

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

BUSINESS LEADERS IN CHRIST, an
unincorporated association,

Plaintiff,

v.

THE UNIVERSITY OF IOWA; LYN
REDINGTON, in her official capacity as
Dean of Students and in her individual
capacity; THOMAS R. BAKER, in his
official capacity as Assistant Dean of
Students and in his individual capacity; and
WILLIAM R. NELSON, in his official
capacity as Executive Director, Iowa
Memorial Union, and in his individual
capacity,

Defendants.

Civil Action No. 17-cv-00080-SMR-SBJ

APPENDIX VOLUME I-B

**OF PLAINTIFF'S STATEMENT OF
MATERIAL FACTS IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

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<p style="text-align: center;">1</p> <p>06:53:37 1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF IOWA 3 EASTERN DIVISION</p> <p>4 BUSINESS LEADERS IN CHRIST,) an unincorporated association,) 5 Plaintiff,) CASE NO. 3:17-CV-00080 6 vs.) 7 THE UNIVERSITY OF IOWA: LYN) DEPOSITION OF REDINGTON, in her official) WILLIAM R. NELSON 8 capacity as Dean of Students) Volume 1 August 8, 2018 and in her individual) 9 capacity; THOMAS R. BAKER, in) his official capacity as) Assistant Dean of Students and) 10 in his individual capacity;) and WILLIAM R. NELSON, in his) 11 official capacity as Executive) Director, Iowa Memorial Union,) and in his individual) 12 capacity,) Defendants.)</p> <p>13</p> <p>14 <u>APPEARANCES</u></p> <p>15 ATTORNEY ERIC BAXTER, of The Becket Fund for 16 Religious Liberty, 1200 New Hampshire Ave. NW, Suite 700, Washington DC 20036, appeared on behalf of the Plaintiff.</p> <p>17</p> <p>18 ATTORNEY DANIEL BLOMBERG, 1124 Park West Bld., Mount Pleasant, SC 29466, appeared on behalf of the Plaintiff.</p> <p>19</p> <p>20 ATTORNEY GEORGE CARROLL, of the Iowa Attorney Generals Office, 1305 E. Walnut Street, Des Moines, IA 50319, appeared on behalf of 21 the Defendants.</p> <p>22 <u>DEPOSITION OF WILLIAM NELSON.</u></p> <p>23 taken in Room BVC 111, University of Iowa Research Park, 2500 Crosspark Road, Coralville, Iowa, on the 8th day of 24 August, 2018, commencing at 8:52 a.m., before Sandra E. Edwards, Certified Shorthand Reporter in and for the 25 State of Iowa.</p>	<p style="text-align: center;">I N D E X</p> <p style="text-align: center;">PAGE</p> <p>3 MR. BAXTER 8 4 MR. CARROLL -</p> <p>5</p> <p style="text-align: center;">O B J E C T I O N S</p> <p>7 Mr. Carroll posed objections on pages 95, 116, and 178. 8</p> <p style="text-align: center;">E X H I B I T S</p> <p>10 (The below-listed exhibits were marked for 11 identification by the reporter at the end of the day, 12 with the exception of exhibits marked with asterisks 13 (*), which were emailed to the reporter and marked on 14 August 20, 2018.)</p> <p>15</p> <p style="text-align: center;">I N I T I A L R E F E R E N C E</p> <p>17 Deposition Exhibit Number 1 18 Deposition Exhibit Number 2 12 19 Deposition Exhibit Number 3 14 20 Deposition Exhibit Number 4 21 Deposition Exhibit Number 5 22 Deposition Exhibit Number 6 23 Deposition Exhibit Number 7 24 Deposition Exhibit Number 8 25 Deposition Exhibit Number 9</p>
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1	Deposition Exhibit Number 128	199	1	<u>PROCEEDINGS</u>	
2	Deposition Exhibit Number 131	205	2	(August 8, 2018; 8:52 a.m.)	
3	Deposition Exhibit Number 132	220	3	(Present are the deponent, Mr. Baxter,	
4	Deposition Exhibit Number 133	227	4	Mr. Blomberg, and Mr. Carroll.)	
5	Deposition Exhibit Number 140	231	5	WILLIAM NELSON,	
6	Deposition Exhibit Number 141	235	6	the witness, was duly sworn to testify the truth, the	
7	Deposition Exhibit Number 143	236	7	whole truth, and nothing but the truth, was examined,	
8	Deposition Exhibit Number 150	237	8	and testified as follows:	
9	Deposition Exhibit Number 154	242	9	EXAMINATION	
10	Deposition Exhibit Number 167	247	10	BY MR. BAXTER:	
11	Deposition Exhibit Number 173 *	160	11	Q. Good morning.	
12	Deposition Exhibit Number 174 *	162	12	A. Good morning.	
13	Deposition Exhibit Number 175 *	160	13	Q. Would you please state your name for the record?	
14	Deposition Exhibit Number 184	253	14	A. William R. Nelson.	
15	Deposition Exhibit Number 192	258	15	Q. And could you please -- who's your employer?	
16	Deposition Exhibit Number 220	122	16	A. The University of Iowa.	
17	Deposition Exhibit Number 221		17	Q. And how long have you been at the University?	
18			18	A. I just -- completed my 15th year.	
19	(All original exhibits entrusted to the reporter were		19	Q. And what positions or roles have you held at the	
20	returned to Plaintiff's counsel following completion of		20	University?	
21	the transcript.)		21	A. I came to the University as the Director of	
22			22	Student Life. Then I became -- I was promoted and	
23			23	became -- the Director of Student Life title, and then	
24			24	became, in addition, Associate Director of the Iowa	
25			25	Memorial Union. I became the -- Director of the Iowa	

1 **Memorial Union, I became the Executive Director of the**
 2 **Iowa Memorial Union, and just recently named Associate**
 3 **Dean of Students and Director of -- Executive Director**
 4 **of the Iowa Memorial Union.**

5 Q. And can you briefly just tell me what was
 6 involved in each of those responsibilities?

7 **A. Um-hum. So as the Director of Student Life, I**
 8 **was responsible for the Office of Student Life, which is**
 9 **now the Center for Student Involvement and Leadership.**
 10 **The name just changed. So that was providing**
 11 **administrative oversight to Fraternity/Sorority Life,**
 12 **our campus programs and student activities area, our**
 13 **major annual events area. Student Legal Services**
 14 **reported up through me. Our multi cultural programs and**
 15 **cultural centers program reported up through me. I -- I**
 16 **maintained that, those responsibilities.**

17 **Then, as I referenced, I just received some**
 18 **additional responsibilities when I was named Associate**
 19 **Director for the Iowa Memorial Union and just assumed**
 20 **additional responsibilities in the area of assessments**
 21 **for the Iowa Memorial Union, and sharing some of the**
 22 **administrative oversight with the then-Director.**

23 **Then, the -- again, continued to maintain my**
 24 **responsibilities for the Center for Student Involvement**
 25 **and Leadership, but then became solely responsible for**

1 **the functions, programs, and services from the Iowa**
 2 **Memorial Union. So I retained those original**
 3 **responsibilities and then just kept adding more.**

4 **So in the Executive Director of the Iowa Memorial**
 5 **Union capacity, again, I have provided administrative**
 6 **oversight for that operation, which consists of a book**
 7 **store, the University Club, facilities, operations,**
 8 **guest and events services. We have a hotel, and the**
 9 **Center for Student Involvement and Leadership is a part**
 10 **of that operation. We have a welcome center.**

11 **And then again continuing to maintain those**
 12 **responsibilities, and then just recently named Associate**
 13 **Dean of Students in the reorganization of the Division**
 14 **of Student Life, and so I'll have some larger**
 15 **responsibilities with the Dean of Students operation.**

16 MR. CARROLL: I'm sorry to interrupt. Two
 17 things: Will you speak up a little bit and slow down
 18 just a little bit?

19 THE WITNESS: I certainly -- certainly.

20 MR. CARROLL: I mean, I know you're --
 21 you're not used to being deposed, but she's the only one
 22 that's important in here today. So if you can please
 23 speak up a little bit.

24 THE WITNESS: I'm happy to do that.

25 (A discussion was held off the record.)

11

1 BY MR. BAXTER:

2 Q. And as the Associate Dean of Students, who were
 3 you replacing?

4 **A. I'm not replacing anyone. There was a**
 5 **restructuring of the Division of Student Life, and the**
 6 **Vice President for Student Life, Melissa Shivers, named**
 7 **two Associate Deans: Dr. Angie Reams, who will be**
 8 **primarily doing Student Care and Assistance, and then**
 9 **me.**

10 Q. And is the position that was previously held by
 11 Lyn Redington still open?

12 **A. Correct.**

13 Q. And so now you will report directly to Melissa
 14 Shivers?

15 **A. In the interim I am reporting to Melissa, and**
 16 **then we are in the process of searching for a**
 17 **replacement for Dr. Redington, and then I will, upon**
 18 **their hire, report to that person. So in the interim,**
 19 **to Melissa.**

20 Q. And have you ever been deposed before?

21 **A. I have not.**

22 Q. And do you understand, generally, the purpose of
 23 why we're here today?

24 **A. I believe so.**

25 Q. Okay. And you understand that you're here both

12

1 to testify on your own behalf and on behalf of the
 2 University; you understand that?

3 **A. Yes.**

4 Q. And your counsel just mentioned a few of these,
 5 that it's important as far as ground rules that you try
 6 to give verbal responses. The reporter can't take a
 7 head shake or a nod.

8 **A. Okay.**

9 Q. Let's try not to talk over each other, so that
 10 she can get everything down that we say. And if you
 11 need any breaks, let me know. We'll try to take a break
 12 every hour or 90 minutes, but if you need a break, we'll
 13 be happy to accommodate that.

14 I'm gonna ask you now to look at the binder in
 15 front of you, the exhibit behind Tab Number 2, and do
 16 you recognize this document?

17 **A. Yes.**

18 Q. Have you reviewed it?

19 **A. Yes.**

20 Q. And you are prepared today to testify on topics
 21 one, two, nine, ten, and 11, and parts of four and five;
 22 is that correct?

23 **A. Correct.**

24 Q. And have you read all of these topics previous to
 25 coming to this deposition?

1 **A. Yes.**
2 Q. And other than speaking with your attorney, what
3 did you do to prepare for this deposition?
4 **A. I compiled all of my documents that I had**
5 **received from you related to the suit, and I got**
6 **information from some of the staff who are direct**
7 **reports, so that I had accurate information from them.**
8 Q. And who did you -- who specifically did you speak
9 with?
10 **A. Andy Kutcher is our Student Organization**
11 **Development Coordinator. Paul Mintner is his immediate**
12 **supervisor. Paul is one of the Associate Directors for**
13 **the Center for Student Involvement and Leadership. And**
14 **then just, again, a review of the documents I've**
15 **provided.**
16 Q. And when you say documents that you've provided,
17 are those documents that you -- that you created or
18 documents anyone in the University created relevant to
19 this lawsuit?
20 **A. Both.**
21 Q. And do you know about -- approximately how many
22 documents you reviewed or how many pages of documents?
23 **A. A lot. Hundreds.**
24 Q. Okay. Like, if you think about a ream of paper,
25 was it one ream of paper? Two reams of paper?

15
1 **provided some information related to number -- one of**
2 **the Interrogatories, 4 or 5. I can't recall which one,**
3 **without looking at it.**
4 Q. Okay. In the document in front of you I'd like
5 to draw your attention to documents listed as the
6 Requests numbered 11 through 15. Do you see that they,
7 in the Response section, all of them say, "Defendants
8 will supplement"?
9 **A. Um-hum.**
10 Q. And then --
11 MR. CARROLL: "Yes"?
12 **A. Excuse me, I apologize. Yes. I apologize.**
13 Q. Thank you. Documents 21 through 24.
14 **A. Could you repeat the -- 11 through --**
15 Q. Fifteen.
16 **A. (Pause.) And then again, after 15?**
17 Q. Well, I'll represent to you there are a dozen or
18 more responses that say, "The University will
19 supplement." Does that mean the University is still
20 gathering documents that will be produced in this
21 litigation?
22 **A. I don't know that.**
23 Q. As far as you know, is anyone at the University
24 still searching for documents to produce in this matter?
25 **A. I don't know that.**

1 **A. Probably two.**
2 Q. Okay. I'm gonna ask you to look at the document
3 behind Tab Number 3. Do you recognize what this is?
4 **A. Yes.**
5 Q. What is it?
6 **A. The Defendants' Fourth Supplemental Response to**
7 **Plaintiff's First Request for Production.**
8 Q. And did you review this document in preparation
9 for your deposition?
10 **A. Yes.**
11 Q. And did you assist the University in gathering
12 documents in response to this request?
13 **A. Yes.**
14 Q. And who are the other individuals who helped, if
15 any, provide documents in response to the requests in
16 this document?
17 **A. To my knowledge, Andy Kutcher assisted. Kristi**
18 **Finger, Paul Mintner, Tom Baker, Lyn Redington. I**
19 **believe -- I don't know if it's in response to this or**
20 **other part --**
21 Q. I'm gonna ask you not to look at the documents.
22 **A. Okay. Please. Okay. Um-hum.**
23 Q. So you're saying you're not sure if it was this
24 or other parts but --
25 **A. I know the Center for Diversity and Enrichment**

16
1 Q. Now, are you aware of any documents that would be
2 relevant to this lawsuit that have not been produced?
3 **A. I'm not aware of any.**
4 Q. I'm gonna ask you to flip now to Document Number
5 91.
6 **A. Excuse me. Pardon me.**
7 MR. CARROLL: Eric, excuse me, are we
8 marking these as exhibits?
9 MR. BAXTER: You're gonna keep the -- the
10 reporter already has the binder, so you're just gonna
11 have them behind the tabs. You will keep your binder,
12 she'll keep her binder, and they will be marked in that
13 way.
14 MR. CARROLL: Okay. So --
15 MR. BAXTER: They're premarked.
16 MR. CARROLL: Okay. And the --
17 MR. BAXTER: They're premarked.
18 MR. CARROLL: So Tab 2 is Exhibit 2?
19 MR. BAXTER: Exactly.
20 MR. CARROLL: Okay.
21 BY MR. BAXTER:
22 Q. I'm gonna ask you to switch that document out
23 with this one. That's the wrong document. You have the
24 complaint --
25 MR. BAXTER: You gave me 24:7 in there.

1 MR. BLOMBERG: It was corrected.
 2 MR. BAXTER: Oh, it was corrected?
 3 MR. BLOMBERG: Yeah.
 4 MR. BAXTER: That one's corrected. You're
 5 right.
 6 BY MR. BAXTER:
 7 Q. Okay. Do you recognize that document?
 8 A. Yes.
 9 Q. What is it?
 10 A. It's a Confidential Inquiry Complaint Form.
 11 Q. Concerning what?
 12 A. Complainant Marcus Miller filing a violation
 13 against Business Leaders in Christ.
 14 Q. And have you seen this document previously?
 15 A. Yes.
 16 Q. And when did it first come to your attention?
 17 A. The case or the document?
 18 Q. The document.
 19 A. When I received the materials.
 20 Q. From?
 21 A. From -- the University.
 22 Q. Okay. So the University -- someone at the
 23 University would have sent you this complaint form?
 24 A. It was a -- well, it was in the -- an exhibit, I
 25 believe, that I received from you all.

19

1 A. Notifying the organization, specifically Miss
 2 Thompson, that a complaint had been filed against
 3 Business Leaders in Christ.
 4 Q. And when you received that document, the
 5 complaint that we just looked at under Tab 91 was not
 6 with that letter, as far as you recall?
 7 A. I don't recall.
 8 Q. Okay.
 9 MR. CARROLL: Eric, just so the record's
 10 clear, can you read off the page numbers, the Bates
 11 stamps, so that later we're not debating what we were
 12 talking about?
 13 BY MR. BAXTER:
 14 Q. So the document that's labeled as Exhibit 92 is
 15 Plaintiff's Production Number 27 and 28. Do you see the
 16 second highlighted language there? Could you read that?
 17 A. The second highlighted --
 18 Q. Yes.
 19 A. "Failure to maintain confidentiality may be
 20 regarded --" excuse me.
 21 (The reporter requested that the witness
 22 speak more slowly.)
 23 THE WITNESS: I apologize. I apologize.
 24 A. (Continuing) "Failure to maintain
 25 confidentiality may be regarded as a form of retaliation

1 Q. Okay.
 2 A. There was a document that had several -- Exhibit
 3 A, Exhibit B, Exhibit C. I believe this was one of the
 4 exhibits which was the first time I saw that.
 5 Q. So prior to commencing this lawsuit, you never
 6 saw this document?
 7 A. Correct. This actual document.
 8 Q. Okay. I'm gonna ask you to turn to the exhibit
 9 behind Document Number -- behind Tab 92.
 10 A. I don't have a Tab 92, unless they're out of
 11 sequence.
 12 Q. I'm gonna ask you to take a look at this
 13 document.
 14 MR. CARROLL: Yeah, no -- no, you're
 15 correct. You're missing tabs.
 16 A. (Pause.) Okay.
 17 Q. Do you recognize that document?
 18 A. Yes.
 19 Q. And what is it?
 20 A. This was a communication that was sent to Hannah
 21 Thompson from the Office of Equal Opportunity and
 22 Diversity, Constance Shriver Cervantes.
 23 Q. And you were cc'd on that letter?
 24 A. I was.
 25 Q. And what was the purpose of that letter?

20

1 in violation of University policy."
 2 Q. Do you know what that language is referring to?
 3 A. The University has an anti-retaliation policy
 4 that issues frequently in judicial cases, so that the
 5 respondent and -- doesn't retaliate in a direct or
 6 indirect way.
 7 Q. So do you read that language to mean that if
 8 someone -- a complaint is filed against someone, that
 9 individual cannot speak to anyone about the complaint
 10 that was filed against them?
 11 A. Well, they certainly will need to speak to the
 12 Office of Equal Opportunity and Diversity when they are
 13 involved in the investigation and hearing.
 14 Q. Could they speak to a lawyer?
 15 A. I believe they have that right.
 16 Q. Okay. Could they speak to family and friends?
 17 A. I -- I don't know that.
 18 Q. Okay. So you don't know if the University would
 19 take action against them if they spoke to family and
 20 friends about a complaint that was filed against them?
 21 A. I don't know that for certain.
 22 Q. Are you the person who would be responsible for
 23 enforcing that?
 24 A. No.
 25 Q. So who is Constance Cervantes?

1 **A. She is a staff member in the Office of Equal**
2 **Opportunity and Diversity.**
3 Q. And do you know what her responsibilities are?
4 **A. She is -- I know that part of her responsibility**
5 **is investigative case -- investigating cases that are**
6 **given to her for investigation.**
7 Q. And when you received that letter, would that
8 have triggered any action on your part?
9 **A. No.**
10 Q. Well, what is the purpose of your receiving that
11 letter?
12 **A. Notification.**
13 Q. And why is it important for you to be notified?
14 **A. Because, depending on the outcome of the**
15 **investigation, I may or may not be involved in**
16 **resolution.**
17 Q. Okay. Other individuals cc'd on the letter
18 include Georgina Dodge. Who is Georgina?
19 **A. Georgina Dodge, at that time, was the**
20 **University's chief diversity officer, and Equal**
21 **Opportunity and Diversity reported -- reports though**
22 **that office, to that person.**
23 Q. Would she have been Constance's direct
24 supervisor?
25 **A. No.**

1 Q. Do you know who Constance's supervisor was?
2 **A. I believe Jennifer Modestou.**
3 Q. Okay. And then Jennifer Modestou would -- would
4 answer to Georgina?
5 **A. I believe so.**
6 Q. Who is Anita Cory?
7 **A. Dr. Cory, at the time, was one of the Associate**
8 **Directors of the Center for Student Involvement and**
9 **Leadership and is -- at the time had responsibility**
10 **related to student organization investigations, but not**
11 **investigations of Human Rights Policies. All -- if a**
12 **student organization is accused of a Human Rights Policy**
13 **violation, a complaint is filed against -- those are**
14 **automatically adjudicated -- investigated by the Office**
15 **of Equal Opportunity and Diversity.**
16 Q. And so Anita wouldn't have had a role in that?
17 **A. Not in the -- she would not be responsible for**
18 **directing the investigation.**
19 Q. What would her responsibility be?
20 **A. The adjudicator could involve Dr. Cory, and I --**
21 **believe -- there was the -- I apologize. If Dr. Cory**
22 **was involved in the conversation with Constance -- was**
23 **related to BLinC or 24:7. I can't recall which or both.**
24 Q. She was involved with both.
25 **A. Okay.**

23

1 Q. So Anita Cory's role would have been only if the
2 adjudicator involved her?
3 **A. Correct.**
4 Q. And what kind of things could she ask her to do?
5 **A. Be part of the investigation because there could**
6 **be some nuances related to student organizations that**
7 **Dr. Cory would be able to provide context and**
8 **understanding for that Constance could not.**
9 Q. And when you said "adjudicator," is that
10 referring to Constance?
11 **A. Correct.**
12 Q. And who is Susan Sayer [sic]?
13 **A. Sue Sager at the time was the faculty or staff**
14 **advisor to BLinC.**
15 Q. And do you have any knowledge about how
16 the office -- the EOD -- is it called EOD?
17 **A. EOD.**
18 Q. How EOD conducts investigations?
19 **A. Not in specifics.**
20 Q. Do you have a Tab 94?
21 **A. I do not.**
22 Q. I'm gonna ask you to look at Tab Number 104. Do
23 you recognize that document?
24 **A. Yes.**
25 Q. And what is it?

24

1 **A. Communication between Kristi Finger and myself.**
2 Q. Okay. I'm gonna ask you to step back now to
3 Document 102.
4 **A. Oh, excuse me.**
5 Q. Do you recognize this document?
6 **A. I don't.**
7 Q. Do you know whose handwriting that is?
8 **A. (Pause.) I'm not for certain. I'm not for sure**
9 **whose handwriting this is.**
10 Q. Okay. Did you ever have a meeting with Constance
11 Cervantes about the investigation of BLinC?
12 **A. Yes.**
13 Q. Would it have happened on May 26, 2017?
14 **A. There was a meeting on May 26 with Constance, and**
15 **I can't recall if it was about 24:7 or about BLinC or**
16 **about both, but certainly one, if not both.**
17 Q. And is there a reason why you remember the
18 specific date?
19 **A. Yes, because I'd been preparing very diligently**
20 **with dates and numbers, frankly.**
21 Q. You see at the top of this document, it says,
22 "Bill and Kristi." Was Kristi in that meeting with you?
23 **A. Yes.**
24 Q. Okay. And that -- does that refer to Kristi
25 Finger?

1 **A. Kristi Finger.**

2 Q. And what's Kristi Finger's role at the
3 University, or what was her role at the time of this
4 investigation?

5 **A. Kristi Finger was the Coordinator for Student**
6 **Organization Development. She is now one of the**
7 **Assistant Directors for Guests and Event Services in the**
8 **Iowa Memorial Union. She transitioned into that role.**
9 **I can't recall exactly when she made that transition.**

10 Q. In her new role, does that mean she no longer has
11 involvement with the student groups?

12 **A. In a different -- she is involved in a different**
13 **way. She works in student organizations in the**
14 **reservation of space on campus, outside, and in -- and**
15 **within the Iowa Memorial Union.**

16 Q. Okay. And what -- why would -- why -- do you
17 know why Ms. Cervantes would have wanted to meet with
18 you and Kristi?

19 **A. To get more context and understanding about**
20 **student organization rules and regulations, I recall.**

21 Q. Okay. This says here, "Question has arisen.
22 Institute -- instant knowledge versus what we have done.
23 Practice, question mark, none. Philosophy and
24 interpretation, historical and longstanding." Does
25 it -- do you know -- remember what the conversation --

1 what this would have referred to?

2 **A. I don't.**

3 Q. Okay. It says, "In advance of most recent case
4 allowed groups to discriminate at leadership level, not
5 membership level." Do you remember what that might have
6 referred to?

7 **A. I do not.**

8 Q. Going down, it says -- do you see where it says,
9 "Model constit [sic] requirements, three things actually
10 required. HR -- HR policy one of these."

11 **A. Yes.**

12 Q. Does that trigger what this conversation would
13 have been about? I'm not asking you to speculate. I
14 just want to know if you have any recollection of what
15 happened at the meeting.

16 **A. Based on this note, I'm assuming that there --**
17 **one of the requirements for -- of constitutions is the**
18 **inclusion of the University of Iowa's Human Rights**
19 **Policy.**

20 Q. Okay. Did you have any discussion about the
21 importance of having men's clubs, women -- a men's glee
22 club, a women engineering club, or black student clubs?

23 **A. I recall part of our conversation being about**
24 **some of our student organizations that have missions**
25 **around -- protected classes of our Human Rights Policy.**

27

1 Q. Okay. At that time what was your understanding
2 of the University's policy regarding, for example, a
3 men's glee club?

4 **A. We would allow them to register.**

5 Q. Okay.

6 **A. Allow them to function as long as they didn't**
7 **violate policy.**

8 Q. Okay. And what -- is that your recollection at
9 that time of what the policy was? Without looking at
10 the notes. Is -- is that what -- is that your statement
11 of what the policy is now or what the policy was at the
12 time when you -- the BLinC investigation?

13 **A. The University -- the University of Iowa's Human**
14 **Rights Policy on May 17th is the same as it is today.**

15 Q. Have there been no changes since May 17?

16 **A. Since -- not -- not since this point in time.**

17 Q. Okay. I'm gonna ask you to go back to Exhibit
18 104. At the bottom you see where -- where you e-mailed
19 Tom Baker, Tom Rocklin, Anita Cory, and Kristi Finger
20 and you said, "Once the draft is finalized and issued,
21 the below highlighted action is recommended." Do you
22 know what that refers to?

23 **A. I can't recall what I meant by "the highlighted**
24 **action is recommended -- the below highlighted action."**

25 Q. Okay. I'm gonna ask you to flip over to Document

28

1 105. Do you recognize this document?

2 **A. Yes.**

3 Q. And what is it?

4 **A. A communication from Constance to Tom Rocklin,**
5 **William Nelson, and Tom Baker.**

6 Q. Okay. And what was -- what is the email about?

7 **A. The -- appears to be Connie's communication about**
8 **the final draft of her findings related to the BLinC**
9 **case.**

10 Q. And why don't you take a second and flip -- just
11 flip through the rest of the document -- is what's
12 attached the draft for the BLinC -- the draft findings
13 from the BLinC investigation?

14 **A. I believe so.**

15 Q. Okay. So back to the email. The email -- the
16 next to the last paragraph in the email from Constance
17 says, "For your consideration it is the recommendation
18 of EOD that after this Finding is issued, BLinC's
19 recognition as a University organization be suspended
20 until the violation is corrected." Do you see that?

21 **A. Um-hum.**

22 Q. So now looking above at your email, where it
23 says, "Once the draft is finalized and issues --" that
24 refers to the Findings, correct?

25 **A. Correct.**

1 Q. And then "the below highlighted action," does
2 that refer to Constance's recommendation that the
3 email -- that BLinC be suspended?

4 **A. Cor -- I believe so.**

5 Q. And then looking back to Tab Number 104, am I
6 correct this is you forwarding -- or at least forwarding
7 the email to Kristi Finger?

8 **A. Kristi -- yeah, communicated with me and then I,
9 in turn, was communicating back to Kristi.**

10 Q. So below that at the bottom you said, "Once the
11 draft is finalized," that would be -- you forwarded --
12 how did you -- she was on the original email, right?

13 **A. Yes, yes.**

14 Q. And then she responded and said, "What are the
15 implications for our other faith-based groups that have
16 Statements of Faith for their student leaders?" Do you
17 see that?

18 **A. Correct.**

19 Q. What -- what's your understanding of what her
20 concern was at that time?

21 **A. I believe Kristi's concern was that there were --
22 were similar situations or could be similar situations.
23 We hadn't received any complaints, but absent the
24 complaint, she, I believe -- as I'm recalling, there
25 should be concern related to other groups.**

31

1 Q. Okay. Do you remember what Constance told you
2 about the facts at that time?

3 **A. I do not remember.**

4 Q. Okay. Was there any other time, prior to
5 receiving the draft, that you would have learned about
6 the facts of the BLinC situation?

7 **A. I don't know. I can't recall if I had any other
8 communication with Connie. I may have, but I simply
9 can't recall.**

10 Q. Okay. When you -- so prior to receiving the
11 draft, you had no input into what -- did you have any --
12 let me start that again. Prior to receiving the draft,
13 did you have any input in what would have been included
14 in the Findings?

15 **A. I -- I had conversation with Connie again on May
16 26. I'm not certain I can account for what she would or
17 wouldn't include, based on our conversation.**

18 Q. And beyond that did you have any other input into
19 the draft?

20 **A. I can't recall.**

21 Q. If you look at the email from Constance again at
22 105 -- well, she's says, "Attached is the final draft."
23 Do you know if anybody made any comments in response to
24 receiving the draft?

25 **A. I'm not certain who responded to her.**

1 Q. And when you read that email, do you remember
2 what your response was to it before you wrote your
3 response?

4 **A. That could be true.**

5 Q. And what -- did you have any thoughts about what
6 kind of problems might arise -- or what implications
7 might arise?

8 **A. I would -- I'm not certain I understand your
9 question.**

10 Q. Well, at the time you received this email, did it
11 trigger any thoughts, in your mind, about what
12 implications there might be for other faith-based groups
13 if BLinC were to be sanctioned?

14 **A. Yeah. My -- my thought was that there -- if
15 there were groups who were in violation of Human Rights
16 Policy, then -- and there could be, and if we received a
17 complaint for a violation, that we would need to
18 investigate.**

19 Q. And do you recall, did you read the draft that
20 Connie sent -- reasonably promptly after she sent it?

21 **A. I -- I -- I believe I did.**

22 Q. Would that have been the first time you learned
23 anything about the facts of the situation with BLinC?

24 **A. No. I believe some of the facts were in --
25 discussed in that -- May 26th meeting.**

32

1 Q. So you're not aware of any comments to the draft?

2 **A. I can't recall. I apologize for not recalling --**

3 Q. That's fine.

4 **A. -- but I simply can't.**

5 Q. And did you provide any written comments or oral
6 responses to the draft?

7 **A. I don't recall.**

8 Q. Okay. It's not a trick question.

9 **A. No, I know. I'm not -- my effort is nothing
10 other than an earnest effort to try to recall.**

11 Q. I appreciate that. Thank you. I'm gonna ask you
12 to look at Document 106. Do you recognize this
13 document?

14 **A. I do.**

15 Q. And what is it?

16 **A. This is the -- the official Finding of the formal
17 complaint of discrimination against BLinC. Excuse me.**

18 Q. And why would you have been -- am I correct that
19 you are cc'd on this document on the last page?

20 **A. Yes, I -- yes.**

21 Q. Okay. And what was the purpose -- what would
22 have been the purpose of you receiving this document?

23 **A. Given her findings that the Human Rights Policy
24 was violated, in my capacity as Executive Director of
25 the Iowa Memorial Union, I am responsible, at the**

1 **resolution stage, if policy was violated and if**
 2 **sanctions are warranted. That's why she would have**
 3 **communicated with me.**

4 Q. So say that again. Your responsibility at that
 5 point would be --

6 **A. So -- so I am the -- in the discipline of**
 7 **Registered Student Organizations, it gets to a**
 8 **resolution stage, and I am involved at that stage as**
 9 **the -- I have the authority to issue sanctions -- issue**
 10 **sanctions if policies are violated and sanctions are**
 11 **warranted.**

12 Q. And so what would be the procedure you would
 13 follow upon receiving this memo?

14 **A. I would -- understand the doc -- read the**
 15 **document, understand the document to my fullest**
 16 **capability, and then would commence the resolution**
 17 **process.**

18 Q. Okay. And how does the resolution process
 19 unfold?

20 **A. So that would involve scheduling a meeting with**
 21 **the student representative or representatives, allowing**
 22 **them the opportunity to bring an advisor with them, and**
 23 **then we would hold a meeting to -- discuss the case, not**
 24 **necessarily to dispute the findings, but to discuss the**
 25 **case.**

1 Q. And do you have any obligation, under the rules
 2 governing -- I assume there are rules governing this
 3 process; is that correct?

4 **A. Correct.**

5 Q. And under those rules do you have any obligation
 6 to look beyond the Finding to confirm its accuracy?

7 **A. No.**

8 Q. Okay. You noticed on the document behind Tab 106
 9 at the very bottom of the page -- first page --

10 **A. Oh, excuse me. I'm there.**

11 Q. -- it says -- this is the memo from Constance --
 12 the Finding from Ms. Cervantes, correct?

13 **A. Correct.**

14 Q. And it says, "The following documents were
 15 reviewed: Copy of Facebook Messenger notes of meeting
 16 dates, email from Complainant to Student B, email from
 17 Student B to Complainant, constitution of Business
 18 Leaders in Christ," and so forth. There's additional
 19 documents on the second page, correct?

20 **A. Correct.**

21 Q. Would you have reviewed any of these documents in
 22 connection with your review of the Findings and decision
 23 to make sanctions?

24 **A. Yes, I reviewed some of them, as I recall. For**
 25 **sure, some of them. I can't recall all of them.**

35

1 Q. Okay. Would they have been sent to you from Ms.
 2 Cervantes, or how did you gain access to them?

3 **A. I have some. I had -- some I have access to on**
 4 **my own. The constitution, for example, is available on**
 5 **our student organization database management. Same with**
 6 **our -- constitution and guidelines. I can't recall if**
 7 **Constance provided supplementary documents to me.**

8 Q. So do you have any recollection of having
 9 reviewed a copy of Facebook Messenger notes?

10 **A. I -- I don't recall doing that. I may have, but**
 11 **I don't recall.**

12 Q. Okay. Do you have a document -- and just to
 13 explain, we -- FedEx didn't get all of our documents
 14 here on time so we have a more complete binder that's
 15 arriving.

16 **A. Okay.**

17 Q. But is there a Tab 88 in that binder?

18 **A. I -- goes from 85 to 91.**

19 Q. Okay. You have no recollection at this moment of
 20 having reviewed Facebook Messenger notes?

21 **A. (Pause.) I -- I don't recall. I may have, but I**
 22 **simply don't recall.**

23 Q. Okay. Would it be your normal practice in
 24 reviewing -- let me ask you this: How often do you

25 receive findings from an investigation conducted by the

36

1 EOD?

2 MR. CARROLL: Just so we're clear, are you
 3 talking about student groups?

4 MR. BAXTER: Any kind of findings.

5 **A. Right. I would only be the recipient related to**
 6 **the Registered Student Organizations. In -- I can**
 7 **recall in my career at Iowa, three.**

8 Q. And who were those pertaining to?

9 **A. BLinC, 24:7, and UI Feminist Union.**

10 Q. Okay. And in reviewing those three, would it
 11 have been your normal practice to ask the investigator
 12 for all the documents that were reviewed in the process
 13 of the investigation?

14 **A. I don't believe I did that.**

15 Q. In any of the three instances?

16 **A. I can recall in -- it appeared to me that the**
 17 **relevant -- excerpts from these other -- from social**
 18 **media or other documents were -- would be included in**
 19 **the finding. I remember there being lots of quotes,**
 20 **lots of just a direct -- you know, this particular fact**
 21 **came from this particular document. I don't recall**
 22 **giving a -- the -- kind of the -- the chronology of any**
 23 **form of, like, email communication that, you know --**
 24 **person by person by person by person, but that the**
 25 **relevant opinions were extracted from those -- those**

1 **kind of communications and put into the Finding.**
 2 Q. So in making sanctions that's decisions, was your
 3 practice just to rely on the written document from the
 4 investigator in deciding whether to issue sanctions?
 5 **A. Primarily, yes.**
 6 Q. So you have made no independent effort to confirm
 7 whether the Finding accurately reflected the facts?
 8 **A. Correct. I accepted the Findings from the Office**
 9 **of Equal Opportunity and Diversity.**
 10 Q. And why did you do that?
 11 **A. Because they are the office charged with doing**
 12 **so, and I -- respect their work.**
 13 Q. Okay. So if they issue a finding of no probable
 14 cause in an investigation, and you receive that, what
 15 would you do after that?
 16 **A. If you mean no probable cause, being no policy**
 17 **violation --**
 18 Q. Correct.
 19 **A. Nothing would move forward. I won't -- I'm not**
 20 **involved unless there is a policy violation in terms of**
 21 **action.**
 22 Q. Would you -- would you receive a report even if
 23 there were no policy violations?
 24 **A. Yes, I would.**
 25 Q. But you would take no action after that?

39

1 **A. Yes.**
 2 Q. And what is it?
 3 **A. May I review it quickly?**
 4 Q. Yes.
 5 **A. (Pause.) Tom Baker's -- Tom Baker's forwarding**
 6 **of the Human Rights violation being confirmed by Connie,**
 7 **his forwarding that to me.**
 8 Q. What was Tom Baker's role in this?
 9 **A. Tom Baker participated in the investigation with**
 10 **Connie. He was involved in some part or all of her**
 11 **interviews with some or all of the students.**
 12 Q. Do you know what his employment relationship is
 13 with respect to Ms. Cervantes?
 14 **A. At the time Tom was the Associate Dean of**
 15 **Students, and Tom had a role in -- a liaison role with**
 16 **both the Office of Equal Opportunity and Diversity and a**
 17 **liaison role with the Office of the General Counsel, and**
 18 **Mr. Baker will need to define that more specifically.**
 19 Q. Okay. So do you know why he would have been the
 20 person who sent this letter to you?
 21 **A. I think that's our protocol, as a participant in**
 22 **the process. Again, this -- as I reference this, this**
 23 **isn't a usual practice over time, so -- again, I**
 24 **reference, I believe, three. So saying a protocol might**
 25 **not be appropriate, but he advanced the document to me.**

1 **A. Correct.**
 2 Q. What is your understanding of what Ms. Cervantes
 3 found in her Findings?
 4 **A. That there was a violation of the University of**
 5 **Iowa's Human Rights Policy, that the Complainant was**
 6 **denied a leadership opportunity because he had stated he**
 7 **was gay.**
 8 Q. Okay. And in -- on your recollection, was --
 9 were there any other facts that might have called that
 10 into question?
 11 **A. The Findings, I know, referenced email -- I**
 12 **believe email communication, in which the Res --**
 13 **Respondent admitted that -- because the Respondent**
 14 **offered the leadership opportunity to the Complainant.**
 15 **After doing so the Complainant, through his admission**
 16 **that he was gay -- she said that the student -- the**
 17 **Respondent said that she would have to get back to him,**
 18 **and then a -- a period of time passed and she got back**
 19 **to the Complainant and retracted the leadership**
 20 **opportunity offer.**
 21 Q. Okay. I'm gonna ask you to flip to Document 108.
 22 **A. I have 106 and then 109.**
 23 MR. BLOMBERG: Look at the bottom.
 24 **A. Oh, excuse me. I apologize. I have it.**
 25 Q. And do you recognize that document?

40

1 Q. Do you see in the second paragraph, the second
 2 sentence, says, "Section IV (B) calls upon the Executive
 3 Director of the IMU to schedule a time to meet and
 4 discuss the case with the student organization
 5 representatives before determining whether or not the
 6 actions of BLinC's student leaders violated one or more
 7 of the established rules for student organizations."
 8 **A. Correct.**
 9 Q. So one purpose of the meeting was to determine
 10 whether there were grounds for a violation; is that
 11 correct?
 12 **A. Are you referencing the meeting that occurred on**
 13 **September 1st?**
 14 Q. Well, the meeting that's referred to here. It
 15 did happen on September 1st. So when he refers to the
 16 meeting, is the purpose of the meeting -- he says you
 17 have to schedule a meeting before determining whether or
 18 not the actions violated one of the rules, correct?
 19 **A. Yes. The -- our policy requires that I meet with**
 20 **the students.**
 21 Q. And is one of the purposes -- what is the purpose
 22 of that meeting?
 23 **A. Again, as I referenced earlier, it's not to**
 24 **dispute the facts at the meeting, but it is to ask --**
 25 **give the students the opportunity to provide additional**

1 **context, to ask additional questions, for me to then**
 2 **share what the process looks like moving forward.**
 3 Q. So you wouldn't make a decision about sanctions
 4 until after that meeting; is that correct?
 5 **A. Official final sanctions would occur after that**
 6 **meeting.**
 7 Q. Did you go -- would you go into that meeting with
 8 an assumption of what the sanctions would be?
 9 **A. I go into the meeting knowing that the EOD**
 10 **violated -- ruled there -- was a policy violation and**
 11 **sanctions could be warranted, and part of the process of**
 12 **the meeting is, I believe, to get a better idea, based**
 13 **on the conversation with the students, of what is**
 14 **appropriate for a sanction.**
 15 Q. Okay. In the last paragraph on that page you
 16 say, in the second sentence, it says, "The Human Rights
 17 Policy does not require that their creed be modified";
 18 is that correct?
 19 **A. That's -- that is how that reads.**
 20 Q. Okay. And do you remember what that -- why he
 21 would have thought that was important to say?
 22 **A. No.**
 23 Q. Okay. He then says, two sentences later, "No
 24 further discussion took place between the student
 25 applicant and the group leaders --" let me start over.

1 In the very next sentence it says, "In the BLinC case,
 2 the student who expressed an interest in the position of
 3 vice president self-reported --"
 4 (The reporter requested that the witness
 5 speak more slowly.)
 6 Q. (Continuing) I'll reread that. "In the BLinC
 7 case, the student who expressed an interest in the
 8 position of vice president, self-reported to the
 9 interviewer that he was gay. No further discussion took
 10 place between the student applicant and the group
 11 leaders with regard to the student's actual sexual
 12 practices."
 13 **A. Um-hum.**
 14 Q. Do you have any recollection of why Tom would
 15 have thought that was significant?
 16 **A. I don't. And I -- based on Connie's Findings,**
 17 **she references additional communication between the**
 18 **Complainant and the Respondent.**
 19 Q. If, in the context that's described in this
 20 letter, do you think it would have been important for
 21 there to be a discussion between the student applicant
 22 and the group leaders with regard to the student's
 23 actual sexual practices?
 24 **A. Could you repeat that, please?**
 25 Q. Is there a difference between -- well, Mr. Baker

1 seems to be saying that the Complainant self-reported
 2 that he was gay, correct?
 3 **A. Correct.**
 4 Q. And that seems to be saying that he was denied a
 5 position in BLinC for that reason, correct?
 6 **A. I don't know what Tom was inferring.**
 7 Q. Okay. In the second sentence he seems to suggest
 8 that there was no further discussion of actual sexual
 9 practices, correct?
 10 **A. That's what he wrote.**
 11 Q. Okay. And do you read that to say that he thinks
 12 there should have been?
 13 **A. Again, I don't know what his intent was, but I,**
 14 **as I shared, I recall from Connie's Finding and the**
 15 **materials in the Finding, that there were subsequent**
 16 **conversations between the Complainant and the**
 17 **Respondent.**
 18 Q. Okay. I'm gonna ask you to look at
 19 document exhibit -- or the document behind Tab 109.
 20 **A. (Nodding.)**
 21 Q. Do you recognize this document?
 22 **A. I do.**
 23 Q. Okay. What is it?
 24 **A. A communication from, I believe -- yes, Mr.**
 25 **Estell to Dean Redington.**

1 Q. Okay. And you were cc'd on this letter, correct?
 2 **A. Correct.**
 3 Q. And the letter's dated July 14th, 2017?
 4 **A. Correct.**
 5 Q. And the meeting you held with BLinC was on
 6 September 1st, 2017; is that correct?
 7 **A. Correct.**
 8 Q. And so this letter came in before that meeting?
 9 **A. Correct.**
 10 Q. In the second paragraph, could you read that,
 11 please, to yourself?
 12 **A. Yes. To myself?**
 13 Q. Please.
 14 **A. (Pause.) I have read it.**
 15 Q. Okay. What's your understanding of what Mr.
 16 Estell was trying to express?
 17 **A. Frankly, I was a bit confused with that paragraph**
 18 **because I know that the communication between the**
 19 **Complainant and the Respondent did not involve Jacob**
 20 **Estell. It was between -- I don't know if I can say the**
 21 **name or not, but it was -- the Respondent who was named**
 22 **initially, the then-president, and so the communication**
 23 **that occurred that we were talking about earlier between**
 24 **the then-president of the student organization BLinC and**
 25 **then the -- Complainant.**

1 Q. And you see on the second page with Jacob's
2 signature, it says "President, Business Leaders in
3 Christ"?
4 **A. Um-hum.**
5 Q. And you're aware that he became the president
6 after Hannah Thompson, who was the original president,
7 correct?
8 **A. Correct.**
9 Q. And that he would have had authority to speak on
10 behalf of BLinC, correct?
11 **A. Correct.**
12 Q. And what's your understanding then of what he was
13 trying to express in the second paragraph?
14 **A. He was stating that the group did not**
15 **discriminate against the Complainant based on sexual**
16 **orientation, but the original communication, involving**
17 **Hannah Thompson, directly did so.**
18 Q. So the sentence starting, "The student
19 participated in BLinC before asking for a leadership
20 position, and remains welcome to participate, even as a
21 leader, regardless of his orientation."
22 **A. Um-hum.**
23 Q. Correct?
24 **A. Um-hum.**
25 Q. Then the next --

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1 **A. Correct.**
2 Q. But rather that he was denied a leadership
3 position because he disagreed with BLinC's Christian
4 principles; is that correct?
5 **A. Correct.**
6 Q. If that statement were true, that Mr. Miller was
7 denied a leadership position only because he refused to
8 live by BLinC's Christian principles, would that have
9 violated the Human Rights Policy?
10 **A. Yes.**
11 Q. Why?
12 **A. Because it would be discriminatory based on his**
13 **sexual orientation.**
14 Q. So he just -- Mr. -- Mr. Estell just says, right,
15 that he was -- only denied a leadership position because
16 he disagreed with Christian principles. Doesn't say
17 anything about sexual orientation. If he had been
18 denied the position just because he refused to abide by
19 the Christian principles of BLinC, would that alone have
20 been a violation of the Human Rights Policy, as you
21 understood the policy at that time?
22 **A. Yes.**
23 Q. Why?
24 **A. As I -- as I stated, because it references**
25 **that -- the -- I'm trying to think back to the Business**

1 **A. Oh, excuse me. Yes. Correct, I apologize.**
2 Q. "The student was not eligible to be a leader in
3 BLinC only because he stated that he disagrees with, and
4 would not try to live by, BLinC's Christian principles,
5 which means he would not effectively lead our group,"
6 correct?
7 **A. That is what it -- that's what he wrote.**
8 Q. Do you understand the distinction of what Jake
9 was trying to make there?
10 **A. I think he was -- I'm not certain -- but I**
11 **believe he was trying to state that the Complainant was**
12 **not categorically denied the opportunity because he**
13 **admitted to be gay. Rather he was denied the**
14 **opportunity because he wouldn't live by BLinC's**
15 **principles.**
16 Q. And if that were true, would that have violated
17 the Human Rights Policy, as you understood it at that
18 time?
19 **A. Repeat that again.**
20 Q. So you said that your understanding was that
21 Jacob was trying to say that Marcus Miller, who was the
22 Complainant, correct?
23 **A. Correct.**
24 Q. That he was not denied a leadership position
25 because of his sexual orientation?

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1 **Leaders in Christ's Statement of Faith, and in the --**
2 **Doctrine of Personal Integrity, there's a connection**
3 **between the two.**
4 Q. Now, that statement was submitted to the
5 University after the September 1st meeting, correct?
6 **A. The -- the updated statement that included the**
7 **Doctrine of Personal Integrity was submitted after, yes.**
8 Q. Okay. And do you recall that that statement did
9 not exist in the constitution prior to the September 1st
10 meeting?
11 **A. Correct, it was added after.**
12 Q. So on July 14th that statement was not in the
13 constitution, correct?
14 **A. Correct.**
15 Q. So just, hypothetically, if Marcus Miller were
16 not gay but indicated that he did not agree with BLinC's
17 Christian principles and was denied a leadership
18 position for that reason, at that time, as you
19 understood the policy then, would that have violated the
20 Human Rights Policy?
21 **A. No.**
22 Q. So it was simply because the belief that Marcus
23 Miller disagreed with -- concerned homosexuality, that
24 you believe there was a violation?
25 **A. I believe there was a violation because he**

1 **admitted to the then-president that he was gay, and the**
 2 **offer for the vice president position was retracted**
 3 **after he made the admission.**

4 Q. Hypothetically, if Mr. Miller was not gay, but
 5 simply disagreed with BLinC's Christian views on
 6 homosexuality, and was denied a leadership position for
 7 that reason, would that have violated the Human Rights
 8 Policy?

9 **A. No. I apologize. That took me a while to --**
 10 **connect.**

11 Q. That's fine. Thank you. Okay. I'm going to ask
 12 you -- to look at the document numbered 110. Do you
 13 recognize this document?

14 **A. Yes.**

15 Q. And this email is dated the same day as the
 16 letter from Jacob Estell, correct?

17 **A. Correct.**

18 Q. And that letter from Jacob Estell was sent to you
 19 via email; is that correct?

20 **A. I was -- if I'm understanding, it was copied on**
 21 **the letters you sent to Dr. Redington.**

22 Q. Correct. And you would have received that -- if
 23 the letter is accurate, you would have received that on
 24 July 14, correct?

25 **A. Correct. Yes, I was copied on that**

1 **communication, yes.**

2 Q. And do you have any reason to think that that
 3 email was -- or that the letter was dated incorrectly?

4 **A. No, no.**

5 Q. And at 110 -- Tab 110, what's your -- what's your
 6 understanding of what this is?

7 **A. This is a communication from Lyn -- Dr. Lyn**
 8 **Redington, the then-Dean of Students and Assistant Vice**
 9 **President for Student Life, sharing that with me. I --**
 10 **frankly, the -- I think this was sent to Lyn in error**
 11 **because the process didn't require the student to**
 12 **send -- I think -- I believe the student was under the**
 13 **understanding that he should communicate with the Dean.**
 14 **And I think that was just a simple -- I'm assuming that**
 15 **was just a simple error on Jacob's part and that the**
 16 **commun -- so she was simply sending that to me as -- a**
 17 **note that this was -- again, the resolution -- I begin**
 18 **the resolution stage. Dr. Redington is involved in the**
 19 **appeal stage, so she's getting it to me because I'm the**
 20 **next step.**

21 Q. Okay. And so she was basically just forwarding
 22 Jacob's letter back to you, and she says, "I believe
 23 BLinC can appeal the sanction, not the Finding." Is
 24 that true?

25 **A. Correct.**

51

1 Q. And then she says, "I can guess how he saw the
 2 report which precipitated this letter, but that doesn't
 3 really matter." Do you know what she's referring to
 4 there?

5 **A. I do not.**

6 Q. And in the appeal to Lyn Redington, as far as you
 7 understand the procedures, is there a process there
 8 where a student organization could contest the factual
 9 findings?

10 **A. I believe -- again, this is probably a more**
 11 **appropriate question for Connie -- but the Findings**
 12 **again are a part of the EOD process, and there -- I**
 13 **believe there's a process to challenge the finding at**
 14 **that level.**

15 Q. So once it gets to you, as far as you know, no
 16 one looks beyond the findings?

17 **A. Correct.**

18 Q. Did you have any further discussion with Lyn
 19 Redington about Jake's letter?

20 **A. Yeah, we may have talked about the next line.**
 21 **Again, I think part of Lyn's urgency in getting the**
 22 **document to me was, again, knowing that she had a role**
 23 **in the appeals process, that -- wanting to get it to me**
 24 **to begin the resolution process quickly -- or not**
 25 **necessarily quickly -- but just so that we weren't**

52

1 **confusing the resolution stage with the appeal stage.**

2 Q. Okay. I'm gonna ask you to look at Document 111.
 3 Do you recognize this document?

4 **A. I don't.**

5 Q. Okay. It's dated the same -- it's also dated
 6 July 14, 2017, correct?

7 **A. Um-hum.**

8 Q. And -- can you answer "yes" or "no"?

9 **A. Excuse me. Yes. I apologize. Yes.**

10 Q. Thank you. It then says, "Lyn, Met on
 11 Wednesday," and then there's a list of people with Bill,
 12 Tom, Bill, and so forth, correct?

13 **A. Um-hum.**

14 Q. So this -- if you -- was that a "yes" or "no"?

15 **A. Yes.**

16 Q. Okay. And on July 14th -- that was a Friday,
 17 July 14, 2017 -- I'll represent to you that was a
 18 Friday. So Wednesday would have been two days before
 19 that, correct?

20 **A. Correct.**

21 Q. And do you recall this meeting? This would have
 22 been two days then before you received the letter --

23 **A. Right.**

24 Q. -- from Jake.

25 **A. I'm not able to place this in any kind of**

1 **context. I apologize.**

2 Q. It says, "Letter re sanctions will come from
3 Bill," correct?

4 **A. Correct.**

5 Q. Or J.T. Timmons?

6 **A. Correct.**

7 Q. Who's J.T. Timmons?

8 **A. That's what's confusing. J.T. Timmons is the**
9 **Director of Recreational Services, and so J.T. has a**
10 **role that's parallel with my role when it involves**
11 **sports clubs. That's why I'm a bit confused on how J.T.**
12 **is brought into this, because J.T. -- Bill Nelson, I, do**
13 **resolution related to Registered Student Organizations.**
14 **J.T. Timmons does resolution related to sports clubs.**

15 Q. Okay. Do you ever -- do you remember ever being
16 in a meeting with J.T. Timmons about the BLinC
17 investigation?

18 **A. I don't.**

19 Q. This refers to sanctions, though, correct? Do
20 you see where it says, "Letter re sanctions will come
21 from Bill"?

