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June 16, 2009

Adam Kissel
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, PA 19106

Re: UCSB Professor William Robinson

Dear Mr. Kissel:

I am the attorney for the Santa Barbara campus of the University of California. This is in response to your letter of June 10, 2009, to UCSB Chancellor Yang.

I appreciate your taking the time to provide the campus with your analysis of the charges that were filed against UCSB Professor William Robinson.

Since you have apparently seen UCSB Executive Vice Chancellor's April 18, 2009, message to Professor Robinson, you are aware that the campus recognizes the importance of academic freedom, as well as the obligation of the institution to defend those principles. You are also aware that the University's statement on Academic Freedom in the Academic Personnel Manual (APM-010) provides as follows:

"The exercise of academic freedom entails correlative duties of professional care when teaching, conducting research, or otherwise acting as a member of the faculty. These duties are set forth in the Faculty Code of Conduct (APM - 015)."

Thus, Academic Freedom does not exempt a faculty member from the provisions of the Faculty Code of Conduct.

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APM - 010 provides further:

"Academic freedom requires that teaching and scholarship be assessed by reference to the professional standards that sustain the University's pursuit and achievement of knowledge. The substance and nature of these standards properly lie within the expertise and authority of the faculty as a body.... Academic freedom requires that the Academic Senate be given primary responsibility for applying academic standards, subject to appropriate review by the Administration, and that the Academic Senate exercise its responsibility in full compliance with applicable standards of professional care."

The charges process at UCSB is designed to provide the Academic Senate, through its designated representatives, the opportunity to determine whether the actions at issue in this case were conducted in a manner that meets professional standards, or, instead, constitute a breach of the duties of professional care set forth in the Faculty Code of Conduct.

The charges process, including the requirement for a full hearing prior to the imposition of any discipline, affords faculty members considerable due process protections. I do not believe that having the charges in this case considered by representatives of the Academic Senate, in accord with these established procedures, violates Professor Robinson's rights.

Thank you again for taking the time to write.

Very truly yours,



David M. Birnbaum
Deputy General Counsel-Educational Affairs
and Campus Services

cc's, via email:

Chancellor Henry Yang
Executive Vice Chancellor Glenn Lucas
Professor Joel Michaelsen
Professor Martin Scharlemann
Stephanie Smagala
Melvin Oliver
Verta Taylor
Yousef Baker