



Foundation for Individual Rights in Education

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Greg Lukianoff
PRESIDENT

May 17, 2006

Robert L. Shibley
VICE PRESIDENT OF
OPERATIONS

President Joseph L. Subbiondo
California Institute of Integral Studies
1453 Mission Street
San Francisco, California 94103

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Sent via U.S. Mail and Facsimile to (415-575-1269)

Dear President Subbiondo:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, freedom of speech, due process, and, in this case, academic freedom, on America's college campuses. Our web page, thefire.org, will give you a greater sense of our identity and activities.

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FIRE is gravely concerned about the California Institute of Integral Studies' (CIIS') investigation of Professor Leland Van den Daele for assigning an article he authored to the students in his Lifespan Development Psychology class. By concluding that this assignment was inappropriate and subjecting Van den Daele to an investigation and review, CIIS has dramatically violated its own policies guaranteeing academic freedom and has chilled speech on the CIIS campus.

This is our understanding of the facts. Please inform us if you believe we are in error. On March 14, 2006, Van den Daele assigned to his Lifespan Development class an article that he wrote in 1970 entitled "Preschool Intervention Through Social Learning for Disadvantaged Children." The article was peer-reviewed and published in the *Journal of Negro Education*, a publication of Howard University, and had been assigned to Van den Daele's class in previous years. Van den Daele reported to FIRE that class discussion of this article revealed that this year, several students considered the article racist and one student even left the classroom in protest.

In an apparent response to complaints about the use of the article, on April 14, you sent an e-mail (attached) to the approximately 1000 members of CIIS's student, faculty, and staff community to say that 65 students had met with you to discuss Van den Daele's article—"an article that they considered to be

extremely racist,” and that represented the “most recent example of what they perceived as institutional racism.” The e-mail informed the CIIS community that in response to these students’ complaints, the institute’s Diversity Action Team (DAT) had conducted an investigation and, at your suggestion, recommended that the Development Psychology program, of which Professor Van den Daele’s class is a part, undergo a program review. According to the e-mail, DAT also recommended “an immediate investigation of Leland van den Daele’s Lifespan Development class and the use of the article *Preschool Intervention Through Social Learning for Disadvantaged Children*,” with the stipulation that this “investigation include recommendation for action if appropriate.”

In choosing to investigate Van den Daele for a course assignment, CIIS has ignored its own guarantees of faculty members’ academic freedom. Section 2.9.3 of CIIS’ Faculty Personnel Manual contains a robust promise of academic freedom:

The Institute promotes a diversity of opinion, course content and teaching methods, contributing to a spirit of healthy inquiry combined with unprejudiced openness to innovative approaches....Faculty members are entitled to freedom in the classroom in presenting their subject. They are encouraged to maintain in classroom discussion an openness to a variety of perspectives on course content....They are free from Institute censorship or discipline....Faculty members are entitled to freedom in the selection of textbooks, audio-visual aids and other teaching materials, subject only to established academic standards for graduate-level instruction.

Instead of abiding by its broad assurance of academic freedom and respecting Van den Daele’s right to choose course materials as he sees fit, CIIS has launched an attack on Van den Daele, labeling the assignment of his article an “incident” that needed to be “resolved.” The e-mail to the CIIS community referred repeatedly to the students’ grievances and their accusations that Van den Daele is a racist, but offered no defense of Van den Daele or his reasons for assigning the article, which was published in a peer-reviewed journal and was clearly germane to the topic of the class. As Professor Van den Daele explained in a March 31 e-mail to DAT member L’esa Guilian, he regularly assigns this article to his class because it “permits introduction of a wide-range of material and discussion about cultural and social factors in development, including historical change since the publication of the document.” Yet CIIS does not appear to have even considered this explanation, least of all in its public comments on the issue.

FIRE is also concerned about the April 14 e-mail’s reference to students’ conversations about diversity at CIIS with representatives from the Western Association of Schools and Colleges (WASC), the association that grants CIIS accreditation. The e-mail stated that “the incident with Leland is related to the diversity issues the PsyD students discussed with the WASC team, and...the issues raised about the program are not only about Leland.” This statement implies that Van den Daele is being subjected to investigation and review not simply because of his article, but because the institute wants to demonstrate its commitment to diversity. Punishing Van den Daele for simply assigning a

germane publication in his class in order to prove that CIIS is serious about diversity is not a tactic that will withstand the test of public scrutiny.

CIIS must understand that the denial of academic freedom through any investigation of Van den Daele's assignments erodes the rights of its existing students and faculty, degrades the institute's "spirit of healthy inquiry," and sends a chilling message to faculty and students across the disciplines that consulting or assigning certain academic articles is unacceptable at CIIS. CIIS is charting a dangerous course in choosing to censor controversial works and punish their authors rather than promote a dialogue in which important issues can be addressed. While the students at CIIS are free to openly discuss or disagree with Van den Daele's article—indeed, Van den Daele welcomed such disagreement—the institute cannot allow a cry of "offense" to silence and invalidate the scholarship of a respected member of the CIIS faculty. To do so violates his right to academic freedom and open inquiry, thereby undermining the very principles that CIIS claims to uphold.

FIRE requests that CIIS repudiate its unfair treatment of Professor Van den Daele. We urge CIIS to cease its investigation into Van den Daele, his Lifespan Development class, and the use of his article, and to affirm its commitment to academic freedom and intellectual diversity. FIRE hopes to resolve this dispute amicably, but we are committed to using all of our resources to support Professor Leland Van den Daele in this matter, and to seeing this process through to a just and moral conclusion. Because of the continuing violations of Van den Daele's basic rights, FIRE requests a response by 5 p.m. on Tuesday, May 30, 2006.

Sincerely,



Robert L. Shibley
Vice President

cc:

Judie Wexler, Academic Vice President, California Institute of Integral Studies
Richard Buggs, Dean of Students, California Institute of Integral Studies
L'esa Guilian, Director of Human Resources, California Institute of Integral Studies
Leland Van den Daele

Encl.