22 **A. Yeah, I'm making a -- an assumption, that this is**
23 **somewhat of an explanation to Lyn about our process.**
24 **Lyn was new. Lyn's -- only served in the role of Dean**
25 **for less than two years. So this would have been on**

1 **the -- I -- a short time -- I can't -- I'm not for**
2 **certain of the length of time of her tenure, but it was**
3 **short. I believe that this is some form of an**
4 **explanation that -- again, that the resolution and**
5 **sanctions happen from Bill and J.T. and not from her,**
6 **which could be the reference related to the whole notion**
7 **why Jake had sent that note to her because he wrote in**
8 **that note to Lyn, I remember, "That my understanding is**
9 **you, Dr. Redington, do sanctions," and that's not**
10 **correct. So I'm not -- I don't know whose handwriting**
11 **this is. But I'm thinking that this is a cryptic**
12 **explanation to Lyn that she doesn't manage the**
13 **resolution and sanctions part, that she manages the**
14 **appeals process.**

15 Q. Okay. And then you see below that it says,
16 "Waited on sanctions until 24:7." Do you see that?

17 **A. Um-hum.**

18 Q. Is it fair to assume that "Waited on sanctions,"
19 that means that you were waiting on sanctions for BLinC
20 until 24:7?

21 **A. I don't know what that means. I apologize.**

22 Q. Okay. I'm gonna ask you to look at Document 112.
23 Do you recognize this document?

24 **A. From -- not from the original -- not from 7/19**
25 **but perhaps in the document production process. I --**

55

1 Q. Okay. You have no original recollection -- you
2 don't know whose handwriting this is?

3 **A. I don't. I -- I don't.**

4 Q. Okay. And it refers to the BLinC appeal. This
5 was five days after the last note, correct?

6 **A. Um-hum.**

7 Q. And it says, "BLinC appeal," correct?

8 **A. Um-hum. Yes.**

9 Q. Thank you.

10 MR. CARROLL: I know. It's hard.

11 **A. Yes. I apologize to you.**

12 Q. Then it says, "Drafter: Draft brief email to
13 Jacob to -- have to outline sanctions. First will come
14 from Nelson," correct?

15 **A. Um-hum.**

16 Q. Told to -- is that a "yes" or "no"?

17 **A. Yes:**

18 Q. "Told to wait on sending Bill Nelson letter,"
19 correct?

20 **A. Correct.**

21 Q. Had the sanctions already been decided by this
22 time?

23 **A. No.**

24 Q. How do you know that?

25 **A. Because I issue the sanctions and the sanctions**

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1 **weren't communicated to BLinC until after our --**
2 **September 1 meeting. I believe September 13.**

3 Q. In your mind, by this time had you already
4 settled on sanctions?

5 **A. No.**

6 Q. How do you know that, or how do you remember
7 that?

8 **A. Because I hadn't spent time with the students**
9 **yet.**

10 Q. Okay.

11 **A. This -- oh --**

12 Q. Go ahead.

13 **A. Reading this confirms my speculation about the --**
14 **previous page -- was again, someone needed to**
15 **communicate -- someone was instructing Lyn to**
16 **communicate to Jacob that I'm the next step in the**
17 **process, not her --**

18 Q. Okay.

19 **A. -- which was what I was stating earlier.**

20 Q. Thank you. I ask you to look at Tab 113.

21 **A. I -- I don't have 113.**

22 Q. I am gonna ask you to take a look at what I am
23 gonna hand you as a document that's behind Tab 113. Do
24 you recognize that document?

25 **A. Yes.**

1 Q. And what is it?

2 **A. It's a communication from Marcus Miller to Lyn**

3 **Redington; Marcus asking to schedule a meeting with**

4 **Dr. Redington.**

5 Q. And then what does the top half of the email say?

6 **A. Related to -- oh, a communication from Lyn asking**

7 **me to respond to Marcus' previous request.**

8 Q. And did you respond to Marcus Miller?

9 **A. I don't know if I did or not.**

10 Q. Did you ever have any direct communications with

11 Marcus Miller?

12 **A. No.**

13 Q. You never emailed him?

14 **A. I have never spoken to Marcus. I've never met**

15 **Marcus. I may have emailed him.**

16 Q. Is there any -- why would you have emailed him?

17 In what circumstances might you have emailed him?

18 **A. I can say I might not have emailed him simply**

19 **because of his role, and then me needing to meet with**

20 **the students.**

21 Q. Did you -- when you searched your emails -- did

22 you search your emails in response to document

23 production --

24 **A. Yes.**

25 Q. -- issues? If there were an email to Marcus

1 Miller, would you have produced it in this case?

2 **A. If there -- if there was an email from me to**

3 **Marcus, I would have produced it. I can't recall there,**

4 **if I did or not.**

5 Q. Okay. Would you -- are you willing to

6 double-check your email to make sure you haven't emailed

7 Marcus Miller?

8 **A. I can, yes.**

9 MR. BAXTER: Okay. Counsel, I'll follow up

10 with you on that. No further questions on that

11 document.

12 **A. If I were to follow up with him, it was simply to**

13 **acknowledge Lyn asked me to do so, but -- yeah, I don't**

14 **recall.**

15 Q. So is there any reason why you wouldn't have

16 reached out to him when she specifically asked you to?

17 **A. I -- again, if I would have reached out to him, I**

18 **would have just been acknowledging that the case -- the**

19 **case is still pending and not resolved. I simply don't**

20 **recall if I did. That's why I -- what I would have**

21 **said.**

22 Q. Okay. We've been going a little over an hour.

23 Do you want to take a short break? Are you okay if we

24 go on?

25 **A. I am okay to keep going a little bit.**

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1 Q. Okay. And you mentioned previously the meeting

2 that took place on September 1st, 2017, correct?

3 **A. Correct.**

4 Q. And can you remind me what was the purpose of

5 that meeting?

6 **A. Yes. The purpose of the meeting was to -- I -- I**

7 **wrote the students. Well, my secretary was -- attempted**

8 **to schedule meetings through the -- the month of August,**

9 **several outreaches from my secretary to Jacob. He**

10 **responded. We met on the -- 1st of September. I**

11 **believe I communicated both to you and to Jacob about**

12 **the -- the flow of the meeting. I did so at the end of**

13 **August related to that, but it was, again, to -- hear**

14 **the facts of the case, as presented by Mr. Baker, in**

15 **general, to allow the students to ask questions, make**

16 **additional comments. Again, I -- I believe I was clear**

17 **in the August communication that this was not about**

18 **disputing the findings, and so the meeting happened on**

19 **September 1st.**

20 Q. Okay. Why was Tom Baker there?

21 **A. To share the Findings on behalf of EOD.**

22 Q. Okay. He was there as a representative of EOD?

23 **A. I didn't -- I don't -- I can't say that. I know**

24 **that he was the University official that was sharing the**

25 **information.**

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1 Q. And had you communicated with Tom before going

2 into the meeting?

3 **A. Yes.**

4 Q. And was that communication via email?

5 **A. I know we had face-to-face communication.**

6 Q. Do you recall if there were any email

7 communications?

8 **A. There -- there could have been. Could have been**

9 **about process and flow. There could have been**

10 **communication, yes, electronic communication.**

11 Q. Okay. There have been no such emails produced.

12 Will you recheck your email and find me such emails?

13 **A. I will. As I share, I definitely remember**

14 **face-to-face communication. Tom's office is directly**

15 **down the hall, and so a lot of our -- majority of our**

16 **communication is face-to-face.**

17 Q. And what was the substance of those discussions

18 concerning the September 1 meeting or the -- BLinC

19 finding?

20 **A. Process, his role, finding the appropriate time**

21 **for the meeting. Yeah, meeting flow, what he would be**

22 **doing which would be again presenting the facts, so the**

23 **meeting flow.**

24 Q. Did you have any discussion about Tom's personal

25 views about the findings?

1 **A. His personal views, no.**
 2 Q. And did you ever express your own personal views
 3 to Tom?
 4 **A. No.**
 5 Q. Did you have any personal views about the
 6 findings?
 7 **A. (No response.)**
 8 Q. What were your personal views?
 9 **A. Personal views were -- I accepted the Findings**
 10 **from EOD.**
 11 Q. Did you have any personal views about the actions
 12 that BLinC had taken, that were the subject of the
 13 investigation?
 14 **A. Any -- personal views, I -- I think about**
 15 **professional views, in my professional context, and my**
 16 **personal views and my professional views align. I --**
 17 **again, based on the Findings from EOD, I believe that**
 18 **there was a -- a violation.**
 19 Q. Okay. Did you and Tom have any disagreements
 20 about what would happen in the meeting?
 21 **A. I don't believe so.**
 22 Q. Do you recall the substance of what happened in
 23 the meeting?
 24 **A. In generalities, yes.**
 25 Q. Okay. Do you recall --

1 MR. CARROLL: Excuse me. Just so I'm clear,
 2 what meeting are we talking about?
 3 MR. BAXTER: This is the September 1st --
 4 MR. CARROLL: Okay. Just so you understand.
 5 THE WITNESS: Yes, yes. This -- yes. Thank
 6 you.
 7 BY MR. BAXTER:
 8 Q. The meeting that took place on September 1st,
 9 2017. And who was at that meeting?
 10 **A. Tom Baker, myself, two students, and --**
 11 Q. Do you remember their names?
 12 **A. Yes. Jacob Estell, Brett Eikenberry, and then**
 13 **you, Mr. Baxter, and I believe Mr. Blomberg.**
 14 Q. Mr. Blomberg, correct?
 15 **A. Blomberg, excuse me.**
 16 Q. Um-hum. Do you recall at that meeting that early
 17 in the meeting Tom raised that issue, do you recall,
 18 that Christian Legal Society, the CLS, had been allowed
 19 to maintain registered status even though it had
 20 requirements in its constitution that forbade sexual
 21 relationships outside of marriage?
 22 **A. Yes.**
 23 Q. In fact, at that meeting Tom said that groups can
 24 require leaders to be abstinent outside of the
 25 institution of marriage, that the focus needs to be on

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1 that need to ask about sexual relationships outside of
 2 marriage; do you remember that?
 3 **A. I remember the -- the -- the subject being**
 4 **that -- as long as the requirement is both to those who**
 5 **identify as homosexual and those who identify as**
 6 **heterosexual.**
 7 Q. Okay. Do you recall that Tom took the position
 8 that BLinC was distinguishable from the CLS situation
 9 because BLinC failed to ask follow-up questions about
 10 Marcus Miller's practices or whether he was involved in
 11 a sexual relationship?
 12 **A. I believe Tom stated something of that general**
 13 **nature.**
 14 Q. So you and Tom both agreed that it would be okay
 15 for a student group to require its leaders to abstain
 16 from sexual relationships outside of marriage, correct?
 17 **A. If it applied to both heterosexuals and**
 18 **non-heterosexuals.**
 19 Q. Okay. So a religious requirement to abstain from
 20 marriage outside -- to abstain from sexual relationships
 21 outside of marriage between a man and a woman -- or
 22 outside of marriage would be okay?
 23 **A. Say that again, please.**
 24 Q. A requirement for leaders -- a religious
 25 requirement for leaders to abstain from sexual activity

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1 outside of any marriage would be permissible?
 2 **A. If applied universally, to all.**
 3 Q. Would a religious requirement that leaders
 4 abstain from homosexual sexual relationships be
 5 acceptable?
 6 **A. If it was applicable to all.**
 7 Q. Okay. And do you recall Tom saying that the
 8 University could not tell an environmental organization
 9 that it had to allow a climate denier to be -- I'm
 10 sorry. Do you recall Tom saying that the University
 11 would not -- could not tell a student group focused on
 12 environmental issues to have a climate denier as its
 13 leader?
 14 **A. I recall Tom using the -- this analogy of that**
 15 **nature.**
 16 Q. Okay. So at the time of that meeting it was the
 17 University's policy that groups could require their
 18 leaders to embrace the group's mission; is that correct?
 19 **A. Say that again.**
 20 Q. Is it permissible for a student organization at
 21 the University of Iowa to require its leaders to embrace
 22 the mission of the organization?
 23 **A. Yes.**
 24 Q. Okay. And can that requirement be written into
 25 the constitution?

1 **A. Yes.**
2 Q. Okay. And can the leaders be required to sign a
3 statement affirming that provision of the constitution?
4 **A. Yes.**
5 Q. Do you recall that -- that Jake and Brett, who
6 were at the meeting, contested the investigators'
7 Findings during the meeting?
8 **A. I don't recall if they did it or you did it. I**
9 **remember there being a contest.**
10 Q. Okay. And do you remember what the contest was?
11 **A. I -- I think we've -- not specifically. But I**
12 **believe it was around what we've discussed earlier, the**
13 **notion about the claim of -- the student being given a**
14 **leadership opportunity and then it being retracted**
15 **because he admitted to being gay versus, I think, some**
16 **of the substance that was in the communication he wrote**
17 **to Dr. Redington.**
18 Q. So basically BLinC argued, right, that they had
19 denied Mr. Miller a leadership position because he
20 disagreed with religious philosophy, correct?
21 **A. Correct.**
22 Q. And that they would have allowed anybody who was
23 gay to be a leader if they accepted their religious
24 philosophy, correct?
25 **A. That's what they said.**

1 Q. And that that religious philosophy included
2 beliefs that homosexual -- or that sexual conduct
3 outside of marriage between a man and a woman is sinful,
4 correct?
5 **A. Correct.**
6 Q. And if they had been correct, if you were
7 reviewing -- let's say you had authority to review the
8 findings and you believed what they said, would you have
9 issued sanctions against BLinC?
10 **A. I would not have as long as they didn't violate**
11 **the University of Iowa's Human Rights Policy.**
12 Q. Okay. And if they were correct, they wouldn't
13 have been violating it up to that point, correct?
14 **A. Correct.**
15 Q. Okay. And, in fact, at the meeting you asked if
16 those beliefs were expressly written down somewhere; is
17 that correct?
18 **A. Correct.**
19 Q. And then you said it would be helpful to have
20 that in the group's constitution, right?
21 **A. Or in the governing documents, correct.**
22 Q. Okay. So you were asking them to detail their
23 religious beliefs in their constitution or in other
24 governing documents, correct?
25 **A. Correct.**

1 Q. And specifically you were referring to their
2 beliefs about sexual activity outside of marriage
3 between a man and a woman, correct?
4 **A. Correct. And -- correct.**
5 Q. Okay. And BLinC agreed that it would make clear
6 that its leaders were expected to hold BLinC's religious
7 beliefs, correct?
8 **A. Correct.**
9 Q. Okay. And have you ever required any other
10 student groups to detail their religious beliefs in
11 their constitution?
12 **A. No.**
13 Q. Why did you ask BLinC to do that?
14 **A. Because they had committed a Human Rights**
15 **Violation, and I wanted to -- moving forward, prevent**
16 **that so -- which was one of the reasons I issued my --**
17 **in my sanction about the clear qualifications for**
18 **leadership roles, as well as clear interview protocols**
19 **so that we wouldn't accidentally, inadvertently, or**
20 **perhaps on purpose ask inappropriate questions that**
21 **could get the group -- in violation.**
22 Q. Okay. Are other -- are other groups expected to
23 meet those same standards?
24 **A. Yes.**
25 Q. And have you followed up with those groups to do

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1 that?
2 **A. If there's a policy violation or a complaint, we**
3 **will.**
4 Q. So you only require that if there's been a
5 complaint?
6 **A. Correct.**
7 Q. And what exactly is the heightened requirement
8 for groups that have received a complaint?
9 **A. Excuse me -- here.**
10 Q. Well, you said that if there's a complaint
11 against a student group they'd have to -- you know, you
12 took specific action or request -- requested specific
13 action from BLinC because they -- received a complaint.
14 **A. Um-hum.**
15 Q. Was that a "yes" or a "no"?
16 **A. Yes. Yes.**
17 Q. What were the -- what are the specific
18 requirements that are imposed on a group that has
19 received a san -- a complaint?
20 **A. I -- I'm not certain I know what your --**
21 Q. So you --
22 **A. -- question --**
23 Q. At the meeting you asked BLinC to make changes to
24 its constitution and you're saying now that that is
25 because a complaint was filed against them, correct?

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1 **A. I don't think that's exactly correct.**
 2 Q. Okay. Explain what you meant to say.
 3 **A. So, as I recall, the conversation was around the**
 4 **notion that the context -- as -- as I'm thinking about**
 5 **it was -- I was thinking about the notion that**
 6 **students -- I'm sorry, I'm -- your question one more**
 7 **time.**
 8 Q. Sure. At the meeting on September 1st, 2017, you
 9 asked BLinC to detail its religious beliefs concerning
 10 marriage and sexuality in its constitution, correct?
 11 **A. Correct.**
 12 Q. And you then stated that that was because they --
 13 a complaint had been filed against them, correct?
 14 MR. CARROLL: Well, that's a misstatement of
 15 the record. His role was after the EOD found the
 16 complaint to be valid. So it's not the complaint that
 17 drove that meeting. It was the EOD Findings.
 18 Q. Let me correct. You -- you -- you were
 19 stating -- as I understand it, you were stating that you
 20 required BLinC to detail its religious beliefs
 21 concerning marriage and sexuality in its constitution
 22 because of the EOD Findings against it, correct?
 23 **A. Not necessarily. I think it's because it's**
 24 **really important that all student organizations have**
 25 **very complete, thorough expectations of what they expect**

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1 **A. Correct.**
 2 Q. But that they would not categorically discrim --
 3 that someone who was gay could still be a leader if they
 4 agreed with those beliefs, correct?
 5 **A. Correct.**
 6 Q. So was there any reason to require BLinC to put
 7 that into its constitution?
 8 **A. Again, to ensure ongoing compliance.**
 9 Q. And have you ever required that of any other
 10 group on campus? Just "yes" or "no."
 11 **A. No.**
 12 Q. Are you aware of groups that have in their names
 13 words that would indicate that the group discriminates
 14 on the basis of sex or gender or sexual orientation?
 15 **A. Yes.**
 16 Q. Have you asked any of those groups to detail
 17 their beliefs in their constitution to ensure ongoing
 18 compliance?
 19 **A. We had --**
 20 Q. Just have you asked any of them to -- to add
 21 their detailed beliefs into their constitution to ensure
 22 ongoing compliance?
 23 **A. We've asked them to insert the University of**
 24 **Iowa's Human Rights Policy in its entirety.**
 25 Q. Okay. I'm gonna ask the question again. Have

1 **from leaders and members.**
 2 Q. What do you say -- when you say all groups have
 3 that expectation, what do you -- how -- what are you
 4 basing that on?
 5 **A. It's just -- I think it's just good practice that**
 6 **if you're going to be a leader or a member of an**
 7 **organization that you be fully aware of what is expected**
 8 **of you and what is expected among the leadership and**
 9 **membership.**
 10 Q. So it's good practice, but does the University
 11 have any requirement that groups detail certain beliefs
 12 in their constitutions?
 13 **A. No.**
 14 Q. Okay. Why did you ask BLinC to do that?
 15 **A. Because I thought it would be useful, moving**
 16 **forward, to ensure ongoing compliance with policy moving**
 17 **forward.**
 18 Q. BLinC had already told you, right, that they did
 19 not discriminate against anyone because of their sexual
 20 orientation, correct?
 21 **A. They had told me that, yes.**
 22 Q. And they told you that they intended to move
 23 forward with a standard that would require their leaders
 24 to abide by their beliefs about sexual activity outside
 25 of marriage, correct?

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1 you asked any other groups besides BLinC, including
 2 groups whose title indicate that they discriminate on
 3 bases listed in the Human Rights Policy, to detail their
 4 beliefs or their standards for leaders in their
 5 constitution to ensure ongoing compliance with the Human
 6 Rights Policy?
 7 **A. No.**
 8 Q. And that time you agreed that if BLinC would add
 9 that additional language into its constitution, that
 10 that would resolve -- that would enable it to remain a
 11 registered group on campus, correct?
 12 **A. I -- in my letter of sanction, I required them**
 13 **to --**
 14 Q. I'm just asking: At the meeting -- at the
 15 meeting you indicated that if BLinC would add that
 16 language into its constitution, that would resolve your
 17 concerns about any ongoing violation of the Human Rights
 18 Policy, correct?
 19 **A. Correct.**
 20 Q. And BLinC agreed that it would do that, correct?
 21 **A. Correct.**
 22 Q. And then BLinC asked if there was a way to
 23 correct the adverse Finding that they had rejected
 24 Marcus Miller solely because of his sexual orientation;
 25 do you remember that?

1 **A. Yes.**

2 Q. And Tom explained that there was an opportunity
3 to appeal to correct the Finding, but that -- that if
4 BLinC elected not to appeal, it could submit a statement
5 in the record -- that that didn't mean the University
6 would correct the record, but that the statement would
7 be there; do you recall that?

8 **A. I recall that, correct.**

9 Q. Okay. So at that time it was your understanding
10 that on the appeal BLinC could contest the factual
11 findings of the investigation; is that correct?

12 **A. They could submit a letter countering that to be
13 part of their file.**

14 Q. Okay. And so you would have expected Lyn
15 Redington to review their -- their allegations and the
16 factual record that was developed by Constance
17 Cervantes; is that correct?

18 **A. Would I have expected that?**

19 Q. Yes.

20 **A. I think Lyn would have -- as my boss, I don't
21 know if I would have expected that of her. It seemed
22 like that's what she should do.**

23 Q. Okay. So you think there should be a -- you
24 didn't expect to review the factual findings, but you
25 expected that, on appeal, she would; is that correct?

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1 **A. In the -- the three occasions over my 15 years.**

2 Q. So as far as you know, on those three occasions
3 there was no one above Connie who was reviewing her work
4 before it came to you?

5 **A. I can't speak to that. I don't know for certain.**

6 Q. But in your experience with the three you've
7 received, you've never seen that in the process?

8 **A. What in the process?**

9 Q. That there was a review at EOD of -- of the
10 investigator's findings?

11 **A. Again, I'm not following that.**

12 Q. Okay. In the -- you said that you had received
13 three findings from EOD, correct?

14 **A. Correct.**

15 Q. Concerning student groups?

16 **A. Correct.**

17 Q. And you haven't received any other findings from
18 them?

19 **A. Correct.**

20 Q. And was Constance the investigator in all three
21 of those?

22 **A. She was in BLinC. She was in 24:7. The UI
23 Feminist Union, I believe there that was -- I think
24 perhaps Wanda -- I can't think of Wanda's last name --
25 was the investigator.**

1 **A. That she would have access to their file and
2 their file could have that in there.**

3 Q. Okay.

4 **A. Whether or not -- the merit she gave that, that
5 would be Lyn's --**

6 Q. Why wouldn't you have considered the same thing?

7 **A. Because I accepted the Findings from the EOD.**

8 Q. Okay. Why would you expect the appeal from your
9 sanctions to review the Finding of the EOD, but not your
10 own sanctions decision?

11 **A. Again, I think it's -- what Mr. Baker said, they
12 had the opportunity to submit that. The merit that Lyn
13 Redington would give, that would be up to her.**

14 Q. Okay. In the policies that govern this
15 procedure, is there anything written that would protect
16 the right to the student group to contest the factual
17 finding?

18 **A. Again, I think the context of the factual
19 findings happens at the EOD investigation. That's where
20 the Findings are derived and issued, and so -- again,
21 I -- that's a really good question for Connie, but I --
22 I believe that is an opportunity to appeal the Findings
23 of EOD.**

24 Q. But when you receive findings, they come directly
25 from Connie to you, correct?

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1 Q. But in -- but in all three instances the findings
2 came directly from the investigator to you, correct?

3 **A. Correct.**

4 Q. And would you agree that there's a problem if the
5 findings go directly from the investigator to you, and
6 you impose a sanction without reviewing the underlying
7 facts?

8 **A. My assumption is that if the students are
9 disputing the facts, they will appeal the decision of
10 EOD.**

11 Q. And you think they have a decision within the
12 EOD -- they have an avenue within the EOD to appeal
13 that?

14 **A. I think so.**

15 Q. And you think that they would have received
16 notice of that opportunity?

17 **A. I believe so.**

18 Q. And if that opportunity did not exist, would you
19 agree that that's problematic?

20 **A. Yes.**

21 Q. Because that would deny students of the right to
22 have their facts and circumstances reviewed, correct?

23 **A. Correct.**

24 Q. Okay.

25 MR. CARROLL: Why don't we take a break?

1 MR. BAXTER: This is a great time.
 2 (A recess was held from 10:27 a.m. until
 3 10:35 a.m.)
 4 MR. BAXTER: Okay. Go on the record.
 5 BY MR. BAXTER:
 6 Q. Okay. We were just talking about the meeting
 7 that took place on September 1st, 2017, correct?
 8 **A. Correct.**
 9 Q. After that meeting did you have any discussion
 10 with Tom about it?
 11 **A. Yes.**
 12 Q. And what was the nature of those discussions?
 13 **A. Just talking about appropriate sanctions, asking**
 14 **opinion.**
 15 Q. What was Tom's opinion?
 16 **A. I think com -- similar to mine; that again, based**
 17 **on the fact that there was a finding -- a violation that**
 18 **seemed like there was some appropriate restorative kinds**
 19 **of sanctions related to ongoing compliance.**
 20 Q. And by that you're referring to the additions to
 21 the constitution that BLinC agreed to make?
 22 **A. Referring to the -- what ended up being the three**
 23 **sanctions that were part of my September 13th**
 24 **communication.**
 25 Q. Okay. And before I get to that, just to clarify,

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1 Q. And why not?
 2 **A. Because they could in an interview setting ask a**
 3 **question that was not appropriate based on the Human**
 4 **Rights Policy. They --**
 5 Q. So interviews would be problematic?
 6 **A. If -- if not structured with an appropriate**
 7 **protocol and line of questioning that would be approved**
 8 **by the leadership and by the advisor --**
 9 Q. Okay.
 10 **A. -- to avoid asking questions that could get the**
 11 **group in conflict with the policy.**
 12 Q. But if all the student group did was ask students
 13 to sign a statement, if they signed it, they were
 14 eligible; if they didn't, they weren't eligible for the
 15 leadership position; that would be okay?
 16 **A. Barring no other problem.**
 17 Q. Okay. Let's -- so you -- was there any
 18 disagreement between you and Tom about how to proceed
 19 after the meeting?
 20 **A. Nothing of substance that I recall.**
 21 Q. Okay. Anything minor that you recall?
 22 **A. I -- I don't believe so.**
 23 Q. Okay. Did you exchange any emails about the
 24 meeting with Tom afterwards?
 25 **A. I don't -- there was definitely personal**

1 when you were in the meeting you indicated that it would
 2 be okay for BLinC to -- in fact, you asked BLinC to
 3 include its beliefs about marriage in its constitution,
 4 correct?
 5 **A. Correct.**
 6 Q. And a statement that all students had to abstain
 7 from marriage out -- abstain from sexual relationships
 8 outside of marriage between a man and a woman, you
 9 indicated would be acceptable, correct?
 10 **A. I believe so.**
 11 Q. Okay. And that's because as long as it applied
 12 to everybody, that would not categorically exclude
 13 anybody from participating in BLinC because of their
 14 status -- their sexual orientation?
 15 **A. Correct.**
 16 Q. And asking students just to read that and sign
 17 that would allow BLinC to avoid asking them directly
 18 about their sexual orientation, correct?
 19 **A. I suggested or I required in the --**
 20 Q. Well, let me -- let me just ask you that
 21 question. Just -- just asking a student leader to sign
 22 a Statement of Faith, that would avoid the potential for
 23 presuming something about someone's sexual orientation;
 24 isn't that correct?
 25 **A. No.**

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1 **communicate -- face-to-face communication. There could**
 2 **have been. I think there was -- sorry, an email draft**
 3 **of the -- there wasn't an email draft. It was a hard**
 4 **copy draft, as I recall, of his -- a review of my**
 5 **letter.**
 6 Q. Okay. Would you make sure that that's been
 7 produced?
 8 **A. Okay.**
 9 Q. And we'll make a note of that. Then would you --
 10 were there -- did you -- would you have emailed anybody
 11 else about the meeting?
 12 **A. I may have emailed Lyn to let her know that it**
 13 **occurred. I can't recall exactly.**
 14 Q. Okay. And would you make sure that any emails
 15 that are relevant were produced?
 16 **A. Correct.**
 17 Q. Well, you don't go forward -- you do that after
 18 this session?
 19 **A. Yes.**
 20 Q. Okay. Did you have any conversations with anyone
 21 other than Tom about the meeting?
 22 **A. Nate Levin.**
 23 Q. And who's Nate Levin?
 24 **A. In the Office of the General Counsel.**
 25 Q. Okay. Anyone else besides Nate?

1 **A. I referenced Lyn in terms of how the meeting**
2 **went.**
3 Q. What did you tell her about how the meeting went?
4 **A. I felt the meeting -- I felt the meeting was a**
5 **good meeting.**
6 Q. Okay. And why?
7 **A. Because I felt that the students had agreed to**
8 **what we had talked about in that setting and that -- I**
9 **was -- that was the first time I had met those students.**
10 **I was impressed with them. So --**
11 Q. Okay. When you -- in fact, when you left the
12 meeting you turned around and said something positive to
13 them. Do you remember that?
14 **A. Yes, I do.**
15 Q. And do you remember what you said?
16 **A. Not exactly, but something to the effect, "You're**
17 **quality UI students."**
18 Q. Okay.
19 **A. Something of that nature.**
20 Q. Great. Thank you. I'm gonna ask you to look at
21 Document Number 114. Do you recognize this document?
22 **A. Yes.**
23 Q. Okay. And what is it?
24 **A. This is my communication to Jacob -- at -- at the**
25 **conclusion of our meeting on September 1st.**

1 Q. Okay. I'm gonna point your attention to the
2 first sentence in the second paragraph. It says, "This
3 investigation was conducted under the Discipline of
4 Registered Student Organization Procedures found at --"
5 and then there's a website?
6 **A. Yes.**
7 Q. So the investigation was conducted under those
8 procedures; is that correct?
9 **A. Yes, because investigations of Human Rights**
10 **Policy violations go directly to the office of EOD.**
11 Q. Okay. Would you expect to find procedures for
12 appealing from the EOD findings in this document?
13 **A. No.**
14 Q. Okay. It would be in a separate document?
15 **A. Yes.**
16 Q. Okay. And do you know what that document would
17 be?
18 **A. It would be an EOD-related document.**
19 Q. Okay. And you don't know what it is?
20 **A. I don't.**
21 Q. Okay. The second paragraph, you said in the
22 second sentence, "I find there is a preponderance of
23 evidence that BLinC violated the University of Iowa
24 Human Rights Policy." Is that correct?
25 **A. Correct.**

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1 Q. But you made that decision without looking at the
2 evidence directly, correct?
3 **A. I looked at the evidence that was provided by**
4 **Constance.**
5 Q. Okay. But you did not look at the -- the -- the
6 original evidence?
7 **A. Correct.**
8 Q. Okay. It was just Constance's summary?
9 **A. In her insertion of direct quotations, et cetera.**
10 Q. Then the next paragraph you say, "After
11 consideration of the investigative report and your
12 remarks, I will permit your organization to function as
13 a Registered Student Organization in good standing
14 provided you comply with the following."
15 **A. Correct.**
16 Q. "Commit to ongoing compliance with the University
17 of Iowa's Human Rights Policy at all times in the
18 future."
19 **A. Correct.**
20 Q. And BLinC had already agreed to do that, correct?
21 **A. Correct.**
22 Q. Okay. "Two. Submit a list of qualifications for
23 leaders of your organization designed to prevent future
24 disqualifications based on protected categories and to
25 ensure that persons who identify as non-heterosexuals

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1 are not categorically eliminated from consideration,"
2 correct?
3 **A. Correct.**
4 Q. And that refers to the same decision that came
5 out of the meeting, correct?
6 **A. In essence, yes.**
7 Q. Okay. So if BLinC inserted its beliefs in a way
8 that did not categorically eliminate anyone from
9 consideration --
10 **A. Yes. And -- and I believe that it's important to**
11 **have all kinds of qualifications that are relevant for**
12 **leaders in all student organizations to be very clear.**
13 Q. Okay. And that's important for all student
14 groups?
15 **A. Correct.**
16 Q. Okay. And then the third requirement was,
17 "Submit an acceptable plan for ensuring that group
18 officers who interview leaders will ask questions
19 relevant to the vision statement that are not
20 presumptive of candidates based upon their sexual
21 orientation."
22 **A. Correct.**
23 Q. Okay. And then you state that they will return
24 to good standing if they comply with that.
25 **A. Correct.**

1 Q. Okay. I'm gonna turn your attention to the
2 document at Tab 115, and the top line email says -- is
3 basically an email from me attaching an updated
4 constitution; is that correct?

5 **A. Correct.**

6 Q. And at Tab 116, do you recognize this document?

7 **A. I do.**

8 Q. And what is it?

9 **A. It is the updated BLinC constitution.**

10 Q. Okay. And did you -- who -- were you the -- did
11 you review this constitution when it was submitted?

12 **A. Yes.**

13 Q. And did anyone else review it?

14 **A. Did -- I'd assume that other people who received
15 the communication.**

16 Q. So Tom Baker was the only other one at the
17 University. Did you ever have a discussion with him
18 about who would review the constitution first or --

19 **A. I don't -- no, I don't believe so.**

20 Q. Okay. Do you remember what the major changes
21 were in the constitution when you read it? Without
22 looking at it now, do you just recall off the top of
23 your head what the changes were?

24 **A. Yeah, there were -- there were the minor changes.
25 There were a couple -- major changes. There was a**

1 **section that -- there was a section that was included
2 that hadn't been there before.**

3 Q. And do you remember -- what was that about?

4 **A. Was it Section 4 on membership?**

5 Q. Well, I'll -- I'll walk you through them. I'm
6 just wondering what you recall --

7 **A. Yeah, I remember that -- I remember there were
8 some --**

9 MR. CARROLL: Slow down a little bit.

10 THE WITNESS: Oh. Can't read my hands? I
11 apologize again.

12 **A. Yes, there were -- minor changes, major changes,
13 words that were -- so minor changes, major changes.**

14 Q. Okay. Do you remember what the substance --
15 the -- the main gist of any of those changes were?
16 Without looking at the document. I'll let you look in a
17 minute.

18 **A. Yeah, yeah.**

19 Q. I just want to know if you remember --

20 **A. Yes, the -- part of the submission also involved
21 the Statement of Faith.**

22 Q. Okay.

23 **A. That was -- that went from a -- it was like a
24 vision statement to an actual -- I believe the title
25 said to a Statement of Faith in which the personal -- or**

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1 **the Doctrine of Personal Integrity was included. That
2 was a brand-new section, but everything else remained
3 the same --**

4 Q. Okay.

5 **A. -- in that document.**

6 Q. Okay. Any other changes that stood out to you?

7 **A. Again, I remember there being a section that was
8 included. I can't recall.**

9 Q. Why don't you -- why don't you look at --

10 **A. Okay.**

11 Q. -- Article III, paragraph 1, and read that to
12 yourself?

13 **A. (Pause.) Yes.**

14 Q. Okay. Is this the paragraph that you're
15 referring to?

16 **A. Yes, if that -- if that is the Doctrine of --**

17 Q. This is not the Doctrine of Personal
18 Responsibility. That's later. I'm just asking if --
19 you said there was another section you thought maybe was
20 in membership or something. I'm wondering if this is
21 what you --

22 **A. I believe -- I apologize, but I believe so.**

23 Q. Okay. What -- having read this now, is there
24 anything problematic in Article III, Section 1?

25 **A. (Pause.) I don't believe so.**

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1 Q. And then I'm gonna refer you next to the last
2 page of this Exhibit, Exhibit A. Now, is this what
3 you're referring to when you said there was previously a
4 vision statement and now there is a Statement of Faith?

5 **A. Correct.**

6 Q. And the final paragraph was added?

7 **A. Correct.**

8 Q. And as far as you recall, that was the only thing
9 that was changed in this, right?

10 **A. Correct. I know there was a section about
11 signature section --**

12 Q. Okay.

13 **A. -- but -- that's not -- here. That was on the
14 one that was submitted.**

15 Q. So let's look at Article VI.

16 **A. Excuse me. I believe that signature statement
17 was a part of both.**

18 Q. Okay.

19 **A. Yeah.**

20 Q. I'm gonna turn your attention to -- then go back
21 a couple of pages to Article VI -- it says Article VI in
22 the constitution. Okay. And it says, "All nominees
23 must be interviewed by the President or, at the
24 President's direction [sic], by another Executive
25 Officer. Nominees must affirm that they accept and seek

1 to live BLinC's religious beliefs as set forth in
 2 Article III, paragraph 1 of this constitution. If
 3 elected, a nominee must sign a copy of BLinC's Statement
 4 of Faith."
 5 **A. Yes.**
 6 Q. Okay. Was there anything -- this was -- this was
 7 in the BLinC constitution before, correct?
 8 **A. Yes.**
 9 Q. Okay. That's your recollection?
 10 **A. Yes.**
 11 Q. Okay. Is there anything problematic about this
 12 provision?
 13 **A. No.**
 14 Q. Then I'm going to ask you to look at the
 15 Statement of Faith again. The Doctrine of Personal
 16 Integrity -- and in the first line says that, "All
 17 Christians are under obligation to seek to follow the
 18 example of Christ in their own lives and in human
 19 society," correct? Is there anything -- any problem
 20 with including that in the student constitution?
 21 **A. No.**
 22 Q. Okay. The next line says, "In the spirit of
 23 Christ, Christians should oppose racism, every form of
 24 greed, selfishness, and vice, and all forms of sexual
 25 immorality, including pornography." Is there anything

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1 **A. Yes.**
 2 Q. Why?
 3 **A. Because the husband and wife piece it's --**
 4 **federal law that allows same sex marriage, State of**
 5 **Iowa, same sex marriage.**
 6 Q. So it's your belief that it's now illegal to
 7 believe that God's intention for sexual relationship is
 8 to be between a husband and wife?
 9 **A. I'm saying it's a protected class in our Human**
 10 **Rights Policy.**
 11 Q. Okay. And does your Human Rights Policy prohibit
 12 certain religious beliefs?
 13 (The reporter requested a clarification.)
 14 MR. BAXTER: Religious beliefs.
 15 **A. Well, religion is -- religion is one of the**
 16 **protections.**
 17 Q. Okay. So is it okay, under the Human Rights
 18 Policy, for students to believe that God's intention for
 19 sexual relationship is to be between a husband and a
 20 wife in the lifelong covenant of marriage?
 21 **A. There is a conflict.**
 22 Q. Well -- is it a violation of the Human Rights
 23 Policy for students to believe that?
 24 **A. To believe it? No.**
 25 Q. Okay. Is it unconsti -- is it a violation of the

1 problematic in including that statement in a student
 2 constitution?
 3 **A. No.**
 4 Q. The next statement is, "We believe God's
 5 intention for a sexual relationship is to be between a
 6 husband and a wife in a lifelong covenant of marriage."
 7 Is there anything problematic about including that in a
 8 student constitution?
 9 **A. Yes.**
 10 Q. Okay. Why?
 11 **A. The -- the husband and wife piece is a -- a**
 12 **violation of our Human Rights Policy as it relates to --**
 13 **we allow -- it's not universal for heterosexuals and**
 14 **non-heterosexuals, and it infers a male and a female.**
 15 Q. Okay. When we spoke before the break, you stated
 16 that including a statement like that in a constitution
 17 would not be a violation, correct?
 18 **A. Correct.**
 19 Q. Okay. And then during the break did you speak
 20 with anyone during the break?
 21 **A. I did not.**
 22 Q. Did you speak to your counsel?
 23 **A. I did not.**
 24 Q. Okay. And now you're saying that you think that
 25 statement is problematic?

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1 Human Rights Policy for students to express that belief
 2 on campus?
 3 **A. No.**
 4 Q. Is it a violation for students to form groups
 5 with other students who share that belief?
 6 **A. No.**
 7 Q. Is it a violation for students in that group to
 8 express that belief on campus?
 9 **A. No.**
 10 Q. So why is it a violation of the Human Rights
 11 Policy?
 12 **A. Because the notion of -- of the status piece,**
 13 **rather than belief piece.**
 14 Q. This says, "We believe God's intention for a
 15 sexual relationship is to be between a husband and a
 16 wife in a lifelong covenant of marriage."
 17 **A. Um-hum.**
 18 Q. And you think that violates the Human Rights
 19 Policy?
 20 **A. Again, the difference between belief and status.**
 21 Q. What's the status here?
 22 **A. The status related to protected class in the**
 23 **Human Rights Policy.**
 24 Q. But whose status is it --
 25 **A. Sexual orientation, meaning that this implies**

1 **heterosexual and --**

2 Q. But you said -- you already indicated that it's
3 okay to state your beliefs about homosexuality or
4 marriage or any of those things on campus, correct?

5 **A. Correct.**

6 Q. And so the -- yeah, students have freedom of
7 speech to do that.

8 **A. Um-hum.**

9 Q. And it would be a violation of the law for the
10 University to suppress that speech? Just students on
11 campus -- if students on campus, expressing their
12 beliefs about homosexuality or God's intent for
13 sexuality to be between a man and a woman, any of those
14 beliefs, if expressed on campus, and the University
15 tried to suppress those speech -- that speech by a
16 student, that would violate federal law?

17 **A. Yes.**

18 Q. And it would violate state law?

19 **A. Yes.**

20 Q. And it would probably violate Iowa City law,
21 right?

22 **A. Yes.**

23 Q. Okay. And you indicated that if students get
24 together on campus and express those beliefs as a group,
25 that the University cannot suppress that speech without

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1 are free to express these views on campus, either alone
2 or in groups, that they're free to form groups around
3 these beliefs --

4 **A. Um-hum.**

5 Q. -- but that they can't express them in their
6 constitution?

7 **A. They should be able to express them in the
8 constitution.**

9 Q. Okay. And if the Human Rights Policy says they
10 can't, then the Human Rights Policy is in violation of
11 the law, correct?

12 **A. Correct.**

13 MR. CARROLL: I'm gonna object. Just a
14 minute. You're not an attorney, so don't answer legal
15 questions.

16 THE WITNESS: Okay.

17 MR. CARROLL: You're a fact witness and
18 you're a corporate designee --

19 THE WITNESS: Okay.

20 MR. CARROLL: -- but don't answer questions
21 about what counsel suggests the First Amendment or Title
22 VII for the equal protection clause, right.

23 BY MR. BAXTER:

24 Q. But these are -- that's consistent with what you
25 believe, correct?

1 violating the law?

2 **A. Correct.**

3 Q. And that they can even form a group, right?

4 **A. Right.**

5 Q. And they can express that as a group?

6 **A. (Nodding.)**

7 Q. So if you were to suppress this statement from
8 the -- the constitution of BLinC, that would violate
9 federal law, right?

10 **A. Yes.**

11 Q. Okay. So your earlier statement that this was a
12 problematic statement was false?

13 **A. Again, I think it's -- problematic in
14 relationship to the Human Rights Policy as it relates to
15 sexual orientation.**

16 Q. So your Human Rights Policy is in violation of
17 federal law; is that what you're saying?

18 **A. No.**

19 Q. How do you -- how do you explain that students
20 can express all of those views on campus individually
21 and in groups and they can form groups and have those
22 views, but they can't express that in their
23 constitution?

24 **A. Say that again, please.**

25 Q. How do you justify your statements that students

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1 **A. Say -- what is consistent?**

2 Q. What we've just said -- what you just said. You
3 said, "Correct" at the end because it was your -- the
4 questions I was -- I'm just gonna stop right there.
5 I'll leave it there.

6 The next sentence says that, "Every other sexual
7 relationship beyond this is outside of God's design and
8 is not in keeping with God's original plan for
9 humanity." Is there any -- I'm sorry.

10 **A. No, correct. That's what that reads.**

11 Q. Okay. Is there any problem with including that
12 provision in the student constitution?

13 **A. No.**

14 Q. Okay. The next sentence says, "We believe that
15 every person should embrace, not reject their God-given
16 sex." Is there any problem with including that in the
17 student group constitution?

18 **A. Well, that statement is in conflict with the
19 gender identity component of the University of Iowa
20 Human --**

21 (The reporter requested a clarification.)

22 THE WITNESS: Gender identity component of
23 the University of Iowa Human Rights Policy.

24 BY MR. BAXTER:

25 Q. Okay. Is that because the Human Rights Policy

1 prohibits certain beliefs about gender identity?

2 **A. Say that again.**

3 Q. Does the Human Rights Policy prohibit certain

4 beliefs about gender identity?

5 **A. Beliefs, no.**

6 Q. Okay. What in the statement goes beyond belief?

7 **A. Nothing.**

8 Q. Okay. So is this statement in violation of the

9 Human Rights Policy?

10 **A. I think it -- I think it is.**

11 Q. Okay. I'm going to -- okay. I'm gonna ask you

12 to look at document -- well, let me just ask you one

13 more question about that document. You've indicated

14 that -- there's three sentences I want to focus on. The

15 first one starts out, "We believe God's intention." You

16 indicated that that sentence is not problematic. That's

17 what you previously said, correct?

18 **A. Right, right.**

19 Q. Okay. And then you said that the second sentence

20 was not problematic, correct?

21 **A. (No response.)**

22 Q. That's what you said, at least before, correct?

23 **A. Okay. Yes.**

24 Q. Okay. And then -- but the third sentence you

25 think is problematic?

1 **A. "We believe every person --"**

2 Q. Correct. "Should embrace, not reject their

3 God-given sex"?

4 **A. On the face it's a violation of our -- Human**

5 **Rights Policy because of the gender identity component.**

6 Q. Okay. So is it your position that any reference

7 to gender identity in the student constitution violates

8 the Human Rights Policy?

9 **A. Any reference?**

10 Q. Yeah.

11 **A. I'm sorry. I'm --**

12 Q. Okay. And just to be clear, when we said, "The

13 first sentence," I was referring to the sentence that

14 says, "We believe God's intention for a sexual

15 relationship is to be between a husband and a wife in

16 the lifelong covenant of marriage."

17 **A. Again, I'm -- I'm --**

18 Q. I'm just -- I'm just gonna clarify for the

19 record. On the second sentence -- starts -- - says,

20 "Every other sexual relationship beyond this is outside

21 of God's design and is not in keeping with God's

22 original plan for humanity." And the third sentence

23 says, "We believe that every person should embrace, not

24 reject, their God-given sex." I have a new question for

25 you.

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1 **A. Yep.**

2 Q. There are a number of groups on campus that are

3 essentially support groups for students in the LGBTQ

4 community, correct?

5 **A. Um-hum.**

6 Q. And those students' constitutions express certain

7 views about homosexuality or gender identify; correct?

8 **A. Correct.**

9 Q. And is their expression of those views in

10 violation of the Human Rights Policy?

11 **A. No.**

12 Q. But BLinC's expression of those views -- of views

13 is in violation of the Human Rights Policy?

14 **A. The expression of the belief, no.**

15 Q. Okay.

16 **A. The acting on the -- the expression of the**

17 **belief, no.**

18 Q. Okay. So all of those three statements that I

19 read, none of those are -- there's no problem with

20 including those in the student constitutions?

21 **A. As -- as beliefs.**

22 Q. Okay. I'm gonna ask you to look at Document 118.

23 Do you recognize this document?

24 **A. Yes.**

25 Q. What is it?

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1 **A. A letter from me to Jacob.**

2 Q. Okay. And what was the purpose of the --

3 **A. Sorry --**

4 MR. BAXTER: Sorry. What was that?

5 MR. CARROLL: He looked at me. I said, "I

6 was just yawning."

7 MR. BAXTER: Oh, oh, thank you.

8 BY MR. BAXTER:

9 Q. What's the purpose of this letter?

10 **A. This was my communication -- to him stating that**

11 **they had an additional ten days to respond to my --**

12 **request in the September 13th communication.**

13 Q. Okay. So this is -- this came after you'd

14 received their revised constitution, correct?

15 **A. Correct.**

16 Q. And you state that, "Their constitution does not

17 satisfy the requirements I delineated," correct?

18 **A. Correct.**

19 Q. "That the Statement of Faith on its face does not

20 comply with the University's Human Rights Policy,"

21 correct?

22 **A. Correct.**

23 Q. So we've already talked about several provisions

24 in the constitution that you already said were all

25 acceptable. So what in the constitution, on its face,

1 violates the Human Rights Policy?

2 **A. The sections related to sexual orientation and**

3 **gender identity.**

4 Q. And which sections are those? Do you want to

5 flip back to --

6 **A. In the personal -- in the Document of Personal**

7 **Integrity.**

8 Q. Okay. This is doc -- the Document 116. Which --

9 which sentences on their face violate the Human Rights

10 Policy?

11 **A. The -- the husband and wife and a lifelong**

12 **covenant of marriage and the God-given sex.**

13 Q. Okay. And a minute ago you said that it was --

14 there was no problem including those in the

15 constitution. This letter says that they are

16 problematic on their face.

17 **A. Um-hum.**

18 Q. How do you -- how do you distinguish that?

19 **A. (No response.)**

20 Q. You can't -- you can't really distinguish those,

21 right, there's no logic in those two positions, correct?

22 **A. Right. I'm -- I am getting myself very confused**

23 **and I --**

24 Q. I mean, doesn't this really stem from the fact

25 that the University disapproves of BLinC's views?

1 **A. No.**

2 Q. What does it stem from then?

3 **A. A violation of the University of Iowa's Human**

4 **Rights Policy.**

5 Q. Okay. You say -- let's see. You say, "You have

6 opportunity to make additional revisions," correct?

7 **A. Correct.**

8 Q. You don't -- do you explain anywhere what those

9 revisions could be?

10 **A. I go -- I go back to my communication of the 13th**

11 **referencing back that the -- the acceptable plan for**

12 **ensuring that group officers must -- or who interview --**

13 **will ask questions relevant to Statement of Faith, but**

14 **are not presumptive of candidates, so directing them to**

15 **provide that.**

16 Q. If they deleted those three sentences that we

17 spoke about earlier from their constitution, would they

18 no longer be in violation of the Human Rights Policy?

19 **A. I'm --**

20 Q. Let me -- let me restate this. If they had -- if

21 they had deleted -- after receiving this letter, if they

22 had deleted those three sentences --

23 **A. Could I take a break?**

24 Q. After this question. After this question.

25 **A. 'Cuz my head is so -- getting myself so confused**

1 **at this point.**

2 Q. I'll get you -- I'll give you a break. I just

3 want to hear your question [sic] right now. If they had

4 responded to this letter by deleting those three

5 sentences, would you have approved their constitution?

6 **A. At this point I -- I don't want to answer that**

7 **without taking a break.**

8 Q. Because the truth is you would have accepted

9 their constitution if they had deleted those three

10 provisions, correct?

11 **A. Again, I'd like to take a break. I'm --**

12 **anxiety --**

13 Q. That's okay. Mr. Nelson, you're under oath,

14 correct?

15 **A. Correct.**

16 Q. That means you have an obligation to tell the

17 truth, the whole truth, and nothing but the truth --

18 **A. Correct.**

19 Q. -- correct?

20 **A. Correct.**

21 Q. If they had deleted those three provisions from

22 their constitution and sent it back to you, would you

23 have accepted their constitution?

24 **A. Yes.**

25 Q. Okay.

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1 MR. CARROLL: Do you still want a break?

2 THE WITNESS: Yes.

3 MR. CARROLL: Okay. Take a break.

4 (A recess was held from 11:08 a.m. until

5 11:16 a.m.)

6 MR. BAXTER: Let's go back on the record.

7 BY MR. BAXTER:

8 Q. Okay. Mr. Nelson, I'm going to ask you to take a

9 look at Document Number 119. Do you recognize this

10 document?

11 **A. Yes.**

12 Q. What is it?

13 **A. This is Lyn Redington's communication to -- to**

14 **yourself and to Jacob, her response to the appeal.**

15 Q. Okay. Did you have any part in drafting this

16 letter?

17 **A. No.**

18 Q. Do you talk to her about it at all?

19 **A. No. She may have asked me some -- some questions**

20 **about -- I -- again, I can't recall.**

21 Q. Did you have any discussions with Lyn Redington

22 about the substance of the findings against BLinC?

23 **A. Ah, Constance's Findings?**

24 Q. Yes.

25 **A. Yes.**

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1 Q. When was that?

2 **A. Upon -- receipt of that.**

3 Q. Okay. After -- go ahead.

4 **A. No.**

5 Q. After you received the revised constitution, did

6 you have any substantive conversations with Constance

7 about the revised constitution?

8 **A. With Constance, no.**

9 Q. What about with Dr. Redington?

10 **A. Yes, I believe I shared that -- yes, we talked**

11 **about it. I -- but it did not -- as I recall, the**

12 **conversation was about the fact that it did not -- what**

13 **I had requested my position was, what I had received was**

14 **not sufficient.**

15 Q. Okay. And what was her response?

16 **A. I -- "Thank you."**

17 Q. Do you remember anything else about the

18 conversation?

19 **A. I don't.**

20 Q. Okay. Then looking at this letter, did you

21 review it before it went out?

22 **A. I can't recall for sure. She may have checked**

23 **for factual accuracy, but I -- I don't recall.**

24 Q. Do you remember providing any edits to the

25 letter?

1 **A. I don't recall.**

2 Q. Okay. And then do you see at the end of the

3 first paragraph where she says, "My review is based upon

4 the written record"?

5 **A. Correct.**

6 Q. So that confirms your earlier suspicion -- or I

7 guess, that indicates that she wouldn't have -- to

8 your -- well, I don't need to ask that question. The

9 next sentence says, "Upon my review of the record I

10 affirm the decision of Dr. Nelson," correct?

11 **A. Correct.**

12 Q. And then skipping a sentence, the next sentence

13 says, "The Statement of Faith on its face does not

14 comply with the University's Human Rights Policy,"

15 correct?

16 **A. Correct.**

17 Q. That "on its face," language is the same language

18 you used in your letter, correct?

19 **A. Correct.**

20 Q. Did you have any discussion with Lyn about that?

21 **A. No.**

22 Q. Okay.

23 **A. I -- I don't recall.**

24 Q. Okay.

25 **A. I don't believe so. You know, that was language**

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1 **I used and she'd received my letter.**

2 Q. And I'm gonna ask you to go ahead and look at

3 Document Number 120.

4 **A. 120?**

5 Q. Yes. Do you have that? Does not have --

6 **A. I don't believe so.**

7 Q. Okay. Okay. We'll pass -- we'll pass on this

8 next point. Right before we went back on the record, we

9 took a ten or 15-minute break, correct?

10 **A. Correct.**

11 Q. Did you talk with anyone during that --

12 **A. I -- I did not. I may have mumbled. No.**

13 Q. You mumbled to someone or to yourself?

14 **A. Mumbling, myself.**

15 Q. Okay.

16 **A. Anxiety and sweating and --**

17 Q. Okay. Sorry to make this a difficult experience.

18 Let's see. (Pause.) I'm gonna ask you to take a

19 look -- well, let's -- do you have Document Number 81?

