

IOWA STATE UNIVERSITY

TO: Kelly Winfrey, et al.

Kelly,

We are writing to address the demands made in your November 12, 2020 letter and petition. Your letter was also addressed to the Faculty Senate's president and the Professional and Scientific Council's executive committee; please be advised that we are not responding on their behalf.

We live in a very divisive time where much of the rhetoric of the day is designed to divide us, with a focus on our differences, rather than to unite us around our common humanity. This type of rhetoric can be personally hurtful and frightening to individuals on our campus. We appreciate and share your concern about the impact this has on members of our community.

The university's Principles of Community are built upon the foundational and aspirational belief that we can have a vigorous debate and exchange of ideas in an atmosphere of courtesy, sensitivity, and respect. Our critical effort to have a diverse and welcoming campus means that we will always have differences of ideas, cultures, experiences, and political ideologies. This is part of the richness of diversity that we strive for. However, when those differences are expressed in hateful rhetoric designed to evoke fear, the entire campus suffers.

Response to demands

Demand 1: Punishing student organizations

At the core of this demand is a disconnect between the law and First Amendment freedoms guaranteed by our Constitution, and the desire by many in the campus community to punish those whose comments are hurtful to others.

Iowa State University, as a public institution, has a total and complete obligation to abide by the First Amendment. Its five freedoms – religion, speech, press, peaceful assembly, and petitioning the government for redress of grievances – are bedrock principles upon which our nation was founded. Upholding the First Amendment also means the university cannot deprive students or student organizations of their rights, or punish them for exercising those rights, except in a very limited set of circumstances such as a direct threat against an individual; severe and pervasive harassment that substantially interferes with students' education; or expression that is paired with criminal conduct (vandalism, for example). Doing so would violate their First Amendment rights in much the same way as forbidding protests, or censoring the university's student newspaper. In short, this demand asks that the university proactively violate the law, and we will not do so.

The tweets that are the focus of this demand are protected speech, and standing alone, they do not violate university policy. The university cannot, and will not, punish students or student organizations for their constitutionally protected expression. Where, however, individual or organizational conduct violates university policy, individuals and organizations will be held accountable under the Student Code of Conduct. For example, the tweet's reference to "arming up" is protected speech not subject to discipline. The conduct of bringing a weapon on campus, however, would violate policy and would lead to disciplinary action. We contacted the student organization in this instance and specifically warned them about conduct, which is distinguished from speech, that could lead to discipline to the organization and its membership.

Demand 2: Changes to the Student Code of Conduct

Student codes of conduct at other universities that have attempted to punish students for speech deemed "hateful," "derogatory," "threatening," "insensitive" or described with other such terms have consistently been struck down as unconstitutional. Moreover, the university cannot establish its own thresholds for threatening or hateful speech that are broader than the limited exceptions currently allowed in federal law.

Also, while the Principles of Community are ideals to which we should all aspire, they are neither laws nor policy, and are not enforceable. This does not mean, however, that we should discontinue our efforts to encourage members of the campus community to treat each other with respect.

Demand 3: U.S. Diversity Curriculum Requirement

By policy, the faculty is responsible for Iowa State's curriculum and course revisions (Faculty Handbook, section 10.1), including the U.S. Diversity requirement. The Faculty Senate's Working Group on the U.S. Diversity Requirement and Class Learning Objectives has been working with both the Office of the Senior Vice President and Provost and the Office of the Vice President for Diversity and Inclusion to review the diversity requirement and ensure that the courses approved meet the requirement and have appropriate learning outcomes related to diversity, equity, and inclusion.

The Working Group has prepared a report which includes new, contemporary learning outcomes, and a draft process for the review and approval of courses that will meet the diversity course requirement. The recommendations of the Working Group report will require approval by the Faculty Senate. Updates on this ongoing work will be discussed at the December 8, 2020 Faculty Senate meeting.

As an educational institution, it is our charge and responsibility to foster and encourage the understanding of new ideas, the development of expression and thought, and the skill of interacting in a positive way with our community and our world. This responsibility is not accomplished through suppressing speech or dictating thought. Rather, it is accomplished through education, example, discussion, debate, demonstration and building relationships. We pledge to do more in the coming year to educate the campus community on the history and benefits of the First Amendment, as well as how to exercise its freedoms responsibly, and in ways that are consistent with the Principles of Community.

Finally, we want to emphasize that the well-being of our campus community is one of our highest priorities, and we encourage everyone to be vigilant about their personal safety. If you or anyone you know feels unsafe or needs additional support, please access the following resources:

- [ISU Police](#), 515-294-4428; for emergencies, call 911
- [Student Counseling Services](#), 515-294-5056
- [Student Assistance](#), 515-294-1020
- [Thielen Student Health Center](#), 515-294-5801
- [Crisis Text Line](#), text "ISU" to 741741 (available 24/7)

Thank you for this opportunity to respond.

Sharron M. Evans
Associate Vice President for Student Affairs and Dean of Students

Michael Norton
University Counsel

Reginald Chhen Stewart
Vice President for Diversity, Equity and Inclusion

Jonathan Wickert
Senior Vice President and Provost

Toyia K. Younger
Senior Vice President for Student Affairs

CC: Wendy Wintersteen, President
Pam Cain, Senior Vice President, Operations and Finance
Carol Faber, President, Faculty Senate
Sara Parris, President, Professional and Scientific Council