



## Foundation for Individual Rights in Education

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PRESIDENT

November 15, 2004

Greg Lukianoff  
DIRECTOR OF LEGAL AND  
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President Christoph Kimmich  
Brooklyn College, City University of New York  
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### **URGENT**

*Sent by U.S. Mail and Facsimile (718- 951-4872)*

Dear President Kimmich:

As you can see from the list of our Directors and Board of Advisors, 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, due process, freedom of speech, and academic freedom on America's college campuses. Our web page, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and activities.

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We write to you today concerning a serious matter that appears to threaten free speech, academic freedom, and due process at Brooklyn College. On the same day that the Brooklyn College student government began to discuss instituting a new policy protecting academic freedom, the Brooklyn College administration decided to remove the officers who had championed this policy and nullify all of the student government's previous actions. According to student reports, this action was taken specifically to prevent the passage of a new and more protective academic freedom policy.

This is our understanding of the facts. Please inform us of any errors, if any exist. Last spring, the elections for Student Government Assembly of the College of Liberal Arts and Sciences (the Student Assembly) resulted in 17 seats for the college's "USL" political party, while the "PHD" party received 12 seats. However, this fall, only eight USL representatives were present at the first meeting for the assembly on September 14, 2004, while ten PHD members attended.

The representatives present then voted and elected Ruvim Levavi, a member of the PHD party, as Speaker of the Student Assembly in accordance with Student Assembly Rule VI (2)(a): "Immediately upon the administration of the Oath of

Office to all Representatives elect duly qualified and certified, the presiding officer...shall conduct the election for the Office [of] Speaker of the Assembly.” Sometime after this election took place, the remaining seats for representatives were appointed by the Committee of Vacancies. Levavi served as Speaker without trouble for approximately six weeks.

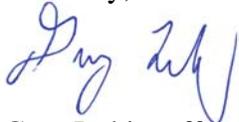
On November 2, the Student Assembly took up debate on “The Defense of Academic Freedom Act of 2004.” The act included sections that defined academic freedom; stated that faculty members should not be hired, fired, or denied promotion or tenure because of their political, religious, or social beliefs; urged that students be included on tenure committees; and specified that grades should not be based on students’ political beliefs. While much of what “The Defense of Academic Freedom Act of 2004” protects is already protected under the First Amendment and the American Association of University Professors guidelines, attempts to pass similar policies have been controversial at other universities around the country.

On the very same day, Dean for Student Life Milga Morales authored a letter nullifying the election of the officers of the Student Assembly and nearly all of the subsequent activities of the Assembly. Dean Morales claimed that the election of the Speaker and officers, along with all subsequent actions of the assembly, were to be considered null and void because the substitute representatives appointed by the Committee of Vacancies should have been seated before the Speaker election.

FIRE has received reports that students were told that the decision to nullify the officer elections and actions of the Student Assembly was made specifically to prevent the passage of the “Defense of Academic Freedom Act.” Indeed, the fact that Morales decided to dissolve the Student Assembly immediately following the November 2 meeting—after the Student Assembly had been operating without problems for a month and a half—is extremely suspicious. That any college would take such extraordinary actions to prevent the passage of an academic freedom bill is both outrageous and shameful, and is unworthy of an institution dedicated to a liberal arts education.

FIRE requests that Brooklyn College overturn its decision against the Student Assembly and take no further action against the Student Assembly. If Brooklyn College’s decision was motivated by a desire to avoid the passage of a bill protecting academic freedom, as it certainly appears it was, the college should immediately move to reassure its students and faculty that its actions against the Student Assembly will be reversed and not repeated, and that Brooklyn College will fully respect academic freedom. We ask that you respond to our request by the close of business tomorrow, November 16.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Lukianoff".

Greg Lukianoff  
Director of Legal and Public Advocacy

*(continued on next page)*

cc:

Roberta Matthews, Provost and VP for Academic Affairs, Brooklyn College

Ellen Belton, Dean of Undergraduate Studies, Brooklyn College

Milga Morales, Dean of Student Life, Brooklyn College

Pamela Pollack, Director of Legal Services, Brooklyn College

Vannessa Green, Student Development/Activities, Brooklyn College