

## Open Letter: Protect Speech on our University Campuses

6/4/2025

Chancellor Malloy,

We write on behalf of the ACSUM, AFUM, and UMPSA to ask that the University of Maine System administration publicly commit to protecting students, faculty, and staff and the principles of free speech and academic freedom.

Institutes of higher education, like ours, play a fundamental role in our democracy. Our classrooms and campuses are beacons of discourse and debate, and our laboratories conduct research and develop technologies that improve millions of lives. Our students go on to lead the nation. Academic freedom is at the center of everything we do. As the U.S. Supreme Court has recognized, “[t]eachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.”<sup>1</sup> Academic freedom allows students and educators to engage fully in the marketplace of ideas that is the hallmark of a robust higher education institution.

The Trump administration is now attacking academic freedom in an effort to bring higher education institutions to heel. The attacks are not just rhetorical. Trump’s agents have sought to silence protected political speech on campus through aggressive immigration enforcement efforts. Trump’s agents have also sought to change research, scholarship, curriculum and even classroom instruction by threatening to investigate and withhold millions in funds based on work to advance diversity, equity and inclusion in teaching, research, and student recruitment and support. ACSUM, AFUM, and UMPSA urge the University administration to stand against these unconstitutional actions and to make the three commitments below to protect students, faculty and staff at the University of Maine System.

The Trump administration is currently arresting or attempting to arrest noncitizens on college campuses, targeting them solely based on their protected political speech and attempting to strip them of their legal status in our country.<sup>2</sup> Columbia University students Mahmoud Khalil and Yunseo Chung, both of whom are legal permanent residents, have been targeted by the Trump administration solely because of their speech criticizing Israel’s actions in Gaza, and the Trump administration has revoked the student visas of hundreds of others across the country.<sup>3</sup> In

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<sup>1</sup> *Sweezy v. State of N.H. by Wyman*, 354 U.S. 234, 250 (1957).

<sup>2</sup> Liam Knox, “International Students Navigate Escalating Threats,” *Inside Higher Ed* (Mar. 18, 2025) (available at: [https://www.insidehighered.com/news/global/international-students-us/2025/03/18/international-students-navigate-escalating-threats?utm\\_source=Inside+Higher+Ed&utm\\_campaign=bc0fbb65ff-DNU\\_2021\\_COPY\\_02&utm\\_medium=email&utm\\_term=0\\_1fc04421-bc0fbb65ff-712300933&mc\\_cid=bc0fbb65ff&mc\\_eid=79f810c213](https://www.insidehighered.com/news/global/international-students-us/2025/03/18/international-students-navigate-escalating-threats?utm_source=Inside+Higher+Ed&utm_campaign=bc0fbb65ff-DNU_2021_COPY_02&utm_medium=email&utm_term=0_1fc04421-bc0fbb65ff-712300933&mc_cid=bc0fbb65ff&mc_eid=79f810c213))

<sup>3</sup> Ryan Quinn, “AAUP, Middle East Studies Group Sue Trump Over Deportations,” *Inside Higher Ed* (Mar. 26, 2025) (available at: <https://www.insidehighered.com/news/diversity/2025/03/26/aaup-middle-east-studies-group>)

addition, the administration has targeted faculty and staff, arguably for protected speech, including Georgetown University professor and postdoctoral scholar Dr. Badar Khan Suri, and Dr. Rasha Alawieh, an assistant professor at Brown University.<sup>4</sup> Such retaliatory action against individuals evidently based on their speech should be universally condemned, particularly by institutions of higher education that exist to advance intellectual thought and debate.

President Trump has also signed several executive orders with the evident intent of chilling intellectual debate and speech on campuses. Executive Order 14161 calls for the institution of new procedures for granting and reviewing visas based on individuals' views, including whether those views may be considered "hostile toward [US] citizens, culture, government, institutions, or founding principles."<sup>5</sup> Executive Order 14188 which addresses anti-Semitism, calls for higher education institutions to "monitor for and report activities" by noncitizen students, faculty and staff, which in turn will lead to "investigations and, if warranted, actions to remove such aliens."

