

November 20, 2024

Michael Valente, Chief Diversity Officer/Title IX Officer, CUNY School of Law

Dear Mr. Valente et al:

I am writing on behalf of the Professional Staff Congress Academic Freedom Committee. Our charge is to defend academic freedom as a professional and contractual right of all CUNY professional staff. Academic freedom is grounded in the faculty or staff member's qualifications for the position as reviewed by his/her peers. It consists of the freedom to teach, research, write, and to speak in our capacity as citizens without restraint by the administration.

I write regarding your office's investigation of an alleged four-year-old time-barred discrimination complaint from 2020, which we understand was filed by a student against Professor Chaumtoli Huq. We note that Professor Huq's legal representatives, Luna Droubi and Jonathan Moore, have responded in detail to the allegations made against Professor Huq. We note that the complaints of which we are aware refer (although falsely) to conduct clearly protected by academic freedom, and further, that academic freedom is a right that has come to be enshrined by legal precedent (see, for example, *Gray v. Board of Higher Education*, City of New York, 607 F.2d 995 (2d Cir. 1979); *Burt v. Gates*, 502 F.3d 183 (2d Cir. 2007)).

More specifically, with the exception of a reference to a petition signed by Professor Huq—something which is clearly protected by her First Amendment rights—all the allegations of which we have been made aware have to do with material that Professor Huq is alleged to have presented, or discussions about these materials that ensued, in her classroom. Any attempt to infringe upon the material that Professor Huq presents in the classroom is a violation of her academic freedom. As the AAUP, which has established the definition of academic freedom that guides our professional conduct as university teachers, has noted in its recent “Freedom to Teach” statement:

*“The freedom to teach includes the right of the faculty to select the materials, determine the approach to the subject, make the assignments, and assess student academic performance in teaching activities for which faculty members are individually responsible, without having their decisions subject to the veto of a department chair, dean, or other administrative officer.”*

On behalf of the PSC's Academic Freedom Committee, I would add that in addition to violating Professor Huq's First Amendment rights, any action by CUNY Law School management to infringe upon her freedom to teach is a direct violation of our contractual right to academic freedom as PSC-CUNY members employed by CUNY. This right is enshrined in the Preamble to the CUNY contract; I quote in full:

*WHEREAS, CUNY and the PSC seek to maintain and encourage, in accordance with law, full freedom of inquiry, teaching, research and publication of results, the parties subscribe to Academic Freedom for faculty members. The principles of Academic Freedom are recognized as applicable to other members of the Instructional Staff, to the extent that their duties include teaching, research and publication of results, the selection of library or other educational materials or the formation of academic policy.*

For all these reasons, we expect a dismissal of these allegations and an end to this investigation. Moreover, we are troubled that Professor Huq's identity as a Muslim was the basis for the allegation and that management of the Law School has not taken any action to address Islamophobia. We will consider any further action taken by management to be a violation of Professor Huq's contractual rights, and will pursue it accordingly.

Sincerely,

Professor Anthony Alessandrini, Chair

On behalf of the PSC-CUNY Academic Freedom Committee

cc: Félix V. Matos Rodríguez, Chancellor, City University of New York

Professor Sudha Setty, Dean, CUNY School of Law

Professor James Davis, President, Professional Staff Congress

Ari Paul, *Clarion* Editor

Fran Clark, PSC-CUNY Director of Communications

Professor Chaumtoli Huq