20 **A. Yes, I do.**

21 Q. Okay. And do you recognize what that is?

22 **A. Yes.**

23 Q. What is it?

24 **A. This was Constance Schriver Cervantes' finding on**

25 **the investigation of 24:7.**

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1 Q. Okay. And you were cc'd on that document,

2 correct?

3 **A. Correct.**

4 Q. Okay. I assume that you had no involvement in

5 the EOD investigation portion of this; is that correct?

6 **A. Correct.**

7 Q. Had you heard about the investigation before you

8 received this complaint?

9 **A. Yes.**

10 Q. And what had you heard?

11 **A. That it -- again, that the -- there had been a**

12 **complaint, and again, as I referenced earlier on that**

13 **May 26th meeting when Kristi Finger and I met with**

14 **Connie, I believe we talked about both cases.**

15 Q. Okay. And was there any other time when you

16 would have discussed the 24:7 situation with anyone?

17 **A. Yeah. I -- I'm certain I would have talked with**

18 **my supervisor about it. Again, just in normal course**

19 **of -- supervisor/supervisee communication. Tom Baker,**

20 **probably given Tom's -- having historical involvement in**

21 **cases and -- yeah.**

22 Q. Okay. Was -- do you recall the substance of any

23 of those conversations?

24 **A. No.**

25 Q. In the normal course of dealings, what would they

1 have been?

2 **A. Update on -- part of my style in communicating**

3 **with my supervisor is just letting them know any issues**

4 **of importance, and so I would have definitely**

5 **communicated that this is something that would have come**

6 **to me. The depth of our discussion, I simply can't**

7 **recall. But I absolutely would have notified because**

8 **that's how I do my work.**

9 Q. Okay. And what's your understanding of what the

10 result was of the investigation?

11 **A. This investigation resulted in a finding of --**

12 **there was not a preponderance of evidence that there was**

13 **a violation. I --**

14 Q. Okay. Did -- did you review the -- the Findings?

15 **A. Yes, I've reviewed this, yes.**

16 Q. You would have read the -- at the time, had --

17 did you -- when you first received it, did you read

18 the -- read it in its entirety?

19 **A. Yes.**

20 Q. Okay. And were you surprised about the Finding?

21 **A. I was not, based on the facts that Constance**

22 **presented.**

23 Q. Okay. And do you remember what the facts were

24 that --

25 **A. Yes.**

1 Q. -- didn't surprise you?

2 **A. That she -- there was just insufficient**

3 **information to -- to determine whether or not -- again,**

4 **I think we've already, I think, discussed this -- the**

5 **student's name, right?**

6 Q. Marcus Miller?

7 **A. Yes, yes.**

8 Q. Um-hum.

9 **A. The reason for his -- not being given that**

10 **leadership opportunity, there was not a preponderance of**

11 **evidence for her to determine if it was a policy**

12 **violation or not.**

13 Q. Okay. So I want you to look at the second page

14 of the -- of the Findings. And I guess it's the

15 paragraph after allegations. It says -- the fourth

16 paragraph down, it says, "Complainant was then contacted

17 by Gaskill." Do you see that?

18 **A. Um-hum.**

19 Q. And then the second sentence says, "Complainant

20 met with Gaskill and advised Gaskill that he was

21 struggling with being gay and Christian. Gaskill told

22 Complainant if Complainant was openly gay, he would not

23 be acceptable as a leader in 24:7."

24 **A. Um-hum.**

25 Q. If that were true, would that be a violation of

1 the Human Rights Policy?

2 **A. (Pause.) Yes.**

3 Q. That would be a violation? Okay. And then look

4 at the next page, page three. Do you see down where it

5 says, "Complainant understood he could still be a member

6 of 24:7, but he chose not to be"?

7 **A. Correct.**

8 Q. And then do you see that it says that, "The

9 application completed by Complainant indicated his

10 desire to be a Verve leader"?

11 **A. Correct.**

12 Q. And then it says, "One of the questions in the

13 application provides as follows," correct?

14 **A. Correct.**

15 Q. And then it says, "The Bible's definition of

16 sexual immorality is rooted in the Greek word pornea,

17 which includes a wide variety of sins such as

18 masturbation, viewing/addiction to pornography,

19 fornication, sex outside of marriage, lust,

20 inappropriate relations with the opposite sex,

21 homosexuality, et cetera, 1 Corinthians 6:12-20. Where

22 do you see those sins in your life? Have you done

23 anything to see God transform your life in those areas?"

24 You see that, right?

25 **A. Correct.**

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1 Q. And then it says, "Complainant's answer provided,

2 in part, 'I am gay and continue to wrestle with the

3 Bible actually -- with what the Bible actually teaches

4 on the subject of homosexuality.'" Correct?

5 **A. Yes.**

6 Q. Does having an application that asks those kind

7 of questions violate the Human Rights Policy?

8 **A. (Pause.) Could you repeat that, please?**

9 Q. Do you see the application question?

10 **A. Um-hum.**

11 Q. It's number 2.

12 **A. Yes.**

13 Q. Correct? Is having that question as part of the

14 application for becoming a leader of a student -- of a

15 registered student group -- does that violate the Human

16 Rights Policy?

17 **A. Yes.**

18 Q. But Constance found no -- no probable cause to

19 find a violation, correct?

20 **A. Because there was additional context in terms of**

21 **student -- one of the students -- I believe a --**

22 **respondent not following up with the Complainant -- the**

23 **specifics of this -- really, I think, are -- need to be**

24 **Constance.**

25 Q. Okay. But you didn't do anything -- the fact

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1 that a student organization had a provision that
 2 violated the Human Rights Policy, you took no action to
 3 correct that, correct?
 4 **A. Correct.**
 5 Q. And you just let it go?
 6 **A. Correct.**
 7 Q. Okay. Do you have Exhibit 46?
 8 **A. Yes.**
 9 Q. Do you recognize this document?
 10 **A. Yes.**
 11 Q. What is it?
 12 **A. Communication from Tom Baker to -- regarding the**
 13 **Christian Legal Society.**
 14 (The reporter requested a clarification.)
 15 THE WITNESS: Christian Legal Society.
 16 BY MR. BAXTER:
 17 Q. And do you -- this -- this is dated February
 18 20th, 2004, right?
 19 **A. (Nodding.)**
 20 Q. And you've said that you've been at the -- is
 21 that correct?
 22 **A. Yeah. I arrived -- October of 2003.**
 23 Q. Okay. Do you remember what was the gist of this
 24 letter?
 25 MR. CARROLL: Excuse me. Just so I'm clear,

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1 **A. Would you like me to continue to --**
 2 Q. Why don't you just read the letter?
 3 **A. Thank you. (Pause.) Okay.**
 4 Q. At the time the -- you've had a chance to read
 5 the entire letter, correct?
 6 **A. Yes.**
 7 Q. And at the time that you received this letter, it
 8 would have been your normal practice to read it
 9 carefully?
 10 **A. Yes.**
 11 Q. Okay. And do you remember doing that in this
 12 instance?
 13 **A. I -- I'm certain I did.**
 14 Q. And is there anything in this letter that you
 15 disagree with from -- or as -- let me just -- let me ask
 16 you this question. Turn to Exhibit 2 quickly. And
 17 the -- is that the Exhibit A to the -- Notice of
 18 Deposition -- Notice of 30(B)(6) Deposition?
 19 **A. Yes. Yes.**
 20 Q. And so you're looking at Exhibit A, correct?
 21 This is the list of topics that were noticed for the
 22 deposition.
 23 **A. Correct.**
 24 Q. Correct?
 25 **A. Correct.**

1 are you asking at the time of the letter?
 2 BY MR. BAXTER:
 3 Q. I'm just asking right now, do you remember what
 4 the gist of the letter is?
 5 **A. Yeah. There was an issue about whether or not**
 6 **the -- potential violation of Human Rights Policy -- and**
 7 **failure to include part of it in the -- in the**
 8 **documents, as I recall.**
 9 Q. Okay. Does it sound correct to remember that
 10 BLinC -- or that -- I'm sorry -- that CLS was concerned
 11 about including the Human Rights Policy in its
 12 constitution?
 13 **A. Correct.**
 14 Q. And do you remember why it was concerned about
 15 that?
 16 **A. I'll have to read it and --**
 17 Q. Do you want to just take a minute and read the
 18 letter?
 19 **A. Please. Thank you. (Pause.)**
 20 Q. Have you read the letter?
 21 **A. I've skimmed the -- the last section. The last**
 22 **part.**
 23 Q. Where -- where did you start skimming?
 24 **A. The middle of the second page. Page two.**
 25 Q. Okay. After --

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1 Q. And the first one says, "The University of Iowa's
 2 policies and/or procedures regarding Registered Student
 3 Organizations."
 4 **A. Correct.**
 5 Q. And you are authorized to speak on that topic
 6 today on behalf of the University?
 7 **A. Correct.**
 8 Q. And then topic number 11 -- well, I won't -- I
 9 don't need to ask for that one. Why are you the person
 10 that can speak for the University? I mean, what -- what
 11 are your day-to-day responsibilities that qualify you to
 12 speak on this topic?
 13 MR. CARROLL: Well, I'm gonna object. That
 14 isn't the requirement of the rule. You can certainly
 15 ask him what his day-to-day responsibilities are. We
 16 can designate anybody we want, as long as they're here
 17 properly.
 18 MR. BAXTER: Thank you.
 19 MR. CARROLL: So you can --
 20 MR. BAXTER: Let me --
 21 MR. CARROLL: -- respond.
 22 MR. BAXTER: Well, let me rephrase the
 23 question.
 24 BY MR. BAXTER:
 25 Q. Do you have responsibilities in your job that

1 qualify you to speak on these topics?

2 **A. Yes.**

3 Q. Okay. And did you have any -- did you -- what
4 are those -- what are those responsibilities?

5 **A. The registration of student organizations**
6 **function as a part of the Center for Student Involvement**
7 **and Leadership. The Center for Student Involvement and**
8 **Leadership works up through the Iowa Memorial Union.**

9 Q. And how does that -- what -- what impact does
10 that have with respect to student organizations in the
11 Human Rights Policy? Do they submit their constitutions
12 to you?

13 **A. They submit the constitutions to the staff who**
14 **administer that program.**

15 Q. Okay. And -- and so the staff has responsibility
16 to make sure that the Human Rights Policy is complied
17 with?

18 **A. Correct.**

19 Q. And if they have questions, do they go to you
20 or --

21 **A. They can, yes.**

22 Q. Okay.

23 **A. They can, or to General Counsel's Office, or**
24 **historically Tom Baker has answered some of those**
25 **questions.**

1 Q. Okay. But as far as the Center, you have the
2 final authority at the Center for construing the Human
3 Rights Policy; is that correct?

4 **A. Correct.**

5 Q. Okay. And you're authorized to speak for the
6 University on that topic today?

7 **A. Correct.**

8 Q. Okay. Is there anything in this letter that is
9 inconsistent with the Human Rights Policy?

10 **A. (No response.)**

11 Q. Let me re-ask that question. As you read the
12 letter, was there anything that jumped out to you that
13 violates the Human Rights Policy?

14 **A. The -- the -- the case, as I recall -- and,**
15 **again, in reading, was that they had not inserted**
16 **their -- the Human Rights Policy, and then the**
17 **University directed them to insert it, correct, and then**
18 **in doing so --**

19 Q. Do you remember why they were concerned about
20 inserting the Human Rights Policy?

21 **A. I'm sorry. Do I -- why --**

22 Q. Do you remember why they were concerned?

23 **A. Why Christian Legal Society?**

24 Q. Correct. Why Christian Legal Society was
25 concerned about putting the Human Rights Policy in their

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1 constitution?

2 **A. (No response.)**

3 Q. If you don't remember, that's fine. I just
4 wanted to know if --

5 **A. Yes.**

6 Q. -- you remember why?

7 **A. I don't.**

8 Q. All right. But at the time you would have read
9 the letter?

10 **A. Yes.**

11 Q. And understood it?

12 **A. I believe so.**

13 Q. And if you disagreed with anything in it, would
14 you have said something?

15 **A. I would not have attempted to overturn the**
16 **decision of the -- the Vice President, and I think Tom**
17 **Baker was writing on behalf of the Vice President.**

18 Q. Okay. Are you aware of -- after that of any
19 other situation involving CLS and concerns about whether
20 it was in compliance with the Human Rights Policy?

21 **A. I -- one point of clarification, is at -- at that**
22 **point in time my role in terms of student organization**
23 **discipline was different than it is today.**

24 Q. Okay. But do you have any recollection -- during
25 all of your time at the University of Iowa -- do you

120

1 have any knowledge of the history of CLS and its
2 compliance and concerns about its compliance with the
3 Human Rights Policy?

4 **A. Yes, there have -- there had been.**

5 Q. And what have those concerns been?

6 **A. Related to whether or not they are operating**
7 **consistent or not consistent with the University of**
8 **Iowa's Human Rights Policy.**

9 Q. Can you remember any specific incidents that
10 arose?

11 **A. Again, the -- the one related to -- again**
12 **student -- University of Iowa student government denied**
13 **them recognition, and then they were to include their**
14 **Human Rights Policy, and then they would be eligible to**
15 **receive the -- benefits of Registered Student**
16 **Organizations.**

17 Q. Okay. And that's the ones referred to in the
18 letter you just read --

19 **A. Correct.**

20 Q. -- which is Document 47? Were there any
21 incidents after that, that you're aware of?

22 **A. I believe so.**

23 Q. Do you remember what they were?

24 **A. There may have been another incident later on**
25 **in -- I don't know if it was 2008, 2009, related to,**

1 **again, student government, I believe, wanting to deny**
2 **funding.**
3 Q. Okay. And do you remember how that was resolved?
4 **A. The decision was made at the student government**
5 **level to allow funding.**
6 Q. Okay. And did you review any of the docu -- in
7 preparation for your deposition today, did you review
8 any of the documents about that?
9 **A. Yes.**
10 Q. Okay. Why -- do you remember why anybody wanted
11 to deny CLS either registered student status, registered
12 group status, or funding?
13 **A. There -- the -- the student government leadership**
14 **was suggesting that they were being discriminatory in**
15 **their practices.**
16 Q. Well, what was the belief that they were
17 discriminating on?
18 **A. I believe on sexual -- orientation.**
19 Q. Okay. So there was -- and that incident -- I am
20 gonna ask you to look at Document Number 53. Are you
21 familiar with this document?
22 **A. Yes, now. I don't remember it back from 2008.**
23 Q. Okay. I'm gonna ask you to look at Document
24 Number 54. Should be next in the --
25 **A. I have 53. I don't have --**

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1 **A. -- a massive amount of documents. Incredible to**
2 **retain all that --**
3 Q. I'm just --
4 **A. -- without getting confused in my own mind, and I**
5 **apologize for that.**
6 Q. That's okay. I understand. I just want to make
7 sure we end up both understanding where we are in this
8 so -- but you were aware that there was a group called
9 OutLaw on campus, and what was that group's mission?
10 **A. They were -- they were affiliated with the**
11 **College of Law -- gay, lesbian, bisexual, and allied**
12 **students affiliated with the College of Law.**
13 Q. And is it fair to say that they were protesting
14 funding going to Christian Legal Society?
15 **A. Yes.**
16 Q. And the University basically wrote a letter
17 saying that it was -- the funding was constitutional and
18 appropriate?
19 **A. Correct.**
20 Q. Okay. And you're -- there was another issue --
21 is it correct that -- do you recall another issue where
22 one of the student -- the student -- I think it's SABACK
23 [pronouncing]; is that correct?
24 **A. SABAC, yes.**
25 Q. SABAC?

1 Q. That's okay. Okay. I'm going to move now to
2 Document Number 121. Or no, wait.
3 **A. I don't have Document --**
4 Q. Document 14. (Pause.) Is 220 in your binder?
5 **A. Yes, it is.**
6 (A discussion was held off the record between
7 Mr. Baxter and Mr. Blomberg.)
8 BY MR. BAXTER:
9 Q. Okay. Are you familiar with this document?
10 **A. Yes.**
11 Q. And what is this?
12 **A. Communication from then-Vice President Rocklin to**
13 **OutLaws student Organization.**
14 Q. And what was the nature of the letter?
15 **A. Again, related to the challenges around student**
16 **organization registration and possible disconnect with**
17 **the University of Iowa Human Rights Policy.**
18 Q. Okay. And what -- do you remember what the
19 conclusion of this letter was?
20 **A. (No response.)**
21 Q. I mean, do you have any independent -- without
22 having to look back at the document, do you have any
23 independent recollection of what these were about?
24 **A. Not without reviewing this because there's --**
25 Q. I understand.

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1 **A. Um-hum. Yes.**
2 Q. Had a -- I have that.
3 **A. SABAC is S-A-B-A-C. It's an acronym.**
4 THE REPORTER: Thank you.
5 Q. And it stands for?
6 **A. The Student Allocation Budgeting Committee.**
7 Q. And do you recall an incident where SABAC had a
8 provision where they were wanting to deny funding to CLS
9 and groups like it?
10 **A. Correct.**
11 Q. Okay. So you're aware that there's been a
12 history on campus of groups protesting CLS, correct?
13 **A. Yes.**
14 Q. Because of its religious beliefs?
15 **A. Yes.**
16 Q. And those beliefs concerning marriage and
17 sexuality?
18 **A. Correct.**
19 Q. Okay. And did you ever do anything to try to
20 fight that kind of discrimination against CLS?
21 **A. I remember being a part of the -- the discussion**
22 **with the students at the -- at the student government --**
23 **student government meeting, talking about the fact that**
24 **denying funding would be -- not consistent with**
25 **University policy, and if they chose to do so the**

1 **University would, as I recall, as I reflect, reverse**
 2 **that decision.**
 3 Q. Okay. So you knew back in 2009 that conditioning
 4 funding based on a group's religious beliefs would be a
 5 violation of the law, correct?
 6 **A. Correct.**
 7 Q. And would also violate the Human Rights Policy,
 8 correct?
 9 **A. Correct.**
 10 Q. Okay. Now, I'm going to ask you to look at
 11 Document 14.
 12 (A discussion was held off the record between
 13 Mr. Baxter and Mr. Blomberg.)
 14 BY MR. BAXTER:
 15 Q. Okay. Do you recognize this document?
 16 **A. Yes.**
 17 Q. Okay. And what is this?
 18 **A. It is one of the three sections of the Code of**
 19 **Student Life that references student organizations.**
 20 Q. Okay. And what's the purpose of this document?
 21 **A. To talk about the registration of student**
 22 **organizations.**
 23 Q. Okay. And has this document -- was -- you know,
 24 print -- this copy was printed some time ago, you know,
 25 since the start of the BLinC litigation. Is -- has

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1 **been added related to fraternities and sororities, and,**
 2 **again, it has the -- the only difference is the**
 3 **exemption language related to social fraternities and**
 4 **sororities.**
 5 Q. Okay. And what is -- what is that? What is --
 6 what kind of exemption is there?
 7 **A. The -- Title IX exemption that's given to the**
 8 **University allows the University to exempt -- allows**
 9 **them to have the single sex status.**
 10 Q. Okay. And you've applied that to fraternities --
 11 so is this an exemption from the Human Rights Policy for
 12 fraternities or sororities?
 13 **A. This is -- this is -- the Title IX, as I**
 14 **understand it, is an exemption that's given to the**
 15 **institution to comply with social fraternities and**
 16 **sororities to allow them to retain their single sex**
 17 **status.**
 18 Q. Okay. So it allows fraternities and sororities
 19 to discriminate on the basis of sex?
 20 **A. Protected under Title IX.**
 21 Q. Okay. And we will talk about that, but what --
 22 is there any reason why this policy was not in the
 23 documents that were -- the updated policy? Is there any
 24 reason why the updated policy was not produced to us in
 25 response to the document requests?

1 there been any change to this document in recent times?
 2 **A. Yes, there was clarification to the document**
 3 **regarding fraternities and sororities. There have**
 4 **been -- that's the substantial -- and inclusion into**
 5 **this document -- there's three sections. One is**
 6 **registration, one is administration, so they're in the**
 7 **registration section or administration section. The**
 8 **inclusion of the -- the --**
 9 Q. I'm gonna ask you to slow down a little bit.
 10 **A. Okay. The adapted -- Human Rights Policy that**
 11 **has in -- in it the exemption related to social**
 12 **fraternities and sororities.**
 13 Q. Okay. I want you to explain that to me. When
 14 was this amendment made?
 15 **A. Within the last month, two.**
 16 Q. Okay. So in the last month or two there's been a
 17 change to this policy?
 18 **A. Correct. And it's -- again, an insertion related**
 19 **to the Human Rights Policy. There's no, like -- when**
 20 **this was printed -- yes, yes, it's a registration**
 21 **section so --**
 22 Q. What page are you on?
 23 **A. Page -- it would be the second page.**
 24 Q. Okay. Then the one labeled 000273 at the bottom?
 25 **A. Correct. There's an additional section that has**

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1 **A. I don't -- I don't know that for sure, why it**
 2 **wasn't provided. Is it my obligation to provide the**
 3 **question? My obligation to provide it or --**
 4 Q. You didn't -- you didn't go look for anything to
 5 provide them in this litigation?
 6 **A. Well, again, there's been ongoing communication.**
 7 **As I understand it, there's been supplemental**
 8 **communication sent from the University to -- to you**
 9 **related to updates, updates related to this, updates in**
 10 **terms of some of our enforcement practices that are**
 11 **different now than they were then.**
 12 MR. BAXTER: Okay. Counsel, will you make
 13 sure that gets produced to us?
 14 MR. CARROLL: Yeah, I'm not sure that I've
 15 seen it. If I have it, you have it.
 16 MR. BAXTER: Okay. I haven't seen the
 17 original old policy or the new policy from you so -- we
 18 just --
 19 MR. CARROLL: This is the old policy
 20 (indicating).
 21 MR. BAXTER: Well, we printed that and
 22 produced it.
 23 MR. CARROLL: Oh, okay.
 24 MR. BAXTER: That's our document.
 25 BY MR. BAXTER:

1 Q. I'm gonna ask you to look at Document Number 11.
 2 Do you have it?
 3 **A. I believe so.**
 4 Q. Go to the document that's been -- will be in the
 5 binder as Number 11. Do you recognize that document?
 6 It's a screen shot?
 7 **A. Um-hum.**
 8 Q. Do you recognize what it's a screen shot of?
 9 **A. Yeah, it's related to our OrgSync platform, I**
 10 **believe.**
 11 Q. Okay. And do you see the column on the right?
 12 It says something about 6/22/2018 -- can you read that?
 13 **A. 6/22/18, um-hum.**
 14 Q. What do those two entries say that have that
 15 date?
 16 **A. Registered Student Organization Constitutional**
 17 **Standards and Guidelines.**
 18 Q. Okay. And what does the second one say?
 19 **A. That was the second one. The first one says**
 20 **Policies Affecting Student Organizations.**
 21 Q. Okay. And turn to Document 12.
 22 **A. I don't have 12.**
 23 Q. Okay. Do you see this breakdown where it says A,
 24 B, and C?
 25 **A. Those are the three sections I referred to.**

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1 says "Registered Student Organization Constitution
 2 Standards and Guidelines"?
 3 **A. That's -- that's -- we provide student**
 4 **organizations with a template to use to develop the --**
 5 **the model constitution.**
 6 Q. Okay. I'm gonna ask you just to hold onto
 7 Document Number 11, which is labeled P000270. No, I'm
 8 sorry. That is Document Number 12. Document 12 is
 9 labeled P270.
 10 (The reporter requested a clarification.)
 11 MR. BAXTER: Correct.
 12 THE WITNESS: 2-7-0.
 13 BY MR. BAXTER:
 14 Q. Okay. And then turn in the binder to 14. So 14
 15 corresponds with -- what's A on 11, correct?
 16 **A. Correct.**
 17 Q. And you're gonna provide me an updated copy of
 18 that?
 19 **A. Yes.**
 20 Q. Okay. And then turn to 15. You're familiar with
 21 that document?
 22 **A. Yes.**
 23 Q. And is that what corresponds with B on Document
 24 11?
 25 **A. Correct.**

1 Q. Okay. And these correlate on the Document Number
 2 11 to the policies affecting student organizations,
 3 correct?
 4 **A. These are the three sections within the policies**
 5 **affecting student --**
 6 Q. Okay.
 7 **A. Well, policies and regulations affecting**
 8 **students.**
 9 Q. Okay. So if I told you that I clicked on the
 10 6/22/2018 date on Document 11, and it brought down this,
 11 that would --
 12 **A. Yes.**
 13 Q. That would make sense, right?
 14 **A. Yes. Some of our -- yes, there has been**
 15 **substantial work in the last several months about making**
 16 **certain that our policies/procedures are -- are clear,**
 17 **and so that we can be consistent in our enforcement of**
 18 **policies and procedures.**
 19 Q. Okay. And which one of those three is the one
 20 that has the fraternity -- the exception for
 21 fraternities and sororities?
 22 **A. Now? The A.**
 23 Q. A? Okay.
 24 **A. Registration.**
 25 Q. And then what's this second one down here that

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1 Q. I'm sorry -- on Document 12?
 2 **A. Yes, yes, yes. Corresponds with B.**
 3 Q. Okay. And is this document then revised any time
 4 in the recent future?
 5 **A. It would have -- by recent future --**
 6 Q. I mean -- in recent -- in the recent past?
 7 **A. Okay. Yes, if there were -- if -- again, if**
 8 **there were components of this document that needed**
 9 **clarification related to policies and -- and**
 10 **enforcement, there would have been adjustments made to**
 11 **this?**
 12 Q. Okay. And would you have a redlined version of
 13 these policies with the recent changes?
 14 **A. The staff would.**
 15 Q. Okay. Would you produce those to us?
 16 **A. Yes.**
 17 Q. Okay. And --
 18 THE WITNESS: Do I need to write this --
 19 MR. CARROLL: No, I've -- I've got notes.
 20 THE WITNESS: Okay.
 21 BY MR. BAXTER:
 22 Q. Okay. And then I'm asking you to look at
 23 Document 16.
 24 **A. Okay.**
 25 Q. Does that correspond with Exhibit C on Document

1 12?

2 **A. Yes, it does.**

3 Q. Okay. And do you know if this one's been updated

4 any time recently?

5 **A. I'm just reviewing it to make sure some of the**

6 **sections -- I don't believe there's been any changes to**

7 **this.**

8 Q. Okay. And then also for 17 -- on Document 17, do

9 you have a 17?

10 **A. Um-hum.**

11 Q. Okay. Is that the document that corresponds with

12 this second entry on Document 12?

13 **A. Correct. And there would be changes to this.**

14 Q. Okay. For all of those documents, will you

15 produce updated copies including redlined with any

16 changes that have been made since 2008?

17 **A. 2008 would be challenging.**

18 Q. Okay. Since -- since --

19 **A. Commencement of the --**

20 MR. CARROLL: Well, you don't have to answer

21 discovery requests.

22 THE WITNESS: I'm sorry.

23 MR. CARROLL: I do.

24 MR. BAXTER: He'll provide those.

25 MR. CARROLL: I'll provide --

1 MR. BAXTER: Let's do anything before the

2 invest -- before the situation on BLinC arose, so

3 whatever the date is of the complaint. February 20th.

4 Well, no, because -- I would say back to -- well, we'll

5 talk about a time.

6 MR. CARROLL: Yeah. Yeah.

7 MR. BAXTER: Okay. We don't have to put

8 this on the record.

9 (A discussion was held off the record.)

10 MR. BAXTER: In fact, I'm gonna make that

11 same request because we didn't receive any of the

12 docu -- we didn't receive any of the policies except one

13 copy of the Human Rights Policy. So for documents

14 labeled 18, 19, 20, 21, 22, will the University produce

15 updated versions of those documents?

16 MR. CARROLL: Yeah. Why don't you put it in

17 writing --

18 MR. BAXTER: Okay.

19 MR. CARROLL: -- what you truly want because

20 some of these policies -- it depends on how far back

21 you're going. When you say "redlined versions," they

22 may not exist. Changes exist.

23 MR. BAXTER: Sure, but any -- any -- okay.

24 We'll put them in writing.

25 MR. CARROLL: Yeah.

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1 MR. BLOMBERG: Can you give me the numbers

2 again?

3 MR. BAXTER: Yeah, it's basically -- or 14

4 through 22.

5 MR. CARROLL: Do you want to break for

6 lunch?

7 MR. BAXTER: Let me just look. I think

8 we're done. I want to just check and make sure there's

9 nothing about those documents that I want to ask him

10 when we all break, if that's okay. Then we'll have a

11 nice clean break.

12 BY MR. BAXTER:

13 Q. I do have one question. On 21 there is a

14 document entitled Nondiscrimination Statement.

15 **A. Um-hum.**

16 Q. Is there a difference between the

17 Nondiscrimination Statement and the Human Rights Policy?

18 **A. This -- this document is in the University of**

19 **Iowa Operations Manual. I'm not -- I'm not responsible**

20 **for the University of Iowa's Operations Manual. I**

21 **believe there are -- there are -- there are differences.**

22 **The Human Rights Policy has some additional language as**

23 **related to student organizations than what is written**

24 **here.**

25 Q. Is it fair to say, though, then the -- this is

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1 what applies to the University in its own operation --

2 **A. Correct.**

3 Q. -- as far as you know?

4 MR. BAXTER: And then -- why don't we take a

5 break? We'll do lunch. Meet here again at one.

6 MR. CARROLL: Okay.

7 (A discussion was held off the record.)

8 (A recess was held from 12:04 p.m. until 1:03

9 p.m.)

10 (Mr. Blomberg is not present.)

11 MR. BAXTER: Okay. We're back on the

12 record?

13 THE REPORTER: Yes.

14 BY MR. BAXTER:

15 Q. Okay. Mr. Nelson, we've just returned from our

16 lunch break. Did you speak to anyone about this case

17 while you were at lunch?

18 **A. I did not.**

19 Q. Okay. After -- after Lyn Redington sent her

20 letter affirming the sanctions, did you have any other

21 involvement specifically with regard to BLinC?

22 **A. After Lyn sent her letter to the -- in terms of**

23 **communication with you, communication with students?**

24 **Could you clarify, please?**

25 Q. Yeah, did you have any -- well, you didn't have

1 any -- did you have any communication with me after the
 2 Lyn Redington letter?
 3 **A. No, I received the -- after -- after Lyn's**
 4 **nine-day appeal, I know that there was no communication**
 5 **with you and I, and then I think our next communication**
 6 **with the students occurred after -- after the judge's**
 7 **decision and it allowed -- getting ahold of them to**
 8 **participate in the student organizations there.**
 9 Q. Okay. So you -- and by "you," I assume you mean
 10 the center. What do you call the place where you work?
 11 **A. I work in the Iowa Memorial Union.**
 12 Q. The Memorial Union.
 13 **A. And in the Center for Student Involvement and**
 14 **Leadership. It is a -- kind of a programmatic area that**
 15 **works with --**
 16 Q. Okay. So when you referred to --
 17 (The reporter requested a clarification as
 18 the witness's answer was not audible.)
 19 THE WITNESS: Registered Student
 20 Organizations.
 21 BY MR. BAXTER:
 22 Q. So when you refer to where you work, what do you
 23 call it? The Memorial Union?
 24 **A. The IMU.**
 25 Q. The IMU? Okay. I'll just be in -- up with the

1 lingo.
 2 **A. No, no, no. That's fine.**
 3 Q. Okay. So you -- IMU -- you or the -- someone at
 4 the IMU reached out to BLinC to invite them back to the
 5 student --
 6 **A. Correct. Andy Kutcher, exactly.**
 7 Q. Okay. And what exactly is Andy Kutcher's role at
 8 the IMU?
 9 **A. Andy Kutcher replaced Kristi Finger, Student**
 10 **Organization Development Coordinator.**
 11 Q. Okay. And Kristi, you said, went into more of an
 12 administrative side?
 13 **A. Correct. She's still in the Iowa Memorial Union,**
 14 **works in Event Services, and does scheduling, meeting**
 15 **rooms, events, space, campus -- outdoor campus space.**
 16 Q. So do you remember approximately when Andy would
 17 have been --
 18 **A. When he joined our team?**
 19 Q. When he would have joined your team?
 20 **A. Yes, it would have been, I believe, the first**
 21 **part of December of 2017.**
 22 Q. Okay. And before that, was he at another
 23 position at the University, or was he an outsider?
 24 **A. He was in a clerical role in our University**
 25 **residence halls, but he trailed his partner and -- but**

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 1 **prior to Iowa, he was in a professional role at another**
 2 **institution.**
 3 Q. Okay. And does Andy have a male partner?
 4 **A. No.**
 5 Q. Okay.
 6 **A. A -- I believe a wife, woman.**
 7 Q. Okay. And when did Andy first become aware of
 8 the BLinC matter?
 9 **A. I would imagine shortly after his hire.**
 10 Q. Okay. And was there anything that happened after
 11 the Lyn Redington letter that caused the University to
 12 reconsider policy or to start conducting a review of the
 13 constitutions?
 14 **A. Yes, my understanding was that after the --**
 15 **again, we received direction from the Office of the**
 16 **General Counsel.**
 17 Q. Okay.
 18 **A. I don't know --**
 19 MR. CARROLL: You -- you can -- you can
 20 answer that component without getting into what --
 21 BY MR. BAXTER:
 22 Q. Yeah, you don't have to tell me what your lawyer
 23 told you, but if you want to tell me, like --
 24 **A. Correct. Yeah, we -- yeah, we were in**
 25 **communications with the -- after the judge made the**

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 1 **ruling -- is it called an injunction; is that correct?**
 2 Q. Correct. Entered an injunction --
 3 **A. Yep. Then there was --**
 4 (The reporter requested a clarification.)
 5 MR. BAXTER: Entered an injunction is what I
 6 said.
 7 **A. Then there was a communication to us immediately**
 8 **to reinstate BLinC, and I believe that was -- could have**
 9 **been the very same day or the day -- I think the day of**
 10 **because then we immediately -- when I say "we," Andy**
 11 **Kutcher authored the email inviting the students to**
 12 **participate in the student organization fair, which they**
 13 **did that day. I think perhaps January 20 something.**
 14 Q. Okay. So you reinstated BLinC. At some point,
 15 though, the University started reviewing student
 16 constitutions, correct?
 17 **A. Correct.**
 18 Q. And what triggered that?
 19 **A. The concern that was -- communicated to me from**
 20 **General Counsel. I don't know. And, again, tell me if**
 21 **I can't say this.**
 22 Q. I'll let your counsel stop you.
 23 **A. Sure. Because the -- one of the concerns from**
 24 **the judge was -- again, I don't want to quote this --**
 25 **but in -- inconsistent enforcement, and so beginning --**

1 **January, February, there would have been a process of --**
2 **yeah.**

3 Q. So the -- one of the judge's concerns was
4 inconsistent enforcement. So without telling me what
5 your attorney said, though --

6 **A. Um-hum.**

7 Q. -- what decisions were made to respond to that?

8 **A. The -- we -- needed to review our student**
9 **organization -- Registered Student Organization**
10 **constitutions, to determine, of those constitutions,**
11 **which of them had the current accurate and complete**
12 **University of Iowa Human Rights Policy. That review**
13 **happened late January, early February.**

14 Q. Okay. And the -- who -- who headed up that
15 review?

16 **A. The -- review -- the -- coordinating the effort**
17 **was led by -- Anita Cory, which we referenced earlier,**
18 **Paul Mintner, which I believe we referenced earlier, and**
19 **they assembled the staff of the Center for -- because of**
20 **the volume of constitutions involved, they assembled the**
21 **staff of the Center for Student Involvement and**
22 **Leadership to review those constitutions.**

23 Q. And just remind me, Anita Cory works where and
24 for whom?

25 **A. Okay. Dr. Cory at the time was the Associate**

1 **Director for -- in the Center for Student Involvement**
2 **and Leadership, and she had administrative oversight**
3 **over student organization development. So -- just a**
4 **visual, if you will, Andy Kutcher reporting to Anita**
5 **Cory, Anita Cory reporting to Bill Nelson. And I said**
6 **that she is no longer in that role, however, she's still**
7 **with the University.**

8 Q. And what's her new role?

9 **A. She is -- she is doing student organization**
10 **conduct.**

11 Q. What does that mean?

12 **A. She works in the Office of Dean of Students, and**
13 **her primary area of focus is student conduct.**
14 **Specifically, student organization conduct.**

15 Q. So this is if they have a drunken party and cause
16 problems, she would deal with that?

17 **A. Correct.**

18 Q. Okay. Those types of things?

19 **A. And University policy violations.**

20 Q. Okay. Would that also -- but if it were a Human
21 Rights Policy violation, it would go back to the EOD?

22 **A. EOD. Correct.**

23 Q. Okay. And then remind me, Paul Mintner's role?

24 **A. Yes, Paul is -- currently Andy's interim**
25 **supervisor.**

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1 Q. So he is between Anita and Andy?

2 **A. Nope.**

3 Q. Because Anita left?

4 **A. Anita left. Anita works in the Office of the**
5 **Dean of Students.**

6 Q. What was he at the time that this -- back in
7 January?

8 **A. Paul was -- there were three Associate Directors.**
9 **Anita was one, and Paul was two of the three. The**
10 **second of the third.**

11 Q. So both Anita and Paul reported directly to you?

12 **A. Correct.**

13 Q. Okay. And they pulled in more of your staff from
14 CSIL to help review?

15 **A. Correct.**

16 Q. And how many people were pulled in?

17 **A. The majority of the team, which would be -- I**
18 **could do a count but probably -- I know there were some**
19 **that were not available, and, again, it happened over**
20 **more than one occasion. But -- ten, ten to 12 --**

21 Q. Okay.

22 **A. -- staff members.**

23 Q. And were they given guidance on what to do? What
24 were they told to do?

25 **A. They were -- they were given guidance. The**

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1 **guidance was to review the constitutions to see if the**
2 **University Human Rights Clause -- the updated Human**
3 **Rights Clause, which was, I think, 2014, was included**
4 **and was complete and accurate there. They were also to**
5 **see if there were other perhaps contradictory language**
6 **that was also to be noted.**

7 Q. Was there something about a financial clause?

8 **A. There's a financial clause that's required as**
9 **well, and I -- I -- that was part of the review that had**
10 **been going on over time as well. That wasn't a central**
11 **piece, but it was -- a Human Rights Clause -- or excuse**
12 **me -- the Human Rights Policy was.**

13 Q. The Human Rights Policy was? I thought you --

14 **A. Oh.**

15 Q. -- ended in the middle of -- sorry.

16 **A. No, yeah, I -- yeah. The Human Rights --**
17 **checking to see if the Human Rights Policy, the updated**
18 **version, complete and full, was included in the student**
19 **organization's constitution.**

20 Q. Okay. And -- when you said they were looking for
21 language that was conflicting --

22 **A. Um-hum.**

23 Q. -- were they given any guidance on what to look
24 for?

25 **A. Yes. Any language that might be in conflict with**

1 **protected classes in the Human Rights Policy.**
 2 Q. Okay. Was it just that general? They weren't
 3 given any examples or --
 4 **A. I think they were -- I wasn't in the setting**
 5 **where they did that.**
 6 Q. Okay.
 7 **A. I would imagine they did give examples and were**
 8 **asked questions and provided illustrations.**
 9 Q. Do you know if they were given any written
 10 guidance, or was this just oral communication?
 11 **A. I think it was oral.**
 12 Q. Could you double-check that?
 13 **A. Okay.**
 14 MR. CARROLL: (Nodding.)
 15 **A. I have a procedural question; may I ask?**
 16 Q. Sure.
 17 **A. Why -- there's been many times that you have**
 18 **referenced followup, and I certainly want to --**
 19 Q. Well, your counsel will keep track of that.
 20 We'll keep track of that.
 21 MR. CARROLL: Yeah, you don't have to worry
 22 about it.
 23 **A. Okay. I want to make sure that --**
 24 Q. Yeah, we --
 25 **A. -- don't do anything wrong.**

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1 **A. Yes, yes.**
 2 Q. Okay. What was -- tell me about that.
 3 **A. I'm not certain I can. That was when I was**
 4 **arriving. I can't speak to previous --**
 5 Q. Okay.
 6 **A. -- versions of the Human Rights Policy. I**
 7 **apologize.**
 8 Q. Okay. Was there a time when the Human Rights
 9 Policy was revised to add religion?
 10 **A. Again, I think that issue --**
 11 Q. You don't have any independent knowledge of that?
 12 **A. No. I know that there was an update in 2014.**
 13 Q. Okay. Do you have Document Number -- 33 and 34?
 14 **A. I have 33.**
 15 Q. Okay.
 16 **A. I do not have 34.**
 17 Q. Okay. Do you recognize this document
 18 (indicating)?
 19 **A. As an -- as an original document, no. As a --**
 20 **no.**
 21 Q. But you read it to prepare for this deposition?
 22 **A. I had access to it, yes, as the part of the --**
 23 (The reporter requested a clarification.)
 24 THE WITNESS: As part of a very large amount
 25 of documents.

1 Q. She's writing everything -- oh, she's writing
 2 everything down and we will --
 3 **A. Right.**
 4 Q. -- and we're writing everything down.
 5 **A. We'll come back eventually because we need to**
 6 **follow up.**
 7 Q. Yeah.
 8 **A. Thank you.**
 9 Q. I want to go back. Well, I'll just have you look
 10 at a document. That was one of the documents pertaining
 11 to the Christian Legal Society. And it was the letter
 12 that Tom Baker wrote on February 20th, 2004. It's
 13 Document Number 46. Do you see in the second or the
 14 third paragraph -- actually, the last sentence, it says,
 15 "Creed and sexual orientation are specifically listed as
 16 examples of categories that deprive a person from
 17 consideration as an individual. Religion and religious
 18 affiliation are not specifically identified in the
 19 policy, although in some instances discrimination on the
 20 basis of religion would violate the policy, such as a
 21 practice of not permitting Christians to join a student
 22 political group."
 23 Do you have -- I mean, was there ever an earlier
 24 policy that didn't include religion? Does that sound
 25 right?

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1 BY MR. BAXTER:
 2 Q. And what -- what is this document, as best you
 3 know?
 4 **A. This explains the revisions to the University of**
 5 **Iowa's Human -- Human Rights Policy.**
 6 Q. Okay. And it indicates that this is -- the date
 7 at the top says fall of 2014, correct?
 8 **A. Correct.**
 9 Q. And that this is when policy changes were
 10 expected that summer. Do you see that in the heading?
 11 **A. Yes.**
 12 Q. Okay. And it -- it -- does it sound right that
 13 in December 2012, there was an internal audit that made
 14 a recommendation to review the policy on human rights?
 15 Do you see that at the very top sentence?
 16 **A. I do, I see that.**
 17 Q. And then it says their goal is to promote a more
 18 complete understanding of the nondiscrimination policy
 19 and encourage consistent practices and so forth?
 20 **A. Correct.**
 21 Q. Okay. And then down under number 1 it says,
 22 "Combine the Human Rights Policy with the EOD's
 23 discrimination complaint procedures."
 24 **A. Correct.**
 25 Q. So was it your understanding that the EOD

1 discrimination process and the H -- Human Rights Policy
 2 process are the same process?
 3 **A. I think you'll need to speak to Connie about**
 4 **that.**
 5 Q. Okay.
 6 **A. Constance.**
 7 Q. Yep. And then under 2 it says, "Added several
 8 new protected categories: Religion, status of the U.S.
 9 veteran, pregnancy, service in the U.S. Military, and
 10 genetic information."
 11 **A. Correct.**
 12 Q. Okay. Were you part of the discussion on how to
 13 change the policy?
 14 **A. No.**
 15 Q. No? And have you talked to anybody who was?
 16 **A. No.**
 17 Q. Do you have any insight into why these were
 18 protected categories?
 19 **A. No, not why they were added.**
 20 Q. Who would have that knowledge?
 21 **A. I believe Constance -- Constance would.**
 22 **Jennifer -- these were people who would work in the**
 23 **Office of Equal Opportunity and Diversity. Jennifer**
 24 **Modestou who is the director there, Constance who is one**
 25 **of the team members there, perhaps Mr. Baker.**

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1 of the student constitutions?
 2 **A. At -- at my level or the Vice President's**
 3 **level -- I'm not certain. So, again, I -- or the office**
 4 **of the President. Again, it was -- it was a**
 5 **directive --**
 6 Q. Okay.
 7 **A. -- based on advice to -- that needed to happen.**
 8 Q. Okay. But Anita and Paul would have --
 9 **A. Report to me.**
 10 Q. Report to you?
 11 **A. Excuse me. Interrupted.**
 12 Q. If you had questions, you would have then
 13 reported to who?
 14 **A. At -- at the time when the review started, it**
 15 **was -- Lyn Redington was in the process of leaving, and**
 16 **so I, for a period of time, was in the process of**
 17 **reporting to Dr. Shivers, shall we say?**
 18 Q. And Dr. Shivers is?
 19 **A. The Vice President for Student Life.**
 20 Q. So before Lyn Redington left, did she report
 21 directly to Ms. Shivers --
 22 **A. Correct.**
 23 Q. -- Dr. Shivers?
 24 **A. Yes. Lyn reported directly to Vice President**
 25 **Shivers.**

1 Q. Okay. Do you think this came out of EOD more
 2 than --
 3 **A. I'm not certain of its origin.**
 4 Q. Okay. That's fair. Do you know, as the person
 5 who's authorized to speak for -- the person at the
 6 deposition about the Human Rights Policy -- do you know
 7 why the categories that are included were included, and
 8 why other categories aren't included?
 9 **A. I do not have that information.**
 10 Q. For example, there's nothing in the Human Rights
 11 Policy that would protect someone based of their
 12 immigration status, correct?
 13 **A. Correct.**
 14 Q. And there's nothing in the Human Rights Policy
 15 that would protect someone based on their status as a
 16 crime victim?
 17 **A. Correct.**
 18 Q. Or as an ex-spouse?
 19 **A. Correct.**
 20 Q. Okay. So I want to ask you just a series of
 21 hypotheticals.
 22 **A. Okay.**
 23 Q. And ultimately -- let me ask: Ultimately, you
 24 were the person who was responsible -- or were you the
 25 person who was responsible for carrying out the review

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1 Q. And so as the process of the reviews began, you
 2 were starting to shift over your reporting to Vice
 3 President Shivers as well?
 4 **A. Correct.**
 5 Q. And were there any issues that arose that you
 6 passed up to her?
 7 **A. Yes. In our -- in our review of -- or when I say**
 8 **"our," the collective "our," our CSIL team in the**
 9 **review. I'm sorry. In the review, I believe they**
 10 **reviewed over 500 student constitutions, and among those**
 11 **500 constitutions, approximately 160, 150 -- I think it**
 12 **was 157 have the full and complete information. Human**
 13 **Rights Policy Clause.**
 14 Q. Okay.
 15 **A. The remaining did not. That was passed along.**
 16 Q. And so what did you do -- that was passed along
 17 to Vice President Shivers?
 18 **A. Correct.**
 19 Q. And do you know what she did with that
 20 information?
 21 **A. I believe she passed that along to the Office of**
 22 **the President and the Office of General Counsel.**
 23 Q. And what did you do? Beyond -- you've got the
 24 first wave of information.
 25 **A. Um-hum.**

1 Q. Then what did -- what happened?

2 **A. Um-hum. Then we realized that one of our**
3 **challenges was that student organizations could upload**
4 **governing documents into the OrgSync portal -- OrgSync**
5 **being our student organization data -- database**
6 **management platform, and that students could go in and**
7 **do that, and there was no trigger for staff to know that**
8 **the ABC group went in and made a change.**

9 **So in the first part of February we disabled**
10 **that, so that all con -- all governing documents --**
11 **uploads or -- would have to go through staff. So that**
12 **way staff had to review the updated uploaded document --**
13 **prior to upload.**

14 Q. So how did that -- how did that problem come to
15 your attention?

16 **A. When we realized -- how the problem?**

17 Q. Well, you said that it was a problem -- or it
18 sounded like you were saying it was a problem that
19 student groups were uploading their revised
20 constitutions, presumably without it going through
21 staff?

22 **A. Correct. Correct. And this was -- as we**
23 **realized, we needed to do something different related to**
24 **enforcement. That seemed to be a natural -- point of**
25 **where we could connect a potential problem.**

1 Q. But do you know how it came to your attention
2 that they were being uploaded without getting --

3 **A. That was just the way the system was. That was**
4 **our practice.**

5 Q. It wasn't -- okay. And so what -- what did you
6 do -- anything besides that? You changed it so they
7 would reroute to staff?

8 **A. Yes. And so -- timing-wise, then the -- that**
9 **disabling occurred the first part of February, and**
10 **then -- there were -- in -- April there was a**
11 **communication that was sent out to the -- Registered**
12 **Student Organization leadership, the primary**
13 **representatives, asking that they submit -- or -- new**
14 **constitution, new governing documents that included the**
15 **updated full and complete University of Iowa Human**
16 **Rights Policy.**

17 Q. And did that -- that was April something?

18 **A. Something. Yes.**

19 Q. Did that go to every single student -- Registered
20 Student Organization on campus?

21 **A. That went to the groups who -- well, we knew from**
22 **our initial review that there were 160 that were**
23 **complete. That communication went out to the remaining.**
24 **We started the review, I believe I said -- 500 and --**
25 **513, I think, was the initial starting number; 157**

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1 **was the -- those that were full and complete, accurate,**
2 **current. So that remaining number, that 300 and some --**
3 **they were reached out to, to say that, "You need to**
4 **include the full, complete, updated Human Rights --**
5 **Policy."**

6 Q. Do you have a list of the 157 that were complete
7 from the beginning?

8 **A. We should have that, absolutely.**

9 Q. And we'll ask that that be provided. Were those
10 157 also reviewed for conflicting language? Do you know
11 what I am talking about?

12 **A. Yes, yes, yes. Part of -- yeah, part of -- part**
13 **of that review that happened initially with that 513 --**
14 **that was -- you know, the other thing they were looking**
15 **at, was -- potential conflicts in language, yes.**

16 Q. Okay. Then --

17 **A. I don't know how many of that 157 may -- may or**
18 **may not have had conflicting language off the top of my**
19 **head.**

20 Q. Would there be a record of that?

21 **A. I -- I believe so.**

22 Q. Okay. And then after the April 14th letter went
23 out to the remaining 300 and some groups, what happened?

24 **A. So that communication, I believe, was sent on**
25 **April 20th. They had until March [sic] 3rd to respond,**

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1 **and I believe they received 200 and -- 201 responses.**

2 Q. And why was March 3rd chosen as the date?

3 **A. I think there was a two-week period. I think,**
4 **ballpark of two weeks from April 20th to --**

5 Q. Okay. And then there were two more letters that
6 went out later. Do you recall that?

7 **A. There was a letter that then went out on -- June**
8 **1st.**

9 Q. Okay. What was the purpose of that letter?

10 **A. That letter was a communication to the groups who**
11 **had not complied or -- complied or responded, saying,**
12 **"You have until June 15th to submit the revised con --**
13 **governing documents, constitution in the bylaws," and it**
14 **said that if they did not, they would be deregistered,**
15 **but as soon as they did, they would be reregistered,**
16 **assuming it was full and complete.**

17 Q. And were you -- did you help draft those emails
18 or who would have drafted those emails?

19 **A. They would have come from, I believe, Andy**
20 **Kutcher. I reviewed -- I have reviewed some of his**
21 **communications, and I don't know -- I know I reviewed**
22 **the communication that went out on -- that -- that first**
23 **communication, was the day April --**

24 Q. 20th?

25 **A. Yes.**

1 Q. Okay. I'm gonna show you a document that's been
2 labeled as Document 75. Do you recognize that document?
3 **A. Yes.**
4 Q. And what are those?
5 **A. This is communication from Andy Kutcher to a**
6 **student organization leader, and -- referencing the**
7 **Human Rights Clause.**
8 Q. Is that the April 20th letter you were referring
9 to, or one copy of it?
10 **A. Correct, it was a batch.**
11 Q. Okay. And if you flip through that, is that what
12 that -- those are all batches of the same letter?
13 **A. Yeah. Yeah, this -- yes.**
14 Q. Okay. And does that language -- does that email
15 have language in there asking the students to make sure
16 the Human Rights Policy is stated correctly in their
17 constitution?
18 **A. Correct.**
19 Q. Does it have language in there about removing
20 conflicting language?
21 **A. Not in this communication.**
22 Q. Okay. And does it have information about making
23 sure the financial's policy is stated correctly?
24 **A. Not in this communication.**
25 Q. Okay. So this is the communication that went out

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1 **A. Correct.**
2 Q. And are they student employees?
3 **A. No.**
4 Q. Okay. And they were just given oral guidance on
5 how to do that, not written guidance?
6 **A. There were -- no, there was -- there were**
7 **written -- yes, because there was -- again, in that --**
8 **in those -- the dates -- the -- the time frame between**
9 **those dates we've identified, there was follow-up**
10 **communication, and so there was, for lack of a better**
11 **description, a script that people could use in those**
12 **follow-up communications --**
13 Q. Okay.
14 **A. -- to guide the conversation.**
15 Q. Okay. And did that script have examples of types
16 of problems and how to resolve them?
17 **A. I don't believe it was that specific.**
18 Q. Okay. I'm trying to understand what --
19 **A. Sure.**
20 Q. -- "conflicting language" means. Was there
21 anything in writing that would have explained what was
22 meant by conflicting language?
23 **A. I'm trying to -- I -- I'm un -- I'm unclear right**
24 **now as to the guidance that we provided the groups about**
25 **the unclear language piece.**

1 to the -- all of the student groups that weren't already
2 in compliance by April 20th, correct?
3 **A. Correct.**
4 Q. Okay. Was there any other communication that
5 went to all of those groups with everything else in it?
6 **A. So -- again, the -- then the June 1st**
7 **communication.**
8 Q. Okay. So it's -- did everybody who got the April
9 20th -- email also receive the June 1st email?
10 **A. No.**
11 Q. Okay. Why not?
12 **A. Because some of the groups complied in the**
13 **interim.**
14 Q. Okay. So some of those groups that complied
15 might have failed to remove conflicting language because
16 they didn't know about it?
17 **A. Sorry. I'm just -- I'm collecting in my head**
18 **then the letters. I -- I can't recall for sure exactly**
19 **when we addressed the conflicting language piece with**
20 **them. But we were -- we continued to look at that in --**
21 **in submissions.**
22 Q. Okay. And the only -- and this -- and the people
23 who were looking at that, the reviewers --
24 **A. Um-hum.**
25 Q. -- are full-time employees of the CSIL?

