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February 13, 2008

Mr. Malcolm L. Sherman
Vice Chair
Gordon Brothers Group, LLC
101 Huntington Avenue, 10th Floor
Boston, MA 02199

Dear Mr. Sherman:

The American Council of Trustees and Alumni is following with alarm the news coverage of Brandeis' treatment of Professor Donald Hindley. As we understand the facts, Professor Hindley has taught Southeast Asian politics and Latin American politics since 1962. While he has had a spotless record for more than four decades, the administration recently found Professor Hindley guilty of violating Brandeis' Non-Discrimination and Harassment Policy, apparently after he explained the meaning of the word "wetback" during a classroom discussion of immigration.

Although it appears he was at no time given written evidence of any allegations or a hearing, we understand Professor Hindley was ordered to attend "anti-discrimination training" and required to have a monitor in his class. Notably, the Brandeis Committee on Faculty Rights and Responsibilities objected to these actions.

We believe you and your fellow trustees should be deeply concerned about this case. Brandeis bills itself as "a community of scholars and students united by their commitment to the pursuit of knowledge and its transmission from generation to generation." Yet recent events surely suggest that Brandeis is falling short of its educational mission.

The essence of a university experience should be the free exchange of ideas. However, it appears that administrators have arrogated the right to censure and disapprove of "controversial" comments—in the guise of protecting people's sensitivities—and to deny professors their right to engage in legitimate discussion in the classroom.

By punishing a professor for exercising his academic freedom to discuss

PROMOTING ACADEMIC FREEDOM AND EXCELLENCE

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controversial words and ideas, Brandeis administrators have engaged in censorship and undermined the very essence of the educational process. In such an environment, students, faculty, and even outside speakers will surely think twice before expressing an unpopular point of view or risking any statement with which someone might arbitrarily disagree. Such an environment is totally unworthy of a university, and surely it is not what you want to see at Brandeis.

We write respectfully to suggest that the board take steps to confirm the University's adherence to the principles of academic freedom, to apologize publicly to Professor Hindley, and to withdraw the above-mentioned sanctions. Given the administration's failure to ameliorate these wrongs, it is the board's responsibility to step in.

ACTA has devoted considerable attention to devising ways universities can ensure an intellectually vibrant environment. To that end, I have enclosed a copy of one of our publications, *Intellectual Diversity: Time for Action*. This report—which has been praised for its sensitivity to academic freedom—shows how trustees can ensure that their institutions foster a climate open to the free exchange of ideas. Possible avenues for you and your fellow board members include:

- Commissioning an institutional self-study or outside review of the condition of the free exchange of ideas on the Brandeis campus;
- Incorporating respect for intellectual diversity and dissenting opinions into institutional statements and activities on diversity;
- Eliminating any speech codes that restrict the freedom of speech;
- Including intellectual diversity concerns in university guidelines on teaching; and
- Amending hiring, tenure, and promotion guidelines to protect individuals against discrimination on the basis of viewpoint.

While it would be inappropriate for trustees personally to pursue these efforts, it would be most appropriate for the board to insist that the president and administration take the steps necessary to ensure that such a gross violation of academic freedom and First Amendment rights never occurs again.

The American Council of Trustees and Alumni is a non-partisan, non-profit organization dedicated to academic freedom, accountability, and excellence in higher education. Our network includes alumni and trustees from institutions across the country, including Brandeis.

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We would welcome the opportunity for further discussion and look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Anne D. Neal". The signature is written in a cursive style with a large initial "A".

Anne D. Neal
President

Enclosure

cc: Board of Trustees, Brandeis University
Greg Lukianoff, President, Foundation for Individual Rights in Education