



May 10, 2023

Board of Trustees
Kern Community College District
12345 El Monte Road
Los Altos Hills, CA 94022

Sent via email

Dear Trustees:

I am an attorney for the Foundation Against Intolerance & Racism (“FAIR”), a nonprofit, nonpartisan organization dedicated to advancing the civil rights and liberties of all Americans. I do not represent any individual associated with Kern Community College District (“KCCD”), but rather represent FAIR’s interest in ensuring all students and faculty within KCCD - and all other public educational institutions - continue to enjoy their constitutional and civil rights to freedom of speech and academic expression, and equal protection.

We are extremely concerned by the reports we have received detailing the past and ongoing attempts by KCCD to undermine the rights of Bakersfield College professor Matthew Garrett. As you are well aware, Bakersfield and KCCD have been the subject of significant media coverage based on its treatment of Professor Garrett, all of which is consistent with the information FAIR has received. The allegations against KCCD include but are not limited to: fraudulent and defamatory accusations against Professor Garrett, unconstitutional attempts to silence Professor Garrett and others who agree with him, and wrongful termination of Professor Garrett’s employment with KCCD. Such actions constitute unlawful violations of Professor Garrett’s rights to freedom of speech and academic expression, as well as unlawful violations of all KCCD students’ First Amendment rights to freely receive information.

The purpose of education is to equip students with the tools necessary to think critically. This is done by fostering open inquiry and presenting different perspectives on any given topic. Inherent in KCCD’s campaign to attempt to silence Professor Garrett is the risk of chilling the speech of others who are there to witness it. Chilling the speech of particular groups or individuals who hold similar perspectives results in an imbalance of views on campus. This imbalance risks another consequence: student self-censoring. Social conformity is common among humans of any age, and in the higher education setting, such pressure is compounded by faculty members’ position of authority and control. If educational institutions overwhelmingly endorse or condemn any particular viewpoint, representation of diverse perspectives becomes impossible - a result that is antithetical to the very concept of education.

The KCCD Code of Ethics states, “[t]he District is an institution of higher education and especially values a spirit of free inquiry and free speech.” As Trustees, you must “hold the educational welfare of the students of the District as [your] primary concern.” We urge you to faithfully execute your duty

of care in your treatment of Professor Garrett, as well as all members of the KCCD community, and rescind your termination of Professor Garrett's employment.

Sincerely,

Leigh Ann O'Neill
Managing Director of Legal Advocacy
Foundation Against Intolerance & Racism

Cc: Zav Dadabhoy, President, Bakersfield College