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1 Q. Okay. That's fine. I think I have that
2 document, but I'll wait to show it to you later and you
3 can verify if it's what you're thinking of.
4 **A. Okay.**
5 Q. Okay.
6 **A. Which -- which document?**
7 Q. Well, there are some documents that may -- maybe
8 have the script that you referred to or something, and I
9 will show those to you.
10 **A. Yeah. I -- I can see the sample email, I can see**
11 **the -- some scripts, et cetera, but I can't tell you in**
12 **which communication, plural, we addressed the**
13 **conflicting language piece.**
14 Q. Okay. Now, just for clarity of the record, I'm
15 going to state that the document that I showed you that
16 was the samples of the April 20th, 2018, email is
17 Document 175. I'm now going to show you what's Document
18 173. This is a set of emails dated June 1st, 2018.
19 They appear to be a form email. And can you verify
20 whether this is the email you referred to earlier that
21 was sent on June 1st?
22 **A. Yes.**
23 Q. Okay. Does that email contain instructions
24 regarding the full -- inclusion of the full Human Rights
25 Policy?

1 **A. Yes.**
 2 Q. Does it have language in there about removing
 3 conflicting language?
 4 **A. Yes.**
 5 Q. Could you read that?
 6 **A. Yes. "Additionally, RSO governing documents --"**
 7 (The reporter requested that the witness read
 8 more slowly.)
 9 MR. CARROLL: Slow down.
 10 THE WITNESS: I apologize.
 11 THE REPORTER: Additionally --
 12 **A. Thank you. This is -- yeah. "Additionally, RSO**
 13 **governing documents may not include language that is**
 14 **considered contradictory to the Human Rights Clause.**
 15 **Any language considered contradictory must be removed."**
 16 **I knew this was in a communication. I just didn't know**
 17 **which one.**
 18 Q. Okay. And -- but this one would not have gone to
 19 all the students. This email at Document 173 would only
 20 have gone to students who already hadn't been approved?
 21 **A. This would have gone -- this would not have gone**
 22 **to the ones that we had identified as being -- having no**
 23 **problems.**
 24 Q. So that's the 157 from before April, plus any who
 25 came into compliance between April and June 1st?

1 **A. Correct.**
 2 Q. And then I'm going to show you what's labeled as
 3 Document 174, which is an email -- a batch of emails
 4 dated June 8, 2018. And what -- would you look at that
 5 and tell me if that's --
 6 **A. Um-hum.**
 7 Q. -- what that is?
 8 **A. Yeah, it's an additional communication going out**
 9 **about having the -- Human Rights Clause in there as well**
 10 **as removal of contradictory --**
 11 Q. And what was the impetus for this email just one
 12 week later?
 13 **A. I believe in the previous communication you sent**
 14 **me, they -- we had given them till June 15th --**
 15 Q. Correct.
 16 **A. -- to respond. I think it was a little bit of a**
 17 **courtesy, a reminder to -- to do so.**
 18 Q. Okay. And are you confident that there are no
 19 student groups who received the first notice on either
 20 June 1st or June 8th?
 21 **A. Am I confident --**
 22 Q. That all student groups received the April 20th
 23 email, and that there are no student groups who heard
 24 about this for the first time on June 1st or June 8th?
 25 **A. I believe -- to the best of our ability, we**

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 1 **communicated with everybody initially.**
 2 MR. BAXTER: Okay. I would share with
 3 counsel the documents we received, there are gaps that
 4 suggest that some student organizations received the
 5 first notice on June 1st -- June 1st or June 8th. So if
 6 that's correct, I'd like the rest of the production of
 7 those documents.
 8 BY MR. BAXTER:
 9 Q. Do you notice that -- well, I'm gonna show you
 10 again Document 173, which was the June 1st email.
 11 **A. Um-hum.**
 12 Q. In this document the language -- the
 13 contradictory language is just in plain type, no
 14 underlining or emphasis, correct?
 15 **A. Correct.**
 16 Q. And could you read that again?
 17 **A. The entire paragraph or just the --**
 18 Q. Just the -- the (inaudible) language.
 19 (The reporter requested a clarification.)
 20 MR. BAXTER: I'm sorry. Just the
 21 contradictory language.
 22 **A. "Additionally, RSO governing documents may not**
 23 **include the language that is considered contradictory to**
 24 **the Human Rights Clause."**
 25 Q. Okay. And I'd like you, while you're looking at

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 1 that, look at the document that's labeled 174 and --
 2 is -- do you see there's additional language added?
 3 **A. Yes.**
 4 Q. And this kind of language is in bold and
 5 underlined, right? And what's the additional language?
 6 **A. The part about the -- more clarifications related**
 7 **to, "Requirements for membership and leadership that are**
 8 **based on one or more protected classifications that are**
 9 **listed above in the Human Rights Clause."**
 10 Q. So this tried to explain what contradictory
 11 language might be, right?
 12 **A. Correct.**
 13 Q. And it states that the contradictory language
 14 would be anything that has to do with selecting the
 15 years [sic] based on things that might contradict the --
 16 or might be implicated by the Human Rights Clause?
 17 **A. Correct.**
 18 Q. So only the -- only the groups that received this
 19 email on June 8th would have received that instruction,
 20 correct?
 21 **A. Correct.**
 22 Q. And, again, there's no -- there were no more
 23 specific guidance on what it meant to have language
 24 contradictory to the Human Rights Policy?
 25 **A. Please say again.**

1 Q. And was there -- is there anywhere where I could
2 find more clear guidance on what you meant by language
3 that is -- by contradictory language, that would include
4 requirements for membership or leadership that are based
5 on one or more protected classifications?

6 **A. So is there -- you're asking for -- is there
7 another document that explains that?**

8 Q. Right.

9 **A. I can't recall. There may be.**

10 Q. So did the CSIL employees who were redoing the
11 constitution pretty much act on their own discretion to
12 determine what was a violation of the Human Rights
13 Policy?

14 **A. They --**

15 Q. What was -- excuse me. Let me ask that question
16 again. Did the CSIL employees pretty much act on
17 their -- have final decision making authority on what
18 type of language for selecting leaders would violate the
19 Human Rights Policy?

20 **A. No, that -- if there were questions, those were
21 to be addressed to -- to Andy and, again, Anita at some
22 point, and then Paul more recently.**

23 Q. But questions would never get to them if the
24 reviewers didn't raise them, right?

25 **A. Correct.**

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1 BY MR. BAXTER:

2 Q. Thank you. If in their constitution they had a
3 provision that excluded nonimmigrants, would that
4 have -- should that have been flagged by the reviewers?

5 **A. The -- whenever there was a conflict of -- of
6 contradictory language, and it couldn't be discerned by
7 Paul, again -- excuse me -- Andy -- and then Anita or
8 Paul, depending on the timeline, then those were sent to
9 the Office of the General Counsel for clar -- or for an
10 interpretation and advice.**

11 Q. So let's say that a group formed around
12 immigration status, is there anything in the Human
13 Rights Policy that would be triggered by that?

14 **A. No.**

15 Q. Okay. So if someone, though -- you know, started
16 a -- you know, build-a-wall club --

17 **A. Um-hum.**

18 Q. -- and they wanted to exclude immigrants --

19 **A. Um-hum.**

20 Q. -- they could do that without violating the Human
21 Rights Policy; is that correct?

22 **A. We allow the groups to assemble around an
23 agreed-upon mission.**

24 (Mr. Blomberg entered.)

25 Q. Okay. And the same with categories like -- if

1 Q. So they had the first call whether something was
2 a violation or not?

3 **A. Correct.**

4 Q. And you were just trusting their judgment to
5 decide if something should be passed up?

6 **A. Or, again, based on instruction, direction that
7 was given to the team assembling. I -- again, I
8 wasn't -- I wasn't in the space at the time with them,
9 but I -- there had to have been a layer of discussion --
10 or discussion and direction, guidance given. There was
11 a -- there was a form. They had a form that -- that had
12 at -- that had protected classes on the form, and
13 protected classes, those included in the Human Rights
14 Policy.**

15 Q. Okay. Well, let me -- I'm just gonna ask you a
16 series of questions to see what you -- what your
17 understanding was of how they would have applied the
18 requirement to remove any contradictory language. Let's
19 say someone started a group to -- for students who are
20 participants in the DACA Program?

21 **A. Um-hum.**

22 Q. Do you know what the DACA Program is?

23 **A. Um-hum.**

24 MR. CARROLL: "Yes"? "Yes"?

25 THE WITNESS: Yes, I apologize.

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1 you had a group that formed around, you know, protecting
2 victims of sexual assault, and they wanted to exclude
3 anybody who had a criminal record, there's nothing that
4 would trigger the Human Rights Policy or that it would
5 be considered a violation of the Human Rights Policy for
6 that?

7 **A. Could you repeat that?**

8 (Mr. Blomberg left the room.)

9 BY MR. BAXTER:

10 Q. Let's say a group formed around -- a group of
11 students wanted to form a club to -- a support group for
12 victims of crime --

13 **A. Um-hum.**

14 Q. -- say, victims of sexual assault.

15 **A. Um-hum.**

16 Q. And in their constitution they excluded any
17 members who had a criminal record --

18 **A. Um-hum.**

19 Q. -- there's nothing in the Human Rights Policy --

20 **A. My apologies. Yes.**

21 Q. Please say that.

22 **A. Yes, yes.**

23 Q. That would --

24 **A. That's earlier -- yes. Felonies, not --**

25 Q. Okay. What about political parties? If a group

1 of students wanted to form a group supporting Bernie
 2 Stand -- Stander -- Sanders, they could do that, right?
 3 **A. Correct.**
 4 Q. And they could limit their leadership to
 5 individuals who supported Bernie Sanders' platform?
 6 **A. Correct.**
 7 Q. Okay. And could students form a Republican club
 8 and require their leaders to be registered Republicans?
 9 **A. Correct.**
 10 Q. They could require them to support the Republican
 11 party platform?
 12 **A. Correct.**
 13 Q. What if the Republican Party platform has a
 14 statement that marriage should be between a man and a
 15 woman --
 16 **A. Um-hum.**
 17 Q. -- could they still have that club and exclude
 18 people who didn't -- who didn't support that platform?
 19 **A. They can have that statement, but they can't --**
 20 **that statement can't categorically unilaterally violate**
 21 **the University of Iowa's Human Rights Policy.**
 22 Q. Could that club make people sign a statement
 23 saying that they support everything in the Republican
 24 Party platform in order to be eligible to be a leader?
 25 **A. Yes, we -- we allow groups to sign a statement**

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1 **A. Policy and human rights.**
 2 Q. What's Tiffini Stevenson Earl's job?
 3 **A. She's one of the compliance officers in EOD.**
 4 Q. Okay. And do you know what her job
 5 responsibilities are?
 6 **A. She's involved in training; I know that. I**
 7 **think, again, Constance can speak specifically to her**
 8 **exact duties.**
 9 Q. Okay. This looks like a training document,
 10 right, on how to comply with the policy on human rights?
 11 **A. Correct.**
 12 Q. Okay. On the -- on the page within this document
 13 that's numbered 935 -- do you see that?
 14 **A. Um-hum.**
 15 Q. It defines creed as a formal statement of
 16 religious belief, confession of faith, or a system of
 17 beliefs, principles, or opinions, and it can be any
 18 strongly held philosophical beliefs, even if not a
 19 recognized religion; is that correct?
 20 **A. Correct.**
 21 Q. So -- and is this an accurate statement of how
 22 the University would interpret creed?
 23 **A. Yes.**
 24 Q. So when the Human Rights Policy says that you
 25 cannot discriminate on the basis of creed --

1 **that -- leaders to sign Statements of Faith.**
 2 Q. Okay. So creed is included as a protected
 3 category, correct?
 4 **A. Correct.**
 5 Q. And what's your understanding of what creed
 6 means?
 7 **A. Context of religion.**
 8 Q. In the context of religion or other -- what does
 9 it mean to you?
 10 **A. Umm --**
 11 Q. Let me ask you another question?
 12 **A. Yes, please.**
 13 Q. Will you turn to Document 37? Okay. Do you
 14 recognize that document?
 15 **A. And it's authored, yes. Works at EOD --**
 16 **Tiffini -- (inaudible).**
 17 (The reporter requested a clarification.)
 18 **A. Yes. And the person listed on the first page is**
 19 **a staff member in Equal Opportunity and Diversity.**
 20 **Tiffini Stevenson Earl.**
 21 Q. Earl. And do you recognize what -- or do you
 22 have -- do you recognize what that document is?
 23 **A. It's a review, yes.**
 24 (Mr. Blomberg returned.)
 25 Q. A review of what?

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1 **A. Um-hum.**
 2 Q. -- does that mean that political groups can't
 3 exclude people who don't share their political creed?
 4 **A. Again, it's -- student organizations can have**
 5 **those statements.**
 6 Q. Okay. So the political -- the Republican Party
 7 can exclude Democrats?
 8 **A. They cannot violate the University of Iowa's**
 9 **Human Rights Policy.**
 10 Q. Okay. Can they exclude Democrats as their
 11 leaders?
 12 **A. (Pause.) As long as their exclusion is not based**
 13 **on a violation of the Human Rights Policy.**
 14 Q. Well, how do you -- how would Republicans exclude
 15 Democrats without violating the prohibition against
 16 discrimination based on creed?
 17 **A. I'm -- I'm sorry?**
 18 Q. If the Republican Party excluded a Democratic
 19 leader --
 20 **A. Um-hum.**
 21 Q. -- isn't that discrimination on the basis of
 22 creed?
 23 **A. Yes.**
 24 Q. So it violates the Human Rights Policy?
 25 **A. Yes.**

1 Q. But you said you make an exception, apparently,
2 because you allow political parties to exclude, as
3 leaders, people who don't share their -- their beliefs
4 or their creed?
5 **A. Yeah.**
6 Q. That's correct?
7 **A. What we -- again, we -- allow the groups to have**
8 **these -- their -- their Statements of Beliefs, their**
9 **credos, their -- what they believe strongly in. And as**
10 **long as someone is -- not denied an opportunity, because**
11 **of our protected classes, we haven't -- we have not**
12 **acted on that as a violation.**
13 Q. Okay. So creed is a protected class, and do you
14 know that on campus there's lots of groups that exclude
15 leaders who don't share their creed, right?
16 **A. Um-hum. Um-hum.**
17 Q. Is that a "yes" or "no"?
18 **A. Yes.**
19 Q. And have you ever done anything to stop that?
20 **A. We've received no violations, no complaints on**
21 **that. Had we, we would have investigated.**
22 Q. But you said earlier that you would allow that to
23 happen, that if that -- you would allow groups to
24 exclude leaders who didn't share their creed.
25 **A. As a Statement of Faith, but if we received a**

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1 Q. Well, I've given you the entire situation.
2 You're authorized to interpret the Human Rights Policy,
3 correct?
4 **A. For Registered Student Organizations with**
5 **guidance from administration, yes.**
6 Q. But for purposes of this deposition, you're
7 entitled to speak on behalf of the University on that
8 issue, correct?
9 **A. For student organizations.**
10 Q. That's a "yes" --
11 **A. Yes.**
12 Q. -- for student organization?
13 **A. Excuse me. Yes, yes.**
14 Q. If the pro-Bernie party excludes, as a leader, a
15 pro-Trump individual, that's discrimination on the basis
16 of creed, correct?
17 **A. Correct.**
18 Q. Technically, that violates the Human Rights
19 Policy, correct?
20 **A. Correct.**
21 Q. But you've stated that you let student groups do
22 that because you want student groups to form around
23 common beliefs, correct?
24 **A. Right.**
25 Q. And there's many ways that someone's creed or

1 **complaint from a student that acknowledged that they**
2 **were -- "I was not given an opportunity because of a**
3 **protected class," we would investigate -- or EOD would**
4 **investigate.**
5 Q. And what would EOD's conclusion be?
6 **A. It depends on the specifics of the -- of the**
7 **complaint and --**
8 Q. Well, let me give you a very specific fact
9 pattern.
10 **A. Okay.**
11 Q. Okay. Assume that there's a par -- a group on
12 campus that supports Bernie Sanders, and a -- individual
13 shows up and asks -- has been attending the group for
14 months, and asks if he can be a leader of the party.
15 And he says, "I'm a huge Trump supporter, and -- I want
16 to become a leader so that I can insert Trump's beliefs
17 into the group," and the group denies him a leadership
18 position for that reason because his political creed is
19 different than the group's political creed.
20 **A. Um-hum.**
21 Q. Does that violate the Human Rights Policy?
22 **A. I got a little bit lost in the analogy there.**
23 **But -- does it violate -- is a result of an**
24 **investigation that would look at the whole situation to**
25 **see what all of the variables were.**

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1 group philosophy could conflict with the Human Rights --
2 with a -- could touch on a topic in the Human Rights
3 Policy, correct?
4 **A. Correct.**
5 Q. Could a sorority, for example, require its
6 members to be single?
7 **A. No.**
8 Q. Why not?
9 **A. There may be actually sororities that do not**
10 **allow membership to women to be married.**
11 Q. And why do you think that might be?
12 **A. Because that's a part of their credo, their**
13 **belief, their strongly-held system of values.**
14 Q. Right. Possibly, the sorority's purpose, right,
15 is to generate social interaction between men and women,
16 correct?
17 **A. Or students, in general, um-hum.**
18 Q. And they might feel like that feels improper if
19 they have married members, right?
20 **A. I'm not certain I know -- how they feel.**
21 Q. But it's a possibility?
22 **A. Certainly.**
23 Q. And would you allow them to follow that credo,
24 that creed, if that's what they wanted to do?
25 **A. Again, I think we would allow the group to**

1 **function until we were made aware of there being a**
 2 **problem, and then we would look at the entirety of the**
 3 **problem to determine what had happened.**

4 Q. Well, I'm giving you very basic scenarios. Let
 5 me give you another very simple one, okay? Let's say
 6 there's a group organized on campus to support veterans
 7 who have served in the United States Military --

8 **A. Um-hum.**

9 Q. -- and they exclude anyone who hasn't served in
 10 the military. That would be discrimination on the basis
 11 of service in the U.S. Military, correct?

12 **A. Correct.**

13 Q. And service in the U.S. Military is a protected
 14 status?

15 **A. Correct.**

16 Q. So would you allow that group to exist or not, if
 17 someone complained?

18 **A. If they complained and they were found in**
 19 **violation, they would not be allowed to exist. If**
 20 **they -- if the complaint -- if the finding was there was**
 21 **no violation, they would be allowed to exist.**

22 Q. Say that last part again.

23 **A. If there was a -- if the investigation -- you**
 24 **said there was a complaint. If the complaint was**
 25 **investigated, and given all of the variables, all the**

1 **facts, then, if they were found to be in violation of**
 2 **the University of Iowa's Human Rights Policy, there**
 3 **could be sanctions issued against them. If they're --**
 4 **if the investigation yielded no violation of the**
 5 **University of Iowa's Human Rights Policy --**

6 Q. Okay. You're dodging the question.

7 **A. I --**

8 Q. There's no -- there's no complicating factor
 9 here. There's -- there's one set of facts. A group
 10 excludes leaders who don't meet their mission. A U.S.
 11 Military group excludes people who haven't served in the
 12 U.S. Military. That is a violation of your Human Rights
 13 Policy, correct?

14 **A. Yes.**

15 Q. So you should disband that group, correct?

16 **A. Yes.**

17 Q. Okay. Have you made any effort to go to the
 18 groups on campus that form around affiliations of the
 19 U.S. Military and ask them to disband?

20 **A. No.**

21 MR. CARROLL: Well, just a minute. I'm
 22 gonna object as a misstatement of the record. We
 23 deregister groups. We don't disband them.

24 BY MR. BAXTER:

25 Q. When I say "disband," do you understand what I

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1 mean?

2 **A. I under -- I think you were talking about**
 3 **disassociating them from the institution.**

4 Q. Deregistering them, correct.

5 **A. Correct.**

6 Q. Okay. Have you made any effort to deregister --
 7 are there groups on campus that form around --

8 **A. Yes.**

9 Q. -- affiliation with the military or service in
 10 the military?

11 **A. Yes.**

12 Q. Okay. Do they require their leaders to have
 13 served in the U.S. Military, or to meet the purposes of
 14 the group?

15 **A. The latter.**

16 Q. Okay. They require them to meet the purposes of
 17 the group?

18 **A. Correct.**

19 Q. And even -- have you made sure that that -- so
 20 some of those groups would exclude members who, for
 21 example, have never served in the military or have no
 22 affiliations with the military?

23 **A. (Nodding.)**

24 Q. So you're nodding your head "yes" --

25 **A. Meaning --**

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1 Q. -- is that correct?

2 **A. Well, no, I'm saying -- I'm following your line**
 3 **of questioning, and that no, we have not done that.**
 4 **That's why we are changing our enforcement patterns.**

5 Q. Okay. So --

6 **A. Because we operate from a complaint-driven**
 7 **system.**

8 Q. But all you -- you've upgraded from a
 9 complaint-driven system?

10 **A. Correct.**

11 Q. What's the system now?

12 **A. Well, I think we're waiting on guidance from the**
 13 **General Counsel's Office to determine exactly how we**
 14 **should be proceeding. That's why I referenced these**
 15 **cases where there's conflict and the staff can't seem to**
 16 **quite work through the conflict, are -- in the General**
 17 **Counsel's Office or interpretation for us to then**
 18 **receive direction.**

19 MR. BAXTER: Okay. We're gonna -- I'm gonna
 20 stop and go off the record for a minute.

21 (A discussion was held off the record.)

22 (A recess was held from 2:03 p.m. until 2:11
 23 p.m.)

24 MR. BAXTER: Let's go on the record.

25 BY MR. BAXTER:

1 Q. And we'll start with Document 121, which will be
2 handed to you by Mr. Blomberg.
3 (A discussion was held off the record.)
4 MR. BAXTER: Here, why don't you give me the
5 folder. We'll give one to the reporter and one to you.
6 That's 121, and 121 to the reporter.
7 MR. CARROLL: Just so I'm clear, how do we
8 know this is 121?
9 MR. BAXTER: Because you're gonna put it in
10 your folder behind Tab 121, and we're going to put it in
11 her folder --
12 MR. CARROLL: Okay.
13 MR. BAXTER: -- behind 121.
14 MR. CARROLL: Are these exhibits marked as
15 exhibits (addressing the reporter)?
16 MR. BAXTER: They're marked by the tabs.
17 MR. CARROLL: But --
18 (A discussion was held off the record.)
19 BY MR. BAXTER:
20 Q. Okay. The exhibit was marked as -- or was
21 Document 121, correct? If you'd like, you can write on
22 the bottom, "121."
23 A. **(Writing.)**
24 Q. And do you recognize this document?
25 A. **Yes.**

1 Q. Okay. And it's an email from you to Melissa
2 Shivers and Pam Krogmeier, correct?
3 A. **Correct.**
4 Q. Who is Pam Krogmeier?
5 A. **Pam is Vice President Shivers' Administrative**
6 **Assistant.**
7 Q. Okay. And Dinette Myers is your Administrative
8 Assistant; is that correct?
9 A. **Correct.**
10 Q. And do you know what this email is about?
11 A. **Yes, I believe she had asked me for some just**
12 **general information surrounding student organizations,**
13 **privileges that are afforded to the student**
14 **organizations. She may have been -- she must have**
15 **required specifically or -- to include discipline cases,**
16 **perhaps.**
17 Q. Okay. Do you know -- she says, "I just want to
18 make certain you had something in your hands to start
19 with and to use that something as a gauge for whatever
20 else you need -- you may need." What were you referring
21 to?
22 A. **I believe she was going to have a conversation**
23 **with either or -- -- the President's office and/or**
24 **General Counsel.**
25 Q. About what?

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1 A. **Well, in relation to the context we're**
2 **discussing, all of our -- like, how do we manage student**
3 **organizations. I can't remember the exact context, but**
4 **I believe I prepared a one or two-page -- brief related**
5 **to -- this is what student organization review**
6 **committee, benefits that you are given should you be**
7 **registered as a student organization.**
8 Q. Okay. I'm gonna ask you to look at Document 122.
9 They're marked here as 122. We'll add a sticker.
10 (Marking.) You're not on this document. Do you
11 recognize what it is? Have you seen it before?
12 A. **I -- it could be in -- well, again, in the -- I**
13 **assume it was in the production of documents, yes.**
14 Q. And you see the documents immediately behind it.
15 Did you prepare this document or have you seen it before
16 preparing for this deposition?
17 A. **I believe I provided some of the contents for**
18 **this.**
19 Q. Did you provide it in writing or --
20 A. **I think it goes back to some of the**
21 **information -- (pause) -- could have been -- I'm**
22 **speculating -- could have been information also shared**
23 **with strategic communications surrounding -- surrounding**
24 **the case, as well as general information about**
25 **Registered Student Organizations.**

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1 Q. Okay. On the page that's marked at the bottom as
2 3888 --
3 A. **Excuse me.**
4 Q. -- where it says, "Several fraternities have been
5 deregistered since I've been here, approximately 15
6 years." Is that something that you submitted?
7 A. **It would have had to have been.**
8 Q. Okay. I'm gonna ask you to take a look at then
9 Document 125.
10 A. **Excuse me.**
11 Q. Would you mark that on the bottom as 125?
12 A. **(Marking.)**
13 Q. Do you recognize that document?
14 A. **Yes.**
15 Q. What is it?
16 A. **A document that I provided directly to Vice**
17 **President Shivers.**
18 Q. And what was the purpose of this document?
19 A. **It was based on a request that she had made to**
20 **provide information about how we managed an**
21 **organization, what the benefits of student organizations**
22 **are. Just -- basic information for -- for her. Again,**
23 **Dr. Shivers, I think at this point in time, would have**
24 **been in her -- fifth or sixth month of employment.**
25 Q. Was this in preparation for a decla -- or

1 declaration sheet signed and submitted to the Court; do
 2 you know?
 3 **A. I don't know that.**
 4 Q. I'm gonna ask you to look at -- what will be
 5 marked as Exhibit 126. (Marking.) Are you familiar
 6 with this document?
 7 **A. Yeah, this was -- this was information that was**
 8 **provided in terms of a -- a plan as we -- as I**
 9 **referenced earlier, when we were -- began the effort to**
 10 **work with student organizations about their documents.**
 11 Q. Okay. And do you know when this document would
 12 have been printed or created?
 13 **A. Probably in advance of that first review, which**
 14 **happened again late January.**
 15 Q. Okay. And --
 16 **A. Early February, that's when we -- as I --**
 17 **possibly, you and I discussed earlier, in terms of when**
 18 **we began the -- the review.**
 19 Q. And do you know who this went to?
 20 **A. I think there were -- I think there were multiple**
 21 **recipients of this.**
 22 Q. Do you remember who the author was?
 23 **A. A -- Paul -- again, I believe, Andy Kutcher and**
 24 **Dr. Cory would have, with some assistance from Paul**
 25 **Mintner.**

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1 **A. I believe so.**
 2 Q. Do you think there were any other documents like
 3 it?
 4 **A. There may have been followup that some of the**
 5 **staff asked of Paul -- of Andy, and he may have provided**
 6 **some additional followup in writing.**
 7 Q. And would you have received copies of that
 8 follow-up writing?
 9 **A. Probably not. Would have been directly between**
 10 **the staff members and Paul.**
 11 Q. And were you --
 12 **A. Excuse me. Andy.**
 13 Q. Were you at some point asked to produce documents
 14 for this litigation?
 15 **A. Yes.**
 16 Q. And was Andy asked to as well?
 17 **A. I -- yes.**
 18 Q. And was everybody on your staff who participated
 19 in this review process asked to produce documents?
 20 **A. No.**
 21 Q. No?
 22 **A. I don't believe so.**
 23 Q. Okay. Is there any reason why --
 24 **A. Well, I think -- well, I think Paul was -- again,**
 25 **I think Andy Kutcher and Paul were collecting all the**

1 Q. Okay. Let me hand you what's been marked as
 2 Document Number 127. Do you recognize this document?
 3 **A. Yes.**
 4 Q. What is it?
 5 **A. Some of the -- the guidance that was given to the**
 6 **team of people -- during review.**
 7 Q. And do you know who drafted this?
 8 **A. I believe it was Paul Mintner and Dr. Cory.**
 9 Q. Okay. And did you review and approve this
 10 document?
 11 **A. I did not.**
 12 Q. And why not?
 13 **A. I -- it was -- I didn't ask to approve it.**
 14 Q. Okay.
 15 **A. I -- I can't honestly recall -- I believe it was**
 16 **at that time managed with -- again, Andy and Dr. Cory.**
 17 **Perhaps some involvement from Paul Mintner.**
 18 Q. Okay. And you see down at the bottom where it
 19 says 1, a, b, c?
 20 **A. Correct.**
 21 Q. Are these the written instructions that the
 22 reviewers received for reviewing constitutions?
 23 **A. Yes.**
 24 Q. You referred to a document they might have
 25 received earlier; is this that document?

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1 **documents on behalf of everyone. I'm not sure --**
 2 **individual people didn't submit anything to the General**
 3 **Counsel's Office. It was funneled through Paul and -- I**
 4 **continue to say Paul -- I meant Andy. And Paul and**
 5 **Dr. Cory, but again Dr. Cory and Paul -- Dr. Cory**
 6 **transitioned out, and Paul transitioned in.**
 7 Q. Okay. And so is it possible that there were
 8 communications between the people reviewing the
 9 contract -- constitutions that have not been produced?
 10 **A. Perhaps. I did -- I -- oral communication or**
 11 **written communication? They were assembled in the room.**
 12 **The majority of the -- of review happened with people in**
 13 **the same room at the same time. So there -- maybe I**
 14 **referenced this earlier, as there were questions, they**
 15 **could be addressed as a team. So all of the**
 16 **communications in that setting probably were mostly**
 17 **oral.**
 18 Q. Okay. But when you were asked to provide
 19 documents for this deposition, did you ask your entire
 20 team to collect documents and send them to someone?
 21 **A. Yes.**
 22 Q. Including all the reviewers?
 23 **A. Yes. And that process was a process that was**
 24 **done by -- by me and by Andy and -- yeah, that team of**
 25 **us worked together on this because of the magnitude of**

1 **the effort.**

2 Q. But everybody that was on the review team was
3 asked to somehow get you any documents they might have?

4 **A. I believe Paul asked everybody to do that. That**
5 **would be part of the -- what we needed to do.**

6 Q. On the next page over you see -- and then there's
7 Number 2 a, it says, "Once approved please delete the
8 organization from the Student Organization Governance
9 Follow-up --"

10 **A. Correct.**

11 Q. Okay. And it says -- and that's a shared Excel
12 spreadsheet, correct?

13 **A. Correct.**

14 Q. Was that document gathered for production in this
15 litigation?

16 **A. I -- I can't tell you if it was.**

17 MR. BAXTER: Well, I'm gonna ask counsel to
18 make sure I have that. I don't believe it was in the
19 production.

20 BY MR. BAXTER:

21 Q. Okay. On the next page at the top of the page --

22 **A. Okay.**

23 Q. Do you see where it says "Registered Student
24 Organizations RSOs are considered University programs
25 and thus must comply with all policies including the

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1 that. You can say, "Well, we're prohibiting conduct
2 that might fall within one of the categories or we're
3 protecting conduct." And then this seems to be saying
4 that the HR Clause prohibits beliefs -- stated beliefs
5 or purposes which are covered by the HR Clause. That is
6 the position of the University?

7 **A. I believe this was the guidance that we received,**
8 **that Paul -- Andy received specifically from General**
9 **Counsel.**

10 Q. Okay. So when it says, "Obtainment of membership
11 or leadership cannot be contingent on agreement with
12 beliefs or purposes that are covered in the HR Clause,"
13 is it the University's position that it can prohibit
14 groups from selecting leaders who share their beliefs?

15 **A. No.**

16 Q. So how do you read that then?

17 **A. Again, I -- I read this as -- as I've stated**
18 **before, that Registered Student Organizations can have**
19 **Statements of Belief, but the -- and members can be**
20 **asked to sign them, but to deny someone a -- an**
21 **opportunity for membership or leadership cannot be in**
22 **violation of the Human Rights Clause.**

23 Q. But what does it mean to violate the Human Rights
24 Clause? Do you violate the Human Rights Clause when you
25 discriminate against someone because of their beliefs or

1 Human Rights Clause"?

2 **A. Um-hum.**

3 (The reporter requested a clarification.)

4 MR. BAXTER: The Human Rights Clause.

5 BY MR. BAXTER:

6 Q. And then it says, "The Human Rights Clause is
7 encompassing of all RSO activities, including the
8 selection of membership and/or leadership"; is that
9 correct?

10 **A. Um-hum.**

11 Q. And then it says, "RSOs can still have
12 purposes/mission statements related to specific classes
13 or characteristics of the HR Clause, but attaining --
14 attainment of membership or leadership cannot be
15 contingent on the agreement, disagreement, subscription
16 to, et cetera, of stated beliefs/purposes which are
17 covered in the HR Clause."

18 **A. Um-hum.**

19 Q. So I want to tease out your understanding of this
20 sentence, and I want to propose: One way of looking at
21 a Human Rights Policy is that it prohibits status-based
22 discrimination.

23 **A. Correct.**

24 Q. And you can't discriminate against someone
25 because of their status. There's another way to look at

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1 because of their status?

2 **A. Their status.**

3 Q. So it's okay to discriminate on the basis of
4 beliefs?

5 **A. (No response.)**

6 Q. Can the -- student group for transgender students
7 discriminate against people who believe that
8 transgenderism is a figment of the imagination?

9 **A. Discriminate by not allowing them --**

10 Q. To join the group.

11 **A. Can they? We don't allow -- we don't allow**
12 **violations of our Human Rights Policy, and so the -- so**
13 **excuse me.**

14 Q. If -- if -- if a transgender -- a transgender
15 support group excludes people who believe that
16 transgenderism is a figment of the imagination -- is
17 that status-based discrimination or is it belief-based
18 discrimination?

19 **A. Belief.**

20 Q. Okay. Can you give me an example of what
21 status-based discrimination would be?

22 **A. Yes, it's a suit -- if -- if -- in this case if**
23 **Marcus Miller saying he was gay and then being denied a**
24 **leadership opportunity.**

25 Q. Just because he was gay?

1 **A. If he -- correct. If the group had categorically**
2 **denied him of that opportunity because he had -- he had**
3 **said he was gay, and so as a result, they denied him**
4 **that leadership opportunity. So gay would be a status**
5 **in that case.**
6 Q. Okay. So -- is belief-based discrimination okay
7 under the Human Rights Policy?
8 **A. Yes.**
9 Q. So the Human Rights Policy only prohibits
10 status-based discrimination?
11 **A. At the time, yes.**
12 Q. At what time? Right now?
13 **A. No. I -- again, we are waiting for guidance.**
14 Q. Okay. But at the time that -- up till -- at this
15 moment the Human Rights Policy is the same Human Rights
16 Policy that was in existence at the time of the BLinC
17 investigation?
18 **A. Correct.**
19 Q. There's been no changes?
20 **A. Correct.**
21 Q. And the human policy [sic] in place right now
22 only prohibits status-based discrimination?
23 **A. Correct.**
24 Q. And did you know that at the time of the BLinC
25 investigation?

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1 **A. I think that's the belief status thing. That --**
2 Q. This says that you can't -- you can't require
3 people to subscribe to a belief, though, right?
4 **A. (Pause.) This is -- this is, at the time, an**
5 **accurate interpretation of how we were instructed to**
6 **move forward.**
7 Q. And this came from counsel?
8 **A. We received our direction about how to move**
9 **forward in consultation with the Office of the General**
10 **Counsel.**
11 Q. Did anybody that you know of above you approve
12 this statement?
13 **A. I can't -- I can't speak to that. I'm -- I**
14 **believe we received direction from the General Counsel's**
15 **Office on that.**
16 Q. And who did you say you think drafted this?
17 **A. The document itself was put together by Andy**
18 **Kutcher and Dr. Cory --**
19 Q. Okay.
20 **A. -- I recall, but they were informed along the way**
21 **by direction from the Office of the General Counsel.**
22 Q. But this is just Andy and Anita's -- own writing?
23 **A. Correct.**
24 Q. And you never -- you never reviewed it?
25 **A. I did not.**

1 **A. Yes.**
2 Q. And did everybody else in the University that you
3 know of know that?
4 **A. I can't attest to that.**
5 Q. Okay. Did your staff know that?
6 **A. Yes.**
7 Q. Okay. And is it your understanding the new
8 policy is going to prohibit belief-based discrimination?
9 **A. I'm not -- we are waiting for direction from the**
10 **Office of the General Counsel about how we will**
11 **interpret the Human Rights Policy moving forward.**
12 (The reporter requested a clarification due
13 to lawn maintenance occurring outside of the
14 deposition room.)
15 BY MR. BAXTER:
16 Q. So this statement in this memo, you think, is
17 wrong?
18 **A. The opening paragraph, that first paragraph?**
19 Q. Well, the last sentence in that opening paragraph
20 says that, "RSOs can have mission statements related to
21 specific classes or characteristics of the HR Clause,
22 but obtainment of membership or leadership cannot be
23 contingent on the agreement, description -- agreement,
24 disagreement, subscription to, et cetera, of stated
25 beliefs/purposes which are covered in the HR clause."

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1 Q. You never tried to make sure that the guidance
2 they were giving their reviewers was accurate?
3 **A. I made the assumption of what they were getting**
4 **from the General Counsel's Office -- is what we needed**
5 **to do.**
6 Q. Okay. But you don't know if they asked counsel
7 to review this?
8 **A. We've been asking counsel every step of the way.**
9 **It would be logical to assume that they were asking --**
10 **as well in this situation. We've been asking every step**
11 **of the way.**
12 Q. But you agree that this is wrong compared to what
13 you understand the policy to be?
14 **A. I state at -- at the --**
15 Q. At this time, right now, which is the same policy
16 that existed during the BLinC investigation, is this a
17 false statement?
18 **A. I don't think it's false.**
19 Q. But you stated, correct --
20 **A. I'm sorry. I --**
21 Q. You stated the Human Rights Policy only prohibits
22 status-based discrimination?
23 **A. Correct.**
24 Q. Can the University tell students what they have
25 to believe?

1 **A. No.**
 2 Q. Can they tell the student groups what they have
 3 to believe?
 4 **A. No.**
 5 Q. So this statement says that you cannot condition
 6 leadership on agreement to a stated belief or purpose.
 7 Isn't that trying to tell people what they --
 8 **A. Correct.**
 9 Q. -- can't believe?
 10 **A. Correct.**
 11 Q. Okay. So this statement, you're -- according to
 12 your own views of the Human Rights Policy, this
 13 statement is a false statement?
 14 **A. We can't -- (pause). I -- I -- wonder if that**
 15 **should say "status."**
 16 Q. You wonder or you agree that it should say
 17 "status"?
 18 **A. It should.**
 19 Q. Okay. So the statement that you can't condition
 20 membership or leadership on shared beliefs or purposes
 21 is false?
 22 **A. Correct.**
 23 Q. The Human Rights Policy does allow you to share
 24 or to -- require leaders and members to share beliefs or
 25 purposes?

1 **A. They are allowed to share similar beliefs and**
 2 **purposes.**
 3 Q. And that's true for leaders, correct?
 4 **A. Correct.**
 5 Q. And that's true for members?
 6 **A. Correct.**
 7 Q. Okay. And that's the official interpretation of
 8 the policy by the University?
 9 **A. Currently.**
 10 Q. Okay. So the entire review of all of these 500
 11 plus constitutions was done based on a false statement;
 12 is that correct?
 13 **A. No. They were reviewing constitutions, and part**
 14 **of what was being flagged to be set aside for review by**
 15 **General Counsel was any of -- if they had statements,**
 16 **beliefs in there that were counter to the Human Rights**
 17 **Policy, that would be reviewed by General Counsel.**
 18 Q. But -- but the -- but did -- everyone who was
 19 reviewing the constitutions. Was looking for the wrong
 20 kind of language, correct?
 21 **A. They were responsible for collecting the data,**
 22 **and then the data would be given to Paul -- Paul --**
 23 **Andy, and then Andy and Paul, and then that information**
 24 **was in direct communication with -- General Counsel's**
 25 **Office in term of whether there may or may not be**

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 1 **conflicts.**
 2 Q. Okay. But they would have been flagging language
 3 based on a false understanding, right?
 4 **A. Perhaps.**
 5 Q. Because this -- this was the official document
 6 they were looking at for guidance?
 7 **A. Yes.**
 8 Q. And there's nothing in here about status-based
 9 discrimination, correct?
 10 **A. Correct.**
 11 Q. It only flagged belief-based selection of members
 12 and leaders --
 13 **A. Correct.**
 14 Q. -- which this says is -- is a violation of the
 15 Human Rights Policy?
 16 **A. Correct.**
 17 Q. So you were just relying on legal counsel to
 18 correct that?
 19 **A. Correct.**
 20 Q. Okay. Let me ask you to look at Document 128.
 21 Do you know who Ken Brown is?
 22 **A. Yes. Ken Brown is the Associate Dean of the**
 23 **Tippie College of Business and has oversight of their**
 24 **student -- Student Services functions.**
 25 Q. So is he your equivalent at the Tippie school --

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 1 as far as who relates to student groups at that school?
 2 **A. Roughly, yes.**
 3 Q. Okay. And do you know who Jacob Gordon is?
 4 **A. Jacob Gordon. I'm not recalling off the top of**
 5 **my head who Jacob Gordon is.**
 6 Q. Okay. Do you know who Tevin --
 7 **A. Yes, Tevin Robbins is a staff member there as**
 8 **well.**
 9 Q. At the --
 10 **A. In the Tippie College of Business.**
 11 Q. Okay. And if you flip over to the second page,
 12 the very first line it says -- notes that Court issued
 13 an injunction that BLinC is reinstated as a student
 14 organization?
 15 **A. Correct.**
 16 Q. And then the second paragraph says, "I know that
 17 some members of the organization engaged in
 18 discrimination and that that act was not only wrong but
 19 hurtful." Do you see that?
 20 **A. Correct.**
 21 Q. And then you see down at the next to the last
 22 line in the middle, it says, "We understand how BLinC's
 23 activities are not consistent with our beliefs and
 24 principles of human rights"?
 25 **A. Um-hum.**

1 Q. Did you hear anyone else in the -- in the
 2 University administration express these kinds of
 3 sentiments?
 4 **A. (Nodding.)**
 5 Q. You're nodding your head; is that a "yes"?
 6 **A. No, I'm just familiarizing myself with the**
 7 **contents of the communication. And then your question**
 8 **again, please?**
 9 Q. Did you hear anyone else in the University
 10 express this kind of sentiment?
 11 **A. What -- could you ask your question again?**
 12 Q. That BLinC had engaged in discrimination. That
 13 BLinC's conduct was wrong, that BLinC's activities were
 14 inconsistent with the University's beliefs and
 15 principles of human rights?
 16 **A. Yes, that was the Findings from the EOD.**
 17 Q. But did you have -- did you ever hear other
 18 University officials express these kinds of feelings
 19 either in person or in email?
 20 **A. Yes, I -- yes, those that understood the case.**
 21 **Yes. Like Tom Baker, yes.**
 22 Q. Tom Baker was disappointed in BLinC's actions?
 23 **A. Tom Baker -- I wouldn't -- I don't know if it's**
 24 **disappointment or not disappointment. I just know that**
 25 **Tom recognized also that it was a violation of the**

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1 about whether the whole event was just based on a
 2 misunderstanding of religious beliefs?
 3 **A. I don't believe any of my supervisors or**
 4 **supervisees thought it was a misunderstanding.**
 5 Q. Okay. And Kristi Finger had no concerns about --
 6 what was her concern? She never talked to you about any
 7 concern about the impact that the BLinC Findings would
 8 have on other religious organizations?
 9 **A. Yeah, I think -- I think she had concerns about**
 10 **the Finding. I don't think that meant she disagreed**
 11 **with them.**
 12 Q. Okay. And it never occurred to you that what
 13 happened -- what BLinC was doing was just requiring
 14 members to support its religious beliefs?
 15 **A. BLinC wanted -- students to support their**
 16 **religious beliefs. Yes.**
 17 Q. And you said that's okay?
 18 **A. Yes.**
 19 Q. We've established that, right?
 20 **A. Yes.**
 21 Q. Even if those beliefs concerned homosexuality or
 22 other sexual conduct?
 23 **A. Correct.**
 24 Q. Correct? And was there anybody in the University
 25 who spoke up to defend that in this entire process?

1 **University of Iowa's Human Rights Policy.**
 2 Q. Did you hear anyone express a concern or express
 3 a belief that -- that BLinC's actions were evidence of
 4 that religious believers are sometimes bigoted?
 5 **A. Repeat that again.**
 6 Q. Did any -- did you ever hear any University
 7 employees or officials --
 8 **A. Refer to BLinC's actions as bigoted? No, I**
 9 **wouldn't use -- no, I don't think that was ever --**
 10 Q. Did you ever hear them talk about religious
 11 groups -- rights in connection with this whole affair;
 12 speak about religious groups that opposed homosexuality?
 13 I'm sorry. That opposed homosexual activity.
 14 **A. Staff members stating that they -- do not support**
 15 **homosexuality?**
 16 Q. Did you -- were you aware of any conversations or
 17 University officials -- officials -- among the
 18 University officials --
 19 **A. That the group had engaged in discrimination?**
 20 **Yes.**
 21 Q. Okay. Did anybody in the University that you
 22 worked with that you know of speak up in defense of
 23 BLinC?
 24 **A. Not that I'm aware of.**
 25 Q. Okay. You never heard anybody express concern

204

1 **A. To defend BLinC?**
 2 Q. To defend BLinC or the right for religious
 3 organizations to have beliefs that are controversial?
 4 **A. Oh, yes, I think -- yeah, the -- there were -- if**
 5 **it's -- now I understand your question, yes. There**
 6 **were -- there may have been a faculty member or two or**
 7 **committee member or two that disagreed with the**
 8 **University's position, yes.**
 9 Q. Okay. But nobody within the decision making
 10 group --
 11 **A. Meaning?**
 12 Q. -- discussed that. You, Lyn Redington, Melissa
 13 Shivers, your immediate supervisors or supervisees?
 14 **A. I think, there was -- yeah, there was discussion**
 15 **about whether or not this was the right -- you know,**
 16 **course of -- course of action because I think there had**
 17 **been some historical pieces where -- this was**
 18 **philosophically a -- a different approach than the past.**
 19 Q. Was that because they were going more after
 20 beliefs than just protecting status?
 21 **A. That was because -- it was more of a shift from**
 22 **leadership and membership, would be the differentiation.**
 23 Q. But really, the policy hasn't changed, correct?
 24 **A. Correct.**
 25 Q. So there was -- the way it was enforced against

1 BLinC was different; is that what you're saying?

2 **A. Policy had changed. We've established that,**

3 **but --**

4 Q. When had the policy --

5 **A. But interpretation of the policy in this case, I**

6 **believe, had been somewhat different than -- that was**

7 **part of the discussion. Again, I -- I hadn't been here**

8 **as long as some of those staff members that were talking**

9 **about some of the historical -- allowing groups to --**

10 **the membership versus leadership piece.**

11 Q. Okay. That was a new thing that arose just with

12 the BLinC situation?

13 **A. That was our first opportunity to have the**

14 **conversation after a long time.**

15 Q. I'm gonna ask you to look at what's labeled

16 Document 131. (Marking.) Do you recognize this

17 document?

18 **A. Yes. Dr. Cory, I believe, produced this.**

19 Q. Okay.

20 **A. Yes.**

21 Q. And did you review this document?

22 **A. I believe so.**

23 Q. Okay. And who did this -- who was this document

24 written for?

25 **A. I'm gonna have to take a look at it again,**

207

1 **again, other documents to verify that was the case, but**

2 **I know this is Dr. Cory's work. I know the next page is**

3 **something that I put together, also for -- I believe at**

4 **the request of the Vice President.**

5 Q. Okay. Do you see in the review process where it

6 says, "The Center for Student Involvement and Leadership

7 Staff conducted a review of approximately 500 of the

8 more than 550 student organizations"? Do you see that?

9 **A. Yes.**

10 Q. Why is -- why was only review done of 500 of the

11 550?

12 **A. Fraternities and sororities were not a part of**

13 **the initial review.**

14 Q. Why not?

15 **A. Because we were told -- let's -- we were told to**

16 **hold off on them at this point in time because of the --**

17 **kind of the complexities of their -- international-based**

18 **constitutions and bylaws. That's the origin of our**

19 **social fraternities and sororities there -- their**

20 **constitution and bylaws would be national and**

21 **internationally kind of connected, so the notion of**

22 **calling the -- the chapter president of a sorority and**

23 **saying, "We need you to do this," would involve several**

24 **layers of consultation with their international**

25 **organization representatives.**

1 **please.**

2 Q. Okay.

3 **A. (Pause.) This was a -- a brief prepared to**

4 **update the administrative reporting line for Dr. Cory**

5 **about where we were at in our review process and kind of**

6 **an outcome -- general outcome of what we -- the team --**

7 **discovered/learned during the review.**

8 Q. So this would have been passed up the chain?

9 **A. Correct.**

10 Q. Okay. Do you know who -- do you know who it went

11 to?

12 **A. Me -- again, I'm trying to -- Lyn Redington was**

13 **on an extended leave from the office between when her --**

14 **when -- it became her last day in the office versus her**

15 **retirement and day of leaving the institution -- was**

16 **extended. Like, she was only in the office a couple of**

17 **days. So I'm not certain whether or not Lyn had access**

18 **to this, but Dr. Shivers would have -- and I believe it**

19 **would have been shared with the President's Office and**

20 **the Office of General Counsel.**

21 Q. Okay. And would there have been an email

22 circulating this?

23 **A. I believe so.**

24 Q. Okay.

25 **A. I -- I'd have to -- I would have to review,**

208

1 Q. Isn't that true of other groups as well?

2 **A. I believe there's some, yes.**

3 Q. In fact --

4 **A. The other -- excuse me. Go ahead.**

5 Q. The Federalist Society, for example, is a

6 national organization. They have a chapter on campus.

7 **A. Um-hum.**

8 Q. Were they given extra time or not reviewed?

9 **A. I don't believe they were given extra time.**

10 Q. And -- but they were part of the 500?

11 **A. Correct.**

12 Q. They were not in the --

13 **A. Correct. Yes.**

14 Q. And do you have any reason -- any explanation for

15 why that would be?

16 **A. No.**

17 Q. Okay.

18 **A. I just know that we -- the decision was made to**

19 **set aside fraternities and sororities. That was a**

20 **decision that was confirmed by the Office of General**

21 **Counsel, and then -- but we did eventually move to**

22 **working with them in the very same way, starting in**

23 **June.**

24 Q. Okay. So in June they got emailed, or what did

25 they get?

