

April 22, 2021

Dr. Darryll J. Pines, President
Dr. Ann G. Wylie, Senior Vice President and Provost
Michael Poterala, Esq., Vice President for Legal Affairs and General Counsel
Dr. Patricia A. Perillo, Vice President for Student Affairs
University of Maryland, College Park

Dear President Pines, Provost Wylie, General Counsel Poterala, and Vice President Perillo:

On Wednesday, March 10, the administration of the University of Maryland announced 25 recommended policies that they are pursuing with the stated aim of “eradicating anti-Black racism at Maryland.” The university drafted these recommendations with a small group of student organizations who claim to represent the entire Black student body.

We are a concerned group of University students, parents, alumni, and residents of the State of Maryland. We carefully reviewed the 25 recommended policies with the help of qualified legal and policy experts to understand their legality and implications for University stakeholders. We concluded that the policies, if implemented, would have severe consequences for students, parents, professors, and University stakeholders of all races and backgrounds. We have received expressions of concern from 2,700 of our fellow citizens nationwide agreeing with this assessment.

The diversity of the student body was not reflected in the students whom the University consulted regarding these recommendations. We appreciate the University’s interest in addressing the concerns of student groups on campus. However, it is unacceptable that the University failed to solicit input from representatives from across the racially and ideologically diverse University community—which stands to endure the overwhelmingly negative consequences of these policies—before committing to them. We address the specifics of the most problematic recommendations below.

Recommendation 4

This recommendation calls for an “immediate response to hate speech or actions from the University including a consequence (e.g., mark on the transcript or potential suspension).” In April, the *Diamondback* student newspaper reported on a nationwide survey showing that 62% of college students are uncomfortable expressing their beliefs on campus, a significant increase from 55% in 2019. Sanctions punishing so-called “hate speech” will create an oppressive climate of fear and censorship on campus. Despite the implications on students’ rights to due process and presumption of innocence, the University does not specify a process for adjudicating and enforcing this policy, making students fear for the protection of their rights. Even if the

University did, the Supreme Court has ruled unambiguously, most recently in the unanimous decision to *Matal v. Tam* (2017), that the First Amendment does not recognize the concept of “hate speech.” As a public institution, the University is legally bound to respect the First Amendment’s guarantees to free speech and cannot recognize any such thing as “hate speech.” We call on the University to rescind this policy, respect the civil liberties that it is legally bound to protect, and commit itself to valuing freedom of expression as a liberally enlightened institution for open-minded inquiry and learning.

Recommendation 6

This recommendation instructs the University to “prioritiz[e] minority enrollment by doubling the current enrollment of Black students from Prince George’s County and D.C. by 2025.” In effect, it directs the University admissions office to establish an unlawful racial quota in admissions. The Supreme Court has repeatedly ruled such quotas to be unconstitutional, first in *Regents of the University of California v. Bakke* (1978) and again in *Gratz v. Bollinger* (2003). We call on the University to abide by federal law in admissions, acknowledge the incredible student body diversity that the current admissions policy is achieving, and celebrate its students for their accomplishments, not the color of their skin.

Recommendation 11

This recommendation, which commits the University to “creating more spaces on campus for Black students (such as the Black Engineers Society Lounge in the Engineering Building),” will introduce racial segregation to campus. Terps of other ethnicities will feel excluded from these spaces, leading to de facto segregation. Although the university claims that these spaces will be open to everyone, it is strictly in the legal sense. If the recommendation intended for these spaces to be inclusive to everyone, they would not specify one single race. Rather than fostering unity, Recommendation 11 will exacerbate student divisions along racial lines. Reintroducing segregation flies in the face of a liberally enlightened institution and centuries of efforts by activists and reformers to eliminate the racist policies and sentiments of segregation. We call on the University to create spaces that are not built for one group of students, but for all.

Recommendations 3 and 13

These recommendations propose reducing the funding of the University of Maryland Police Department (UMPD) and decreasing the police presence on campus. A decreased police presence will lead to a spike in violent crime in an already high-crime area. In 2019 alone, UMPD reported 16 stalkings, 23 rapes, 23 burglaries and instances of breaking and entering, and 58 vehicle motor thefts ([Annual Safety and Security Report of the University of Maryland, College Park](#)). UMD students deserve to live, work, and learn in a safe campus community where they won’t fear being victimized through sexual violence, violent theft, and other serious

crimes. We call on the University to fulfill its duty to protect its students by withdrawing these recommendations and supporting appropriate safety measures that work with law enforcement instead of undermining it.

Conclusion

While we focus here on some of the most concerning recommendations that the University has committed itself to pursuing, we urge the University to reevaluate the other 20 recommendations for legality, protection of stakeholders' rights, and equitable impacts on all stakeholders of all races, including those pertaining to hiring and training. We oppose principles that view Americans only by the color of their skin. We call on the University to pursue policies that reflect the spirit of the dream that Dr. Martin Luther King, Jr. envisioned for our country in 1963, in which Americans would be judged by the content of their character, not the color of their skin. We look forward to working with the University to fulfill this dream at UMD.

Sincerely,
[REDACTED NAMES]