd. of Regents of Univ. of N.Y.*, 385 U.S. 589, 603 (1967).

¹⁴ *Somoza v. Univ. of Denver*, 513 F.3d 1206, 1218 (10th Cir. 2008); *see also, e.g., Jones v. Kneller*, 482 F. Supp. 204, 206 (E.D.N.Y. 1979) (involving disagreements on departmental leadership and policies between faculty and administrators).

Himelfarb’s “word salad” remark is nothing more than a subjectively offensive comment, which is protected by the First Amendment.¹⁵ Just because Slabodsky was hurt or felt disparaged by the “word salad” remark does not make it punishable harassment under federal law or Hofstra’s own policy.¹⁶ In *Davis v. Monroe County Board of Education*, the Supreme Court set forth a strict definition of harassment in the educational context, explaining that for conduct (including expression) to constitute actionable harassment, it must be (1) unwelcome, (2) discriminatory on the basis of a protected status, and (3) “so severe, pervasive, and objectionably offensive that it can be said to deprive the victim[] of access to the educational opportunities or benefits provided by the school.”¹⁷

Himelfarb’s speech does not meet this stringent standard and therefore cannot form the basis of a discriminatory harassment investigation. For one, it is not discriminatory based on a protected status. The “word salad” remark was specifically a critique of the clarity, coherence, and intelligibility of Slabodsky’s proposal. It does not reference any protected characteristics—nothing on record even suggests that Himelfarb was disparaging Slabodsky for his nationality or native language. Further, there is no evidence that Himelfarb’s speech deprived Slabodsky of educational resources. Rather, his speech was precisely the type of petty dispute that faculty members are expected to tolerate and address without university intervention.¹⁸

Even if Himelfarb’s remark was somehow punishable, we would separately be concerned with the fact that the hearing will not happen until over seven months after the speech at issue occurred. The Middle States Commission on Higher Education requires that accredited institutions possess a grievance policy that is “fair and impartial and assure[s] that grievances are addressed **promptly**, appropriately, and equitably.”¹⁹ A seven-month delay in holding a hearing violates this standard. And Hofstra should consider how this delay hinders the ability of Himelfarb and any potential witnesses to accurately recall the event at issue. Conversely, prompt hearings allow parties the best chance at a just and accurate outcome, ensuring a meaningful opportunity to prepare for and participate in the disciplinary process.

Given that Himelfarb’s rights are still under attack, we request a substantive response to this letter no later than the close of business on June 12, 2026, confirming Hofstra will end the investigation into Himelfarb and not impose any punishment.

¹⁵ *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (the “bedrock principle” of free speech is that speech is not sanctionable “simply because society finds the idea itself offensive or disagreeable”); see also *Matal v. Tam*, 582 U.S. 218, 246 (2017) (“Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express ‘the thought that we hate.’”) (internal citation omitted).

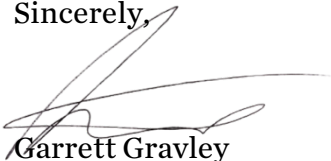
¹⁶ 526 U.S. 629, 651 (1999); see also *Hofstra University Harassment Policy*, Harassment Policy Statement, Definition of Other Forms of Harassment, HOFSTRA UNIV. 3–4 (revised 2019), <https://www.hofstra.edu/sites/default/files/2021-11/fps-harassment-policy.pdf> [<https://perma.cc/RC2X-425D>].

¹⁷ *Id.* at 650.

¹⁸ See *Jones*, 482 F. Supp. at 209 (mere “bickering” among academic colleagues” cannot justify First Amendment violation).

¹⁹ *Standards for Accreditation and Requirements of Affiliation/Fourteenth Edition*, Requirements of Affiliation, Standard II, Ethics and Integrity, Criteria, MSCHE, <https://www.msche.org/standards/fourteenth-edition/> (emphasis added).

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Gravley", written over a horizontal line.

Garrett Gravley
Program Counsel, Campus Rights Advocacy

Cc: Susan Poser, President
Comila Shahani-Denning, Senior Vice Provost for Academic Affairs

Encl.