1 **A. Correct. They got -- they got an email**
2 **communication.**
3 MR. BAXTER: Okay. I'm gonna note for the
4 record that I don't believe that email's been produced.
5 BY MR. BAXTER:
6 Q. Has there just been one communication?
7 **A. There was, I believe, a -- a followup. That**
8 **communication was from Erin McHale.**
9 Q. Okay.
10 **A. Erin McHale was our Assistant Director for**
11 **Fraternity and Sorority Life Programs, and so Erin**
12 **communicated on, I believe, June 1 or June 15th -- I**
13 **apologize -- in June -- that they would need to adjust**
14 **their governing documents to include the modified Human**
15 **Rights Policy that we referenced earlier, that had the**
16 **exemption related to Fraternity and Sorority Life. I**
17 **believe that was also part of the delay -- my**
18 **understanding, from the Office of the General Counsel,**
19 **was that particular piece, in terms of what the exact**
20 **language would be used in the Human Rights Policy that**
21 **would apply to fraternities and sororities because of**
22 **Title IX.**
23 Q. And were there any other exceptions made for
24 fraternities and sororities?
25 **A. I don't believe so.**

1 Q. Okay. So -- and that said -- in this document
2 right here it says in the middle of paragraph three, do
3 you see where it says -- I'm on page that's marked 3981
4 on the bottom?
5 (The reporter requested a clarification.)
6 MR. BAXTER: Correct.
7 BY MR. BAXTER:
8 Q. In the middle of that paragraph it says,
9 "Regardless of category, all organizations are expected
10 to adhere to the Human Rights Policy except social
11 fraternities and sororities."
12 **A. Sir, where are you at on that page?**
13 Q. I'm in the middle of the third paragraph.
14 **A. Thank you. (Pause.) Was there a question? I'm**
15 **sorry.**
16 Q. You've -- you've read that?
17 **A. Yes.**
18 Q. Okay. Is there -- why were the fraternities and
19 sororities given a -- that exception?
20 **A. The -- a couple of -- a couple of issues. The**
21 **fraternity and sorority constitutions and bylaws were**
22 **not in the OrgSync portal because fraternities and**
23 **sororities are -- receive their recognition -- their**
24 **registration, their recognition to their respective**
25 **counsels.**

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1 **Secondly, there was a question posed to General**
2 **Counsel about how to manage the Title IX exemption.**
3 Q. What's your understanding of what the Title IX
4 exemption is?
5 **A. As I shared earlier, that is an exemption that**
6 **the institutions have, as relates -- my contact with**
7 **fraternities and sororities is much broader than that, I**
8 **understand. But that there's an exemption that the**
9 **institution can enact to -- so that fraternities and**
10 **sororities can operate as single sex organizations.**
11 Q. Okay. So your understanding is that the law
12 allows Universities to let fraternities do that?
13 **A. Well, I -- well, the point I'm trying to make is**
14 **the exemption is for the institution to make that.**
15 **Fraternities and sororities themselves aren't**
16 **quote/unquote exempt from Title IX.**
17 Q. Okay. So is there any reason why you had to
18 exempt fraternities and sororities from the sex --
19 nondiscrimination requirement?
20 **A. I --**
21 Q. It sounds like you're saying that you could,
22 under Title IX, but is there any reason why you have to?
23 **A. Again, I -- that's a General Counsel Office**
24 **direction that we were wanting to receive. I'm not**
25 **certain.**

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1 Q. Okay. So you're just acting on instruction, you
2 don't have any reason or any personal --
3 **A. Well, it -- it --**
4 Q. -- stake in it?
5 **A. Absolutely, I have a personal stake and I have a**
6 **professional stake in it, and it's the notion that, as**
7 **it currently reads, fraternities and sororities, because**
8 **the exemption piece wasn't in there, it was the opinion**
9 **that it could give the appearance of not being accurate**
10 **because we need the -- we thought it was important to**
11 **draw out the exemption language.**
12 Q. Okay. Do you know that Title IX has a religious
13 exemption in it?
14 **A. I'm not familiar with that part.**
15 Q. Okay. But if there were, would it make sense to
16 you to also give religious organizations a religious
17 exemption?
18 **A. That would make sense.**
19 Q. And -- what about sports teams? Does the
20 University of Iowa's official team -- official teams,
21 are they segregated on the basis of sex?
22 **A. Yes. We have -- yes, sports, yes. Division --**
23 **NCAA groups, are you talking about?**
24 Q. Yes.
25 **A. NCAA groups. Yes.**

1 Q. And that technically violates the Human Rights
2 Policy, correct?
3 **A. There's a long -- perhaps. A long established**
4 **NCAA -- that that's been allowed to happen.**
5 Q. Regardless of what the NCAA does, the University
6 could have its own policy, right? It could say, "We're
7 gonna dis -- we're gonna forbid discrimination?"
8 **A. It could.**
9 Q. Okay. And is there any written exception in the
10 Human Rights Policy or the University's
11 nondiscrimination policy that allows University sports
12 teams to discriminate on the basis of sex?
13 **A. No.**
14 Q. Okay. So technically they're in violation of
15 their own policies?
16 **A. Yes.**
17 Q. Okay.
18 (A discussion was held off the record during
19 which time the reporter requested that the
20 parties speak more slowly.)
21 MR. BAXTER: I will slow down.
22 BY MR. BAXTER:
23 Q. Is there any reason then -- so was this exemption
24 for fraternities and sororities extended to student
25 organizations that have sports -- that are

215

1 Q. Well, just -- just tell me how you would
2 interpret the Human Rights Policy right now if that
3 question came to you.
4 **A. It would be.**
5 Q. That's status-based discrimination, right?
6 **A. Correct. Correct.**
7 Q. And so the women --
8 **A. It would be.**
9 Q. -- cannot do that?
10 **A. Correct.**
11 Q. Okay. And would you -- do you think the
12 University would make an exception?
13 **A. Perhaps.**
14 Q. Okay. And why might they make an exception?
15 **A. Historical reasons.**
16 Q. Okay.
17 **A. Long standing traditions that have been**
18 **acceptable for extended periods of time.**
19 Q. And would that all be consistent with the spirit
20 of the Human Rights Policy?
21 **A. Would all what be?**
22 Q. With those types of -- making exceptions for
23 those reasons, would that still be consistent with the
24 spirit of the Human Rights Policy?
25 **A. No.**

1 sports-centered?
2 **A. No.**
3 Q. So if you have a women's football team at the
4 University, is it your understanding that they have to
5 admit men to play on their team?
6 **A. Are you referencing sports clubs at this point?**
7 Q. Correct.
8 **A. Yeah, we've long -- long allowed sports clubs to**
9 **be single sex. The men's volleyball team, the --**
10 Q. So I'm talking about student organizations --
11 **A. Um-hum.**
12 Q. -- Registered Student Organizations.
13 **A. (Nodding.)**
14 Q. If there were a women's football club that had
15 registered status, would it be okay for them to exclude
16 men from membership?
17 **A. No.**
18 Q. So they have to admit men?
19 **A. Umm --**
20 Q. If a man wants to join a women's club that's sole
21 purpose is to get together to pay football, they have to
22 let him come and play?
23 **A. I -- I don't know if we've had that kind of a**
24 **case come before us to see how -- what we -- how we**
25 **would respond to that.**

216

1 Q. Not even with the spirit?
2 **A. No.**
3 Q. Because the University's goal is to stop any kind
4 of status-based discrimination, no matter how much sense
5 it makes?
6 **A. No.**
7 Q. So what's the real purpose of the Human Rights
8 Policy?
9 **A. It is to protect classes that have been decided**
10 **by law to be protected. Federal law, state law.**
11 Q. Okay. What about --
12 **A. Equal opportunity and access, et cetera.**
13 Q. What about a women's a cappella group? If a man
14 wanted to join, and he couldn't -- and he was a bass,
15 would they be required to join -- let him join?
16 **A. Right. We haven't had that situation so, again,**
17 **I think it would go back to if we would have looked**
18 **at -- we would have looked at the situation like that,**
19 **if a man tried to join, he was denied that opportunity,**
20 **and we received a complaint, we would look into that.**
21 Q. And if he was denied just because he was a man,
22 you would have to find -- that there was a violation?
23 **A. Correct.**
24 Q. And you would sanction that organization?
25 **A. Correct.**

1 Q. And basically force them to admit him?

2 **A. We would have ruled that you cannot violate the**

3 **University of Iowa's Human Rights Policy.**

4 Q. And the only way to do that would be to admit

5 him, right? The only way to not violate the policy is

6 to admit him?

7 **A. Correct.**

8 Q. Is it fair to say that there are lots of

9 complexities with the Human Rights Policy that you have

10 not thought through?

11 **A. Yes. Yes.**

12 Q. And --

13 **A. Me personally, or the University of Iowa?**

14 Q. Well, you personally.

15 **A. Yeah. There's -- there's -- I thought through --**

16 **never thinking through these would not be accurate. I**

17 **thought through a lot of this. And there are**

18 **complexities and there -- to say I've not thought**

19 **through them is not accurate.**

20 Q. Okay. Is -- would you say that there is a fair

21 bit of discussion, just generally, you know, across the

22 nation about the value of fraternities and sororities?

23 **A. Yes.**

24 Q. And there are some people who think that

25 fraternities contribute to misogyny/homophobia; is that

219

1 Division I teams?

2 MR. BAXTER: I'm talking about sports -- I'm

3 talking about the --

4 MR. CARROLL: Clubs?

5 MR. BAXTER: -- the clubs.

6 MR. CARROLL: Registered clubs, because,

7 obviously, the football team is not a registered group.

8 MR. BAXTER: Right. It is subject to the

9 University Civil Rights Policy.

10 MR. CARROLL: Right. But -- but --

11 MR. BAXTER: But it's not a Registered

12 Student Organization.

13 MR. CARROLL: Yeah.

14 **A. Back to your question now.**

15 Q. So you turned a blind eye to this for all of

16 these years, but now you're going to start requiring

17 student clubs -- student sports clubs that are sex-based

18 to integrate?

19 **A. We are not, that I am aware of at this point in**

20 **time. Sports clubs are administered through**

21 **Recreational Services.**

22 Q. Okay. So you -- as far as you know, they're

23 going to continue to be allowed to be single sex clubs?

24 **A. Correct.**

25 Q. Okay. And you're not going to require them to

1 correct?

2 **A. Correct.**

3 Q. Okay. So is there any reason why you would give

4 fraternities an exception to sex nondiscrimination

5 policy, but not sports teams -- or sports clubs?

6 **A. We allow sports clubs. We do have single gender**

7 **sports clubs.**

8 Q. But you've admitted that that's in violation of

9 the Human Rights Policy, correct?

10 **A. If that's what was found to be the case -- the**

11 **outcome of a hearing.**

12 Q. So you'd -- even though there's a club on campus

13 called the men's football team?

14 **A. We've allowed them to be registered.**

15 Q. And you turn a blind eye to that potential

16 violation of the Human Rights Policy?

17 **A. We have.**

18 Q. And that's a -- why have you done that?

19 **A. We have not received a complaint.**

20 Q. You only enforce based on complaints?

21 **A. Correct.**

22 Q. But now you're going to require all men's sports

23 teams to fully integrate? That's --

24 MR. CARROLL: Just a minute now, you're

25 mixing two things here. Are you talking about

220

1 change their name or anything like that?

2 **A. Correct.**

3 Q. Okay. I'm gonna ask you to look at Document

4 Number 132. Do you recognize that document?

5 **A. That is the spreadsheet that I referenced**

6 **earlier.**

7 Q. What spreadsheet is that?

8 **A. This was -- this was the compilation of the**

9 **review that happened. So after the -- after the review**

10 **of -- I believe this was in the category Registered**

11 **Student Organization, then -- it's self-explanatory in**

12 **terms of whether or not --**

13 Q. So -- continue.

14 **A. Yeah. No. Whether or not the violations --**

15 Q. So you --

16 **A. -- are a potential conflict.**

17 Q. Is it your understanding that this is the

18 spreadsheet that should have all 500 student

19 organizations on them?

20 **A. The initial effort involved registered --**

21 **religious student groups.**

22 Q. Okay. Why did you review religious groups first?

23 **A. That was what we were directed to do by the**

24 **General Counsel's office, to look at them first.**

25 Q. So before you sent the April 20th emails --

1 **A. Correct.**
2 Q. -- you conducted an internal review?
3 **A. That was what happened in late -- that's what**
4 **happened late -- yes, late January and February, and**
5 **then the review happened for all the groups, but we were**
6 **asked about this specifically.**
7 Q. Okay. So was this the first group you reviewed,
8 these -- groups on this spreadsheet?
9 **A. They did them -- yes, this was done first.**
10 Q. Okay. And was there any other category that you
11 specifically looked at besides religious groups?
12 **A. This -- these were done first.**
13 Q. Okay.
14 **A. And then shortly thereafter everybody. All of**
15 **the -- all of the groups.**
16 Q. When you say "all of the groups --"
17 **A. All of the Registered Student Organizations.**
18 Q. Okay. So were all of the constitutions reviewed
19 before the April 20th email?
20 **A. Yes. That -- the review occurred late January**
21 **and February, and then there was the subsequent dates**
22 **that we talked about, the -- April 20 -- April 20th and**
23 **May 3rd, and then the June 1, June 5th -- or 15th. So**
24 **there was -- the -- reason it occurred before we**
25 **communicated with all of those groups.**

223

1 Q. Okay. I'm gonna ask you to look at the first
2 attachment -- the first attachment to Document 131.
3 **A. Okay.**
4 Q. And I want you to look at the -- on the far right
5 column. It says "Applicable language from the org's
6 constitution."
7 (The reporter requested a clarification.)
8 MR. BAXTER: From The org's --
9 o-r-g-apostrophe-s constitution.
10 BY MR. BAXTER:
11 Q. And then the third column down, can you read what
12 that says?
13 **A. "The -- all voting members"?**
14 Q. No, "The selection process."
15 **A. Okay. Excuse me. "Athletes in Action"?**
16 Q. Yes.
17 **A. "Selection process: Only those applicants who**
18 **can communicate the chapter's message accurately, can**
19 **provide spiritual leaders for the chapter, and can model**
20 **the chapter's message in their behavior shall be**
21 **eligible for a leadership position. Applicants --**
22 **excuse me -- applicant may be asked about their**
23 **willingness to model the chapter's core messages through**
24 **their behaviors so that the messages are communicated**
25 **with integrity."**

1 Q. Okay. And is there a spreadsheet like this one
2 for all of the other groups?
3 **A. We tracked the information. I don't know if we**
4 **tracked it in a spreadsheet form or not.**
5 Q. Okay. I think I mentioned to you an Excel
6 spreadsheet earlier that was a missing document, and
7 that document has now been produced to us. I'm entering
8 a request for it to be reproduced.
9 I'm going to ask you to flip back to Document 131
10 in front of you.
11 **A. Yes.**
12 Q. In the back of that there's another copy of a
13 similar spreadsheet; do you see that?
14 **A. Correct.**
15 Q. Okay. And there's actually two copies of it. Do
16 you see that? If you -- if you flip through the
17 Document 131, there's two copies of this -- of a similar
18 looking spreadsheet.
19 **A. Um-hum.**
20 Q. I think the first of those --
21 MR. BAXTER: Do you have that copy that I
22 had?
23 MR. BLOMBERG: Oh, isn't that in your
24 notebook?
25 BY MR. BAXTER:

224

1 Q. Okay. Now, I want you to look at the same column
2 on Document 132.
3 **A. Okay.**
4 Q. This is even tinier, but can you see where the
5 last one ended with the -- with the word -- the words
6 "communicated with integrity," there's more after. Can
7 you read what's after that?
8 **A. Yes. "Corinthians, Chapter 6, verses 9-12,**
9 **explicit statement about homosexuality. Several other**
10 **bias verses that related to sexual immorality."**
11 Q. And I believe that says "Several other Bible
12 verses --"
13 **A. Oh, excuse me.**
14 Q. "-- that related to sexual immorality."
15 **A. I apologize. I --**
16 Q. Okay. So do you know why there's two different
17 versions of this spreadsheet?
18 **A. Yes, I believe this was an initial review.**
19 Q. When you say "this," what do you mean?
20 **A. Excuse me. The -- I don't remember the numbers.**
21 Q. The document's are on the bottom, on the -- on
22 the front page, at the bottom.
23 **A. Yeah. This here (indicating) being an initial**
24 **review.**
25 Q. Before you go, just, will you flip to the front

1 page and tell me what number it is?

2 **A. 131.**

3 Q. Okay.

4 **A. This being an initial review (indicating), and**

5 **this being a subsequent review (indicating).**

6 Q. And when you say "the subsequent review," that

7 would be Document --

8 **A. 132.**

9 Q. -- 132? Why were there two different reviews?

10 **A. This was an -- I believe --**

11 Q. 130 -- when you say "this," you're referring to

12 Document --

13 **A. 131 --**

14 Q. -- 131?

15 **A. -- was an initial review.**

16 (The reporter requested that one person speak

17 at a time.)

18 MR. BAXTER: Sorry. I'm sorry. We'll slow

19 down.

20 (A discussion was held off the record.)

21 THE WITNESS: I apologize.

22 MR. BAXTER: As do I. As do I.

23 **A. This was an initial review. This was a**

24 **subsequent review.**

25 Q. I'm sorry. I'm gonna stop you.

227

1 **A. For -- to gather, like, a double-check and to**

2 **make certain another set of eyes, et cetera, and I**

3 **believe this latter one was done -- Andy Kutcher was --**

4 **again, with help from Paul or Anita, depending on the**

5 **timing.**

6 Q. So it's your --

7 **A. It was Anita at this point in time, I believe.**

8 Q. So it's your understanding that the second

9 document was done by Anita and Andy themselves?

10 **A. Correct. I -- I believe so.**

11 Q. And the first document would have been done by

12 whom?

13 **A. The compilation of -- of information from the**

14 **reviewers and Paul, and this being a second in-depth**

15 **look. More in-depth look.**

16 Q. I am gonna hand you what is Document 133.

17 (Marking.) What is this document?

18 **A. A communication to Melissa about the groups that**

19 **were -- Dr. -- Vice President Shivers about the**

20 **Registered Student Organizations that were reviewed.**

21 Q. Okay. And this was just the religious

22 organizations; is this correct?

23 **A. Correct.**

24 Q. And do you know why she wanted a specific list of

25 religious organizations?

1 **A. Numbers --**

2 Q. When you say that --

3 **A. Excuse me.**

4 Q. -- Number 131 --

5 MR. CARROLL: She's gonna wear out, and

6 she's gonna kick us out, so you -- you both have to

7 really pay attention to -- let him finish his question

8 and then you can answer. Okay. Because you are talking

9 over each other.

10 THE WITNESS: I apologize.

11 MR. CARROLL: Well, that's fine but --

12 THE WITNESS: I'll try to do it differently.

13 BY MR. BAXTER:

14 Q. So just to -- the document in your --

15 **A. 131.**

16 Q. -- left hand is 131?

17 **A. Correct. Correct.**

18 Q. Okay. So that one was -- was 131 the initial

19 review or the subsequent review?

20 **A. The initial review.**

21 Q. Okay. And then -- 132 was the subsequent review?

22 **A. Correct.**

23 Q. And why --

24 **A. As I recall.**

25 Q. And why was there a subsequent review?

228

1 **A. I was providing her an update of our -- of our**

2 **effort related to religious student organizations, and I**

3 **was clarifying the 31 versus 32, being that we were**

4 **asked to not look at BLinC.**

5 Q. As far as you're aware, was the President of the

6 University Bruce Herrald ever consulted or informed

7 about the review of the constitutions?

8 **A. Yes.**

9 Q. Okay. And do you know -- did you ever have a

10 direct communication with him?

11 **A. I'm trying to remember if we were in the same**

12 **room together for any conversations. Melissa and I**

13 **certainly were. I may have been. I apologize for not**

14 **recalling.**

15 Q. Do you know anybody at Iowa State University

16 name -- whose last name is Braun, B-r-a-u-n?

17 MR. CARROLL: You said Iowa State.

18 MR. BAXTER: Yes.

19 MR. CARROLL: Did you mean that?

20 MR. BAXTER: Yes.

21 BY MR. BAXTER:

22 Q. Iowa State University, not University of Iowa.

23 **A. Mark -- I don't -- I don't --**

24 Q. Please, I'm just asking if you know someone

25 named -- whose last name is Braun at the University --

1 at Iowa State University?

2 **A. I know someone named Braun, but their affiliation**

3 **is broader than Iowa State University.**

4 Q. Oh, okay. Would they have an Iowa State address?

5 **A. Yes.**

6 Q. Okay. Who is that?

7 **A. I believe -- depending on what you have in front**

8 **of you --**

9 Q. Well, I'm just asking the person you know.

10 **A. Mark.**

11 Q. I'm not asking you what --

12 **A. Mark Braun.**

13 Q. Don't talk over me.

14 **A. I apologize.**

15 MR. CARROLL: If I may just interject, just

16 it's a little complicated. It's just Mark Braun is the

17 Executive Director of the Board of Regents. They just

18 by -- historically use Iowa State's email address. So

19 he's not an Iowa State employee. He's an employee of

20 the Board of Regents.

21 MR. BAXTER: Okay.

22 MR. CARROLL: So it's -- it's just

23 sufficiency whose email server they use.

24 BY MR. BAXTER:

25 Q. Okay. And do you know -- do you know if the

231

1 **A. Yes. But that was quite some time ago, and I**

2 **would not want to portray that inaccurately.**

3 Q. Well, what do you remember about it?

4 **A. That she was concerned about the University's**

5 **positions, in general, I recall.**

6 Q. That she thought the University's position was

7 correct or incorrect?

8 **A. Incorrect.**

9 Q. Okay. And do you remember anything specifically

10 why she thought it was incorrect?

11 **A. So many conversations. I believe religious --**

12 **religious freedom. Related -- violating the group's**

13 **religious freedoms.**

14 Q. Okay. I'm gonna ask you to look at Document 140.

15 MR. CARROLL: Can we take a break at this

16 time?

17 MR. BAXTER: This would be a great time.

18 (A discussion was held off the record.)

19 (A recess was held from 3:18 p.m. until 3:25

20 p.m.)

21 MR. BAXTER: Back on the record.

22 BY MR. BAXTER:

23 Q. I'm going to hand you what's been marked as

24 Exhibit 140. (Marking.)

25 **A. Um-hum.**

1 Board of Regents was regularly informed about the status

2 of the BLinC lawsuit?

3 **A. I believe they were informed.**

4 Q. And why do you believe that?

5 **A. Because that's the normal course of action for**

6 **the Vice President to communicate with the President**

7 **who, in turn, communicates with the Board, or the Vice**

8 **President can communicate with the Board when directed.**

9 Q. Okay.

10 **A. I, personally, in my capacity, don't communicate**

11 **directly with the Board.**

12 Q. Are you aware of any statements or -- of concern

13 or interest that the Board has communicated -- or

14 members of the Board have communicated to --

15 **A. I --**

16 Q. -- someone at the University?

17 **A. I know that one Board -- what I know -- there**

18 **could be multiple because, again, I'm not privy to all**

19 **of those communications, but I know one regent did reach**

20 **out to -- and have concerns to Melissa. Melissa told**

21 **me.**

22 Q. And which regent was that?

23 **A. I believe Boddicker.**

24 Q. And did Melissa tell you what the regent's

25 concerns were?

232

1 Q. Do you recognize --

2 **A. Yes.**

3 Q. -- this document?

4 **A. Yes. Professor I referenced.**

5 (The reporter requested a clarification.)

6 THE WITNESS: Yes. The professor --

7 professor I referenced earlier.

8 BY MR. BAXTER:

9 Q. Remind me what professor you're referring to.

10 **A. Michelene Pesantubbee. It's -- it's the --**

11 **that's -- I referenced -- you'd asked a question earlier**

12 **about concerns. One of the concerns that came in was**

13 **from a professor, Dr. Michelene Pesantubbee.**

14 Q. Okay. What was the -- have you had a chance to

15 look at this email and refresh your recollection?

16 **A. Yes.**

17 Q. What --

18 **A. She was -- she was concerned about another**

19 **situation that was similar, and I -- I was really**

20 **nebulous in my response because, again, as the**

21 **litigation was pending, I didn't feel that I could -- I**

22 **should be talking much.**

23 Q. What was her specific concern?

24 **A. A group and a book -- a booklet had been used as**

25 **a proselytizing tool, I recall, to lead a group --**

1 Q. Well --

2 **A. -- and the connection. Oh, please.**

3 Q. Do you see the bottom of the first page where it

4 says "Original Message"? It's under Michelene's name.

5 **A. Yes, yes.**

6 Q. And then that original message was from Imam

7 Mahdi Org, and that's spelled I-m-a-m, M-a-h-d-i, Org.

8 Is Imam Mahdi a student group on campus?

9 **A. Yes, it is.**

10 Q. Okay. And in the subject line it says,

11 "NonAcadStudorg."

12 **A. Correct.**

13 Q. Do you know what that refers to?

14 **A. Yes, this would be a mass email that was sent by**

15 **the sender through the University's mass email process**

16 **for Registered Student Organizations.**

17 Q. And so Professor Pesantubbee was complaining

18 about the content of the email, correct?

19 **A. Correct.**

20 Q. Because she thought it was proselytizing?

21 **A. Correct.**

22 Q. Do all student organizations have access to this

23 email?

24 **A. Correct.**

25 Q. And are there any rules that govern what they can

1 send through the email?

2 **A. There's issues related to -- length. There are**

3 **issues -- it's a little convoluted, and there's layers**

4 **of the mass email system. Some go to just students.**

5 **Some go to students and faculty. Some go to just**

6 **faculty. There's several layers, and depending on the**

7 **layers, drives a little bit on how long they can be, who**

8 **has to approve them, but they're not censored for**

9 **content.**

10 Q. Okay. So is there any problem with Imam Mahdi

11 having expressed the views that they do in this email?

12 **A. No.**

13 Q. So at the top of that document you say, "At some

14 point this nuance needs to be brought into the

15 discussion." What did you mean by that?

16 **A. Um-hum. That I didn't think it was appropriate**

17 **at that point in time, but I think what is appropriate**

18 **is that we perhaps need to have a broader communication**

19 **to the University campus about what is acceptable and**

20 **not acceptable mass emails because we often hear**

21 **concerns from faculty and staff about, "Why are you**

22 **letting that out? Why are you allowing that statement**

23 **as such?" And so nuance, being she was complaining**

24 **about it, and response would be we allow all of our**

25 **groups to do that.**

235

1 Q. Okay. I'm going to show you what's been marked

2 as Document 141. Are you familiar with this document?

3 **A. Yes.**

4 Q. What is it?

5 **A. A communication about some of the -- an update,**

6 **if you will, about our compliance efforts, our outreach**

7 **student orgs, our review of constitutions, peppered with**

8 **specifics related to fraternities and sororities.**

9 Q. And do you know who drafted it?

10 **A. From the outer page, I believe Andy Kutcher. And**

11 **this, again, is in reference to how we were going to --**

12 **as we discussed earlier, our subsequent outreach to**

13 **fraternities and sororities.**

14 Q. Okay. And do you know who drafted this second

15 half? If you turn to the next page it says --

16 **A. Paul and -- Paul -- Andy Kutcher and Erin McHale**

17 **had a -- I'm sure, had a level of -- of edit -- writing**

18 **and editing.**

19 Q. Do you see at the next -- bottom of the next

20 page, number 3713, it says, "Sincerely, Center for

21 Student Involvement and Leadership"?

22 **A. Um-hum. Um-hum.**

23 Q. This was drafted by your office; is that correct?

24 **A. It was constructed by the Center for Student**

25 **Involvement and Leadership.**

236

1 Q. Okay. And you have supervisory authority over

2 that office?

3 **A. Correct. One of the areas that reports to me.**

4 **One of the departments.**

5 Q. Ask you to look at Document 143. (Marking.) Are

6 you familiar with this document?

7 **A. Yes, I am.**

8 Q. And the bottom email in this chain, is that the

9 June 1st email that we've previously discussed?

10 **A. Correct.**

11 Q. And at the top, what were you -- what was

12 Melissa -- or what were you saying to Melissa?

13 **A. This was the communication that again went out, a**

14 **reference that I had worked with Andy on the first**

15 **communication, and -- that went on June 15th at -- and**

16 **was related to due date on June 15th. I shared with her**

17 **what we had worked on together, and then I was**

18 **forwarding that to her, and the -- the little joke in**

19 **here is that I am -- I am the advisor to the University**

20 **of Iowa Student Government, UISG. So they weren't**

21 **compliant. Our goal was to get groups compliant. I'm,**

22 **obviously, very, very involved, and one of the groups I**

23 **advised directly wasn't compliant. So I referenced**

24 **myself as being a terrible advisor.**

25 Q. Got it. (Marking.) Ask you to look at Document

1 Number 150. Do you recognize this document?
2 **A. Yes.**
3 Q. And what is it?
4 **A. It's a doc -- it's an update about compliance,**
5 **sent by Erika Christiansen in Andy Kutcher's absence. I**
6 **believe he was on vacation for a period of time, and**
7 **Erika became a point person.**
8 Q. Okay. And these -- what's on this document?
9 What are these groups?
10 **A. The groups that weren't compliant in terms of**
11 **having the current accurate full Human Rights Policy**
12 **included in this -- in their document.**
13 Q. So is it possible that this list is no longer
14 accurate; that some students, for example, have
15 submitted corrected constitutions?
16 **A. Correct.**
17 Q. Okay. Did you see the article in the newspaper.
18 In the Gazette a week or so ago, talking about the
19 University of Iowa had deregistered 39 student groups?
20 **A. Correct.**
21 Q. And did that list come off of this?
22 **A. I'm not certain where they got that number. I**
23 **know that number has now changed. It was 39 originally.**
24 **It's now 30. The origins, how they got that**
25 **information, I'm not quite certain.**

1 Q. Okay.
2 **A. I would imagine they got it from Strategic**
3 **Communications, which is the connection between the**
4 **University --**
5 (The reporter requested a clarification.)
6 THE WITNESS: Between the University --
7 Strategic Communication is the -- kind of portal
8 through --
9 (The reporter requested that the witness only
10 finish his sentence.)
11 MR. CARROLL: Yeah.
12 THE WITNESS: Media. And media. Yeah,
13 Media.
14 BY MR. BAXTER:
15 Q. Do you know which nine have been reinstated from
16 the 39?
17 **A. Off the top of my head, no. I have -- I**
18 **have -- a binder full of that information, but I don't**
19 **have that off the top of my head.**
20 Q. Okay. And that's information you could provide
21 to us?
22 **A. The nine? Absolutely.**
23 MR. BAXTER: Okay. And I understand the
24 request that we get updates --
25 MR. CARROLL: Um-hum.

1 MR. BAXTER: -- and the discovery requests
2 are still ongoing.
3 BY MR. BAXTER:
4 Q. Going back to that document, are those the
5 only groups left that could be deregistered based on
6 this review?
7 **A. No. The Fraternity and Sorority Life, the -- the**
8 **chapters are given until September 4th or 5th, the first**
9 **part of September, to be compliant. There's a meeting**
10 **that's occurring on August 13th to discuss all this.**
11 Q. Okay. Other than the fraternities and
12 sororities, if a -- if a student group is not on this
13 list, and they have a constitution on OrgSync, they have
14 been officially approved; is that correct?
15 **A. Yes, with the exception of those that are with**
16 **the Office of General Counsel for their review.**
17 Q. So there still are some documents that are
18 subject to review?
19 **A. Correct, in the Office of the General Counsel.**
20 **We have forwarded them for their -- to provide counsel**
21 **for us, what to do.**
22 Q. And how many of those documents -- how many
23 groups are still looking for review of the General
24 Counsel's Office; do you know?
25 **A. Twenty -- 24.**

1 Q. And you --
2 **A. Twenty-five; 24, 25.**
3 Q. And do you have a list of which groups those are?
4 **A. Yes.**
5 Q. Okay. Can you provide that list to us?
6 **A. Yes.**
7 Q. All right. Do you know why they're being held
8 up?
9 **A. They -- yes. They were the ones where we had --**
10 **that they resubmitted, and based on the resubmission,**
11 **caused staff not to -- it wasn't clear whether or not it**
12 **was acceptable, and we wanted General Counsel to give us**
13 **directions to whether it was acceptable.**
14 Q. And they just haven't gotten back to you yet?
15 **A. Correct.**
16 Q. So there are 24 or 25 groups out there that don't
17 know yet what their status is?
18 **A. Of the 24 and 20 -- of that -- of that number --**
19 **they know that -- if they're registered or deregistered.**
20 Q. But they don't know yet --
21 **A. But they --**
22 Q. -- if they will be deregistered as a result of
23 your review or General Counsel's review?
24 **A. Correct. As I -- as I'm remembering, there's**
25 **about 17 -- of that 20 -- I can't remember if it's 24 or**

1 **25 -- there's 17 that are -- registered. Roughly,**
2 **seven -- seven or eight that are deregistered.**
3 Q. And they were deregistered because they were
4 already not in compliance?
5 **A. Correct. They missed the submission -- they**
6 **missed the submission date, and they became**
7 **deregistered, and then if everything would have been --**
8 **acceptable based on staff review they worked on**
9 **automatically to reregister, but because there was**
10 **questions, they went back to the General Counsel's**
11 **Office for review.**
12 Q. Okay. So there are 24 or 25 student groups that
13 still could hear word that they've been deregistered for
14 failure to comply with the Human Rights Policy?
15 **A. Correct.**
16 Q. And will they get -- does every student group get
17 a written notification once they've been approved?
18 **A. Yes.**
19 Q. Okay. So if someone has received no
20 notification, that means their renewed constitution is
21 still in General Counsel's Office?
22 **A. Yes. I want to -- I will need to double-check**
23 **with Andy to understand exactly what's been**
24 **communicated.**
25 Q. Okay. I'm gonna show you what's marked as

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1 Q. Okay. And you could --
2 **A. Whether or not --**
3 Q. Please go ahead.
4 **A. Whether or not they completed this actual form**
5 **for all of them, I will need to have to check on that.**
6 Q. Okay. And you can check that for us?
7 **A. Yes.**
8 Q. Flip through the one that's numbered, at the
9 bottom, 1828.
10 **A. Okay.**
11 Q. This is the U.I. Men's Soccer -- Club Soccer?
12 **A. Oh, 28. Excuse me. Yes.**
13 Q. Okay. And then it says, "Please summarize in
14 consistent language," and then someone has handwritten
15 "One must be invited." Close quote.
16 **A. Um-hum.**
17 Q. Is a requirement that someone has to be invited
18 to join a student organization -- is that a problem from
19 the University's perspective?
20 **A. I think it was a notation from the reviewer to**
21 **quote/unquote flag it for further review by Andy.**
22 Q. And do you know what the outcome of that review
23 was?
24 **A. I do not.**
25 Q. And based on your understanding of the policy, do

1 Exhibit 154. (Marking.) Do you recognize these
2 documents?
3 **A. Yes.**
4 Q. And what are they?
5 **A. A further capturing of -- of -- of potential**
6 **problems with alignment of language and the University**
7 **of Iowa's Human Rights Policy.**
8 Q. Are these documents that would have been created
9 during the review last January and February?
10 **A. And -- and beyond, with subsequent -- because of**
11 **the followup.**
12 Q. Should there have been a review sheet for every
13 student group on campus?
14 **A. I believe there was a review sheet for every**
15 **group that was being reviewed.**
16 Q. And every group, except the fraternities and
17 sororities, got reviewed last January or February,
18 correct?
19 **A. Yes.**
20 Q. Okay. So there should be about 500 of these?
21 **A. Correct.**
22 Q. And I only counted 109. I could be wrong, but
23 your understanding there should be another 400 pages or
24 so out there?
25 **A. They reviewed over 500.**

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1 you know what the outcome should be?
2 **A. In terms of invitations?**
3 Q. In terms of whether the requirement that one must
4 be invited to be a part of the student group, whether
5 that violates the Human Rights Policy or is somehow
6 inconsistent with that policy?
7 **A. One does not have to be invited to join.**
8 Q. Well, this suggests, doesn't it, that the U.I.
9 Men's Club Soccer student organization has a requirement
10 that one must be invited? Isn't that a fair conclusion
11 because someone flagged that as language that was
12 inconsistent with the Human Rights Policy?
13 **A. I would imagine what that means is everybody has**
14 **the opportunity to try out, and then they select**
15 **their -- the team base, but everybody -- but it's open**
16 **for tryouts for all.**
17 Q. But as far as you know, should that be -- you
18 know, what if it were an invitation-only student
19 organization, do you think that would be a problem?
20 **A. For -- membership?**
21 Q. Correct.
22 **A. We have student organizations that have -- you**
23 **have to be invited to join.**
24 Q. And that's okay under the Human Rights Policy?
25 **A. Correct.**

1 Q. Okay. And that's to be invited to be a member?
 2 **A. Correct.**
 3 Q. Okay. Will you turn to the -- the document
 4 that's tabbed as -- I mean, labeled 2107 at the bottom?
 5 And then it says "General Members," where it -- where it
 6 asks the reviewer to flag inconsistent language, it
 7 says, "General members have no requirement. Executive
 8 board members must subscribe to Basis of Faith as
 9 outlined in the constitution."

10 **A. Correct.**

11 Q. Okay. And are you aware that InterVarsity
 12 Graduate Christian Fellowship was one of the
 13 organizations that was kicked off campus?

14 **A. They were de -- they are deregistered, yes.**

15 Q. Okay. And do you know why they were
 16 deregistered?

17 **A. They didn't complete their -- by the -- I believe**
 18 **they were one of the groups that didn't meet the**
 19 **deadline.**

20 Q. So theirs was just a deadline issue?

21 **A. No. I think there were issues also that were**
 22 **flagged based on the executive board members having to**
 23 **subscribe, which again was something that was flagged.**
 24 **This group was one of the groups that is pending with**
 25 **the Office of the General Counsel.**

1 Q. Now, InterVarsity Graduate Christian Fellowship
 2 is on the list of 39 that the -- well, they've received
 3 an email, actually, that they were deregistered.

4 **A. Yes. And as I said earlier. Of the 24 that are**
 5 **in the General Counsel's Office, 17 are deregistered.**

6 MR. BLOMBERG: I believe it's the other way
 7 around.

8 **A. Excuse me, I apologize, yes. Seventeen**
 9 **registered, and to my -- to the best of my knowledge, 17**
 10 **registered, seven deregistered.**

11 Q. So is it your understanding that no decision has
 12 been made about InterVarsity's religious requirements
 13 for leaders?

14 **A. I don't believe there's been a final decision.**

15 Q. And what are you basing that on?

16 **A. The fact that my understanding is it's still**
 17 **pending with the General Counsel's Office.**

18 Q. And are you aware that InterVarsity has filed a
 19 lawsuit against the University?

20 **A. Yes.**

21 Q. But you think that's premature?

22 **A. Depending on the outcome of the review from**
 23 **General Counsel and guidance they provide us, it could**
 24 **be.**

25 Q. Okay. I'm gonna show you what's been marked as

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1 Document 167. (Marking.) Why don't you take a minute
 2 and familiarize yourself with that email?

3 **A. Thank you. (Pause.)**

4 Q. Have you had a chance to review that email?

5 **A. Yes.**

6 Q. Okay. Let's start at the back, the bottom of the
 7 email chain, and walk through this. Do you see on the
 8 bottom of the page marked 7994, the next to last page --

9 **A. Yes.**

10 Q. -- at the very bottom it says "Original message
 11 from Laurynn King"?

12 **A. Correct.**

13 Q. And who is Laurynn King?

14 **A. Laurynn King is an Administrative Assistant for**
 15 **the Center for Student Involvement and Leadership.**

16 Q. Okay. And do you see on the next page where she
 17 sent an email to Tiffany and Lyubov, L-y-u-b-o-v,
 18 indicating that she's following up on several emails and
 19 voice mails that she's left?

20 **A. Correct.**

21 Q. Okay. And then moving up the next email,
 22 Tiffany responds and says, "Hi Laurynn," she's
 23 forwarding it to the new leadership team?

24 **A. Correct.**

25 Q. And then Laurynn says, "Thank you." And then on

248

1 the bottom of the page marked 7993 --

2 **A. Um-hum --**

3 Q. -- there's an email from Katrina, correct?

4 **A. Correct.**

5 Q. And it states, "I was under the impression that
 6 the InterVarsity Graduate Christian Fellowship's
 7 constitution had been updated and submitted June 1st or
 8 2nd." Do you see that?

9 **A. Correct.**

10 Q. And then above that, Andy jumped in and asked
 11 Katrina if she used the OrgSync form.

12 **A. Correct.**

13 Q. And then Katrina says that she's done that now.

14 "Let me know you if you need anything else" --

15 **A. Correct.**

16 Q. -- or something to that effect. And then on 7992
 17 Andy says to Katrina, "On my initial review I see
 18 several issues."

19 **A. Um-hum.**

20 Q. "As part of compliance with the Human Rights
 21 Clause, organizations cannot have any language deemed
 22 contradictory to that clause." And then he cites
 23 specific provisions, correct?

24 **A. Correct.**

25 Q. And he says that that language is directly

1 related to the ability to become a member or hold a
2 leadership position, correct?
3 **A. Correct.**
4 Q. And then above that Katrina answers -- and
5 explains why she doesn't think it's a conflict. She
6 says, in the second paragraph, halfway through, "It is
7 also important to have Christian leadership in a
8 Christian organization."
9 **A. Correct.**
10 Q. "We do not in any way discourage those who may
11 not subscribe to the basis of faith in Article II, but
12 we do recognize that having Christian leadership is
13 important."
14 **A. Correct.**
15 Q. Okay. And then on 7991 Andy responds, and he
16 says, "I recognize the wish to have leadership
17 requirements based on Christian beliefs. However,
18 Registered Student Organizations are considered
19 University of Iowa programs and thus must follow the
20 Human Rights Clause in its entirety."
21 **A. Um-hum.**
22 Q. "Having a restriction on leadership related to
23 religious beliefs is contradictory to that clause."
24 **A. Um-hum.**
25 Q. Is that a correct statement of the Human Rights

1 Policy?
2 **A. (Pause.) Having -- again, having a belief is**
3 **not.**
4 Q. Is religious organizations selecting leaders who
5 select -- if a religious organization rejects leaders --
6 let me start over. If a religious organization rejects
7 as leaders students who reject that organization's
8 religious beliefs, that's discrimination on the basis of
9 religion?
10 **A. Correct.**
11 Q. And is it your view -- is it the University's
12 view that religious student groups cannot do that?
13 **A. The religious belief part or --**
14 Q. Can religious groups exclude individuals because
15 of their religious beliefs?
16 **A. No.**
17 Q. So a Muslim group cannot reject a Christian
18 leader?
19 **A. If it's a violation of University rights -- Human**
20 **Rights Policy, and, again, in all of the context, yes.**
21 Q. Yes what?
22 **A. Yes, they can -- no, they cannot violate the**
23 **University of Iowa's Human Rights Policy.**
24 Q. So are there Muslim student groups on campus?
25 **A. Yes.**

251
1 Q. Do you think it's a violation of the Human Rights
2 Policy when they require their leaders to be Muslim?
3 **A. No.**
4 Q. You just said "yes" a minute ago.
5 **A. I'm getting so tired and confused.**
6 Q. Yes.
7 **A. I apologize.**
8 Q. Well, I just really want to understand. This is
9 a very critical question because -- let's finish reading
10 this email. Okay. Right here Andy just told Katrina,
11 right, that having a restriction on leadership related
12 to religious beliefs contradicts the Human Rights
13 Clause.
14 **A. Correct.**
15 Q. Okay. So if the Muslim -- according to Andy, if
16 a Muslim group rejects a Christian leader, that violates
17 the Human Rights Policy. That's what Andy is saying,
18 correct?
19 **A. Yes, yes, yes.**
20 Q. Okay. Is Andy correct, in your view?
21 **A. Yes.**
22 Q. And that's the University's position?
23 **A. Yes.**
24 Q. Okay. And then above that, Katrina says to Andy:
25 "Thank you for your clarification. Obviously, I will

252
1 need to discuss any changes with the rest of the
2 leadership team, but I do have a question. Would
3 changing the language --" do you see where I am?
4 **A. I can --**
5 Q. I'm on 7991 --
6 **A. Yes.**
7 Q. -- in Document 167. She says, "Would changing
8 the language of the constitution from 'must subscribe'
9 to something like 'are requested to subscribe' or 'are
10 strongly encouraged to subscribe' make it so that the
11 constitution is no longer contradictory? Again, I will
12 need to discuss changes, but your input in this matter
13 is greatly appreciated."
14 And then Andy, at the next page, at 7990, says,
15 "I just received word that we would not approve the
16 change in language you proposed. Student orgs are free
17 to express whatever language they desire in their
18 mission purpose, but the University and the Center for
19 Student Involvement and Leadership must enforce our
20 Human Rights Clause when it comes to leadership and
21 membership."
22 **A. Yes.**
23 Q. Is that the official position of the University?
24 **A. Yes.**
25 Q. Okay. So a religious group on campus cannot even

1 encourage its members to have its same religious
2 beliefs? That's a fair characterization of what Andy
3 said, right?
4 **A. Right.**
5 Q. And you just said that that's a correct position
6 of the University?
7 **A. Yes, and he said that he received word from the**
8 **General Counsel's Office that the language they proposed**
9 **was not acceptable.**
10 Q. Okay. I'm gonna ask you to look at Document
11 Number 184. (Marking.) Do you recognize that document?
12 **A. I'm assuming it was part of, again, the**
13 **production of documents.**
14 Q. It's titled "Constitution of the Iowa National
15 Lawyers Guild," correct?
16 **A. Correct.**
17 Q. And the number at the bottom is 2409?
18 **A. Correct.**
19 Q. And it says "BLinC-Def 002409." Do you see that?
20 **A. Correct.**
21 (The reporter requested a clarification.)
22 MR. BAXTER: Dash Def, D-e-f, for Defendant,
23 002409.
24 BY MR. BAXTER:
25 Q. Under Article II Membership, do you see that it

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1 staff who agree with the Statement of Purpose in Article
2 I, correct?
3 **A. Correct.**
4 Q. So they can exclude people who don't agree with
5 Article I?
6 **A. As stated in their constitution.**
7 Q. And that is discrimination on the basis of creed?
8 **A. Yes.**
9 Q. So that should violate the Human Rights Policy
10 under your theory that we just discussed with respect to
11 the InterVarsity email, correct?
12 **A. Correct.**
13 Q. Okay. So is it still your position, after
14 reading the email from Andy, that the InterVarsity
15 constitution is still under review by the lawyer's
16 office?
17 **A. I -- I -- I don't know. I apologize for not**
18 **knowing that. It -- it very well may be there. It**
19 **might not be. It could -- it's very dynamic -- it could**
20 **have -- I know this is a month or so ago. It appears**
21 **that the -- the General Counsel's Office has given Andy**
22 **the direction as it relates in that June 12th -- but if**
23 **it's a backup there or something else, I guess, I don't**
24 **know.**
25 Q. But it's fair to assume that this email from Andy

1 says, "Membership in the NLG is open to all students,
2 faculty and staff at the University of Iowa College of
3 Law who agree with the statement of purpose in Article
4 I"?
5 **A. Yes, I see that.**
6 Q. Do you know if this organization is one of the 24
7 or 25 that are still under review?
8 **A. I don't -- I can't recall without looking at the**
9 **list.**
10 Q. Would you have flagged that language as
11 problematic for review by the General Counsel's Office?
12 **A. (Pause.) I'm sorry.**
13 Q. Take a minute and read the first paragraph that
14 has the Statement of Purpose in it.
15 **A. (Pause.) Okay.**
16 Q. And what you just read in Article I, that's the
17 Statement of Purpose for the Iowa National Lawyers
18 Guild?
19 **A. That's correct.**
20 Q. And that statement includes political statements
21 about protecting workers and so forth, correct?
22 **A. Correct.**
23 Q. And then under Article II, Section 1, the
24 constitution says that membership in the -- in this
25 organization is only open to students, faculty, and

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1 is the final word from the University, correct?
2 **A. Correct, because they received word not to**
3 **approve the language, and that word came from the Office**
4 **of General Counsel.**
5 Q. Okay. And they also -- that email -- I'm
6 referring to Document 167 -- also states that a
7 religious organization can't even encourage its leaders
8 to be a certain religion, correct?
9 **A. Correct.**
10 Q. And that's the official position of the
11 University?
12 **A. No.**
13 Q. Well, you said that that was the guidance from
14 the legal counsel's office, correct?
15 **A. I'm sorry. I need to -- regroup here. How Andy**
16 **was advised is the position of the University.**
17 Q. Okay. And Andy was advised to tell her that it
18 was not permissible to have the language that she has on
19 the top of the second page --
20 **A. Correct.**
21 Q. -- that leaders are requested to subscribe or
22 strongly encouraged to subscribe to their beliefs?
23 **A. Correct.**
24 Q. Okay. If I go onto OrgSync today and download
25 the constitution of the Iowa National Lawyers Guild,

1 that means that they are currently a Registered Student
 2 Organization, correct?
 3 **A. Correct.**
 4 Q. And unless their constitution is still in the
 5 Office of General Counsel, they've already been
 6 approved?
 7 **A. Again, there are 17 with the General Counsel's**
 8 **Office that are registered and there are seven that are**
 9 **deregistered.**
 10 Q. But if they're not currently in the lawyer's
 11 office, that means they've already been approved?
 12 **A. I think under review pending -- there were a**
 13 **section of student organizations that de -- selected to**
 14 **reregister on their own. I don't believe they're part**
 15 **of that, so I believe the answer is yes.**
 16 Q. Okay. But today any -- any organization that is
 17 currently on OrgSync, their con -- except for the
 18 fraternities and sororities, their constitutions have
 19 already been reviewed and approved, except for maybe 17
 20 who are currently --
 21 **A. Correct.**
 22 Q. -- in the University's lawyers' office?
 23 **A. Correct.**
 24 Q. Okay. If you can bear with me a few moments,
 25 we're getting very close. I'm going to show you a

1 document marked 192. (Marking.) This is a copy of the
 2 constitution of the House of Lorde that was downloaded
 3 from the University's website, from the OrgSync website.
 4 (The reporter requested a spelling.)
 5 MR. BAXTER: L-o-r-d-e.
 6 (Mr. Blomberg left the room.)
 7 BY MR. BAXTER:
 8 Q. I'm gonna ask you to flip four pages in.
 9 **A. Okay.**
 10 Q. And do you see it says -- where it says "Article
 11 2: Mission"?
 12 **A. Correct.**
 13 Q. And then it says that, "The House of Lorde is an
 14 organization founded to advocate for the political
 15 interests of Black Lesbian et al GBTQPA+ students at the
 16 University of Iowa and metro Iowa City community." Do
 17 you see that?
 18 **A. I see that, yes.**
 19 Q. Okay. And then, skipping two more pages over,
 20 where it says "General Student Membership --"
 21 **A. Yes.**
 22 Q. And then the second tab -- the second bullet
 23 point, says, "Selection of membership may be based off a
 24 general interview by the executive board or open by
 25 association. Either option will be discussed on an

1 individual basis to maintain the purpose of the
 2 organization as a space for black queer individuals
 3 and/or the support thereof."
 4 **A. Correct.**
 5 Q. Do you believe this language is in conflict with
 6 the Human Rights Policy. I'm sorry. I'm gonna scratch
 7 that question. Is this language in violation of the
 8 Human Rights Policy?
 9 **A. Yes.**
 10 Q. And why?
 11 (Mr. Blomberg entered.)
 12 **A. Because of the race piece and -- that space is**
 13 **only open to -- says black.**
 14 Q. Black queer individuals, right?
 15 **A. Correct.**
 16 Q. So that would violate both the race and the
 17 gender identity or sexual orientation perhaps --
 18 **A. Yes.**
 19 Q. -- provision? And is this constitution --
 20 MR. BAXTER: Excuse me -- can we just go off
 21 the record for a minute?
 22 (Mr. Blomberg left the room.)
 23 MR. BAXTER: We'll go back on the record.
 24 BY MR. BAXTER:
 25 Q. So you said it was a problem because the space

1 was reserved for black queer individuals. Are you -- as
 2 far as you know, is this constitution one of the ones
 3 that is in the legal office at the University?
 4 **A. I don't know.**
 5 Q. Okay. Is there any problem with the statement in
 6 here that selection and membership may be based off a
 7 general interview? Is the interview process alone a
 8 problem?
 9 **A. No.**
 10 Q. Okay. I'm gonna show you two more constitutions.
 11 Number -- well, I will just ask you: Do you know if --
 12 Multiethnic Undergrad Hawkeye InterVarsity is one of the
 13 groups under review in the lawyer's office?
 14 **A. I -- I believe that they are. I know that they**
 15 **reached out to Andy yesterday.**
 16 Q. How do you know that they reached out to Andy
 17 yesterday?
 18 **A. Andy told me.**
 19 Q. Is -- do you know if International Neighbors is
 20 one of the groups whose constitution is before the
 21 lawyers at the University?
 22 **A. At this point, without the list in front of me, I**
 23 **feel like I'm not giving -- giving accurate information.**
 24 **I have that list.**
 25 Q. And as far as you know, is Christian Legal

1 Society still a Registered Student Organization?

2 **A. They may or may not be with the General Counsel's**

3 **Office.**

4 Q. Okay. The University has scheduled a mandatory

5 welcome-back meeting on August 19. Are you aware of

6 that?

7 **A. Yes.**

8 Q. And you've asked one representative from

9 every -- you said that one representative from every

10 organization will need to be attending -- in attendance;

11 is that correct?

12 **A. Correct.**

13 Q. And what's the purpose of that?

14 **A. We provide this meeting each year. It's to go**

15 **over policies, regulations, what's coming up for the**

16 **year. We are changing our student organization database**

17 **management system, which is significant. They need to**

18 **be aware of that. Giving two sessions has been the**

19 **customary -- at the beginning of the semester**

20 **orientation because many of the student leaders are new.**

21 MR. BAXTER: Okay. That's all I have except

22 for one topic. We haven't talked about the

23 Interrogatories, which he's also noticed for the

24 Interrogatories.

25 MR. CARROLL: Um-hum.

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1 (A discussion was held off the record.)

2 (Whereupon, the proceedings adjourned at 4:16

3 p.m., August 8, 2018.)

4 (The reporter marked the exhibits listed on

5 pages 2 through 7 for identification.)

1 MR. BAXTER: Would you rather do that right

2 now or do it tomorrow?

3 MR. CARROLL: What are you gonna do; just go

4 through his?

5 MR. BAXTER: Go through his Interrogatory

6 Responses and the University's Interrogatory Responses.

7 MR. CARROLL: Can you come back tomorrow

8 morning?

9 THE WITNESS: How long would we go?

10 MR. BAXTER: I think it would be less than

11 an hour.

12 THE WITNESS: An additional hour?

13 MR. BAXTER: It probably will be less. It

14 probably will be a half-hour but --

15 THE WITNESS: It seems like some of what we

16 talked about relates to those -- to those.

17 MR. CARROLL: Well, why don't we just take a

18 break? You've been here all day. If you could come

19 back, we have -- we're starting up at nine. Are you

20 staying?

21 MR. BAXTER: I'm staying.

22 (The reporter asked if counsel wanted the

23 record closed.)

24 Mr. BAXTER: We'll go off the record. I'm

25 sorry.

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1 C E R T I F I C A T E

2 I, Sandra E. Edwards, a Certified Shorthand

3 Reporter of the State of Iowa, do hereby certify that at

4 the time and place heretofore indicated, there appeared

5 before me the following named person, to-wit:

6 WILLIAM NELSON,

7 who was by me first duly sworn to testify to the truth,

8 to the whole truth, and nothing but the truth in the

9 above-entitled cause; that I reported in shorthand the

10 testimony of said witness, reduced the same to print by

11 means of computer-assisted transcription under my

12 supervision and direction, and that the foregoing

13 deposition is a true record of the testimony given by

14 said witness and of all proceedings had on the taking of

15 said deposition at the above time and place.

16 I further certify that I am not employed by or

17 related to any of the parties or counsel in this case,

18 nor am I financially interested in the outcome of these

19 proceedings.

20 IN WITNESS WHEREOF, I have set my hand this 20th

21 day of August, 2018.

22

23

24

25

Sandra E. Edwards
Certified Shorthand Reporter

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION**

BUSINESS LEADERS IN CHRIST, an
unincorporated association,

Plaintiff,

v.

THE UNIVERSITY OF IOWA; LYN
REDINGTON, in her official capacity as
Dean of Students and in her individual
capacity; THOMAS R. BAKER, in his
official capacity as Assistant Dean of
Students and in his individual capacity; and
WILLIAM R. NELSON, in his official
capacity as Executive Director, Iowa
Memorial Union, and in his individual
capacity,

Defendants.

Civil Action No. 17-cv-00080-SMR-SBJ

APPENDIX VOLUME II-A

**OF PLAINTIFF'S STATEMENT OF
MATERIAL FACTS IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION

Business Leaders in Christ,)
)
 Plaintiff,)
)
 vs.) No. 17-Cv-00080-SMR-SBJ
)
The University of Iowa,) Volume II
et al.,)
)
 Defendants.)