Executive Order 14173 is one of the administration's unlawful efforts to eradicate diversity, equity and inclusion efforts, and has led to confusion and self-censorship as federal grant recipients have terminated programs in order to certify that they do not run "programs promoting DEI that violate any applicable federal antidiscrimination laws."<sup>6</sup> Executive Order 14151, another administration effort targeting DEI, terminates all "equity-related" grants or contracts, another term that is undefined, and that has caused widespread upheaval including in higher education institutions.<sup>7</sup> The uncertainty and censorship caused by these Executive Orders have been further fueled by the U.S. Department of Education Office for Civil Rights' Dear Colleague Letter of February 14, 2025, which threatens to investigate state and local education institutions that receive federal funds if they persist with an undefined category of activities that support diversity, equity and inclusion.<sup>8</sup> The U.S. Department of Education has also, under the

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[sue-trump-over-deportations?utm\\_source=Inside+Higher+Ed&utm\\_campaign=d78319fe9c-DNU\\_2021\\_COPY\\_02&utm\\_medium=email&utm\\_term=0\\_1fcbc04421-d78319fe9c-712300933&mc\\_cid=d78319fe9c&mc\\_eid=79f810c213](https://www.dhs.gov/sue-trump-over-deportations?utm_source=Inside+Higher+Ed&utm_campaign=d78319fe9c-DNU_2021_COPY_02&utm_medium=email&utm_term=0_1fcbc04421-d78319fe9c-712300933&mc_cid=d78319fe9c&mc_eid=79f810c213)).

<sup>4</sup> Cate Latimer, "Brown professor, doctor deported despite federal judge's orders," *The Brown Daily Herald* (Mar. 16, 2025) (available at: [https://www.browndailyherald.com/article/2025/03/brown-professor-doctor-deported-despite-federal-judges-orders?utm\\_source=Iterable&utm\\_medium=email&utm\\_campaign=campaign\\_12929444\\_nl\\_Daily-Briefing\\_date\\_20250318](https://www.browndailyherald.com/article/2025/03/brown-professor-doctor-deported-despite-federal-judges-orders?utm_source=Iterable&utm_medium=email&utm_campaign=campaign_12929444_nl_Daily-Briefing_date_20250318)).

<sup>5</sup> Exec. Order No. 14161, 90 F.R. 8451 (Jan. 30, 2025) (available at: <https://www.federalregister.gov/documents/2025/01/30/2025-02009/protecting-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety>).

<sup>6</sup> Exec. Order 14173, 90 F.R. 8633 (Jan. 21, 2025) (available at: <https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>).

<sup>7</sup> Exec. Order 14151, 90 F.R. 8339 (Jan. 20, 2025) (available at: <https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>).

<sup>8</sup> Craig Trainer, "Dear Colleague" Letter, (Feb. 14, 2025) (available at: <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>).

guise of conducting investigations into alleged Title VI violations at universities, requested the specific names and nationalities of students and faculty who may have been involved. Compliance with such a request could violate the University's obligations under the Family Educational Rights and Privacy Act (FERPA) along with other civil rights laws.<sup>9</sup>

These efforts to chill campus debate and to censor scholarship and curriculum undermine the ability of institutions of higher education to fulfill their missions. Students, faculty, and staff have a First Amendment right to protest and engage in speech that is critical of the United States and its policies and to criticize the activities of other countries, including the actions of Israel in Gaza. Indeed, First Amendment protections apply with maximum force to this kind of political speech. Allowing the government to punish students and faculty for engaging in political expression undermines academic freedom and First Amendment rights and should not be tolerated.

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To protect academic freedom and the ability of our higher education institution to fulfill its mission of ensuring a full and open marketplace of ideas and robust scholarly debate, we urge you to take the following three steps.

**1. Recognize and Affirm First Amendment Rights and Academic Freedom of Students, Faculty, and Staff**

We urge you, on behalf of the University of Maine System, to publicly recognize that the First Amendment protects the right of students and educators to speak, or not to speak, and the right to be free from retaliation by any public official for the exercise of those rights.<sup>10</sup> This institution's policies should prevent the government from chilling speech, which occurs when policies and practices discourage free expression, causing individuals to self-censor. These rights should extend to everyone on campus, regardless of their immigration status, including visa holders on our campus.<sup>11</sup> Our policies and practices should make it clear that all students, faculty, and staff, regardless of citizenship, retain basic First Amendment protections, and that the First Amendment binds all government agencies and actions.

