

## Remarks By Chancellor Phil DiStefano At The CU Board Of Regents Special Meeting - Feb. 3, 2005

In the past week, the University of Colorado has been at the center of a fierce debate that has raised a fundamental question: what are the boundaries of free expression, academic freedom and tenure protections?

This question is especially salient in the face of the most offensive - the most appalling — political expression, such as many of Professor Ward Churchill's comments in his essay regarding the events of September 11.

As I have said, I personally find the statements in Professor Churchill's essay to be repugnant and hurtful to everyone touched by that tragedy. And I know that many of you share those feelings. Beyond our visceral reactions to statements within the essay, we all have spent hours responding to parents, students, alumni, news media, and citizens throughout Colorado and across the country. The debate has fostered passionate calls for the immediate termination of Professor Churchill's employment based on his essay. We also have heard fervent pleas to uphold the tenets of the Constitution regarding free expression and due process, and the Laws of the Regents regarding academic freedom and tenure. Even as the debate continues, we must understand the serious nature of actions to terminate or suspend a professor on the basis of conduct that includes political speech.

Before such a decision could be made, the University must observe due process as required by the U.S. Constitution and the Laws of the Regents. We must have faith in our processes to guide our actions in the most thoughtful and equitable manner.

Therefore, today I announce a course of action that will provide due process, as well as help us understand the boundaries of our most fundamental protections as citizens and faculty members.

Within the next 30 days, the Office of the Chancellor will launch and oversee a thorough examination of Professor Churchill's writings, speeches, tape recordings and other works.

The purpose of this internal review is to determine whether Professor Churchill may have overstepped his bounds as a faculty member, showing cause for dismissal as outlined in the Laws of the Regents.

Two primary questions will be examined in this review: (1) Does Professor Churchill's conduct, including his speech, provide any grounds for dismissal for cause, as described in the Regents' Laws?

And (2) if so, is this conduct or speech protected by the First Amendment against University action?

As Chancellor, I will personally conduct this review and will ask two distinguished deans, Arts and Sciences Dean Todd Gleeson and Law Dean David Getches, to assist me with this process.

In this review, I will also draw upon additional resources, including University Counsel to provide legal advice as needed.

At the conclusion of this examination, I will determine whether to issue a notice of intent to dismiss for cause, other action as appropriate, or no action.

If a notice to dismiss for cause or some other action were to be issued, the subsequent process will be governed by the Laws of the Regents.

At this time, I ask for your support of this course of action to address the important questions before us - in a manner that ensures due process and thoughtful examination. Indeed, the principles at stake deserve nothing less than our most careful deliberation. Thank you.