CONTINUATION OF THE 30(b)(6) DEPOSITION OF
WILLIAM R. NELSON, taken on Thursday,
August 9, 2018, commencing at 8:44 a.m., at
UI Research Park, 2500 Crosspark Road,
Coralville, Iowa, before Karrie D. Truitt,
Certified Shorthand Reporter of the State of
Iowa, pursuant to the within stipulation.

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I N D E X

WITNESS

William Nelson

EXAMINATION

D(Cont'd) (By Mr. Baxter)

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NUMBER

EXHIBIT

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Defendant, the University of Iowa,
Second Supplemental Answers to
First Set of Interrogatories

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Defendant, William R. Nelson,
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Web Page, Resources for Gay,
Lesbian, Bisexual, and
Transgender Students; P 000360-2

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Web Page, Timeline of LGBTQ
Milestones at the University of
Iowa; P 000365-8

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S T I P U L A T I O N

"The continuation of the 30(b)(6) deposition
of William Nelson is being taken at this time and place
pursuant to the Federal Rules of Civil Procedure and may
be used for all purposes authorized by said Rules."

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Q. Have you reviewed these recently?

A. I reviewed the first supplemental ones
recently.

Q. Have you seen the second supplemental answers?

A. I believe so, yes, in the production.

Q. Have you reviewed them at all?

A. Yes.

Q. When did you last review them?

A. I can't tell you. I believe I reviewed these.
I know I reviewed the first set.

Q. Did you review them when they were first sent
out or just in preparation for the deposition?

A. I -- Both.

Q. And have you talked to anyone about -- Other
than your lawyer, have you talked to anyone about what's
in the responses to interrogatories?

A. I think I attempted to, and I realized I
shouldn't.

Q. Who did you attempt to talk to?

A. Mr. Baker.

Q. Okay.

A. And realized that we can't do this.

Q. So you didn't talk to him. And you didn't
talk to any of your employees or anyone on your staff
about the answers here?

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WILLIAM R. NELSON was recalled as a witness
and, being first duly sworn, testified as follows:
DIRECT EXAMINATION (Continued)
BY MR. BAXTER:

Q. Good morning, Mr. Nelson, could you state your
name again for the record?

A. William R. Nelson.

Q. And this is a continuation of the deposition
that was taken yesterday; correct?

A. Correct.

Q. And yesterday you testified under oath just
like today; correct?

A. Correct.

Q. I'm going to ask you to look at Exhibit
Number 5. I'm sorry, I'm going to ask you to look first
at Exhibit Number 4. Do you recognize this document?

A. Yes.

Q. And this is the University's second
supplemental answers to first set of interrogatories;
correct?

A. Correct.

Q. And you're the witness that has been
designated to address these on behalf of the University;
correct?

A. The ones that I can, yes.

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A. The -- Some of my employees were involved in
helping me get documents for the interrogatories.

Q. Did you help draft the responses to these
interrogatories?

A. Yes.

Q. You wrote the written responses? Let me --
Are you familiar with what interrogatories are or should
I explain that?

A. Yes, please.

Q. Interrogatories are -- We sent questions to
the University asking them to provide written responses.

A. Correct.

Q. If you flip through, for example, in Number 1,
we asked to identify all the individuals who have
knowledge about the case.

A. Right.

Q. There's all of these names listed in response.

A. Right. Right.

Q. Were you asked to provide the answers to the
interrogatories?

A. Yes.

Q. Do you know --

A. For my -- For me.

Q. There are a separate set of interrogatories
that were sent to you individually; correct?

<p style="text-align: right;">270</p> <p>1 A. Correct.</p> <p>2 Q. Those are at Exhibit 5; correct?</p> <p>3 A. Correct.</p> <p>4 Q. Did you already look at those?</p> <p>5 A. These (indicating)?</p> <p>6 Q. Those are in Exhibit 5; right?</p> <p>7 A. Correct.</p> <p>8 Q. And those are interrogatories directed to --</p> <p>9 A. To me personally.</p> <p>10 Q. Try not to talk over me.</p> <p>11 A. I apologize.</p> <p>12 Q. I'll try to end my sentences quicker. What</p> <p>13 we're seeing in Exhibit 4 is just a separate set sent</p> <p>14 just to the University; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Did you help write the responses to these</p> <p>17 interrogatories?</p> <p>18 A. The -- I'm getting confused on the first and</p> <p>19 second sets.</p> <p>20 Q. So there's -- We sent just one set to the</p> <p>21 University. The University responded one time.</p> <p>22 A. Um-hm.</p> <p>23 Q. Then they sent a supplemental response, which</p> <p>24 had all of the original responses, if I remember</p> <p>25 correctly, and they just added some additional</p>	<p style="text-align: right;">272</p> <p>1 for student conduct in the Office of the Dean of</p> <p>2 students.</p> <p>3 Q. Who did she report to?</p> <p>4 A. She reported to Lyn Redington.</p> <p>5 Q. And did you report to Angela or you had a</p> <p>6 direct line to Dean Redington?</p> <p>7 A. I reported to Lyn Redington when she was here.</p> <p>8 Q. Who is Eric Rossow?</p> <p>9 A. Eric Rossow is a staff member in the Iowa</p> <p>10 Memorial Union, assistant director for external</p> <p>11 relations, and functions in many ways as an assistant to</p> <p>12 me.</p> <p>13 Q. What was his involvement with the BLinC</p> <p>14 investigation in the review of student org</p> <p>15 constitutions?</p> <p>16 A. Eric did not participate in the review of the</p> <p>17 student organizations with the CSIL staff. That was the</p> <p>18 CSIL staff.</p> <p>19 Q. What was his role with the BLinC investigation</p> <p>20 or the sanctions decision or anything else regarding</p> <p>21 this lawsuit?</p> <p>22 A. No involvement in the sanction decision, but</p> <p>23 helped me, as I went through my materials, make sure</p> <p>24 that I provided the appropriate materials.</p> <p>25 Q. So his only knowledge about the case is in his</p>
<p style="text-align: right;">271</p> <p>1 information. Do you recall being involved in that?</p> <p>2 A. I believe I was.</p> <p>3 Q. Do you know who besides you was asked to help</p> <p>4 write responses?</p> <p>5 A. I don't.</p> <p>6 Q. And did you write the responses right into the</p> <p>7 document or did you send someone an email with</p> <p>8 information that you had?</p> <p>9 A. I had staff -- some of my staff help me in</p> <p>10 compiling this.</p> <p>11 Q. And you wrote the answers yourself?</p> <p>12 A. Together.</p> <p>13 Q. With your staff?</p> <p>14 A. Yes.</p> <p>15 Q. And then you sent your answers to your</p> <p>16 attorneys?</p> <p>17 A. Correct.</p> <p>18 Q. So let's look at Interrogatory Number 1.</p> <p>19 MR. CARROLL: Are we on Exhibit 4?</p> <p>20 Q. We're still on Exhibit 4. These are the</p> <p>21 individuals who are identified who have knowledge about</p> <p>22 the case; correct?</p> <p>23 A. Correct.</p> <p>24 Q. Who is Angela Ibrahim-Olin?</p> <p>25 A. She is the conduct officer, assistant director</p>	<p style="text-align: right;">273</p> <p>1 role as your assistant?</p> <p>2 A. Correct.</p> <p>3 Q. Who is Stuart Stutzman?</p> <p>4 A. Stuart Stutzman is the accountant that works</p> <p>5 in the student organization business office.</p> <p>6 Q. And what's his knowledge relevant to this</p> <p>7 case?</p> <p>8 A. Stuart's capacity is to administer all of the</p> <p>9 student activity fee dollars through that office. My</p> <p>10 direct communication with Stuart on this was related to</p> <p>11 their funding. I double checked with Stuart to see when</p> <p>12 BLinC received their first funds.</p> <p>13 Q. Just so I know, the student activity fee, is</p> <p>14 that something every student at the University has to</p> <p>15 pay?</p> <p>16 A. Correct.</p> <p>17 Q. How much is that?</p> <p>18 A. \$72 a year.</p> <p>19 Q. Per student?</p> <p>20 A. \$36 per semester per student.</p> <p>21 Q. Do all of these funds go to the student orgs?</p> <p>22 A. No. All of -- It's 1.8 million dollars. Not</p> <p>23 all goes to student orgs. Some of the funds go to</p> <p>24 University services and programs.</p> <p>25 Q. What percentage goes to the student orgs?</p>

<p style="text-align: right;">274</p> <p>1 A. I can't tell you the percentage. I can give 2 you numbers. 3 Q. What's the number? 4 A. I'll have to go through the list, if you will. 5 Examples of -- Again, the big number that we start with 6 is 1.872 million. Then there are fixed-cost groups that 7 get money off of the top. So that would be like the 8 student organization, the business office, which I 9 believe gets 160,000, student legal services, which I 10 believe gets approximately 250 to \$260,000. There's 11 those groups that get that. LeaderShape is a program 12 that gets, I believe, \$42,000. 13 So there's -- so not all -- Your question was 14 do they all go to registered student organizations. The 15 answer is no, some go to university programs and 16 services. 17 Q. Do you have the amount that goes to the 18 student orgs generally? 19 A. The amount that's allocated by -- We talked 20 yesterday about SABAC, and the counterpart to SABAC is 21 GPAC. 22 Q. And SABAC is spelled S-A-B-A-C? 23 A. Correct. GPAC is G-P-A-C. It's the parallel 24 organization for the graduate special students. Those 25 two together have an allocation of about 270,000.</p>	<p style="text-align: right;">276</p> <p>1 Q. Did they express any opinion about the matter? 2 A. I believe they just took the information in. 3 They didn't -- I don't recall them offering me a 4 position or opinion. 5 Q. Who is Angie Reams? 6 A. Angie Reams is the current associate dean of 7 students responsible for student care and assistance and 8 then also now student -- in the interim student conduct 9 is reporting through her. 10 Q. What has been her involvement in the matter? 11 A. So since Lyn's departure student conduct, 12 again, reports -- So Angela we talked about reports to 13 her, Tom Baker we talked about reports to her. So her 14 involvement is as a supervisor and director of that 15 area. 16 Q. Was she involved in the review of the student 17 constitutions? 18 A. No. 19 Q. And Ellen Link I think you mentioned was an 20 assistant? 21 A. Yeah. Ellen Hermanson-Link is one of the 22 then-three associate directors of the Center for Student 23 Involvement & Leadership. 24 Q. I'll ask you this. Did she participate in the 25 review of the constitution?</p>
<p style="text-align: right;">275</p> <p>1 Q. And those funds are distributed -- All student 2 organizations have equal access to those funds? 3 A. Registered student organizations. 4 Q. And only registered student organizations; is 5 that correct? 6 A. Student organizations that aren't registered 7 aren't eligible. 8 Q. Who is Jacob Simpson? 9 A. Jacob Simpson was the then president of the 10 University of Iowa Student Government. 11 Q. Is that a student? 12 A. That's a student. 13 Q. What's his knowledge relevant to this case? 14 A. Student government has a capacity where 15 they -- Again, they administer the funds. SABAC and -- 16 That SABAC group is an arm of UISG, and Jacob is the 17 president of UISG. 18 Q. Who is Lilian Sanchez? 19 A. Then-vice president of UISG. 20 Q. So Jacob and Lilian's knowledge is limited to 21 the funds that might have been distributed to BLinC; is 22 that correct? 23 A. No. I kept them abreast of the generalities 24 of the case given their capacity as the president and 25 vice president.</p>	<p style="text-align: right;">277</p> <p>1 A. Yes. 2 Q. In what capacity? 3 A. She was a part of -- Again, we talked about 4 Dr. Cory, Nellie and Paul Mintner leading that effort, 5 coordinating that effort among the staff. 6 Q. Nellie is? 7 A. Ellen Link is Nellie. She goes by Nellie. I 8 apologize. 9 Q. Thank you for clarifying. In question 4 on 10 the next page -- or next couple of pages over, do you 11 see where it says to describe the advice or statements 12 made to the University by the persons identified in 13 Interrogatory Number 3, which are the people we just 14 talked about? 15 A. Correct. 16 Q. And then there's an objection as to 17 attorney/client privilege; do you see that? 18 A. Correct. 19 Q. Are any of the individuals that we just talked 20 about in question 1 and that are referred to in 21 question 3, are any of them attorneys? 22 A. Can I refer back -- 23 Q. Yeah, looking back to question 1. 24 A. Tom Baker is an attorney. He doesn't work in 25 the general counsel's office, but he is an attorney.</p>

<p style="text-align: right;">278</p> <p>1 Q. He doesn't work in a true legal capacity, in a 2 legal capacity, as far as you know; correct? 3 A. Correct. 4 Q. So there's no one on the list who is acting as 5 an attorney? 6 A. Correct. 7 Q. If you look at question number 6 -- 8 MR. CARROLL: Just within the same document. 9 Q. I'm sorry, we're still in document 4, and I'm 10 asking you to look at question 6, which is on page 8. 11 A. Okay. 12 Q. This is a list of all the organizations since 13 1997 that have been refused registration, deregistered 14 or penalized under University policies. Did you 15 participate in gathering this list? 16 A. I participated in gathering this list with 17 staff. It involved multiple people. 18 Q. There's no group or organization that's ever 19 been deregistered for having standards for selecting 20 their leaders; is that correct? 21 A. Correct. 22 Q. BLinC is the first student organization that 23 that's happened to? 24 A. The UI Feminist Union was found responsible 25 for human rights policy violations, but they were not</p>	<p style="text-align: right;">280</p> <p>1 correct? 2 A. I did not provide this information. 3 MR. BAXTER: And so I -- For the record, I 4 understand that a different witness has been designated 5 to respond to Interrogatory -- I'm sorry, 30(b)(6) topic 6 number 4, which would also correspond with this 7 Interrogatory Number 9; is that correct? I'm asking 8 counsel. 9 MR. CARROLL: Yeah, that's -- Yes. 10 Q. We'll skip that for now then. Did you provide 11 any information in response to Interrogatory Number 9? 12 A. Yes. 13 Q. What did you provide? 14 A. I provided the information related to the 15 scholarships that are with the UI Center for Advancement 16 that are connected with the Division of Student Life. 17 Q. What are those scholarships? 18 A. Those are approximately 80 scholarships that 19 are donor-based scholarships. The donors give money to 20 the foundation. The foundation then works with the 21 Division of Student Life in the disbursement of those 22 funds. 23 Q. So that's a list that you compiled and gave to 24 someone else? 25 A. Correct.</p>
<p style="text-align: right;">279</p> <p>1 registered. 2 Q. And that was because they had removed someone 3 from a chat group on their Facebook page; correct? 4 A. That is correct, a man who was a member of the 5 group. 6 Q. Is it the University's position that it has 7 disciplinary authority over what student groups say on a 8 non-University forum like Facebook? 9 A. Yes. 10 Q. So the University can restrict the speech of 11 those students? 12 A. That information can be used in an 13 investigation in making a finding. 14 Q. And the penalty that was imposed in that case 15 was requiring the student group to reinstate that member 16 to their chat group; correct? 17 A. That was one of them, yes. 18 Q. Did anybody discuss with you that that was a 19 potential First Amendment violation? 20 A. No. 21 Q. I ask you to look at Interrogatory Number 9, 22 which is on page 14 within the same document. This is a 23 list of University of Iowa programs since 1997 that 24 employ preference based on race, creed, color, religion, 25 and the other categories in the human rights policy;</p>	<p style="text-align: right;">281</p> <p>1 Q. And that list is not included here; correct? 2 A. Correct. I gave the list to Nate Levin. 3 Q. And that's a long list of like -- you said 80 4 organizations? 5 A. Correct. 6 Q. I believe that was produced to us. 7 MR. CARROLL: Those are the documents you 8 received. Those are for every scholarship that he is 9 directly familiar with. 10 MR. BAXTER: Okay. Great. 11 Q. So just to touch on that for a minute, so 12 those scholarships -- some of those scholarships are 13 just limited to certain categories of people? 14 A. Correct. 15 Q. Those might be based on race or gender 16 identity or sexual orientation; is that correct? 17 A. Correct. 18 Q. Are there any that are focused on religion? 19 A. I would need to refer to the list to make 20 certain I'm accurate. 21 Q. And do you actively recruit those kinds of 22 scholarships or look for donors to provide those types 23 of scholarships? 24 A. I do not. 25 Q. Do you know who does?</p>

<p style="text-align: right;">282</p> <p>1 A. Staff for the Center for Advancement.</p> <p>2 Q. Are you aware of efforts or are you</p> <p>3 responsible for efforts on campus to provide resources</p> <p>4 to minority groups, provide support centers for minority</p> <p>5 groups or LGBTQ individuals and so forth?</p> <p>6 A. Yes. Part of my responsibility up until the</p> <p>7 recent restructuring was our multicultural programs or</p> <p>8 units reported through me through the Iowa Memorial</p> <p>9 Union.</p> <p>10 Q. Is the University recognized as being a</p> <p>11 minority-friendly place or has it received any awards</p> <p>12 for that kind of thing?</p> <p>13 A. I believe we're recognized as being a</p> <p>14 minority-friendly place.</p> <p>15 Q. What's that based on?</p> <p>16 A. Comments by students are, I think, a premier</p> <p>17 center for diversity enrichment staff and their</p> <p>18 programs, the quality of programs that are part of our</p> <p>19 four -- I'm only -- then was only responsible for four</p> <p>20 of those centers.</p> <p>21 Q. Which centers were those?</p> <p>22 A. The four at that time were the Asian-Pacific</p> <p>23 American Cultural Center, the LGBTQ Resource Center, the</p> <p>24 Latino-Native American Cultural Center and the</p> <p>25 Afro-American Cultural Center.</p>	<p style="text-align: right;">284</p> <p>1 who are protected by the human rights policy but not</p> <p>2 religious students?</p> <p>3 A. Repeat that, please.</p> <p>4 Q. You've indicated that the University provides</p> <p>5 support centers that support students who are protected</p> <p>6 by the human rights policies either because of their</p> <p>7 race, gender identity or sexual orientation, maybe</p> <p>8 national origin for the Asian-Pacific group.</p> <p>9 A. Right.</p> <p>10 Q. Is there any reason why the University has</p> <p>11 provided support centers for those students but not for</p> <p>12 religious students?</p> <p>13 A. The four centers that I referenced that were</p> <p>14 part of my portfolio were all started by students,</p> <p>15 student activists, students believing that they needed</p> <p>16 that kind of space for programs, activities, affinity,</p> <p>17 fellowship, et cetera.</p> <p>18 Q. And if religious students wanted a similar</p> <p>19 kind of center, would the University provide the same</p> <p>20 funding and support for those?</p> <p>21 A. I believe so, to the best of our ability. We</p> <p>22 do provide space on campus for prayer and meditation. I</p> <p>23 wouldn't equate those to a center.</p> <p>24 Q. You've indicated that the University has a</p> <p>25 good reputation for being minority-friendly. That</p>
<p style="text-align: right;">283</p> <p>1 Q. How many centers total are there like that?</p> <p>2 A. Those are the four in my purview. There's</p> <p>3 other centers across campus not a part of my purview.</p> <p>4 Q. Are you aware of any centers that are focused</p> <p>5 on religion?</p> <p>6 A. There was a Center For Religious Studies on</p> <p>7 campus at one point, if I recall. There's a Women's</p> <p>8 Resource and Action Center that is not in my portfolio</p> <p>9 but is a part of what would be called a center at Iowa.</p> <p>10 Q. Is that a religious support?</p> <p>11 A. It is not.</p> <p>12 Q. So the religious studies one is the only one</p> <p>13 that you know that pertains to religion?</p> <p>14 A. Religious studies is, I believe, more of an</p> <p>15 academic program than it is a nonacademic program. The</p> <p>16 other centers I talked about would be considered</p> <p>17 nonacademic programs.</p> <p>18 Q. They're more like support groups for students;</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. There are no support centers for religious</p> <p>22 students?</p> <p>23 A. Correct.</p> <p>24 Q. Is there a reason why the University focuses</p> <p>25 on providing support groups for many of the individuals</p>	<p style="text-align: right;">285</p> <p>1 extends to being LGBTQ friendly I assume?</p> <p>2 A. Um-hm.</p> <p>3 MR. CARROLL: Yes?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. Is that a new thing or is this a long</p> <p>6 tradition at the University of Iowa?</p> <p>7 A. Long tradition.</p> <p>8 Q. How far back would you say that goes?</p> <p>9 A. Since the inception of the -- what began as</p> <p>10 the -- The name has changed over time. We're one of the</p> <p>11 original LGBTQ student organizations in the country,</p> <p>12 perhaps the first to be recognized by the University.</p> <p>13 The center -- I can't speak to how old the actual</p> <p>14 student organization is. I can't remember.</p> <p>15 Q. I'm going to ask you to look at Exhibit 26A.</p> <p>16 This is an exhibit that was produced by BLinC, and it's</p> <p>17 a printout of a website of the University; is that</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Does this web page fall under your</p> <p>21 responsibility or . . .</p> <p>22 A. The -- I --</p> <p>23 Q. It looks like it may be under admissions.</p> <p>24 A. Correct. We don't -- We contribute to it, we</p> <p>25 don't administer it.</p>

<p style="text-align: right;">286</p> <p>1 Q. This indicates that Iowa was given a 4.5 out 2 of 5 stars for being LGBT-friendly; right? 3 A. Correct. 4 Q. And I assume you promote the University of 5 Iowa to members of the LGBTQ community? 6 A. Correct. 7 Q. Then if you'll flip over to Exhibit 27, this 8 is also a print-off from the University's web page that 9 has a timeline of LGBTQ milestones indicating that in 10 the 1970s the University became the first state 11 university to officially recognize and continuously fund 12 a gay student organization; is that correct? 13 A. Correct. 14 Q. So there's a long history over nearly 50 years 15 actually, right, of the University supporting and 16 encouraging the LGBTQ community? 17 A. Correct. 18 Q. And there's no history at the University of 19 Student group -- other students protesting LGBT student 20 organizations on campus or the support center for LGBTQ 21 students; is that correct? 22 A. There's been concerns raised by opposing 23 people/organizations over time. 24 Q. Do you remember any of those? 25 A. Not specifically.</p>	<p style="text-align: right;">288</p> <p>1 basic requirements set forth in your policy? 2 A. Correct. 3 Q. And the purpose of that policy is to allow 4 student organizations to form around areas of interest; 5 correct? 6 A. Correct. 7 Q. And the University considers registered 8 student organizations to be separate legal entities from 9 the University; is that correct? 10 A. Correct. 11 Q. And the University does not treat them like 12 other university departments or units? 13 A. Correct. 14 Q. And there are student groups that are 15 considered part of the University; correct? 16 A. Correct. 17 Q. And those are referred to in your registration 18 of student organizations policy as affiliated student 19 organizations; is that correct? 20 A. Correct. 21 Q. Or sponsored -- 22 A. Sponsored. 23 Q. -- student organizations; is that correct? 24 A. Correct. 25 Q. And, in fact, the University has disavowed in</p>
<p style="text-align: right;">287</p> <p>1 Q. Are these things you knew about firsthand or 2 just things that you've heard about? 3 A. Things I've known about. 4 Q. Has SABAC ever threatened to withhold funding 5 from any of the LGBTQ groups? 6 MR. CARROLL: Can you clarify threatened as 7 opposed to suggested? If you want to use that term you 8 can, but . . . 9 A. Again, the group -- the umbrella organization 10 for the student organization is now called UI Spectrum. 11 That's the current name of the -- kind of the umbrella 12 student organization for LGBTQ. They have not 13 threatened to take away their funding. 14 Q. And the student government, I think you called 15 it USIG; is that correct? 16 A. US- -- University of Iowa Student Government, 17 UISG. 18 Q. Thank you. UISG, they're an official arm of 19 the University; is that correct? 20 A. Correct. 21 Q. Have they ever suggested withholding funds 22 from any LGBTQ groups? 23 A. Not to my knowledge. 24 Q. And you would agree, right, that all student 25 groups are welcome on campus as long as they meet the</p>	<p style="text-align: right;">289</p> <p>1 that policy that registering a student organization does 2 not constitute an endorsement -- I'm going to restate 3 that question. The University's policy states that 4 registration does not constitute an endorsement of the 5 organization's program or purposes; correct? 6 A. Correct. 7 Q. And it's merely a charter to exist? 8 A. Correct. 9 Q. So the University has no real responsibility 10 for what happens within a student organization? 11 A. I would disagree with that. 12 Q. And how? 13 A. We are -- Again, in my capacity I'm charged 14 with, if there is a violation and that violation is 15 found to be, again, proven, that it was an alleged 16 violation being proven to be a violation, then I'm 17 responsible for the resolution phase, which is looking 18 at the situation and then determining what sanctions, if 19 so, are appropriate. 20 Q. But if a student organization speaks on an 21 issue, the University would disavow ownership of that 22 speech; correct? 23 A. Correct. 24 Q. So no student organization can speak for the 25 University?</p>

<p style="text-align: right;">290</p> <p>1 A. There are -- the notion of agency, and the 2 University considers their governance organizations. 3 There are six governance organizations -- excuse me, 4 seven. 5 Q. And what about those governance organizations? 6 A. That they are considered -- Their leaders are 7 considered agents. 8 Q. And student organizations that are classified 9 as general student organizations are not considered 10 agents? 11 A. Correct. 12 Q. And in general is it the University's desire 13 to encourage a broad diversity of student organizations? 14 A. Yes. 15 Q. Why is that? What value is that to the 16 University? 17 A. It adds a richness to the educational 18 experience and campus environment. 19 Q. How important are student groups to the 20 University? 21 A. They are very important. 22 Q. Why? 23 A. Because they provide opportunities for -- 24 fellowship opportunities for very important learning 25 outside of the classroom, opportunities to engage the</p>	<p style="text-align: right;">292</p> <p>1 other than you and Lyn Redington? 2 A. Yes, that would be correct. 3 Q. I would ask you to just turn the page over to 4 Interrogatory 14. I'm not asking for a legal opinion 5 here, but just in your opinion this question asks what 6 interest the University of Iowa has in preventing 7 religious student groups from selecting leaders who 8 embrace their mission. Yesterday you indicated that 9 that isn't really a purpose of the University. But to 10 the extent it may be, are these reasons here, compliance 11 with federal law, the only reasons why the University 12 would re- -- impose restrictions on which leaders 13 student groups can select? 14 A. I'm going to ask you to repeat that, please. 15 You referenced a position I took yesterday, and I wanted 16 to hear that. 17 Q. I'll simplify the question. Does the 18 University have any reasons why it would want to 19 restrict who student groups can select as their internal 20 leaders? 21 A. We would want to make certain that the process 22 for selecting internal leaders was consistent with 23 University policy, specifically the human rights clause 24 related to student organizations. 25 Q. But what's the reason behind that policy?</p>
<p style="text-align: right;">291</p> <p>1 curriculum with the co-curriculum in a more practical 2 experiential kind of way. 3 Q. When you say important for students to engage 4 and learn, what do you mean by that? 5 A. To participate, to be members, leaders, 6 learners within the groups. 7 Q. Do you expect that students would have 8 opportunity to confront ideas that they might disagree 9 with and learn how to debate and understand and grapple 10 with positions that maybe they have never grappled with 11 before? 12 A. Yes. 13 Q. And that's an important part of the 14 University's purpose of having student groups; correct? 15 A. Yes. 16 Q. I'm going to ask you to look in the same 17 document, Number 4, Interrogatory Number 13. This 18 interrogatory asks who played a role in the decision to 19 deregister BLinC, and the answer includes William Nelson 20 and Lyn Redington. Is there a reason why Tom Baker 21 wasn't included here? 22 A. Lyn and I are the actual two people who issue 23 the decisions. Tom Baker's opinion was sought. 24 Q. Was there anybody else who -- Is it fair to 25 say that Tom Baker played a larger role than anyone</p>	<p style="text-align: right;">293</p> <p>1 A. So that we provide equal treatment to all 2 under the law. 3 Q. But you would agree that whatever student 4 organizations do, whoever student organizations select 5 as their leaders, that doesn't implicate the University; 6 correct? 7 A. If there's a policy violation as a result of 8 that, it -- yes. 9 Q. Does the University bear any responsibility 10 for who student groups select as their leaders? 11 A. Yes, I think within the context of ensuring 12 that the process for selecting leaders is one that is 13 consistent with our human rights policy. 14 Q. If -- But you've already indicated that the 15 student groups are not acting on behalf of the 16 University when they select leaders; is that correct? 17 A. Correct. 18 Q. Did the -- I'm looking at Interrogatory 19 Number 15 on the next page, just one page over from 20 where you are. I'm going to skip that. 21 Turning to the next one on Interrogatory 22 Number 16, this says -- asks why the University believes 23 that BLinC's statement of faith is discriminatory on its 24 face. The response here says that the University of 25 Iowa seeks to enforce its rights under the Iowa</p>

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1 Constitution, federal and state law. Do you have any
2 idea what rights are at stake for the University here?

3 **A. I didn't write that.**

4 Q. But you're the individual who's authorized to
5 speak for the University on these interrogatories;
6 correct?

7 **A. Correct.**

8 Q. Do you have any idea what rights the
9 University is trying to defend for itself?

10 **A. Well, the Code of Iowa Human Rights mirrors
11 the University of Iowa's policy.**

12 Q. What rights does that give the University of
13 Iowa? Does the University of Iowa have special right to
14 enforce student groups' leadership selection or speech
15 or anything like that?

16 **A. I'm not understanding the question.**

17 Q. I'm just trying to understand what rights for
18 the University are at risk here. If you don't know,
19 that's fine. Do you have any idea what the University
20 is trying to say here?

21 **A. We have an obligation as an institution to
22 follow federal, state and our own policy, laws and
23 policies.**

24 Q. But the federal law doesn't require you to
25 control who student organizations select as their

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1 leaders, does it?

2 **A. Correct.**

3 Q. So do you know what rights are at stake for
4 the University?

5 **A. I would be unclear to state.**

6 Q. Do you know if the Korean student organization
7 or the Feminist Union have been reregistered since these
8 interrogatories were provided?

9 **A. They have not been.**

10 Q. Do you know why not?

11 **A. They were deregistered because they didn't
12 register in the registration window. So as a result
13 they were immediately deregistered, and they've made no
14 attempt to reregister.**

15 Q. Do you know if Imam Mahdi has made an attempt
16 to reregister?

17 **A. They are one of the groups that, as I believe
18 I shared yesterday, are deregistered but are pending in
19 the office of the general counsel with Nate Levin.**

20 Q. And is the Sikh student group that was
21 deregistered also in the attorney's office? There was a
22 Sikh organization that was among the 39 or so student
23 groups that were purged.

24 **A. Right. I'm trying to recall which ones. If I
25 could see a list I would be able to --**

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1 Q. Well, the list that was published in the
2 Gazette says that one of the groups was Sikh Awareness
3 Club.

4 MR. CARROLL: I'm sorry, is that an acronym or
5 a word?

6 MR. BAXTER: Sikh is S-i-k-h for the religion.

7 **A. Excuse me?**

8 Q. Sikh religion.

9 **A. Yes, that group is -- I can't remember the
10 status for sure -- I believe deregistered and could be
11 also among the seven that are deregistered that are with
12 Nate Levin. I may be wrong on that.**

13 Q. Do you know about the J. Rueben Clark Law
14 Society or the Latter-day Saints student association?

15 **A. Latter-day Saints group is deregistered. The
16 other one I -- without looking at my notes, my list,
17 what I have access to in my office, I don't want
18 misspeak.**

19 Q. It's my understanding the Latter-day Saints
20 student association received an invitation to go to the
21 student fair. Would that surprise you to hear that?

22 **A. Yes, if they're deregistered.**

23 Q. And why were they deregistered?

24 **A. I don't remember. They could have been one of
25 the groups that didn't meet the June 15th deadline or**

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1 **they could have been a group that submitted and what
2 they submitted was not acceptable. I don't know which.**

3 Q. So if it was the latter, then counsel has
4 already reviewed that and rejected their constitution?

5 **A. There are to my knowledge seven that are
6 pending in the general counsel's office.**

7 Q. Is that one of them or it just could be?

8 **A. I can't remember.**

9 Q. Is that the same for the J. Rueben Clark Law
10 Society?

11 **A. Urban Law?**

12 Q. J. Rueben Clark Law Society is another LDS
13 association for law students.

14 **A. I'm not certain of their status.**

15 Q. I'm going to ask you to look at document
16 number 6, which is the next document in the binder --
17 I'm sorry, document number 5. Do you recognize this
18 document?

19 **A. Yes.**

20 Q. And this is your responses to interrogatories;
21 correct?

22 **A. Correct.**

23 Q. On page 3 there's a list of individuals who
24 have knowledge concerning the lawsuit. Can you identify
25 just for me here those that were involved in the review

<p style="text-align: right;">298</p> <p>1 of the student constitutions?</p> <p>2 A. Anita Cory, Nellie Hermanson Link,</p> <p>3 Paul Mintner. I believe that's it.</p> <p>4 Q. Would you look opposite page 6 as well?</p> <p>5 A. Are you referring to the -- the actual</p> <p>6 date that -- we talked about it yesterday, I apologize,</p> <p>7 I'm forgetting the date -- where the Center for Student</p> <p>8 Involvement team got together to review all of the</p> <p>9 constitutions; is that what you're referring to?</p> <p>10 Q. Correct. You said there were two stages, one</p> <p>11 where religious groups were reviewed and then where</p> <p>12 everyone else, and there was a team who called all of</p> <p>13 the student groups in. So are these three the only</p> <p>14 members of that team?</p> <p>15 A. Correct, to the best of my knowledge.</p> <p>16 Q. Those three did all of the work of</p> <p>17 contacting --</p> <p>18 A. No, there were other staff members involved.</p> <p>19 Q. Okay. But those staff members aren't listed</p> <p>20 here?</p> <p>21 A. That's correct.</p> <p>22 Q. Is there a reason for that?</p> <p>23 A. I'm not aware of -- One of them, omission.</p> <p>24 Q. Will you update your interrogatories to</p> <p>25 provide that information?</p>	<p style="text-align: right;">300</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. And at the time of --</p> <p>4 A. As leaders?</p> <p>5 Q. Correct.</p> <p>6 A. Yes. I mean, all-comers policy is all-comers.</p> <p>7 Q. And that would mean that the transgender</p> <p>8 support group would have to support people who think</p> <p>9 that transgenderism is a figment of someone's</p> <p>10 imagination; correct?</p> <p>11 A. Again, as long as there's not a violation of</p> <p>12 the human rights policy in and among the process of</p> <p>13 becoming a leader.</p> <p>14 Q. So at the time of the BLinC action and the</p> <p>15 decision to deregister BLinC, the University of Iowa did</p> <p>16 not have an all-comers policy; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Was that discussed within the University?</p> <p>19 MR. CARROLL: Other than with attorneys?</p> <p>20 Q. Other than within the defense attorneys.</p> <p>21 A. Whether or not we should have an all-comers</p> <p>22 policy?</p> <p>23 Q. Whether you had an all-comers policy.</p> <p>24 A. There was conversation about the</p> <p>25 interpretation of our policy.</p>
<p style="text-align: right;">299</p> <p>1 A. Yes.</p> <p>2 Q. Have you used any other email addresses to</p> <p>3 discuss the BLinC litigation other than your official</p> <p>4 University of Iowa --</p> <p>5 A. I have not.</p> <p>6 Q. Have you discussed the issue on Facebook or</p> <p>7 Twitter or any other platform?</p> <p>8 A. I'm not on any of those.</p> <p>9 Q. In all the time through the course of the</p> <p>10 incidents involving BLinC, was there anyone who spoke up</p> <p>11 against deregistering or penalizing BLinC?</p> <p>12 MR. CARROLL: Do you mean within the</p> <p>13 University?</p> <p>14 Q. Within the University.</p> <p>15 A. There may have been. Within my unit, no, my</p> <p>16 department, no.</p> <p>17 Q. A couple of follow-up questions. At the time</p> <p>18 of the decision to -- Do you know what an all-comers</p> <p>19 policy is?</p> <p>20 A. (Witness nods head.)</p> <p>21 Q. And what's your understanding of what an</p> <p>22 all-comers policy is?</p> <p>23 A. That all are welcome.</p> <p>24 Q. And that means that the Democratic student</p> <p>25 group would have to admit Republicans as leaders;</p>	<p style="text-align: right;">301</p> <p>1 Q. And was there agreement among the individuals</p> <p>2 responsible for enforcing the policy, yourself, Lynn</p> <p>3 Shriver [sic] -- and excluding attorneys, was there</p> <p>4 agreement there was no all-comers policy?</p> <p>5 MR. CARROLL: Excuse me just for a minute.</p> <p>6 You misspoke. It's not Lynn Shriver.</p> <p>7 Q. I'm sorry, Lyn Redington.</p> <p>8 A. Repeat your question, please.</p> <p>9 Q. So excluding -- Your communications with your</p> <p>10 attorneys are privileged. Do you understand that?</p> <p>11 A. Correct.</p> <p>12 Q. And so you shouldn't disclose to me what your</p> <p>13 attorneys advised you. Do you understand that?</p> <p>14 A. Correct.</p> <p>15 Q. With that understanding, was there agreement</p> <p>16 that the University does not have an all-comers policy?</p> <p>17 A. Was there agreement we did not? I would say</p> <p>18 there was not agreement.</p> <p>19 Q. Who disagreed?</p> <p>20 A. I'm thinking about the discussions that</p> <p>21 occurred and kind of the dissenting opinions as we were</p> <p>22 kind of figuring this out. So whether or not everybody</p> <p>23 all the time agreed always that we have had an</p> <p>24 all-comers policy, I can't say that's accurate.</p> <p>25 Q. Would you say there's general consensus that</p>

<p style="text-align: right;">302</p> <p>1 the University doesn't have an all-comers policy?</p> <p>2 A. Among the people making the decision, no.</p> <p>3 Q. Who were the ones that disagreed?</p> <p>4 A. Again, I think there were people asking</p> <p>5 questions because -- particularly Mr. Baker, because it</p> <p>6 was different than years and years ago.</p> <p>7 Q. Did Mr. Baker believe the University had an</p> <p>8 all-comers policy?</p> <p>9 A. I can't say if he actually said that or not.</p> <p>10 Q. How would you characterize the position he was</p> <p>11 taking?</p> <p>12 A. Historical, trying to figure out our</p> <p>13 historical pattern based on our current pattern.</p> <p>14 Q. And yesterday you mentioned that there is a</p> <p>15 new HR policy being proposed. Again, without disclosing</p> <p>16 communications from your attorneys, when did you first</p> <p>17 learn about this potential new human rights policy?</p> <p>18 A. I referenced the policy update that happened</p> <p>19 in 2014.</p> <p>20 Q. Correct.</p> <p>21 A. What I was meaning to reference yesterday was</p> <p>22 the membership -- the human rights clause, that there is</p> <p>23 an insertion now that was approved on -- in July that</p> <p>24 references the Title IX exemption related to</p> <p>25 fraternities and sororities.</p>	<p style="text-align: right;">304</p> <p>1 Q. What did she tell you?</p> <p>2 A. That there's discussion -- I don't know if I'm</p> <p>3 violating the attorney/client privilege related to her</p> <p>4 discussion.</p> <p>5 Q. Is she a lawyer?</p> <p>6 A. No, but I know she's had conversations with</p> <p>7 attorneys.</p> <p>8 Q. Well, were lawyers with you when she told you?</p> <p>9 A. No.</p> <p>10 MR. CARROLL: Well --</p> <p>11 Q. I'm asking a question, and you have to answer</p> <p>12 unless your attorney instructs you not to answer.</p> <p>13 MR. CARROLL: That's right. So I was waiting</p> <p>14 to see what his answer -- where he was headed. So I am</p> <p>15 going to object to attorney/client privilege. If</p> <p>16 Ms. Shiver's only repeated what she learned from counsel</p> <p>17 to you, that's privileged. I'm not trying to tell you</p> <p>18 what to say, trust me. For example, if she said I</p> <p>19 believe the policy should be X in the future.</p> <p>20 THE WITNESS: She did not state that.</p> <p>21 Q. So do you believe that everything she told you</p> <p>22 is just what she heard from the attorneys?</p> <p>23 A. Yes.</p> <p>24 Q. And have you discussed this with anyone else?</p> <p>25 A. No.</p>
<p style="text-align: right;">303</p> <p>1 Q. You also referred to a potential new policy</p> <p>2 that would clarify the leadership selection standards</p> <p>3 for student organizations. Do you recall that?</p> <p>4 A. I don't re- -- I can't recall if I said that.</p> <p>5 Apparently I did.</p> <p>6 Q. Are you aware -- Just is there an impending</p> <p>7 policy? Do you know of any further policy changes that</p> <p>8 might be made?</p> <p>9 A. I don't believe there's policy changes in the</p> <p>10 works right now.</p> <p>11 Q. Do you believe there's any new interpretation</p> <p>12 that's being considered for the existing --</p> <p>13 A. Yeah.</p> <p>14 Q. -- human rights --</p> <p>15 A. Yes.</p> <p>16 Q. -- human rights policy?</p> <p>17 A. Excuse me. Yes.</p> <p>18 Q. What do you know about that?</p> <p>19 A. I think there has been recent discussion about</p> <p>20 reconsidering our position on that.</p> <p>21 Q. And do you know, is that only in</p> <p>22 communications with your lawyers that you know that?</p> <p>23 A. No.</p> <p>24 Q. Who else has talked to you about that?</p> <p>25 A. I heard that from Vice President Shivers.</p>	<p style="text-align: right;">305</p> <p>1 Q. Do you have any idea of when this might come</p> <p>2 out?</p> <p>3 A. No.</p> <p>4 Q. Are you familiar with the organization NORML,</p> <p>5 capital N-O-R-M-L?</p> <p>6 A. Yes. But I'll need a little refresher.</p> <p>7 Q. It's an organization that works for promoting</p> <p>8 the legalization of marijuana; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Is there a NORML group on campus?</p> <p>11 MR. CARROLL: Do you mean a registered group?</p> <p>12 I don't know what the question is.</p> <p>13 Q. I'm just going to let him answer, and then</p> <p>14 I'll clarify.</p> <p>15 A. I'm not certain if we have a registered or</p> <p>16 deregistered NORML chapter.</p> <p>17 Q. Do you know if there's been one in the past?</p> <p>18 A. I believe there has been.</p> <p>19 Q. Are you aware of any incident involving the</p> <p>20 NORML student organization at Iowa State University?</p> <p>21 MR. CARROLL: I'm going to object as</p> <p>22 irrelevant and not leading to discovery of admissible</p> <p>23 evidence in this litigation.</p> <p>24 Q. You can go ahead and answer.</p> <p>25 MR. CARROLL: You can answer if you know</p>

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1 anything about the Iowa State litigation.

2 A. No.

3 Q. Do you have any interaction with the people at
4 Iowa State? Do you have like regular meetings or
5 coordination or anything like that with your counterpart
6 there?

7 A. No.

8 MR. BAXTER: I have no further questions.
9 (Deposition concluded at 9:36 a.m.)
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1 CERTIFICATE

2 I, Karrie Truitt, Certified Shorthand Reporter
3 of the State of Iowa, do hereby certify that on the
4 9th day of August, 2018, at UI Research Park,
5 2500 Crosspark Road, Coralville, Iowa, there appeared
6 before me the following-named person, to wit: WILLIAM
7 R. NELSON, who was by me first duly sworn to testify the
8 truth, the whole truth, and nothing but the truth in the
9 above-entitled cause; that I reported in shorthand the
10 testimony of said witness, reduced the same to
11 typewriting under my direction and supervision, and that
12 the foregoing deposition is a true record of the
13 testimony given by said witness and of all proceedings
14 had on the taking of said deposition at the above time
15 and place.

16 I further certify that I am not related to or
17 employed by any of the parties to this deposition, and
18 further that I am not a relative or employee of any
19 attorney or counsel employed by the parties hereto or
20 financially interested in the action.

21 IN WITNESS WHEREOF, I have set my hand this
22 22nd day of August, 2018.
23
24
25

26 _____
27 Karrie Truitt
28 Certified Shorthand Reporter
29
30
31
32
33
34
35

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION

BUSINESS LEADERS IN CHRIST,

Plaintiff,

v.

THE UNIVERSITY OF IOWA, *et al.*,

Defendant.

Civil Action No. 17-cv-00080-SMR-SBJ

NOTICE OF RULE 30(B)(6) DEPOSITION

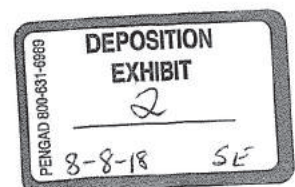
Pursuant to Federal Rule of Civil Procedure 30, the deposition upon oral examination of the person identified below will be conducted, for use as evidence, at trial and otherwise, at the time and place stated below before a court reporter or other officer authorized by law to administer oaths, to continue from time to time until completed. The matters on which persons designated under Rule 30(b)(6) will be asked to testify are set forth in Exhibit A.

NAME: **The University of Iowa**
Iowa City, IA 52242

PLACE: **UI Research Park**
2500 Crosspark Road
Coralville, Iowa 55241

TIME: **9:00 AM**

DATE: **Tuesday, August 7, 2018**



The deposition proceedings will be recorded stenographically and by video recording.

Dated: June 28, 2018

Respectfully submitted,

/s/ Eric S. Baxter

Eric S. Baxter (*pro hac vice*)

Lead Counsel

Daniel H. Blomberg (*pro hac vice*)

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Counsel for Plaintiff

EXHIBIT A

List of Topics for Rule 30(b)(6) Witness

1. The University of Iowa's policies and/or procedures regarding registered student organizations, including all funding and benefits made available to such organizations.
2. Student organizations that have been refused registration, deregistered or otherwise penalized since 1997, and the investigations into those student organizations.
3. The adoption, interpretation, and enforcement of the University of Iowa's Human Rights Policy, Nondiscrimination Statement, and Statement of Policy.
4. Official University of Iowa programs existing at any time since 1997 (including but not limited to scholarships, awards, events, admission policies, and educational programs) that employ preference for or against students with regard to their race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, political affiliation, or associational preferences.
5. Registered student organizations at the University of Iowa, including but not limited to fraternities, sororities, sports clubs, and sports teams since 1997 that have employed criteria for the selection of leadership positions, membership, or participation involving a preference for or against students with regard to their race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, political affiliation, or associational preferences.
6. The University of Iowa's investigation of Business Leaders in Christ and its decision to deregister Business Leaders in Christ.
7. The University of Iowa's investigation of the complaint filed by Marcus Miller against student organization 24:7.
8. The University of Iowa's investigation of any complaints filed against student organization Christian Legal Society.
9. The University of Iowa's responses to Plaintiff's First Set of Interrogatories to Defendant University of Iowa.
10. Any documents produced by the University of Iowa in response to Plaintiff's First Set of Requests for Production of Documents from Defendants.

11. The University of Iowa's efforts since the commencement of this lawsuit to enforce its Human Rights Policy

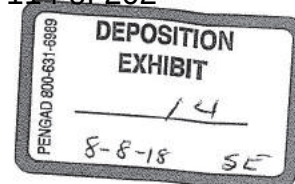
CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2018, the foregoing document was served via
First Class/Priority Mail and email upon the following counsel of record:

George A. Carroll
Assistant Attorney General
1305 E Walnut Street
Des Moines, IA 50319
george.carroll@ag.iowa.gov

/s/ Eric S. Baxter
Eric S. Baxter

DEAN OF STUDENTS



[Home](#) ▶ [Policies](#) ▶ Registration of Student Organi...

Registration of Student Organizations

A student organization is a voluntary special interest group organized for educational, social, recreational, and service purposes and comprised of its members. Student organizations are separate legal entities from the University of Iowa and legally are not treated the same as University departments or units. Student organizations can exist whether or not the University endorses them pursuant to this policy. Unless otherwise denoted hereafter, the use of the term "student organization" shall include sports clubs registered by Recreational Services.

Student organizations are an important link in the co-curricular activities of the University of Iowa. They play an important role in developing student leadership and providing a quality campus environment. As such, the University encourages the formation of student organizations around the areas of interests of its students, within the limits necessary to accommodate academic needs and ensure public safety.

I. Registration of Student Organizations

The University of Iowa, through the Vice President for Student Life (hereinafter, "vice president"), has delegated the responsibilities and obligations of registering student organizations to the Student Organization Review Committee (i.e., on behalf of the Center for Student Involvement & Leadership and Recreational Services) (SORC) and to deans of academic colleges. The SORC is a team of students and staff that determines the approval or denial of the application for registration. Registration of a student organization by the University does not constitute an endorsement of its program or its purposes, but is merely a charter to exist. The reasons for denying or withdrawing registration of a student organization shall not violate the University Policy on Human Rights.

It is the responsibility of each registered student organization to adhere to the mission of this University, its supporting strategic plan, policies, and procedures. Organizations must abide by all local, state, and federal laws. An organization's goals, objectives, and activities must not deviate from established University policies and procedures. Because participation in student organizations may enhance a student's educational experience and the University deems this important to our students' success, registered organizations are entitled to certain privileges and benefits.

A. Benefits of Registration:

1. Registration as a University organization;
2. Establishment of an account in the Student Organization Business Office (SOBO), Fraternity Business Service, or Recreational Services and appropriate purchasing privileges in accordance with University policies;
3. Eligibility to apply for funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs);
4. Inclusion in appropriate University publications;
5. Utilization of the Center for Student Involvement & Leadership's (CSIL) OrgSync software (funded by UISG & GPSG)
6. Utilization of the University's trademarks in accordance with the UI Trademark Licensing Department's program and policies;
7. Eligibility for use of campus meeting facilities and outdoor spaces;
8. Eligibility, but not the right, to utilize UI Fleet Services vehicles in accordance with state and University policies, procedures, guidelines, and insurance requirements;
9. Eligibility, but not the right, to utilize University staff and programming resources;
10. Eligibility, but not the right, to utilize Information Technology Services Mass Mail once each semester;
11. Eligibility to apply for awards and honors presented to University registered organizations and members; and
12. Eligibility to apply for Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office space and/or storage space.

B. Achieving and Renewing Registration

1. In order to exercise the privileges accorded to registered student organizations, students interested in starting a new registered student organization must first write a constitution for the potential student organization and hold a Pre-registration meeting with the appropriate CSIL staff, BEFORE filing the New Organization Registration Form online through OrgSync. This form includes organizational information and the organization's Constitution and Bylaws. Upon receiving this information, the CSIL staff will review it and submit it to the Student Organization Review Committee (SORC) for consideration. If approved for registration, the SORC will assign the appropriate registration tier (see below).
2. Eligibility/Registration Requirements
 - a. Any group or organization which consists of and maintains at least 80 percent University students, whose purposes are consistent with the educational objectives of the University, and do not violate local, state or federal law, is eligible for registration by the University. To start a new registered student organization, the organization must consist of and maintain at least five (5) individuals as members, of which four (4) must be currently enrolled UI students.
 - b. Membership. It is the policy of the University that all registered student organizations be able to exercise free choice of members on the basis of their merits as individuals without restriction in accordance with the University Policy on Human Rights. The University acknowledges the interests of students to organize and associate with like-minded students, therefore any individual who subscribes to the goals and beliefs of a student organization may participate in and become a member of the organization.

Membership and participation in the organization must be open to all students without regard to race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

Membership in a student organization must be composed primarily of UI students (minimum 80% student membership) and be controlled and directed by UI students. Members are individuals who self-select to join an organization; "membership" is different from the audience a student organization targets, serves, or represents. The "audience" is not automatically considered a part of the organization's membership. Only UI student members shall have voting rights in a student organization. Membership is not open to persons under the age of 18 who are not enrolled UI students. Non-university community members who are at least 18 years of age may participate in the activities of student organizations but may not be voting members. If the student organization desires to allow persons under the age of 18 who are not UI students to participate in the activities of the student organization, the student organization must follow the requirements contained in the Youth Programs Policy Manual for RSOs, including that the youth participant must have permission to participate from a parent or guardian.

As some University services and benefits require knowledge of a student's membership in the student organization requesting the service or benefit, all organizations are encouraged to have a full membership roster on file with the Center for Student Involvement & Leadership via OrgSync. For example, if a member of a student organization wants to request approval to drive or ride in a university vehicle for an organization event or activity, that member must be listed on the organization's full membership roster located on OrgSync.

The student organization must be nonprofit in nature; student organizations affiliated with for-profit businesses are not eligible for registration. Student Representatives and student organization members must not profit or benefit financially from student organization membership.

- A. Primary and Secondary Student Representatives. Student Representatives are individuals who are authorized by the organization to speak for or represent the organization in its relations with the University and who are authorized to receive for the organization official notices, directives, or information from the University. Every student organization or potential student organization, registered with the Center for Student Involvement & Leadership/Recreational Services/academic deans via OrgSync must include the names of two student representatives in its Org Profile. Both Representatives must be currently enrolled UI students, and in academic and non-academic good-standing. One name will be designated as the Primary Representative and the other as the Secondary Representative. It is the responsibility of each student organization to update the Org Profile with the current names of Student Representatives. A student organization no longer under the direction of currently enrolled students may lose its registration.
- B. Access to University Resources. Registered student organizations are guaranteed an equal opportunity to apply for funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs) or for any other benefit conferred by the University of Iowa Student Government (UISG) or Graduate and Professional Student Government (GPSG) or their constituent bodies, without differentiation for reasons that violate the University Policy on Human Rights or inhibit the group's exercise of First Amendment rights of free expression and association. Nothing in this

section shall be construed to create or guarantee any expectation of the receipt of funding or other benefits from UISG and/or GPSG and/or Recreational Services by any student organization or to prohibit the individual consideration of the program merits of funding or other proposals submitted by such student organizations.

C. Registration Procedure. Throughout the year on an ongoing basis, the University will consider applications from student organizations that request to be registered. Registration of student organizations is granted by the Student Organization Review Committee (i.e., on behalf of the Center for Student Involvement & Leadership and Recreational Services) or an academic dean. Registration granted for sports clubs, and fraternities and sororities are subject to additional policies administered by their respective department or student governance organization(s). In order to receive funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs), a student organization must be confirmed by the UISG and/or GPSG or Recreational Services. Greek-letter social organizations are registered by the University of Iowa Interfraternity Council, Panhellenic Council, Multicultural Greek Council, or the National Pan-Hellenic Council.