We also urge the University of Maine System to recognize and reaffirm the academic freedom on which your students, faculty, and staff depend. And just as academic freedom receives special protection from the courts, so too it must receive special protection from the university as an employer through strong just cause and tenure protections, including for those who exercise their free speech rights. In the face of threats by the federal government, the University administration should remind students, faculty and staff of their constitutional rights,

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<sup>9</sup> American Association of University Professors, "Letter to University Office of the General Counsel" (Apr. 2, 2025)(available at <https://www.aaup.org/sites/default/files/2025.04.02-AAUP-Letter-to-GCs.pdf>).

<sup>10</sup> *Suarez Corp. Indus. v. McGraw*, 202 F.3d 676, 685 (4th Cir.2000).

<sup>11</sup> *Bridges v. Wixon* | 326 U.S. 135 (1945).

not encourage them to censor themselves. We urge you to clarify policy and contract language as needed to put faculty and staff on notice as to what speech is protected, and provide guidance on how faculty and staff can engage in service, advocacy, and faculty governance without fear of retaliation.

## **2. Establish a Safe Zone Resolution**

We ask that the University of Maine System adopt a Safe Zone resolution for our campus. A Safe Zone resolution clearly addresses how faculty and staff should respond to U.S. Immigration and Customs Enforcement (ICE) activities on campus. A sample Safe Zone resolution is available at this [link](#).<sup>12</sup>

A Safe Zone resolution primarily states that the institution will not voluntarily coordinate with ICE. Under a Safe Zone policy, administrators decline to voluntarily allow ICE access to non-public areas of campus or to access private information about students or employees. This policy helps protect students, faculty and staff, with the caveat that ICE may be able to gain access even without a judicial warrant.

Safe Zone policies can limit the harm caused by immigration enforcement by limiting enforcement officers' entry onto campuses and blocking requests for records. An effective Safe Zone resolution would accomplish the following:

- Make clear that our campus is a welcoming place for all students, prohibit any unnecessary collection of immigration information from students or employees, and establish procedures for responding to immigration enforcement.
- Clarify areas that are public and areas that are private in order to limit ICE enforcement to public areas and to protect the legitimate expectations of privacy that students and faculty have (e.g., classifying common areas as public, but dorm rooms as private).
- Require ICE officers to notify appropriate campus officials before engaging in any immigration enforcement on campus. Such notifications are important so that campus officials can ensure that any enforcement action complies with campus policies and respects the rights of students and faculty.

## **3. Do not take internal steps that put students' immigration status at risk**

Lastly, we urge the University of Maine System to make a commitment not to take unwarranted internal disciplinary actions that would place students' immigration status at risk. Punishing students for engaging in protected speech and peaceful protest activities not only sends students the message that such speech and peaceful conduct is prohibited by the university, undermining the university's overall mission, but also places students at risk of overbroad

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<sup>12</sup> NEA Office of General Counsel "Guidance on Immigration Issues Impacting Higher Education" (Feb. 2025) (available at: <https://www.nea.org/sites/default/files/2025-02/2.11.2025-immigration-guidance-he-final.pdf>).

immigration enforcement efforts. Subjecting students to public discipline risks placing students on the radar of ICE. Suspending or expelling students puts them at risk of ICE detention or deportation. In addition, the University of Maine System, absent a court order, should decline to voluntarily provide the federal government with any student disciplinary records related to protests and political activism, including the specific names and nationalities of students who have been subject to discipline or who may have violated codes of conduct.

We would be eager to set up a time to discuss these recommendations further.

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In the face of increasing threats from the federal government, we urge the University of Maine System to hold fast to its commitment to free speech and academic freedom, and to put those values into action by protecting the students, faculty and staff on campus. Higher education benefits from debate and diversity. Together, we must reject the Trump administration's efforts to chill speech, punish political advocates, and target the most vulnerable among us.

Sincerely,

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CC:

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