1. To start an organization one must follow the step-by-step process listed on the "[Starting an Organization](#)" website.

Registration of student organizations that are residential living units (i.e., residence hall organizations, fraternities, and sororities) is granted by their respective student governance organization (i.e., Associated Residence Halls [ARH], Interfraternity Council [IFC], Multicultural Greek Council [MGC], National Pan-Hellenic Council [NPHC], and Panhellenic Council [PHC]) with the concurrence of the vice president.

The Student Organization Review Committee (SORC) shall review all student organization registration applications. Upon its evaluation, the Committee will register the student organization and forward the organization's application to the appropriate student governance organization or college/department/unit for confirmation; 2) register the organization subject to specific conditions on activities the organization is permitted to sponsor; or 3) reject the application. If an application is rejected the organization may appeal the decision of the SORC within 30 calendar days upon the receipt of their denial of registration letter. Appeals must be submitted in writing to either the Director of the Center for Student Involvement & Leadership (i.e., for student organizations) or the Director of Recreational Services (i.e., for sport clubs). If an organization appeals and is not satisfied with the decision rendered by the Director of the Center for Student Involvement & Leadership or the Director of Recreational Services they may then submit a final appeal in writing to the Dean of Students. There is no further appeal after the Dean of Students.

D. Constitution and Bylaws. In order to complete the registration process, all student organizations must have an approved constitution and bylaws. Sponsored and affiliated student organizations (see Section 8, Registration Tiers) must also provide a copy of the charter, constitution, and/or bylaws of any organization external to the University with which such organization may be affiliated. Student organizations are required to include mandatory clauses within their organization constitutions.

E. Registration of Inter/National Chartered Organizations. In addition to observing all University rules, an organization that is chartered by an inter/national organization, such as a Greek-letter social fraternity or sorority, must maintain its affiliation with the inter/national organization in order to retain its University registration. University registration will cease when the inter/national organization no longer recognizes or sponsors the student organization as an active organization. In this situation, the organization is no longer eligible to affiliate with their respective student governance organization, to participate in activities sponsored by the governance organization or its member organizations, or to access the privileges granted to registered student organizations. Once the inter/national organization has officially returned the student organization to affiliation status, the student organization representatives may apply to the University and the respective student governance organization for registration, although re-registration is not guaranteed. When the University removes registration of a student organization for violating University rules but the organization remains affiliated with the inter/national organization, the student organization will not regain their University registration by virtue of their relationship with the inter/national organization.

F. Housing Organizations. Student organizations that provide off-campus housing to their student members are considered Housing Organizations. These include Professional Residence Groups, fraternal organizations with a professional focus that are recognized by an academic college, and Undergraduate Residence Groups, which includes Greek-letter organizations that are affiliated with their respective student governance organization.

1. In addition to all other student organization policies, Housing Organizations must fulfill the following expectations due to the level of responsibility and complexity involved in the service they provide:

- a. Manage their housing unit;
- b. Enforce internal organization rules;
- c. Ensure that relevant national, state, and local laws and regulations are observed;
- d. Provide safe and healthful lodging and cooperate with city or state agencies responsible for enforcing applicable health and safety laws; and

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e. Observe relevant University policies in their housing facilities, including the Anti-Hazing Policy and the Sexual Misconduct Policy.

2. Organizations are eligible for the same privileges granted to registered student organizations which do not provide housing.
3. The responsibility for the regulation and governance of professional fraternities that maintain chapter structures shall be with the Dean of the respective college, including professional fraternities registered by the College of Medicine, the College of Dentistry, College of Liberal Arts and Sciences, and the Graduate College.
4. The possession or consumption of alcohol is prohibited in recognized undergraduate residence group housing except where explicitly authorized in writing by the vice president.

G. Governance Organizations.

1. Registered student organizations are governed by the University of Iowa Student Government (UISG), Graduate and Professional Student Government (GPSG), or Associated Residence Halls (ARH).
2. Undergraduate men's and women's social fraternities are governed by the University of Iowa Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, or the Multicultural Greek Council, which may establish, consistent with the University Policy on Human Rights, additional rules and regulations for recognition of new fraternities, membership selection standards, and standards of conduct.
3. Reviews. In order to determine whether a student organization is in compliance with a student governance organization regulation or policy, University officials may from time to time review the organization's record. Information gathered as part of the review may include, but is not limited to, the following: aggregate grade point averages, membership figures, financial reports, internal rules and policies, insurance coverage schedules, educational programs for members, safety and security precautions, compliance with relevant municipal ordinances and state laws, and complaints to the Iowa City police.

II. Registration Tiers

Each student organization granted registration with the University of Iowa is classified as general, affiliated, or sponsored. The registration tier is determined by assessing the student organization's relationship to the University, the purpose and scope of its activities, the University population served, and the perceived potential risk to participants and the University.

The relationship of student organizations to the University is determined by evaluating the student organization's mission, goals, and activities as they relate to the mission, vision, goals and culture identified by the University in its Strategic Plan.

The privileges and responsibilities associated with each type of registered student organization are outlined below.

- A. General Student Organizations: The privileges of becoming a registered student organization at the University are not extended without careful consideration. General student organizations are those that are consistent with the mission and culture of the University and engage primarily in activities that benefit their membership. These organizations are primarily interest groups capable of functioning with minimal support. The University registers but does not support or endorse the purposes of these general organizations and may not accept responsibility or liability for the activities undertaken by the student organization.

In addition to the University resources available to all registered student organizations, general student organizations may receive third priority consideration for:

- Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office or storage space; and
- Reservable space for University-wide annual events at the Iowa Memorial Union, other University facilities, and outdoor venues through the IMU Event Services process and other University scheduling processes.

- B. Affiliated Student Organizations: Affiliated student organizations are those that serve a specific University interest and may provide support to University programs and initiatives. They contribute to the mission, vision, goals, and culture of the University by routinely presenting events for their members, the campus, or their related department's or unit's members and invited guests. A University department or unit must provide oversight and direct responsibility for the organization and its activities. Affiliated student organizations also may be directly associated with an academic course and its requirements.

In addition to the University resources available to all registered student organizations, affiliated student organizations shall comply with any rules, procedures, and expectations established by the responsible University department or unit.

Because of their broad impact, affiliated student organizations may receive second priority consideration for:

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- Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office or storage space; and
- Reservable space for University-wide annual events at the Iowa Memorial Union, other University facilities, and outdoor venues through the IMU event services process and other University scheduling processes.

Affiliated student organizations will need to follow appropriate criteria and guidelines from each University department or unit to receive these services and benefits.

- C. **Sponsored Student Organizations:** Sponsored student organizations are those considered critical to the mission and culture of the University and work in partnership with a University department or unit. These organizations are linked to the University because of their role representing the University or in presenting events of broad appeal that are considered an integral part of the institution and its activities. Sponsored students organizations routinely present events for the campus and broader community, and typically work in a collaborative relationship with a University department or unit. The student organization's purpose and effect are to serve a broad segment of the campus community, not just its membership.

Once registered, the events and activities presented by the student organization should accurately and positively reflect the mission, vision, goals and culture of the University, as well as the rules and standards of the institution and its activities. The registration process requires action by both student leaders and University officials. As such, this process creates a mutually beneficial relationship between sponsored student organizations and the University.

In addition to the University resources available to all registered student organizations, sponsored student organizations shall have:

- A full-time professional staff or faculty member whose job description designates them as the primary adviser to the sponsored student organization in accordance with student organization registration requirements. These advisers are considered experts within the respective student organization's area of interest;
- A University department or unit that provides oversight and direct responsibility for the student organization and its activities; and
- Routinely presented events of broad appeal for the campus and community. Student organization operations and event planning are complex, and the majority of the events/programs are University-wide. Sponsored student organizations routinely present events for the campus and broader community, and are expected to work closely with the appropriate University department or unit in the planning of these events.

Because of high complexity, sponsored student organizations may receive first priority consideration for:

- Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office or storage space; and
- Reservable space for University-wide annual events at the Iowa Memorial Union, other University facilities, and outdoor venues through the IMU event services process and other University scheduling processes.

Sponsored student organizations must follow appropriate criteria and guidelines from each respective University department or unit to receive these services and benefits.

III. Tier Appeals

An appeals process exists for those organizations desiring a registration tier different than that into which they were initially placed. Based on additional information, an organization's registration tier or may be modified also by the Student Organization Review Committee (SORC).

1. **Appeals – Recognition Tier Decision.** A student organization has the right to appeal a tier designation decision of the SORC or the determination by the Center for Student Involvement & Leadership to change or modify a student organization's recognition tier. An appeal provides a limited review of the original decision. It is not an opportunity to present the evidence again or to re-evaluate credibility. If an error has been made, in most cases the matter will be returned to the SORC so that the error may be corrected.

One of the following two conditions must be used as a basis for appeal:

- Discovery of new information that was not available at the time of the decision; and/or
- The appropriate processes for registering student organizations were not followed.

The Director of the Center for Student Involvement & Leadership or Recreational Services will act as the appeal administrator. The Associate Director of the Center for Student Involvement & Leadership or Recreational Services will act as the appeal administrator if the Director is unable to serve due to conflict of interest or absence.

Written documentation stating the grounds for appeal must be filed with the appeal administrator within ten (10) business days of receipt of the original SORC decision.

The appeal administrator will decide one of the following:

- Uphold the original decision;
- Remand the case back to the SORC for reconsideration consistent with the findings of the appeal administrator;
- Remand for a new registration process review of the student organization; or
- Modify the registration tier assigned by the SORC.

The appeal administrator will provide a written decision to the SORC Chair within ten (10) business days of the appeal review. An appeal may be taken within ten (10) business days to the Dean of Students.

IV. Registration Renewal

- A. Each student organization must renew its Profile on OrgSync at or near the beginning of the fall (between Aug. 1-Sept. 15) and spring (Jan. 1-Feb. 15) semesters, even if there are no changes from the previous semester in primary and/or secondary representative and contact information. A student organization that does not update and renew its profile will lose its registration automatically for one semester. Any changes in primary or secondary representative or changes in contact information must be reflected in the profile. Registered student organizations must provide complete and accurate information as requested in the profile. If additional information is needed, student organization representatives must provide information upon request to the Center for Student Involvement & Leadership or Recreational Services. For those student organizations that are registered by an academic college as well as by a student government, student leaders are advised to check with the college/department/unit regarding registration deadlines.
- B. From time to time, the Student Organization Review Committee reviews the status of student organizations to ensure the safety and welfare of students who participate in activities sponsored by the organization. Depending upon the results of its evaluation, the Committee will 1) register the student organization; 2) register the student organization subject to specific conditions on activities the organization is permitted to sponsor; or 3) recommend to the Director of the Center for Student Involvement & Leadership or Director of Recreational Services that registration be denied.

V. Organizational Registration Changes

- A. During the year, registered student organizations must report to the Center for Student Involvement & Leadership or Recreational Services any amendments to or changes in its student organization name, constitution, by-laws, student representatives, and/or advisers within two weeks of the changes becoming effective. Registered student organizations also must submit any additional information requested from time to time by their respective registering body.

VI. Advisers

- A. Student organization advisers are strongly encouraged for all registered student organizations. Advisers shall be faculty members whenever possible in order to promote student-faculty interaction beyond the classroom. Professional & Scientific staff with advising experience and/or relevant expertise also may serve as student organization advisers. Merit staff, with advising experience and/or relevant expertise also may serve as student organization advisers upon approval from the Center for Student Involvement & Leadership, Recreational Services, or academic dean. A non-University affiliated individual may serve as an adviser to a student organization only if they serve as a liaison to a local/regional/national organization with which the registered student organization has an official affiliation.
- B. Student organization advisers must be employed at the University on at least a .5 FTE basis. The Division of Student Life shall have the right not to approve advisers of student organizations who are on disciplinary status as determined by the

- C. All student organization advisers are strongly encouraged to participate in the adviser training programs sponsored by the Center for Student Involvement & Leadership. The Center for Student Involvement & Leadership and Recreational Services will provide specific information to student organizations about these requirements.
- D. Graduate assistants, with at least 50% appointments, may serve as additional advisers in conjunction with student organization advisers who meet the requirements stated above; however, they will not have signatory authority (e.g., financial transactions, contracts, vouchers).

VII. Space Allocation for Registered Student Organizations

- A. Limited office or storage space is available to registered student organizations in the Student Organization Office Suite (SOOS) or Student Activity Center (SAC) in the Iowa Memorial Union. Student organizations allocated space in the SOOS or SAC must abide by the policies in regard to use of office or storage space. Application forms for the office and storage space are available online through the Center for Student Involvement & Leadership website (<http://csil.uiowa.edu/>). Office and storage space requests are reviewed annually by the CSIL Space Allocation Committee and recommendations for assignment of space are made to the Director of the Iowa Memorial Union and Center for Student Involvement & Leadership. Sport Clubs are required to follow all policies in regard to storage space established by Recreational Services.

Engaging students, supporting positive community behavior, and enriching the college experience through educationally-purposeful activities, service, and community building.

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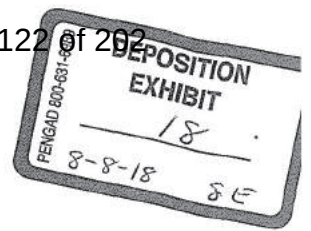
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Statement of Religious Diversity and the University Calendar

Religious history, religious diversity, and spiritual values have formed a part of The University of Iowa's curricular and extracurricular programs since the founding of the University. In order to advance religious diversity on campus, the University makes reasonable accommodations for students, staff, and faculty whose religious holy days coincide with their work schedules and classroom assignments. As a public institution, the University neither promotes any particular form of religion nor discriminates against students, staff, or faculty on the basis of their religious viewpoints.

University holidays are not religious holy days, although a religious holy day may coincide with a University holiday. The University is prepared to make reasonable accommodations in its work assignments, test schedules, and classroom attendance expectations in a manner which is consistent with the University Policy on Human Rights and does not unfairly burden employees and students.

Students

With regard to classroom attendance, students who notify the faculty (including teaching assistants) of a religious holy day conflict in a timely manner shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Where attendance is mandatory, students compelled by their religious convictions to refrain from attending class on specific days must notify their instructors during the first few days of the semester or session, and no later than the third week or one week before the absence if a conflict occurs before that time.

Students who notify their instructors of a religious holy day conflict in a timely manner shall be permitted a reasonable amount of time to make up the material or activities covered in their absence, including tests. Students who receive an exemption on religious grounds cannot be penalized for failing to attend class on the days exempted. The instructor may, however, appropriately respond if the student fails to satisfactorily complete any alternative assignment or examination.

In those cases where a request for an excused absence based upon a religious holy day conflict is denied by the instructor, a student may pursue a grievance under "Student Complaints Concerning Faculty Actions" (posted in [Policies & Regulations Affecting Students](#), sub-section D). Where a timely request is made but denied by the instructor, the grievance process shall be expedited as much as reasonably possible to ensure that a student pursuing a religious holy day accommodation is not unduly disadvantaged by the passage of time.

Students with attendance conflicts may be required to notify an instructor in writing. An instructor who requires written notice must inform the class of this expectation in the class syllabus. An instructor may deny a student's request for an excused absence on the ground that the request was not made within a reasonable time period, that is, no later than the third week of class or one week before the absence if a conflict occurs before that time.

Faculty

Faculty members have "the responsibility to meet classes as scheduled and, when circumstances prevent this, to arrange equivalent alternate instruction" ([University of Iowa Operations Manual](#), Section III, Chapter 15.2.b). Faculty members who wish to observe religious holy days must fulfill the above-mentioned policy and satisfy any other responsibilities regarding off-

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campus time, including proper notice, in accordance with their standard departmental procedures.

When scheduling tests, instructors are encouraged to take cognizance of religious holy days which fall on University class days. In addition, faculty should include in their syllabi information regarding the policies for handling conflicts between classroom activities (attendance, tests, etc) and religious holy days. Such policies must be consistent with University policies (see the section for "Students" above).

Staff

Staff members may request accommodation for religious observances through their immediate supervisor. Accommodation may be in the form of scheduled leave or an alternate work schedule. Approved absences will be recorded as vacation. In cases when vacation is not available or an alternative work schedule is not possible, a leave of absence without pay may be permitted. Departments will attempt to accommodate such requests, balancing the request to accommodate with the particular needs of the work unit.

In order to best meet staff needs in an area, appropriate advance notice is required.

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Chapter 3 – Human Rights

(Amended 9/14)



For related policies, see [II-14](#) Anti-Harassment, [II-4](#) Sexual Harassment, and [II-11](#) Anti-Retaliation.

[3.1 Policy and Rationale](#)

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3.1 Policy and Rationale

The University of Iowa brings together in common pursuit of its educational goals persons of many nations, races, and creeds. The University is guided by the precepts that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual, and that equal opportunity and access to facilities shall be available to all. These principles are expected to be observed in the internal policies and practices of the University; specifically in the admission, housing, and education of students; in policies governing programs of extracurricular life and activities; and in the employment of faculty and staff personnel. Consistent with state and federal law, reasonable accommodations will be provided to persons with disabilities and to accommodate religious practices. The University shall work cooperatively with the community in furthering these principles.

3.2 Definition of Terms Used in This Policy

- a. Alleged victim: a person against whom discrimination has allegedly occurred.
- b. Complainant: the person who brings a complaint of violation of this policy, who could be an alleged victim or a third party.
- c. Graduate assistant: a graduate student employed by the University as a research assistant or teaching assistant.
- d. Instructor: a person engaged in teaching students or in evaluation or supervision, direct or indirect, of a student's academic work.

- e. Member of the University community: any University student, or faculty or staff member.
- f. Protected interests: University employment, education, on-campus living, or participation in a University activity.
- g. Respondent: a person or unit that has been accused of discriminating against one or more individuals.
- h. Specific and credible allegations: allegations that provide factual details such as, but not limited to, time, place, actions, participants, and witnesses. Allegations do not necessarily have to be based on firsthand observation of events to be "specific and credible," but direct observation normally results in greater specificity and credibility than indirect knowledge.
- i. Supervisor: a person who has authority either: 1) to undertake or recommend tangible employment decisions (those that significantly change an employee's employment status, such as, but not limited to, hiring, firing, promoting, demoting, reviewing performance, reassigning, and compensation decisions) affecting an employee, or 2) to direct the employee's daily work activities.
- j. Third-party complainant: a person who brings a complaint alleging an act of discrimination against someone else.

3.3 Bringing a Complaint

- a. Persons who believe they have been subjected to discrimination in violation of the policy are encouraged to report it, even if they are not certain whether a violation of this policy has occurred. A complaint that this policy has been violated may be brought to the Office of Equal Opportunity and Diversity (EOD), 202 Jessup Hall, through informal or formal channels by any member of the University community, including a third party, or by the University itself. A complaint must state specific and credible allegations of discrimination to warrant an investigation. There is no time limit for bringing a complaint; however, it may be difficult to substantiate the allegations if they are made after significant time has passed. Therefore, prompt reporting of complaints is strongly encouraged.

Anyone (victims or others) who wishes to consult with someone about a specific situation without making a complaint, or who wishes simply to learn more about enforcement of this Human Rights Policy may contact any of the following offices or organizations:

- (1) Office of the Ombudsperson (for faculty, staff, students, and persons not affiliated with the University), C108 Seashore Hall;
 - (2) Employee Assistance Program (for faculty or staff), 121-50 University Services Building;
 - (3) University Counseling Service (for students), 3223 Westlawn;
 - (4) Women's Resource and Action Center (for faculty, staff, or students), Bowman House.
- b. Informal complaints. An informal complaint is a request that the Office of Equal Opportunity and Diversity seek to reach an informal resolution of the complainant's concerns. The procedures for such complaints are designed to be flexible so as to enable the Office of Equal Opportunity and Diversity to address an individual's situation in the most effective and expeditious manner possible. Resolutions of informal

complaints are accomplished with the assistance of other offices or administrators on campus in the area relevant to the complaint.

In the case of an informal complaint, the accused party normally will not be informed of the complainant's action or identity without the consent of the complainant unless circumstances require. When allegations are addressed through an informal resolution process, no disciplinary action may be taken against the respondent, and there will be no record of the allegations in the respondent's personnel file or student disciplinary file, unless the person is notified of the allegations and given an opportunity to respond.

- c. **Formal complaints.** A formal complaint of discrimination involves an impartial investigation of the complainant's allegations by the Office of Equal Opportunity and Diversity. The investigation begins when the Office provides written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint. The respondent is then interviewed regarding the specifics of the allegations and given an opportunity to respond fully to the allegations. The Office of Equal Opportunity and Diversity may also interview other persons believed to have factual knowledge relevant to the allegations. The purpose of the investigation is to establish whether the Office of Equal Opportunity and Diversity finds a reasonable basis to conclude, by the preponderance of the evidence, that the respondent violated the Policy on Human Rights.

The Office of Equal Opportunity and Diversity will issue written findings outlining the basis for its conclusions. The written finding normally will be issued within 60 days of when the complaint was filed. When it is not reasonably possible to issue the finding within that time, the Office of Equal Opportunity and Diversity will notify the alleged victim and the respondent that the finding will be delayed and indicate the reasons for the delay. This report is provided to the administrative officials responsible for the area in which the respondent is involved, the alleged victim, the respondent, and the chief administrative officer in the unit (e.g., the Provost in a complaint filed against a faculty member; the vice president or dean for the unit in the case of a staff member; or the Vice President for Student Life in the case of a student) or his or her designee. Third-party complainants will be notified only that the proceedings are concluded.

3.4 Process for Sanctions

- a. In the case of formal complaints, the following administrators will review the findings of the Office of Equal Opportunity and Diversity investigation:
- (1) the Office of the Provost, if the respondent is a faculty member or other instructional personnel (except graduate assistants);
 - (2) the office of the vice president or dean responsible for the unit employing the person charged, if the respondent is a staff member (including a graduate assistant, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress);
 - (3) the Dean of Students, if the respondent is a student (including a graduate student, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress).
 - (4) the appropriate administrator above, if the respondent is a unit.

b. The administrator who receives the report shall:

(1) discuss it with EOD in order to determine, based on EOD's findings and input, appropriate corrective measures and/or sanctions. If the respondent is a staff member, the administrator will also consult with the Senior Human Resources Leadership Representative in the unit. If the respondent is a faculty member, graduate assistant, or unit, the administrator will also consult with the appropriate dean and departmental executive officer. When a respondent staff member, faculty member, or graduate assistant is also a student, the administrator and the Dean of Students will also consult with one another in determining what corrective measures or sanctions should be pursued.

(2) implement appropriate corrective measures and/or sanctions consistent with University procedures. The administrator must inform EOD in writing of the actions that are taken in response to EOD's findings.

(3) insure that the alleged victim is informed when action is taken.

c. Violations of the Human Rights Policy may lead to sanctions up to and including termination or separation from the University. If the respondent is a unit, sanctions may include changes to unit policies or processes, or other appropriate actions. Sanctions for violations of this policy should be commensurate with the nature of the violation and the respondent's disciplinary history. It is the responsibility of the appropriate administrator to follow-up with the parties at a reasonable interval(s) to assess their compliance with the sanctions imposed. More serious sanctions up to and including termination of employment or separation from the University may be imposed in the event that the individual fails to comply with the sanctions initially imposed.

3.5 Applicable Procedures

Formal sanctions imposed in response to alleged violations of this policy will be governed for:

- a. faculty members by III-29 Faculty Dispute Procedures and that portion of those procedures dealing with faculty ethics (III-29.7).
- b. staff members by applicable University policies, including III-16 Ethics and Responsibility Statement for Staff and the applicable discipline and/or grievance procedures (III-28 Conflict Management Resources for University Staff and/or relevant collective bargaining agreement);
- c. graduate assistants, when dismissal is sought, by the procedure for dismissal of graduate assistants (III-12.4). When sanctions other than dismissal are imposed by the dean of the employing college, a graduate assistant may appeal through any existing contractual grievance procedures;
- d. students by the Student Judicial Procedure.

3.6 Appeal Procedures

If the Office of Equal Opportunity and Diversity concludes that the complaint is unfounded, the complainant may appeal the finding on the grounds that the decision was arbitrary and capricious or that the investigating office did not follow procedures resulting in prejudice to the complainant. Appeals must be made electronically or in

writing and submitted together with all supporting documentation to the Office of Equal Opportunity and Diversity within 10 University business days of the receipt of the finding. Generally within two University business days, the Office of Equal Opportunity and Diversity will transmit the notice of appeal and the case record to the appropriate appeal officer, as described on the [EOD website](#). The appeal officer, or the appeal officer's designee, will issue a written decision on the appeal to the complainant and the Office of Equal Opportunity and Diversity within 20 University business days of the receipt of the appeal, although this time frame may be extended due to the complexity of the case or the severity of the allegations.

In cases where the appeal is denied, such action constitutes final University action on the matter, subject to appeal to the Board of Regents. In cases where the appeal is successful, in whole or in part, the appeal officer/designee will advise the Office of Equal Opportunity and Diversity regarding appropriate measures to address the issues of concern raised in the appeal.

For complaints that conclude in a finding that there is a reasonable basis to believe that a policy violation has occurred and sanctions have been imposed, respondents may appeal such findings through the grievance procedures applicable to them. The respondent may challenge any sanctions imposed as a result of a finding through available grievance procedures.

3.7 Protection Against Retaliation

- a. Retaliation against alleged victims, complainants, and/or witnesses who provide information during an investigation pursuant to this policy is prohibited by [II-11](#) Anti-Retaliation. Reasonable action will be taken to assure that alleged victims, complainants, and/or witnesses suffer no retaliation as a result of their activities with regard to the process.
- b. Any retaliation against alleged victims, complainants or witnesses should be reported pursuant to [II-11](#) Anti-Retaliation. Retaliation may result in sanctions against the person committing the retaliatory act(s).

3.8 Protection of the Respondent

- a. This policy shall not be used to bring knowingly false or malicious allegations. Making such allegations may subject the complaining party to sanctions up to and including termination or separation from the University. Any such action will be initiated by the appropriate administrator overseeing the complainant(s).
- b. In the event the allegations are not substantiated, reasonable steps will be taken to restore the reputation of the respondent if it was damaged by the proceeding. The respondent may consult with the investigating office regarding reasonable steps to address such concerns.

3.9 Confidentiality

- a. In order to empower community members to voice concerns and bring complaints, the confidentiality of all parties will be protected to the greatest extent possible. However, confidentiality cannot be guaranteed.
- b. Alleged victims, third-party complainants, and respondents are expected to maintain confidentiality as well. They are not prohibited from discussing the situation outside of the work or educational

environment. However, the matter should not be discussed with individuals who are members of their University work or educational environment.

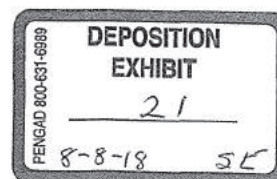
- c. Dissemination of documents relating to complaints of Human Rights Policy violations and/or to the investigation of such complaints, other than as necessary to pursue an appeal, grievance, or other legal or administrative proceeding, is prohibited.
- d. Failure to maintain confidentiality by a respondent may be considered to be a form of retaliation in violation of II-3.7 of this policy. Failure to maintain confidentiality by any party (alleged victim, third-party complainant, or respondent) may result in sanctions.

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Chapter 6 – Nondiscrimination Statement

(Amended 9/98; 6/04; 12/08; 5/15)

The University of Iowa prohibits discrimination in employment, educational programs, and activities on the basis of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual. The university also affirms its commitment to providing equal opportunities and equal access to university facilities. For additional information on nondiscrimination policies, contact the Director, [Office of Equal Opportunity and Diversity](#), the University of Iowa, 202 Jessup Hall, Iowa City, IA 52242-1316, 319-335-0705 (voice), 319-335-0697 (TDD), diversity@uiowa.edu.



DATE May 26, 2017

PURPOSE _____

CUE COLUMN

NOTES

Bill + Kristi

10:00

question has arisen

instinct knowledge vs. what we done

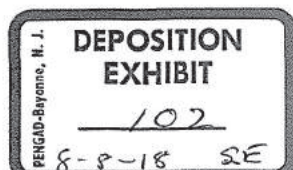
practice? none

philosophy — interpretation
historical & long standing

in advance of most recent case

allow groups to determine at
leadership level —
not membership levelCode of Student Life
regis — admin — disciplineregis piecemodel constitutional requirements
3 things actually require
NR policy one of thosegroups that have Men's Glee Club
Women in Engineering
Black ~~and~~ Student Union

SUMMARY



BLinC-Def 002702

DATE _____

PURPOSE _____

CUE COLUMN

NOTES

no mentions of exception & exclusions
 should we do
 what would language look like

2009 letter - student Gov refused to
 fund
 but admin trumped them

came down to issue over
 language in Const. X

Reg. 3 -

membership & participation -

does not say leadership
 programming - not include
 leadership

programs defined as events,
 activity & stuff
 done

membership diff from
 audience it serves

not recall issue coming up
 just their interpretation

SUMMARY

BLinC-Def 002703

DATE _____

PURPOSE _____

CUE COLUMN

NOTES

Notion of Context
 does context of student org matter
 vs. class
 vs. team

what if a woman wants
 to be on men's
 baseball team or
 men's glee club

they would be required to
 let them join

but ~~not~~ ^{org could} prohibit
 from being a leader

do student orgs or part of civi or not
 remains unanswered
 esp. relationship of fraternities
 sororities

required to keep money w/ units

→ funded by units
 by student mandatory fees

7 groups in governance orgs
 Panhelleny, IFC etc

SUMMARY

BLinC-Def 002704

DATE _____

PURPOSE _____

CUE COLUMN

NOTES

Foundation decided

Gold Rush program

on-line platform for fundraising

will allow student orgs to do

but not fraternity & sororities

not opposed to all - comes policy

grandfathered in - past orgs

SUMMARY

BLinC-Def 002705

App 0387



Letter (Memorial Union)
345 Iowa Memorial Union
Iowa City, Iowa 52242-3537
319-335-3029
iuu@iowa.edu

SENT VIA ELECTRONIC MAIL

September 13, 2017

Jacob Estell, President
Business Leaders in Christ (BLinC)
[REDACTED]

Dear Jacob:

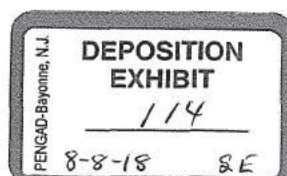
I am in receipt of the June 30, 2017, communication from Constance Schriver Cervantes regarding the case filed against your registered student organization, BLinC. Ms. Schriver investigated the complaint filed against BLinC on behalf of the Office of Equal Opportunity and Diversity.

This investigation was conducted under the Discipline of Registered Student Organization (DRSO) procedures found at <https://dos.uiowa.edu/policies/discipline-of-registered-student-organizations/>. We met on September 1, 2017, to discuss the case. I listened and considered your comments and questions. During our discussion, Tom Baker, Associate Dean of Students, stated your organization should be allowed to function as a registered student organization in good standing so long as the student leaders operate fully and consistently in accordance with the University of Iowa Human Rights Policy and make a sincere commitment to comply with the policy moving forward. After further discussion, you stated your organization intended to comply with the University of Iowa Human Rights Policy at all times in the future.

As explained in DRSO Section IV.D., I have the authority to impose sanctions if I conclude University rules were violated and sanctions are warranted. I find there is a preponderance of evidence that BLinC violated the University of Iowa Human Rights Policy.

After consideration of the Investigative Report and your remarks, I will permit your organization to function as a registered student organization in good standing with the University of Iowa provided you comply with the following:

1. Commit to ongoing compliance with the University of Iowa Human Rights Policy at all times in the future;
2. Submit a basic list of qualifications for leaders of your organization designed to prevent future disqualifications based on protected categories and to ensure that persons who identify as non-heterosexuals are not categorically eliminated from consideration; and



BLinC-Def 002571

3. Submit an acceptable plan for ensuring that group officers who interview leaders will ask questions relevant to the vision statement that are not presumptive of candidates based upon their sexual orientation.

To reiterate, BLinC, as a registered student organization, will return to good standing with the University of Iowa following your compliance with the above. Please submit the required information to me directly at [REDACTED].

You have the opportunity to appeal this decision. As an organization representative, you have ten (10) business days after receipt of this decision to request an appeal to the Office of the Dean of Students. The deadline for filing an appeal is September 27, 2017. Permissible grounds for appeal are listed at DRSO Section VI. Appeals.

Information related to this incident will be filed in the Office of the Dean of Students. Please be aware Section V. Sanctions of the DRSO states that, "Student organizations that fail to comply with a sanction in a timely manner are subject to additional disciplinary action, which may include loss of registration until compliance is achieved."

If you have any questions, please contact me at [REDACTED] or [REDACTED].

Sincerely,



William Nelson, Ph.D.
Executive Director
Iowa Memorial Union

c: Tom Baker [REDACTED]
Eric Baxter [REDACTED]

Christensen, Betty [AG]

From: Eric Baxter <ebaxter@becketlaw.org>
Sent: Wednesday, September 27, 2017 2:29 PM
To: Nelson, William R; Estell, Jacob
Cc: Baker, Thomas R; Daniel Blomberg
Subject: RE: BLinC Decision Letter
Attachments: 2017.09.27 BLinC Constitution.pdf

Dear Bill,

Attached is a copy of BLinC's revised constitution addressing the issues we discussed at our meeting earlier this month. The main relevant changes are in Article III and the cited Exhibit A. We trust that, with these changes, the University will be able to conclude its investigation.

We look forward to your response.

Sincerely,
Eric

From: Nelson, William R [mailto:william-nelson@uiowa.edu]
Sent: Monday, September 18, 2017 9:30 AM
To: Eric Baxter <ebaxter@becketlaw.org>; Estell, Jacob <jacob-estell@uiowa.edu>
Cc: Baker, Thomas R <thomas-baker@uiowa.edu>; Redington, Lyn <lyn-redington@uiowa.edu>
Subject: RE: BLinC Decision Letter

Dear Eric,

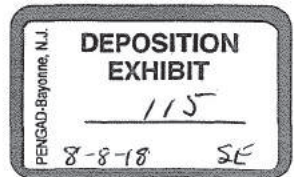
I was able to visit this morning with Assistant Vice President and Dean of Students, Dr. Lyn Redington, about your request.

She has agreed to grant the extension you requested.

Please let me know if you have questions.

Bill Nelson

William R. Nelson, Ph.D.
Executive Director, Iowa Memorial Union
145 IMU
The University of Iowa
Iowa City, IA 52242-1317
319/335-3059
william-nelson@uiowa.edu
imu.uiowa.edu



From: Eric Baxter [mailto:ebaxter@becketlaw.org]
Sent: Friday, September 15, 2017 3:27 PM
To: Nelson, William R <william-nelson@uiowa.edu>; Estell, Jacob <jacob-estell@uiowa.edu>

Cc: Baker, Thomas R <thomas-baker@uiowa.edu>

Subject: RE: BLinC Decision Letter

Dear Bill,

Thank you for forwarding the University's decision letter. I write to request an extension of time for the appeal. While we are hopeful that BLinC's response to the three requirements outlined in the University's letter will allow for final resolution of this matter, until the University receives and accepts BLinC's response, it is uncertain whether an appeal is necessary. We thus propose that BLinC be given the 10 business days until September 27 to submit its response. If the University accepts BLinC's response, that of course would resolve the matter. If for some reason the University rejects BLinC's response, BLinC would then be given 10 business days from that decision to appeal to the Dean of Students. This will allow the parties to reach a final resolution without forcing BLinC to submit an appeal to preserve its rights.

Please confirm whether you agree with this approach.

Sincerely,

Eric

Eric Baxter

Senior Counsel

Becket — Religious Liberty for All

1200 New Hampshire Ave. NW, Suite 700

Washington, DC 20036

202-349-7221

www.becketlaw.org | @becketlaw

NOTICE: This e-mail is from a law firm, the Becket Fund for Religious Liberty, and is intended solely for the use of the person(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of Becket, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to Becket in reply that you expect or want to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of Becket, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

From: Nelson, William R [<mailto:william-nelson@uiowa.edu>]

Sent: Wednesday, September 13, 2017 6:19 PM

To: Estell, Jacob <jacob-estell@uiowa.edu>

Cc: Baker, Thomas R <thomas-baker@uiowa.edu>; Eric Baxter <ebaxter@becketlaw.org>

Subject: BLinC Decision Letter

Jacob,

Attached you will find my decision letter regarding the complaint filed against your registered student organization, BLinC.

I apologize for my delay. Please contact me should you have questions.

Bill Nelson

William R. Nelson, Ph.D.

Executive Director, Iowa Memorial Union

145 IMU

The University of Iowa

Iowa City, IA 52242-1317
319/335-3059
william-nelson@uiowa.edu
imu.uiowa.edu

Title: THE CONSTITUTION OF BUSINESS LEADERS IN CHRIST ("BLINC")

Date: September, 27, 2017

Article I

Purpose:

As seekers of Christ, Business Leaders in Christ is a student organization within the Tippie College of Business meant to help students learn about how to continually keep Christ first in the fast-paced business world. Using the Bible as a guide and through prayer, fellowship, group discussions, and service, students will network within the College and with business leaders who walk with Christ on a day-to-day basis.

Article II

Membership:

Section 1) Membership in BLinC shall be open to all students without regard to race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons.

Section 2) There will be no limitations as far as the minimum or maximum number of participants within the student organization.

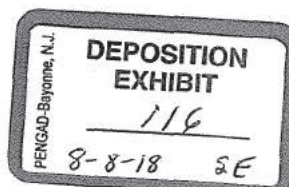
Section 3) Because BLinC is seeking certification within the Tippie College of Business to become a recognized student organization, its target audience includes students already admitted into the Tippie College of Business, pre-business students, and students strongly considering business as a major/minor. A Member's role or affiliation will not be different based on their class within, or ties to, the Tippie College of Business.

Section 4) A student will be considered a Member after signing in and attending 2 or more meetings in a given academic year. However, the President and/or the Faculty Advisor has the right to withdraw membership at any time for misconduct or other extreme circumstances.

Article III

Officers and Duties:

1) All Officers are required to affirm that they accept and seek to live BLinC's religious beliefs as set forth in its Statement of Faith attached as Exhibit A. They must be prepared



BLinC-DEF 003553

to provide spiritual leadership for the organization, including leading prayer and Bible study, explaining the content of BLinC's religious beliefs, and ministering to others. They should have knowledge of, and agreement with, BLinC's mission and an understanding of how to model the values of the organization for the rest of the membership. All Officers are expected to uphold BLinC's religious beliefs and help ensure that the organization remains true to its religious mission, as described in this paragraph.

2) There will be 4 Executive Officer positions within BLinC:

a) **President:** The role of the President is to schedule, organize, and lead executive and large group meetings weekly. It is also the President's responsibility to manage all administrative issues, such as amending the constitution, overseeing the work of the other executives, making any final decisions regarding the well-being of the student organization, and reaching out to form meaningful relationships with members of the organization. To fulfill these responsibilities, the President must work closely with the Faculty advisor, providing updates on a weekly basis, as well as working closely with the other executives of the organization. It is the President's duty to work with the other officers to make sure all administrative work is successfully completed. In order to become President, a candidate should possess strong leadership skills (prior leadership experience is preferred), strong communication skills, and a strong work ethic to be able to complete all of the required duties as President.

b) **Vice President:** The primary role of the Vice President is to schedule guest speakers to come in and present on how they use their faith on a day-to-day basis in the workforce. Ideally, they will start planning and scheduling guest speakers for the following fall semester, as soon as they are elected. Besides engaging in outreach for speakers, the Vice President will assist the President with administrative issues and will assume the role of President whenever the President cannot attend a meeting or fulfill his/her duties. In order to be a successful Vice President, a candidate should possess strong community outreach skills. They should feel comfortable reaching out to potential speakers and asking if they would like to come present to the organization. The Vice President should also have strong administrative and leadership skills as well because they will work hand in hand with the President completing various administrative tasks.

c) **Treasurer:** The primary role of the Treasurer is to manage the funds, money, and make a budget for the organization. They will work with the other executives and the faculty advisor to decide where to allocate all of the funds. Candidates should have a knowledge of managing money, and someone that is majoring in accounting or finance will be prioritized.

d) **Secretary:** The main role of the secretary is to market the student organization. They should send out emails to members reminding them of upcoming events, post on the Facebook page, and tweet about what is going on within BLinC. Also, during meetings, the secretary should record minutes. Candidates considering the position of secretary should be organized and good communicators.

Article IV

Staff/Faculty Advisor

The responsibility of the Staff/Faculty Advisor is to be a voice for the students with the University and to help the Executive Officers with whatever needs they may have. The advisor should be made aware of everything that is going on within the organization by the Executive Officers. The Advisor is invited to attend leadership and group meetings in order to again lend input for the well-being of the organization.

To select a Staff/Faculty Advisor, the Executive Officers will search first in the Tippie College of Business by sending out emails or scheduling meetings with faculty members to see if anyone would be interested. The Staff/Faculty advisor may serve only by unanimous vote of the Executive Officers. If there is no one interested within the Tippie College of Business, the search may expand outside of the college, but the same process of unanimous vote by the Executive Officers must be followed.

Article V

Meetings

Section 1) Meetings will be held once a week. Meetings will not be held during finals week or on University breaks and holidays.

Section 2) Members will be notified by email 48 hours in advance of special meetings.

Section 4) The President or Staff/Faculty Advisor has the authority to call and schedule a meeting.

Article VI

Election & Removal of Officers

Section 1) Elections for the Executive Officers will be held once a year in March to elect Officers for the following school year.

Section 2) BLinC Members who are regularly enrolled as students at the University of Iowa, in good standing with the organization, and have attended 75% or more of the group meetings may be nominated by themselves or others to run for an executive office. Nominations should be submitted by email or other writing to the Executive Officers before March 1 of each year.

Section 3) All nominees must be interviewed by the President or, at the President's discretion, by another Executive Officer. Nominees must affirm that they accept and seek

to live BLinC's religious beliefs as set forth in Article III, Paragraph 1 of this constitution. If elected, a nominee must sign a copy of BLinC's Statement of Faith.

Section 4) At minimum, members will be notified of the upcoming election and the opportunity to submit nominations in a meeting and by email at least two weeks before March 1 and again by email at least two weeks before the election if held after March 1.

Section 5) Executive Officers will be selected by a majority vote of the Members present at the duly noticed election meeting.

Section 6) The process for removal of any officer shall be commenced by a written request for removal signed by at least two Members and delivered to the Executive Officers. The challenged officer shall have one week to prepare a written response to the request and shall have the opportunity to meet with the remaining Executive Officers to speak with them about the request and response. Should the other Executive Officers find grounds for the challenged officer's removal, the matter will be referred to a vote by the Members. No officer shall be removed without the vote of the majority of the Members present at a duly noticed meeting.

Section 6) Notwithstanding the procedures outlined in the previous paragraph, any misrepresentation in an Executive Officer's leadership application or change in an Executive Officer's representations regarding the beliefs and mission of BLinC (and, hence, their ability to communicate the messages of the organization accurately) shall be grounds for the immediate review of the Executive Officer's position by the remaining Executive Officers. If, after review, the remaining Executive Officers decide that the Executive Officer in question can no longer effectively represent BLinC or further its mission, the remaining Executive Officers may remove the Officer by a majority vote of the remaining Executive Officers.

Article VII

Finances

Section 1) There will be no dues required for membership within BLinC.

Section 2) All financial decisions must be made by joint agreement between the President and the Treasurer. The President and Treasurer must seek consensus from the other Executive Officers for financial decisions involving more than \$200.

Section 3) All checks must be signed by both the President and the Treasurer. If the President is unavailable, the Vice-President may sign, but only with the President's permission.

Section 4) BLinC shall give back to the Tipple community at a minimum rate of 10 percent of any grants or gifts received by the organization.

Section 5) At the beginning of each fall semester a budget shall be made by the Treasurer to thoughtfully allocate all funds expected through the end of the spring semester. The budget shall be presented to the Executive Officers and be ratified by a $\frac{3}{4}$ vote.

Section 6) It is the duty of the Executive Officers, especially the Treasurer, to thoughtfully pray that whatever financing BLInC might receive would be used as God desires.

Section 7) BLInC is required to deposit all receipts in, and make disbursements through, the Student Organization Business Office, Fraternity Business Services, or Recreational Services. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Inactive organizations will be considered dissolved after five years of no account activity. Revenue generated dollars or "00 funds" must be divided as stated in this Constitution and carried out by our leadership. Our organization's remaining revenue generated dollars or "00 funds" will be divided or disbursed to The University of Iowa Student Government. If this organization has dissolved and revenue generated dollars or "00 funds" have not been divided as stated in this Constitution by five (5) years from last account activity, funds in our "00 account" will revert to an account specified for this purpose within UISG/ECGPS. These funds will then be available for distribution through SABAC or GPAC guidelines in accordance with University of Iowa policy.

Article VIII

Amendments

Section 1) In order to amend this document, both a $\frac{3}{4}$ vote from the Executive Officers and a $\frac{2}{3}$ vote by current Members at a duly noticed meeting is required to overturn or create changes to amendments.

Section 2) If an Executive Officer or a Member wishes to amend this constitution, the Executive Officers and Members should be notified at least two weeks in advance by email and by reading the proposed change(s) at one meeting to all Members present.

Article IX

Section 1) This Constitution shall take immediate effect upon a majority vote of all Executive Officers of the organization. The organization shall have all authority necessary to implement this constitution.

EXHIBIT A

BLinC-DEF 003558

BLINC STATEMENT OF FAITH

- **DOCTRINE OF SCRIPTURE:** The Bible is God's unique revelation to mankind, the inspired, infallible Word of God. As such, it is the supreme and final authority and without error in what it teaches and affirms. No other writings are vested with such divine authority.
- **DOCTRINE OF GOD:** There is only one true God. He exists eternally as three persons — Father, Son, and Holy Spirit — each fully God yet each personally distinct from the other. God is the creator of everything.
- **DOCTRINE OF SIN:** Everyone, regardless of race, gender, social class, or intellectual ability, is created in God's image and for communion with God. But because of sin, that communion was broken and all of humanity was separated from God, the source of all life. Because of the fall, everyone deserves God's judgment.
- **DOCTRINE OF SALVATION:** Jesus Christ is the Way, the Truth, and the Life, and God gives salvation and eternal life to those who trust in him. Salvation cannot be earned through personal goodness or human effort. It is a gift that is received by repentance, faith in Christ, his death on the cross, resurrection from the grave and testified through baptism.
- **DOCTRINE OF JUDGMENT:** At the final judgment, unbelievers will be separated from God into condemnation. Believers will be received into God's loving presence.
- **DOCTRINE OF CHRIST:** Jesus Christ, the second Person of the Trinity, was conceived by the Holy Spirit, born of the Virgin Mary — he was God in human flesh. He lived a sinless human life, yet willingly took upon himself our sins by dying in our place and on our behalf. He rose bodily, victorious over death. He ascended to Heaven and is at the right hand of the Father as the believer's advocate and mediator. Someday, he will return to consummate history and to fulfill the eternal plan of God.
- **DOCTRINE OF THE HOLY SPIRIT:** The Holy Spirit, the third Person of the Trinity, convicts the world of sin and gives new life to those who trust in Jesus. He indwells all believers and is available to empower them to lead Christ-like lives. The Spirit gives them spiritual gifts with which to serve fellow believers and reach out to a lost and needy world.
- **DOCTRINE OF THE CHURCH:** All believers are members of the body of Christ, the one true church universal. Spiritual unity is to be expressed among Christians by acceptance and love of one another across ethnic, cultural, socio-economic, national, generational, gender, and denominational lines. The local church is a group of believers who gather for worship, prayer, instruction, encouragement, mutual accountability, community with each other, and as a witness to the world.
- **DOCTRINE OF PERSONAL INTEGRITY:** All Christians are under obligation to seek to follow the example of Christ in their own lives and in human society. In the spirit of Christ, Christians should oppose racism, every form of greed, selfishness, and vice, and all forms of sexual immorality, including pornography. We believe God's intention for a sexual relationship is to be between a husband and a wife in the lifelong covenant of marriage. Every other sexual relationship beyond this is outside of God's design and is not in keeping with God's original plan for humanity. We believe that every person should embrace, not reject, their God-given sex. We should work to provide for the orphaned, the needy, the abused, the aged, the helpless, and the sick. We should speak on behalf of the unborn and contend for the sanctity of all human life from conception to natural death.



Iowa Memorial Union
345 Iowa Memorial Union
Iowa City, Iowa 52242-1312
319-335-3069
ime@uiowa.edu

SENT VIA ELECTRONIC MAIL

October 19, 2017

Jacob Estell
Business Leaders in Christ (BLinC)
[REDACTED]

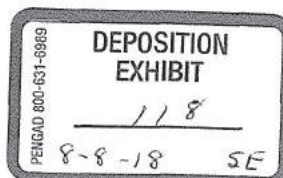
Eric Baxter
[REDACTED]

Dear Jacob and Eric:

The revised Constitution and Statement of Faith you submitted in response to my September 13, 2017 letter does not satisfy the requirements I delineated in order for BLinC to remain as a registered student organization in good standing. The Statement of Faith, on its face, does not comply with the University's Human Rights policy since its affirmation, as required by the Constitution for leadership positions, would have the effect of disqualifying certain individuals from leadership positions based on sexual orientation or gender identity, both of which are protected classifications under Chapter 216 of the Iowa Code (the Iowa Civil Rights Act) and the University of Iowa Human Rights Policy.

You have the opportunity to make additional revisions to your Statement of Faith in order to submit a version that complies with the University of Iowa Human Rights Policy. Your submission must also include a response to the third requirement I set forth in my September 13, 2017 letter, which follows: "Submit an acceptable plan for ensuring that group officers who interview candidates for leadership positions will ask questions relevant to the Statement of Faith that are not presumptive of candidates based upon their sexual orientation or gender identity." You have ten (10) business days from the date of this letter to submit your revised response. The deadline for submission is November 2, 2017.

If you choose not to submit a revised response, I will find BLinC not to be in compliance with the University of Iowa Human Rights Policy and as a result, will revoke its registration. If BLinC elects not to submit a revised response, you have the opportunity to appeal this decision. As an organization representative, Jacob, you have ten (10) business days from the date of this letter to file an appeal with the Office of the Dean of Students. The deadline for filing an appeal is November 2, 2017. The permissible grounds for appeal are listed at DRSO Section VI. Appeals.



BLinC-Def 002578

Information related to this incident will be filed in the Office of the Dean of Students. Please be aware Section V. Sanctions of the DRSO states that, "Student organizations that fail to comply with a sanction in a timely manner are subject to additional disciplinary action, which may include loss of registration until compliance is achieved."

If you have any questions, please contact me at [REDACTED] or [REDACTED].

Sincerely,



William Nelson, Ph.D.
Executive Director
Iowa Memorial Union

c: Tom Baker [REDACTED]

November 16, 2017

Business Leaders in Christ Non-Greek
Sent electronically

PERSONAL AND CONFIDENTIAL

Regarding Case Number: 2017143301

November 16, 2017

Jacob Estell
Business Leaders in Christ (BLinC)
[REDACTED]

Eric Baxter
[REDACTED]

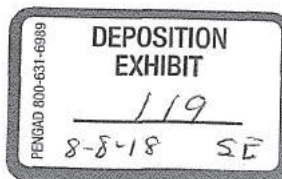
Dear Jacob and Eric:

I have received and considered your appeal regarding the decision of Dr. William Nelson, Executive Director of the Iowa Memorial Union, that Business Leaders in Christ (BLinC) more likely than not violated the University of Iowa Human Rights Policy resulting in his decision to revoke BLinC's registration as a UI student organization. My review is based upon the written record.

Upon my review of the record, I affirm the decision of Dr. Nelson that BLinC violated the University's Human Rights Policy. Furthermore, the revised Constitution and Statement of Faith you submitted in response to Dr. Nelson's September 13, 2017 letter does not satisfy the requirements delineated in order for BLinC to remain as a registered student organization in good standing. The Statement of Faith, on its face, does not comply with the University's Human Rights policy since its affirmation, as required by the Constitution for leadership positions, would have the effect of disqualifying certain individuals from leadership positions based on sexual orientation or gender identity, both of which are protected classifications under Chapter 216 of the Iowa Code (the Iowa Civil Rights Act) and the University of Iowa Human Rights Policy. Therefore, I affirm the sanctioning decision of Dr. Nelson to revoke the registration of BLinC.

Your appeal document states that the university is forcing "... BLinC to revise its Statement of Faith or be kicked off campus." In fact, a student organization is a voluntary special interest group organized for educational, social, recreational, and service purposes and comprised of its members. Student organizations are separate legal entities from the University of Iowa and legally are not treated the same as University departments or units. *A student organization can exist on campus whether or not the University approves its registration pursuant to the Registration of Student Organizations policy.*

In addition, upon appeal, you now claim for the first time that the Complainant was not allowed to hold a leadership position because he "confirmed that he intended to be sexually active in same-sex relationships." This assertion by BLinC of the complainant's intentions specifically regarding sexual activity outside of marriage was not previously addressed by BLinC and the making of such a statement by the complainant was not validated through the investigation process and finding. In fact, BLinC's leadership told the investigator, as well as the Complainant in an email, that because of Complainant's "desire to pursue a homosexual lifestyle/relationship" he was denied a leadership position. BLinC's leadership also told the investigator that Complainant would have become vice-president had he not told



BLinC-Def 002590

her he was gay. BLinC leadership also told the investigator that individuals who are gay are welcome to be student members of BLinC, but not leaders of the organization.

My decision is the final University of Iowa action on this matter. You have the right to appeal this decision to the Board of Regents, State of Iowa. If you choose to appeal, your notice of appeal must be delivered in hand copy or by fax (319)-335-0907 to the President's Office (11 Jessup Hall) within twenty days of this decision. The president is responsible for assembling your notice of appeal and other evidence and forwarding it to the Board Office. Details of the appeals process are available at:

<http://www.iowaregents.edu/plans-and-policies/boardpolicy-manual/17-appeals-to-the-board/>

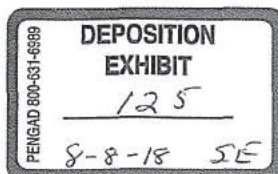
Sincerely,



Lyn Redington, Ph.D.
Assistant Vice President and Dean of Students

CC: Eric Baxter
Bill Nelson, Ph.D., Executive Director IMU
Anita Cory, Ph.D., Associate Director, Student Organizations and Leadership Program
Jennifer Modestou, Director, Office of Equal Opportunity and Diversity, Deputy Title IX Coordinator
Lena Hill, Interim Chief Diversity Officer and Associate Vice President
Melissa Shivers, Ph.D., Vice President for Student Life
Tom Baker, J.D., Associate Dean of Students, Director of Student Conduct

- 471 Registered Student Organizations (RSOs)
 - Categories: Academic...Campus Programming...Environmental...Film/Publications/Media
...Fraternity/Sorority (Social)...Games & Gaming...Graduate & Professional... Honors
...Multicultural...Performance...Political...Recreation & Wellness...Residence Halls
...Service...Special Interest...Spiritual & Religious...Sports Clubs (Competition)
...Student Governance
- Provide Mandatory Student Organization Training sessions for RSO leaders each semester (on multiple days and times each semester) on relevant UI policies, procedures, protocols, programs, services, resources, et al.
- Provide New Student Organization Orientation Training sessions for RSO leaders as their RSOs become registered, in addition to providing RSOs with ongoing advice and guidance on a regular basis
- Provide access to OrgSync for RSOs to have a portal and to have easy access to resources and information provided by CSIL. CSIL staff utilize OrgSync to communicate with all RSOs as opportunities, programs, services, etc. become available to all RSOs
- Provide access to Student Activity Fee funding from UISG and GPSG (for RSOs) and Recreational Service Fee funding (for Sports Clubs)
- Provide access to the Student Organization Business Office and its staff to assist with planning budgets, managing finances, depositing funds, purchasing equipment, securing vehicles for travel, etc.
- Provide access to request CSIL Grant funding and Late Night funding
- Provide access to request university vehicles for travel to regional or national conferences or competitions
- Provide access to request storage space in and around the Student Activity Center and Student Organization Office Suite
- Provide access to Student Organization Development workshops. Examples of workshops include:
 - Securing funding for your RSO
 - Working with the Student Organization Business Office
 - RSO Event Planning 101
- Provide individual consultations on a variety of topics, by request from RSOs
- Provide individual consultations on formulating and writing constitutions and bylaws
- Provide access to UI mass email services (two emails per RSO per semester), UI listservs, and UI email addresses
- Provide free or discounted room rates (depending on the room) for RSOs in the IMU
- Provide discounted catering rates from University Catering for RSO programs and events
- Provide discounted rates in the Iowa House Hotel for RSO-sponsored guests/presenters/speakers
- Offer event ticketing services for events and programs sponsored by RSOs. *There is a nominal charge.*
- Provide access to participate in the fall and spring Student Organization Fairs. *It is important to note there are capacity issues when the Fair is inside the IMU in the spring; there are no capacity issues when on Hubbard Park in the fall*



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- CSIL-sponsored leadership development programs and services are available for all RSO leaders to attend OR available for all to RSO leaders to apply for participation. Examples include:
 - LeaderShape
 - Leadership Library
 - Introduction to Leadership courses
 - Alternative Break service learning course and Hawkeye Service Teams
 - Be Better Forum
 - Be Better Theme Thursdays (highlighting a different "Strength" each week)
- See link for *Registration of Student Organizations* located in the "Policies and Regulations affecting Students"
 - <https://dos.uiowa.edu/policies/registration-of-student-organizations/>
A hard copy is included
- See link for *Administration of Registered Student Organizations* located in the "Policies and Regulations affecting Students"
 - <https://dos.uiowa.edu/policies/administration-of-registered-student-organizations/>
A hard copy is included
- See link for *Discipline of Registered Student Organizations* located in the "Policies and Regulations affecting Students"
 - <https://dos.uiowa.edu/policies/discipline-of-registered-student-organizations/>
A hard copy is included
- Below is the verbatim text from the *Registration of Student Organizations* section of the "Policies and Regulations affecting Students," which details the benefits of registration for RSOs:

A. *Benefits of Registration:*

1. *Registration as a University organization;*
2. *Establishment of an account in the Student Organization Business Office (SOBO), Fraternity Business Service, or Recreational Services and appropriate purchasing privileges in accordance with University policies;*
3. *Eligibility to apply for funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs);*
4. *Inclusion in appropriate University publications;*
5. *Utilization of the Center for Student Involvement & Leadership's (CSIL) OrgSync software (funded by UISG & GPSG)*
6. *Utilization of the University's trademarks in accordance with the UI Trademark Licensing Department's program and policies;*
7. *Eligibility for use of campus meeting facilities and outdoor spaces;*
8. *Eligibility, but not the right, to utilize UI Fleet Services vehicles in accordance with state and University policies, procedures, guidelines, and insurance requirements;*
9. *Eligibility, but not the right, to utilize University staff and programming resources;*
10. *Eligibility, but not the right, to utilize Information Technology Services Mass Mail once each semester;*
11. *Eligibility to apply for awards and honors presented to University registered organizations and members; and*

12. *Eligibility to apply for Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office space and/or storage space.*

- Below are references to discipline cases involving RSOs. It is important to note we do our due diligence investigating alleged violations of UI policy.
 - Hazing policy violation case – Delta Sigma Pi Business Fraternity (found responsible)
 - Alcohol policy violation case – Alpha Kappa Psi Business Fraternity (found responsible)
 - Free Speech/Title IX policy violation case – UI Feminist Union (found responsible)
 - Human Rights policy violation case – 24/7 (found not responsible)
 - Student organization funds policy violation case – Chinese Students & Scholars Association (found responsible)
 - Variety of policy violations cases involving fraternities and sororities – some found responsible and some found not responsible

Student Org Clean Up Proposal

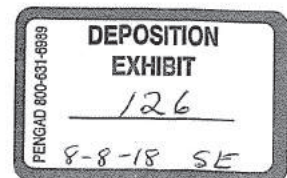
What: Ensure all Registered Student Organizations (RSO) have governing documents that have all required statements

- Required statements
 - Human Rights Clause
 - Financial Statement

When: All governing documents need to be submitted to and approved by CSIL by June 1, 2018.

How: Governing document submission and review

- Pre-work
 - Restrict access so RSOs cannot submit governing documents in their profiles on OrgSync
 - Create a form where RSOs can submit governing documents to CSIL for approval
 - Distribute form to RSOs
- Messaging and Outreach
 - Send mass messaging to RSOs who need to update their governing documents
 - Target messaging depending on needs of the RSO
 - Set office hours for groups to bring governing documents for in person feedback from Coordinator for Student Organization Development
- Timeline
 - Collect, review and advise RSO's on governing document updates on a rolling basis
 - Require all first submissions by no later than May 3, 2018
 - Review all RSO governing documents and submit feedback to Orgs by May 16, 2018.
 - Require all final submissions by June 1, 2018
- Review
 - Set bi-weekly review days where available CSIL staff assist Coordinator for Student Organization Development with reviewing governing documents
- Consequences for RSOs
 - RSOs failing to reach update their governing document in time will go defunct until all requirements are met
 - RSOs will not be approved participants at the Fall student organization fair until all requirements are met



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PROCESS FOR ORGANIZATION COMPLIANCE:

Call Andy if you need to: 414-852-6021

Nate Levin's direct line: 4-3340

HOW TO GET TO DOCUMENTS ON SHARE DRIVE:

File path: CSIL Share Drive → Student Organization Management → Constitutions → Org Compliance 2018

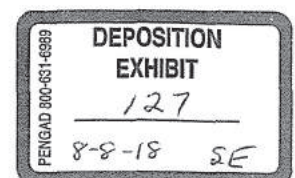
All files required for Org Compliance are in this folder or on shared Excel spreadsheet that Laurynn created.

RSOS WHO SUBMIT GOVERNING DOCS USING THE ORGSYNC FORM:

- 1) In the CSIL umbrella page of OrgSync there is a form called "Organization Governing Document Submission". That form will have groups that have who are approved, denied, or deferred.
- 2) When approving a constitution using the OrgSync form you can check it "Approved". A message will be sent to the submitter
- 3) If the organization is not yet compliant you can mark it "Denied". A message will appear on your screen that you may want to tweak prior to sending. You can also mark it "Deferred" and let the submitter/org know via email. — I believe this option works better than sending the communication via OrgSync.

REVIEWING, APPROVING OR DENYING RSO CONSTITUTION SUBMISSIONS:

- 1) When a RSO submits governing documents to be approved they either fill out the form or send an email to the CSIL-Student-Org-@uiowa.edu email account. Andy will forward anything he gets to his UI Email address to CSIL-Student-Org.
 - a) When opening up a constitution, first look for the Human Rights Clause
 - b) Check to make sure it is the most current HR Clause (current clause includes: pregnancy, status in US Military, and genetic information).
 - c) Briefly skim to make sure no language that would contradict the HR Clause is included. If included, it is usually found in the leadership qualifications, elections or membership sections. If you believe there is language that contradicts the HR Clause call and email constitution to Nate Levin 4-3340



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App 0408

- 2) If constitution is fully updated you can save the file in the folder titled Compliant Org Constitutions 6.13-6.18 – Andy will put them in portals when he gets back on June 19, 2018.
 - a) Once approved please delete the organization from the Student Organization Governance Follow-up document, the shared excel spreadsheet.
 - i) You will also need to update the spreadsheet titled “All Orgs Compliance Check” located in the share drive file path listed above.
 - (1) There are two spots on this spreadsheet to highlight (in green) The first is on the “Data” tab, the second is on the “Outreach 5.13 tab”. KEY AT BOTTOM OF SPREADSHEET
- 3) If constitution is not fully update, please mark the group “Deferred” or “Denied” and reach out to the Organization’s submitter (FORM SUBMISSIONS ONLY)

HOW TO DEREGISTER ORGS:

- 1) Go to the Admin tab on OrgSync and select “CSIL”
- 2) Click “Organizations”
- 3) Search for the Organization needing to be deregistered and click on it to expand field
- 4) On left had side click “Disable” tab.
 - a) Leave following message in text box “This organization is being disabled due to failing to submit governing documents compliant with the Human Rights Clause”
 - b) Click “Disable”
- 5) Click “Profile” tab and then “View/Edit Profile”
- 6) Change name of organization to add “Defunct Summer 2018” at the end
- 7) Change the category to Defunct.

CHATting WITH ORGS WHO HAVE QUESTIONS OR CONCERNS REGARDING CHANGE IN THEIR SELECTION OF MEMBERSHIP OR LEADERSHIP

Registered Student Organizations RSOs are considered University programs and thus must comply with all policies including the Human Rights Clause. The Human Rights Clause is encompassing of all RSO activities including the selection of membership and/or leadership. RSOs can still have purposes/mission statements related to specific classes or characteristics of the HR Clause, but obtainment of membership or leadership cannot be contingent on the agreement, disagreement, subscription to, etc. of stated beliefs/purposes which are covered in the HR Clause.

ORGS WITH CONTRADICTIONARY LANGUAGE:

General Counsel was given a list of Student Organizations that are not in compliance with the Human Rights Clause due to language that conflicts with the Clause. I have asked them to point out specific language in each constitution that was sent in order to be able to share this with the org leaders.

If Nate sends you any Org constitution with their determination on contradictory language the RSO will need to be reached out to and informed that specific contradictory language will need to be removed for approval.



*Without the
"leadership review"*

**Center for Student Involvement
& Leadership**

145 Iowa Memorial Union
Iowa City, Iowa 52242-1317
319-335-3059 Fax 319-353-2245
getinvolved@uiowa.edu
imu.uiowa.edu/students

**Executive Summary
Student Organization Constitution Review**

Background:

Student organizations are *registered* (rather than recognized) by the University of Iowa through an initial review process conducted by the Student Organization Review Committee (SORC). Semi-annually, student organizations reregister and through this process are expected to update their officers/advisors and governing documents. Annually, student organizations are required to attend a student organization policy and procedures review program. It is through training, routine communication, and accountability processes (conducted as needed) that the University's expectations of student organizations are articulated.

Review Process:

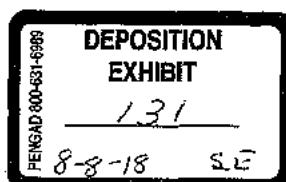
Talk
The Center for Student Involvement & Leadership staff conducted a review of approximately 500 of the more than 550 student organization constitutions during the weeks of January 15 and January 29, 2018. *ix*
Fraternalities and sororities have not been required to submit their constitutions in the past, and it was discovered several organizations' documents are in inaccessible formats, therefore, not all student organizations were reviewed.

Student organizations at the University of Iowa are officially categorized as Sponsored, Affiliated, or General organizations, and informally by interest areas such as Academic, Fraternity/Sorority, Spiritual/Religious, Sports, Performing Arts, etc. Regardless of category, all organizations are expected to adhere to the University of Iowa's Statement of Human Rights, except social fraternities/sororities who maintain a legally protected single gender status. In addition, all student organizations are expected to adhere to specific regulations regarding their financial accounts and maintain a membership of at least 80% students.

Of specific importance to this review of registered student organizations' governing documents was threefold: 1) consistency with the University of Iowa's Statement of Human Rights, 2) adherence to the financial expectation outlined in the Code of Student Life, and 3) 80% student membership. An evaluation rubric was utilized by staff to note inconsistencies in constitutional language pertaining to "race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual..." as well as financial matters and membership makeup.

Findings:

This process was valuable in discovering various inconsistencies with the statement of human rights, the financial regulation, as well as illuminating the need for general feedback for student organizations regarding their governing documents. Many of these issues would not have been realized in our historic model of responding to requests for review or official complaints. The following themes were found through the review:



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1. Approximately 17% of the organizations were noted for additional review to further assess inconsistent language. Student organizations' documents containing language inconsistent with the Human Rights Statement, were primarily those associated with one of the protected classes/characteristics in the statement. The inconsistency was typically related to the class/characteristic with which the group is associated (i.e. a men's acapella group, or a women's sport group for example).
2. 32% of the organizations state the Human Rights Statement verbatim in their constitutions. Another 59% of the organizations have a portion of the Statement. Only 9% do not contain any part of the Statement. The expectation that 80% of organization membership being comprised of UI students surfaced as the most common missing element of the Human Rights Statement.
3. Approximately, 58% of the student organizations reviewed did not include the expected financial clause verbatim in their governing documents. Conversely, 42% included the notation on financial matters.

Recommendations:

At the appropriate time, and at the direction of the Attorney General's office, University of Iowa Counsel, and Senior University Leadership, provide additional communication (i.e directives as needed) and education to student organizations about the University of Iowa's expectations for governing documents as well as operation of their organizations.

Determine a sustainable method of collecting and reviewing student organization constitutions/ governing documents in the future.

Require student organizations to reregister annually (not semi-annually) and through said registration process certify their governing documents and practices are consistent with the University of Iowa's Statement of Human Rights and Code of Student Life.

Develop and implement clear(er) expectations for student organizations through the Code of Student Life.

Develop and utilize a Conduct Review Board for the adjudication of alleged violations of the Code of Student Life for student organizations. This Review Board should be utilized particularly when issues pertaining to such serious matters as the Statement of Human Rights are being addressed.

Historical Framework**DRAFT DOCUMENT 1.18.18 (WRN)**

Historically, the UI has allowed a group of students with a common belief/interest to become and remain recognized/registered as long as they include the UI Human Rights Policy (verbatim) in their constitution or bylaws and do not behave or act in violation of it. The only other verbatim clause required relates to finances. Both clauses are listed below.

The UI has recognized/registered student organizations (RSOs) whose names suggest a belief/interest restricted to a particular creed or particular demographic. These RSOs maintain their recognized/registered status as long as any student can attend their meetings and events, and as long as the UI Human Rights Policy is observed in the process of selecting members or leaders.

If it becomes known that an RSO allegedly behaved or acted in a way that violates the UI Human Rights Policy or any other applicable UI policy, that RSO is investigated and will be found either responsible or not responsible for the violation.

The process of learning about alleged UI policy violations is largely a complaint-driven one.

If we receive a complaint, we investigate and produce a finding.

If we learn about a violation absent a complaint, we investigate and produce a finding.

If we do not receive a complaint or do not learn about a violation, we do not investigate.

In sum, the UI has operated under the premise that, regardless of STATED beliefs/interests, an RSO can remain recognized/registered as long as they have not been found to have BEHAVED or ACTED in violation of any UI policy, including the UI Human Rights policy.

Required verbatim clause related to the UI Human Rights Policy:

In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification which would deprive the person of consideration as an individual. The organization will guarantee that equal opportunity and equal access to membership, programming, facilities, and benefits shall be open to all persons. Eighty percent (80%) of this organization's membership must be composed of UI students.

Required verbatim clause related to Finances:

(INSERT ORGANIZATION NAME HERE) is required to deposit all receipts in and make disbursements through the Student Organization Business Office, Fraternity Business Services, or Recreational Services. Upon dissolution, state money and mandatory student fees revert back to the granting organization. Inactive organizations will be considered dissolved after five years of no account activity. Revenue generated dollars or "00 funds" must be divided as stated in this Constitution and carried out by our leadership. Our organization's remaining revenue generated dollars or "00 funds" will be divided or disbursed to (INSERT OR OUTLINE THE NAME OF AN ORGANIZATION WHERE YOUR STUDENT ORGANIZATION'S REVENUE GENERATED DOLLARS OR 00 MONEY SHOULD BE DIVIDED OR DISBURSED). If this organization has dissolved and revenue generated dollars or "00 funds" have not been divided as stated in this Constitution by five years from last account activity, funds in our "00 account" will revert to an account specified for this purpose within student government(s). These funds will then be available for distribution through student government(s) guidelines in accordance with University of Iowa policy.

Name of Student Org.	In reviewing the 11 Spiritual & Religious contextual student organizations, was there language that may be inconsistent with the Human Rights Policy regarding any of the following issues?					APPLICABLE LANGUAGE FROM THE ORG'S CONSTITUTION
	Leadership	Membership	General Participation	Address	Admission	
14-7	Yes	Yes	No	Yes	No	"All voting members and all officers must agree to and affirm the following Statement of Faith: ... Our members are no ideologically homogeneous with a particular kind of faith and submit to the Incarnation of Jesus Christ. They must accept a number of a local church or in corporate testimony and agree with its statement of faith."
ASK Prayer Ministry	Yes	Yes	Yes	No	No	"Selection Process: They choose a person with an understanding of the Christian message and can provide spiritual leadership for the church, and can meet the church's needs about their willingness to model the church's core message through their behavior so that the message is communicated with integrity."
Abilities in Action	Yes	Yes	No	Yes	No	"All officers must agree to the Statement of Faith referenced at the end of this document"
Bridges International	Yes	No	No	Yes	No	"Voting membership: Voting membership of this organization is open to all qualified members under Section A, who bear their testimony of conversion to Jesus Christ"
Campana Bible Fellowship	No	No	No	Yes	No	"Leadership: Leaders shall be in agreement with the Articles of Faith."
Chaldea Christian Fellowship	Yes	No	No	Yes	No	"General Member Qualifications: It is a person, Christian, actively participating in his/her church, be an active member of the national staff of his/her church to participate in the CSF's"
Chinese Student Christian Fellowship	No	Yes	No	Yes	No	Officers: "All officers must accept the implications of biblical faith, participate in the sacrament with the national staff of CSF."
Cru	Yes	No	No	Yes	No	
Genesis Campus Ministry	No	No	No	No	No	Officers of the organization shall be students, Members and shall affirm their major sin (sins) and confess to God and enter into the testimony of Jesus Christ. 3.1.1 For Full Membership Any individual aged 18 years or above who believes and endorses to practice The Faith, shall qualify to become a Full Member of the organization by fulfilling the following conditions: 3.1.1.1 To Mourn, Sorrow and obtain the remission of two Members. The reason behind the recommendation is to ensure that the person who desires to join this organization is a full member of a local church, who respects the religious rules and willing to practice the faith. (Note)
International Neighbors	Yes	Yes	No	Yes	Yes	"Refer to leadership application which is an addendum to this Constitution."
Leeds-24/7 Saint Student Association	Yes	No	No	Yes	No	"... who espouse the purposes of 1954, as stated herein."
Love Works	No	No	No	No	No	
Portland Campus Ministry Church	No	No	No	No	No	Membership: "Any Muslim residing in lower city... is eligible to be a member... Special membership may be granted to any individual who is not included in article 3.1, but he/she may not vote or hold any office."
Worship Students' Association	Yes	Yes	No	Yes	Yes	"... profess a personal relationship with Christ and obtain from him the conduct that would inspire their ability to bear witness of their faith and love the purposes of the organization."
Orthodox Christian Fellowship	No	No	No	No	No	"All Leaders must be Orthodox who have professed their faith in the Lord Jesus Christ and who stand to the according to the teaching of the Bible"
Rapid Christ	Yes	No	No	No	No	Leadership Qualifications: "Must be a member of Jesus Christ"; Statement of Faith: "We are in agreement with the Baptist faith and heritage of the Southern Baptist Convention..."
St. Paul's University Center	No	No	No	No	No	
The Salt Company	Yes	No	No	No	No	
Worshipers	Yes	Yes	No	Yes	No	
Young Women for America	Yes	No	No	No	No	Did not list the Human Rights policy but did have language that seemed explicitly discriminatory
Tau Omega Catholic Service Fraternity	No	No	No	No	No	
Saint Campus Association	No	No	No	No	No	
Love's Killer Foundation	No	No	No	No	No	
Christian Medical Association	Yes	No	No	No	No	

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a system of
Christian or
other religious
belief, a faith

Name of Student Org.	Leadership	Membership	General Participation	Advisor	creed	religion	sex	age	applicable language from the org's constitution:
24-7	yes	yes			yes				"All voting members and all officers must agree to and affirm the following Statement of Faith."
ASK Prayer Ministry	Yes	Yes	??						RE: Members - "Our members are to identify themselves with a particular local church and submit to its leadership." RE: Officers - "They must be an active member of a local church or a campus ministry and agree with its statement of faith." Selection process: "Only those applicants who can communicate the Chapter's message accurately, can provide spiritual leadership for the Chapter, and can model the Chapter's message in their behavior shall be eligible for a leadership position. Applicants may be asked about their willingness to model the Chapter's core messages through their behavior so that the message are communicated with integrity." "...All officers must agree to the Statement of belief referenced at the end of this document."
Athletes In Action	yes	yes			yes				
Briggs International	yes				yes				
Campus Bible Fellowship	no	yes			yes?	yes?			Voting membership: "Voting membership of this organization is open to all qualified members under Section A, who bear clear testimony of conversion to Jesus Christ"
Chi Alpha Christian Fellowship	yes				yes				"...Leaders shall be in agreement with the Articles of Faith."
Chinese Student Christian Fellowship	yes	yes			yes?	yes?			General Member Qualifications: "Is a reborn Christian; actively participates in his/her church; do have the consent from the pastoral staff of his/her church to participate in the CSCF"
Cru	yes				yes				Officers: "All officers must exemplify the application of Scriptural life principles, in accordance with the national standards of Cru."
Geneva Campus Ministry	no	no							
Imam Mahdi Organization							unknown - because the reader is unfamiliar with "The Faith" that is not further mentioned in the constitution.		Officials of the organization shall be student Members and shall refrain from unbecoming (habits) and endeavor to avoid minor sins (eggs). 4.1.1 For Full Membership Any individual, aged 18 years or above, who believes in and endeavors to practice The Faith, shall qualify to become a Full Member of the organization by fulfilling the following conditions: 4.1.1.1 Be Muslim, Shia and obtain the recommendation of two Members. The reason behind the recommendation is to be sure that the person who desires to join this organization as a full membership is Muslim, Shia, who respects the religion rules, and willing to practice the faith. (these
International Neighbors	Yes	Yes		n/a	yes	yes		Yes	Refer to Leadership Application which is an addendum to the Constitution.
Latter-Day Saint Student Association	yes	Yes			yes				"...who espouse the purposes of LDSA as stated herein."
Love Works	no	no							
Lutheran Campus Ministry Council									
Muslim Students' Association	Yes	yes			yes	yes			Membership: "Any Muslim residing in Iowa City... is eligible to be a member... Special membership may be granted to any individual who is not included in article 3.1, but he/she may not vote or hold any office."

App 041.7

[illegible]

DEPOSITION
EXHIBIT
132
8-8-18 SE
PENGAD 800-631-6989

Christensen, Betty [AG]

From: Nelson, William R
Sent: Wednesday, February 07, 2018 8:41 AM
To: Shivers, Melissa S
Subject: List of Spiritual Religious Orgs.xlsx
Attachments: List of Spiritual Religious Orgs.xlsx

Melissa,

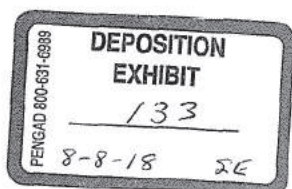
Here is the list you requested. There are 32 RSOs.

In the review process, we reviewed 31 RSOs in this category, because we did not review BLinC.

I just wanted to explain the 31 versus 32 issue. Let me know if you need something else.

Bill

William R. Nelson, Ph.D.
Executive Director, Iowa Memorial Union
145 IMU
The University of Iowa
Iowa City, IA 52242-1317
319/335-3059
william-nelson@uiowa.edu
imu.uiowa.edu



Name	Category
Bridges International (UI Chapter)	Spiritual & Religious
Campus Bible Fellowship	Spiritual & Religious
Campus Christian Fellowship	Spiritual & Religious
Cru	Spiritual & Religious
Chabad Jewish Student Association	Spiritual & Religious
Chinese Student Christian Fellowship	Spiritual & Religious
Geneva Campus Ministry	Spiritual & Religious
Hillel (University of Iowa)	Spiritual & Religious
Latter-day Saint Student Association	Spiritual & Religious
Muslim Students Association	Spiritual & Religious
Newman Catholic Student Center	Spiritual & Religious
Orthodox Christian Fellowship	Spiritual & Religious
Twenty Four Seven	Spiritual & Religious
Young Life	Spiritual & Religious
ASK Prayer Ministry	Spiritual & Religious
Salt Company - The	Spiritual & Religious
Baha'i Campus Association	Spiritual & Religious
Agape Chinese Student Fellowship	Spiritual & Religious
Chi Alpha Christian Fellowship	Spiritual & Religious
Christian Medical Association	Spiritual & Religious
Wall-Breakers	Spiritual & Religious
Business Leaders in Christ	Spiritual & Religious
Imam Mahdi Organization	Spiritual & Religious
Ratio Christi	Spiritual & Religious
Athletes in Action	Spiritual & Religious
Lutheran Campus Ministry	Spiritual & Religious
Love Works	Spiritual & Religious
Tau Omega Catholic Service Fraternity	Spiritual & Religious
International Neighbors at Iowa	Spiritual & Religious
St. Paul's University Center	Spiritual & Religious
Young Women for America at Iowa	Spiritual & Religious
Sikh Awareness Club	Spiritual & Religious

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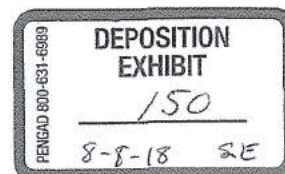
From: Christiansen, Erika E </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c697324856ef494b9b7899ccb6a304f2-eechrist>
To: Paul J Mintner (paul-mintner@uiowa.edu) <paul-mintner@uiowa.edu>, Kutcher, Andrew M <andrew-kutcher@uiowa.edu>
Subject: Non complaint list - Monday 6/18/18
Date: Mon, 18 Jun 2018 15:03:40 +0000
Inline-Images: image001.jpg

Chinese Student Christian Fellowship
 American Institute of Aeronautics and Astronautics
 Association of Nursing Students (UIANS)
 English Society (University of Iowa)
 Financial Management Association
 Institute of Electrical and Electronic Engineers
 Korean Conversation Group
 Phi Beta Lambda
 Society of Women Engineers
 Net Impact UIowa
 Public Relations Student Society of America (PRSSA)
 American Academy of Pediatric Dentistry
 Christian Pharmacy Fellowship
 Graduate Student Anthropology Association (U of I)
 InterVarsity Graduate Christian Fellowship
 J. Reuben Clark Law Society
 Student Iowa School Counseling Association
 Tau Sigma Military Dental Club
 Asian Pacific American Student Association (U of I)
 German Club
 Hong Kong Student Association
 Indian Student Alliance (ISA)
 Japanese Students and Scholars Club
 Korean UIowa Students Association
 Malaysian Student Society
 Minority Association of Pre-medical Students
 Multicultural Business Student Association
 National Association for the Advancement of Colored People (UI Chapter of NAACP)
 Persatuan Mahasiswa Indonesia di Amerika Serikat (Indonesian Student Organization)
 Revolution Dance Company
 Chinese Dance Club
 Hawkapellas - Iowa
 Iowa Agni
 Young Americans for Liberty
 Bass Fishing Team (Iowa)
 Alpha Phi Omega-Omicron (APO)
 Chinese in Iowa City
 Code the Change
 MEDLIFE (Medicine, Education and Development for Low Income Families Everywhere)
 UISight
 CMA EDU
 Cookie Dokie
 Red Shamrock Student Organization
 Students for Human Rights
 Campus Bible Fellowship
 Cru
 Geneva Campus Ministry
 Imam Mahdi Organization
 Latter-day Saint Student Association
 Lutheran Campus Ministry
 Sikh Awareness Club
 Wall-Breakers
 Young Life
 Iowa American Student Dental Association (IASDA)

Spiritual & Religious
 Academic
 Academic
 Academic
 Academic
 Academic
 Academic
 Academic
 Environmental
 Film/Publications/Media
 Graduate & Professional
 Graduate & Professional
 Graduate & Professional
 Graduate & Professional
 Graduate & Professional
 Graduate & Professional
 Graduate & Professional
 Multicultural
 Multicultural
 Multicultural
 Multicultural
 Multicultural
 Multicultural
 Multicultural
 Multicultural
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 Performance
 Performance
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 Recreation & Wellness
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 Special Interest
 Special Interest
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 Spiritual & Religious
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 Spiritual & Religious
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 Spiritual & Religious
 Spiritual & Religious
 Spiritual & Religious
 Spiritual & Religious
 Student Governance

Erika Christiansen

Center for Student



BLinC-Def008523

From: Kutcher, Andrew M </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=340E2AFFD21746A4B5981D279AC059E5-AKUTCHER>
To: Schrock, Katrina N <katrina-schrock@uiowa.edu>
Cc: Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>, Tamplin, Michelle R <michelle-tamplin@uiowa.edu>, Wan, Shu <shu-wan@uiowa.edu>, Kim, Yooneui <yooneui-kim@uiowa.edu>, kkummer50@gmail.com <kkummer50@gmail.com>, King, Laurynn L <laurynn-king@uiowa.edu>
Subject: Re: InterVarsity Graduate Christian Fellowship Governing Documents
Date: Wed, 13 Jun 2018 09:01:46 +0000
Inline-Images: image001.jpg; image002.jpg

Hi Katrina,

We encouraged groups to get there governing documents submitted by the 13th in order for us to have time to review them and provide feedback prior to the 15th deadline. The 15th is our deadline for groups not wanting to be deregistered.

The form to submit will remain open for groups that go deregistered to submit after June 15. If a group goes deregistered they will become reregistered when they submit governing documents compliant with the Human Rights Clause.

Hope this makes sense. Please let me know what questions you have.

Best,
Andy

On Jun 12, 2018, at 11:45 PM, Schrock, Katrina N <katrina-schrock@uiowa.edu> wrote:

Andy,

In an email from Laurynn this morning we were told **"The updated document(s) are due tomorrow, June 13th or your student organization will be placed on unregistered status."** However, an earlier email from you, dated June 1st, said: "The deadline to submit changes is **June 15, 2018, or your RSO will be de-registered.** If de-registered, registration can be reinstated by using the link above to submit governing documents with the Human Rights Clause and no language that is considered contradictory to the Human Rights Clause." Can you please confirm that we have until the close of business on June 15?

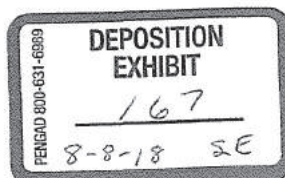
Thank you,
Katrina

From: Student Organization Help & Information
Sent: Tuesday, June 12, 2018 4:05 PM
To: Schrock, Katrina N <katrina-schrock@uiowa.edu>; Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>; Kutcher, Andrew M <andrew-kutcher@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Hi Katrina,

I just received word that we would not approve the change in language you proposed. Student orgs are free to express whatever language they desire in their mission/purpose, but the University and the Center for Student Involvement and Leadership must enforce our Human Rights Clause when it comes to leadership and membership.

I also wanted to let you know that I am out of the office starting tomorrow and will be back in on Tuesday. I will be doing my best to check email while away and would be happy to answer any further questions or address any concerns. I've copied my University Andemail address to this email in order to be able to follow up.



BLinC-Def007990

App 0422

Best,

Andy

From: Schrock, Katrina N
Sent: Tuesday, June 12, 2018 11:25 AM
To: Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>; King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Andy,

Thank you for your clarification! Obviously, I will need to discuss any changes with the rest of the leadership team, but I do have a question. Would changing the language of the constitution from "must subscribe..." to something like "are requested to subscribe..." or "are strongly encouraged to subscribe..." make it so that the constitution is no longer contradictory? Again, I will need to discuss changes, but your input on this matter is greatly appreciated.

Thank you,

Katrina

From: Student Organization Help & Information
Sent: Tuesday, June 12, 2018 11:19 AM
To: Schrock, Katrina N <katrina-schrock@uiowa.edu>; Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>; King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Katrina,

I recognize the wish to have leadership requirements based on Christian beliefs, however Registered Student Organizations are considered University of Iowa programs and thus must follow the Human Rights Clause in its entirety. Having a restriction on leadership related to religious beliefs is contradictory to that clause.

I'm happy to chat further about this and provide any information I can.

Best,

Andy

Andy Kutcher, M.Ed.

he, him, his

Coordinator for Student Organization Development

Center for Student Involvement & Leadership

andrew-kutcher@uiowa.edu

<http://csil.uiowa.edu>

<image001.jpg> 145 Iowa Memorial Union

Iowa City, Iowa 52242-1317

319-335-3059 Fax 319-353-2245

getinvolved@uiowa.edu

Adaptability | Harmony | Positivity | Consistency | Arranger

[Schedule an appointment with me](#)

From: Schrock, Katrina N
Sent: Tuesday, June 12, 2018 11:02 AM
To: Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>; King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Andy,

I would guess that the issues you see involve potential contradictions to the part of the Human Rights Clause that states: "In no aspect of its programs shall there be any difference in the treatment of persons...". From my reading, the language of the constitution does not contradict the later part of the Clause, which states: "...equal access to membership, programming, facilities, and benefits shall be open to all persons". Membership, events, and other facets of the group are not restricted – the only restriction is specifically for leadership positions.

While I understand that this leadership restriction can be construed as a difference in treatment, it is also important to have Christian leadership in a Christian organization. We do not in any way discourage those who may not subscribe to the basis of faith in Article II from participating in IVGCF as members, but we do recognize that having Christian leadership is important to the fulfillment of our purpose.

The above are my thoughts, but I am open to having further dialogue on the matter.

Katrina

From: Student Organization Help & Information
Sent: Tuesday, June 12, 2018 10:43 AM
To: Schrock, Katrina N <katrina-schrock@uiowa.edu>; Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>; King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Katrina,

On my initial review I see several issues. As part of compliance with the Human Rights Clause, organizations cannot have any language deemed contradictory to that Clause. I'm seeing potential contradictory language in Articles II, III, IV and VII. The language is directly related to the ability to become a member or to hold leadership positions.

Please let me know your thoughts, questions or concerns. I want to make sure this is clear.

Best,

Andy

From: Schrock, Katrina N
Sent: Tuesday, June 12, 2018 10:27 AM
To: Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>; King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Andy,

I've now used the form you linked to submit the updated constitution. Please let me know if there is anything else you need from us, and thank you for your quick reply and for checking into the submission.

Katrina

From: Student Organization Help & Information
Sent: Tuesday, June 12, 2018 10:06 AM
To: Schrock, Katrina N <katrina-schrock@uiowa.edu>; King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com; Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Hi Katrina,

Did you use the OrgSync form (<https://orgsync.com/14241/forms/311661>) to submit? I'm not seeing your submission in the form or on the InterVarsity Graduate Christian Fellowship's OrgSync portal.

Best,

Andy

From: Schrock, Katrina N
Sent: Tuesday, June 12, 2018 9:25 AM
To: King, Laurynn L <laurynn-king@uiowa.edu>
Cc: Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com; Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Laurynn,

I was under the impression that the InterVarsity Graduate Christian Fellowship's constitution had been updated with the Human Rights clause, and submitted to OrgSync on either the 1st or 2nd of June. If this is not the case, I would appreciate if you would let me know as soon as possible, so that we can make the required changes.

Thank you,

Katrina

From: King, Laurynn L
Sent: Tuesday, June 12, 2018 9:15 AM
To: Borbon, Tiffany Yue-Fei <tiffany-borbon@uiowa.edu>; Slashcheva, Lyubov D <lyubov-slashcheva@uiowa.edu>
Cc: Schrock, Katrina N <katrina-schrock@uiowa.edu>; Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com; Student Organization Help & Information <CSIL-Student-Org@uiowa.edu>
Subject: RE: InterVarsity Graduate Christian Fellowship Governing Documents

Thank you for your reply, Tiffany. It is important to keep your OrgSync profile updated with your new leadership team's contact information up-to-date, so we are able to reach out to the most current representatives.

Enjoy your day,

Laurynn

Laurynn King	<image002.jpg>
<i>she, her, hers</i>	157 Iowa Memorial Union
	Iowa City, Iowa 52242-1317
Administrative Services Coordinator	319-335-3059 Fax 319-353-2245
Center for Student Involvement & Leadership	getinvolved@uiowa.edu
laurynn-king@uiowa.edu	
http://csil.uiowa.edu	
Relator // Competition // Futuristic // Woo // Belief	

From: Borbon, Tiffany Yue-Fei
Sent: Tuesday, June 12, 2018 9:11 AM
To: King, Laurynn L <laurynn-king@uiowa.edu>; Slashcheva, Lyubov D <lyubov-slashcheva@uiowa.edu>
Cc: Schrock, Katrina N <katrina-schrock@uiowa.edu>; Tamplin, Michelle R <michelle-tamplin@uiowa.edu>; Wan, Shu <shu-wan@uiowa.edu>; Kim, Yooneui <yooneui-kim@uiowa.edu>; kkummer50@gmail.com
Subject: Re: InterVarsity Graduate Christian Fellowship Governing Documents

Hi Laurynn,

We forwarded the original email to the current leadership team. Both Lyubov and I are no longer serving on the team. I believe they were working on updating this information, but I have CC'd them on this email.

Thanks,

Tiffany

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "King, Laurynn L" <laurynn-king@uiowa.edu>
Date: 6/12/18 8:44 AM (GMT-06:00)

BLinC-Def007994

App 0426

To: "Borbon, Tiffany Yue-Fei" <tiffany-borbon@uiowa.edu>, "Slashcheva, Lyubov D" <lyubov-slashcheva@uiowa.edu>

Subject: InterVarsity Graduate Christian Fellowship Governing Documents

Tiffany & Lyubov –

I am following up to several communications our office has sent regarding InterVarsity Graduate Christian Fellowship Governing Documents on campus. Our office has you listed as contacts for this student organization.

We've sent a few e-mails, and also left voicemails, over the past few months regarding the need to update the organization's governing documents to include the University of Iowa's Human Rights clause. The updated document(s) are due tomorrow, June 13th or your student organization will be placed on unregistered status.

Please let me know a status update on these documents, or if you have any questions regarding the updates, and I can assist you.

Thank you in advance,

Laurynn

Laurynn King

<image002.jpg>

she, her, hers

157 Iowa Memorial Union

Iowa City, Iowa 52242-1317

Administrative Services Coordinator

319-335-3059 Fax 319-353-2245

Center for Student Involvement & Leadership

getinvolved@uiowa.edu

laurynn-king@uiowa.edu

<http://csil.uiowa.edu>

Relator // Competition // Futuristic // Woo // Belief

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IMU Center for Student
Involvement
& Leadership

IMU Center for Student
Involvement
& Leadership

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
EASTERN DIVISION

BUSINESS LEADERS IN CHRIST, an,
unincorporated association,

Plaintiff,

vs.

THE UNIVERSITY OF IOWA; LYN
REDINGTON, in her official capacity as
Dean of Students and in her individual
capacity; THOMAS R. BAKER, in his
official capacity as Assistant Dean of
Students and in his individual capacity; and
WILLIAM R. NELSON, in his official
capacity as Executive Director, Iowa
Memorial Union, and in his individual
capacity,

Defendants.

CASE NO. 3:17-CV-00080

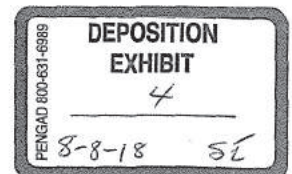
DEFENDANT, THE UNIVERSITY OF
IOWA, SECOND SUPPLEMENTAL
ANSWERS TO FIRST SET OF
INTERROGATORIES

The Defendant, The University of Iowa, hereby submit its second supplemental answers
to Plaintiff's First Set of Interrogatories.

THOMAS J. MILLER
Attorney General of Iowa

/s/GEORGE A. CARROLL

George A. Carroll
Assistant Attorney General
Hoover Building, Second Floor
1305 East Walnut Street
Des Moines, Iowa 50319
PHONE: (515) 281-8583
FAX: (515) 281-7219
E-MAIL: George.carroll@ag.iowa.gov
ATTORNEYS FOR DEFENDANTS



Original mailed to:

Eric S. Baxter
Daniel H. Blomberg
THE BECKET FUND FOR RELIGIOUS LIBERTY
1200 New Hampshire Avenue NW, Suite 700
Washington, D.C. 20036

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on July 16, 2018:

- | | |
|--|--|
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> FAX |
| <input type="checkbox"/> Hand Delivery | <input type="checkbox"/> Overnight Courier |
| <input checked="" type="checkbox"/> Federal Express | <input checked="" type="checkbox"/> E-mail |
| <input type="checkbox"/> ECF System Participant (Electronic Service) | |

Signature: /s/Betty Christensen

INTERROGATORIES

1. Identify all persons who have, claim to have, or who you believe may have knowledge or information relating to any fact alleged in the pleadings in this action (including Plaintiff's Motion for Preliminary Injunction) or concerning any fact underlying the subject matter of this action.

ANSWER:

- Andrew Kutcher – knowledge of the complaint, the process, and investigation.
- Marcus Miller – knowledge of the complaint, the process, investigation and outcome.
- Kristi Finger – knowledge of the complaint, the process, and investigation.
- Anita Cory – knowledge of the complaint, the process, and investigation.
- William Nelson – knowledge of the complaint, the process, investigation and outcome.
- Thomas Baker – knowledge of the complaint, the process, investigation and outcome.
- Constance Cervantes – knowledge of the complaint, the process and investigation.
- Lyn Redington – knowledge of the complaint, the process, investigation and outcome.
- Melissa Shivers – knowledge of the complaint, the process, investigation and outcome.
- Angela Ibrahim-Olin – knowledge of the complaint, the process, and investigation.
- Bruce Harreld – knowledge of the complaint, the process, investigation and outcome.

- Peter Matthes – knowledge of the complaint, the process, investigation and outcome.
- Eric Rossow – knowledge of the complaint, the process, and investigation.
- Stuart Stutzman – knowledge of the complaint, the process, and investigation.
- Kenneth Brown – knowledge of the complaint, the process, investigation and outcome.
- Tevin Robbins – knowledge of the complaint, the process, investigation and outcome.
- Jacob Simpson – knowledge of the complaint, the process, and investigation.
- Lilian Sanchez
- Paul Mintner – knowledge of the complaint, the process, and investigation.
- Angie Reams – knowledge of the complaint, the process, and investigation.
- Ellen Link – knowledge of the complaint, the process, and investigation.

2. Describe in detail the nature and substance of the knowledge that you believe the person(s) identified in response to Interrogatory No. 1 may have.

ANSWER:

See answer to Interrogatory No. 1.

3. Identify all persons whom Defendants have consulted concerning BLinC or this lawsuit and describe the nature of each such person's relationship with Defendants.

ANSWER:

See answer to Interrogatory No. 1.

4. Describe in detail the nature of any advice given or statements made to Defendants by the person(s) identified in response to Interrogatory No. 3.

ANSWER:

Object as attorney/client privilege and attorney work product.

5. Describe all changes since made to the University of Iowa's Human Rights Policy (Operations Manual, Section II, Chapter 3.1), its Nondiscrimination Statement (Operations Manual, Section II, Chapter 6), and its Statement of Policy (Operations Manual, Section II, Chapter 1.2), including the date and substance of the changes.

ANSWER:

Defendants are unable to respond to this interrogatory because it is unclear.

Supplemental Answer on 7/13/2018.

1. Code of Fair Practice Statement of Policy: See the 1993 version (70.011b), which is exactly the same as it appears on the Op Manual site today.
2. Human Rights Policy: See the September 2014 and July 1, 2017 versions, including redlining of the section that was revised (II-3.5). Original 1993 HR policy can be found in September 1993 document (70.013).
3. Nondiscrimination Statement: See the January 1999, June 2014, December 2006, and May 2015 versions. Original 1993 policy can be found in the September 1993 document (70.016).

See documents numbered 4662-4668.

6. Identify all student organizations since 1997, including but not limited to fraternities and sororities, that have been refused registration, have been deregistered, or have otherwise been penalized or subjected to official corrective measures by the University of Iowa for any reasons, and identify the reasons for each and the policies invoked to justify or support the University's actions.

ANSWER:

Defendants object to the time frame, but provide the following response from January 1, 2008 to present.

- Futures Trading Academy – Refused registrations due to organizations purpose to provide a professional service.
- Thrive - Refused registrations due to organizations purpose to provide a professional service.
- Spoon University – Refused registration due to organizations affiliation with for profit business, and control of the selection of leadership not residing with UI students.
- University of Iowa Mobile Clinic - Refused registrations due to organizations purpose to provide a professional service.
- Vemma Brand Partners Club – Refused registration due to organization forming to promote a business
- Her Campus - Refused registration due to organization forming to promote a business
- Childreach International – Refused registration due to policy prohibiting Registered Student Organizations from traveling internationally
- TOM's University of Iowa Campus Club - Refused registration due to organization forming to promote a private business

- Apple Users - Refused registration due to organization forming to promote a business
- Undergraduates for Graduate School Advancement
- Big Hawks/Little Hawks – Refused registration due to undergraduate mentoring programs needing to be overseen by a university department
- Freerunning Club – Refused registration due to inherent risks associate with “parkour”
- Cigar Club – Refused registration due to smoking being prohibited in all UI buildings, so the university is not able to provide “specialized facility or location” requested by the organization
- Terra-Hawk – Refused registration due to organization being incorporated and university policy preventing the registration of corporations
- Students Today, Alumni Tomorrow – Refused registration due to Students Today, Alumni Tomorrow Ambassadors already existing as a registered student organization
- Helping Hawks – Refused registration due to need for departmental oversight.
- Student Trade Organization – registration refused due to concerns regarding items being sold, theft at event and improper disposal of materials.
- Global Bridges – Refused registration due to policy prohibiting Registered Student Organizations from traveling internationally
- Mobile Clinic – Refused registration due to organizations purpose to provide a professional service
- UI Investors Club – Refused registration due to organizations purpose to provide a professional service
- University of Iowa International Volunteers – Refused registration due to policy prohibiting Registered Student Organizations from traveling internationally

- Her Campus – Refused registration due to policy prohibiting Registered Student Organizations from promoting private businesses
- Reach Out, Care, Know –Refused registration due to organizations purpose to provide a professional service
- UI Floor Hockey Club – Refused registration due to risk management concerns related to proposed unstructured play by organization
- Student Trade Organization
- Volunteers Around the World – University of Iowa Chapter – Refused registration due to policy prohibiting Registered Student Organizations from traveling internationally and policy prohibiting Registered Student Organizations from collecting medical supplies to send abroad.
- University of Iowa Gaming Group – Refused registration due to purpose and mission of organization already being filled by a Registered Student Organization
- Hawkeye Gymnastics Club – Refused registration due to lack of facility space to support the purpose and mission of the organization, lack of funding by sport clubs to support the functions of the organization, and inherent risk involved with gymnastics activities
- University of Iowa Biodiesel – refused registration due lack of appropriate facility space available, and safety concerns due to the operation of industrial machinery and mixing of dangerous chemicals
- University of Iowa Documentary Film Society – Refused registration due to no student representative from the organization attending the Student Organization Review Committee meeting to answer questions of committee members

De-registered

- Sky Diving Club – Organization was de-registered due to lack of documentation to meet risk management need. See attached supplement.

Supplemental Response 6/12/2018

See documents numbered 2859 – 2878

7. Describe the reasons for the University of Iowa's actions with regard to each of the student organizations listed in response to Interrogatory No. 6.

ANSWER:

See answers to Interrogatory No. 6.

8. Identify all investigations or reviews by Defendants since 1997 concerning actual or alleged violations of the University of Iowa's Human Rights Policy or Nondiscrimination Statement by any student organization, including but not limited to registered student organizations, fraternities, sororities, sports clubs, and sports teams

ANSWER:

Defendants object to the time frame, but provide the following response from January 1, 2008 to present.

BLinC

24-7

Feminist Union

9. Identify all University of Iowa programs, opportunities, or events existing at any time since 1997 (including but not limited to scholarships, awards, events, admission policies, and educational programs) that employ preference for or against students with regard to their race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, political affiliation, or associational preferences.

ANSWER:

Defendants object to this interrogatory because it is overly broad, burdensome and not likely to lead to the discovery of admissible evidence. Notwithstanding this objection, the University of Iowa provides the following response.

1. Advantage Iowa Award: For incoming first-year students who are U.S. citizens or permanent residents and who are from historically underrepresented populations (African American, Hispanic, Native American, Pacific Islander, Multiracial) at the University of Iowa; or who have participated in a federally funded Upward Bound program. A recruitment award with the sole purpose of attracting talented diverse students to UI. The Center for Diversity and Enrichment (CDE) manages the award. It is a merit scholarship so requires a specific GPA and ACT score to qualify. Incoming students who identify as Black/African American, Native American, Hispanic/Latino, Pacific Islander, or first generation are eligible to receive it. Since the point of this award is to recruit diversity to UI, if the student does not meet the eligibility based on identity, they won't be considered for it.

2. Iowa First Nations (IFN): A summer program directed to high school students with Native American identity. It is for students with Native American ancestry so if they are not of Native American ancestry, they would not qualify to take part. The program is directed towards Meskwaki tribe specifically since Admissions and the UI are in partnership with them in relation to recruitment.

3. TRIO Student Support Services: A federally funded grant program with the specific purpose of providing academic, personal, and financial support to first generation, low income, and disabled college students. Services include tutoring, taking specific TRIO courses each year, GRE prep support, one on one coaching, and grant aid.

4. Military and Veteran Student Services: A program under CDE with the sole purpose of providing academic and personal support to student veterans and their dependents including transition support and career services. MVSS services are geared solely towards vets and dependents. These services include tutoring, University of Iowa Veterans Association support, and other related services and activities.

5. Iowa Edge: A summer orientation program for incoming UI students who identify as first generation or as a student of color (all marginalized racial identities including Asian).

6. Hawks and Eyas: A peer mentoring program for CDE eligible students (i.e., first generation students and students from marginalized backgrounds including LGBTQIA)

7. CDE Graduation: An annual graduation ceremony where CDE students and graduates are recognized for their accomplishments. They receive medallions if they are graduating and special awards and recognitions if nominated by a staff member or faculty member for their accomplishment. CDE eligible students are the focus, i.e. racial/ethnic minorities, first generation students, low income students, military affiliated students, and individuals who identify as LGBTQIA. The campus community is invited each year.

8. CDE partners with Admissions on various minority recruiting trips and endeavors including helping to host campus tours for "special groups", i.e. groups interested in diversity services and traveling out of state for recruiting purposes.

9. Week of Welcome: Held annually the first week of classes, it's a week of activities (ice cream social, military day, carnival day, etc.) hosted by the CDE for CDE eligible students.

10. List all student organizations, including but not limited to fraternities, sororities, sports clubs, and sports teams recognized or sponsored by the University of Iowa at any time since 1997, that have employed criteria for the selection of leadership positions, membership, or participation involving a preference for or against students with regard to their race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, political affiliation, or associational preferences.

ANSWER:

Defendants object to the time frame, but provide the following response from January 1, 2008 to present. See documents produced.

11. Identify all sources of any funds, including any student fees, that are made available by the University of Iowa for use by registered student organizations or that are otherwise used to support registered student organizations.

ANSWER:

University of Iowa Student Government funding – Activity Fee

Graduate and Professional Student Government funding – Activity Fee

Center for Student Involvement and Leadership Grant funding

Associated Residence Halls funding

12. Identify any communications by Defendants concerning BLinC or this lawsuit, including but not limited to any internal meetings, communications with the Board of Regents, or private conversations concerning BLinC or this lawsuit.

ANSWER:

See documents produced.

13. Identify all individuals who played a role in the decision to deregister BLinC and describe their role and their arguments for or against deregistration.

ANSWER:

Defendants object to this interrogatory to the extent that it asks for argument. The fact based answer is as follows:

William Nelson

Lyn Redington

See documents produced.

14. Identify any and all compelling interests that the University of Iowa has in preventing religious student groups from selecting leaders who embrace and will agree to follow their religious mission and teachings.

ANSWER:

Defendants object to this interrogatory because it is asking for legal conclusions and argument. Notwithstanding this objection see Title VII, Title IX, Chapter 216 Iowa Code, and the 14th Amendment to the United States Constitution.

15. Identify any and all sanctions less severe than deregistration that the University of Iowa considered imposing against BLinC and why the University decided not to impose them.

ANSWER:

See documents produced.

16. Explain why the University of Iowa believes that BLinC's statement of faith is discriminatory on its face.

ANSWER:

Defendants object to the form of this Interrogatory as it calls for legal conclusion. Notwithstanding this objection, the University of Iowa seeks to enforce its rights under the U.S. Constitution, the Iowa Constitution, Federal and State law.

17. Identify how the University of Iowa believes that BLinC must change its leadership selection process to comply with the University's Human Rights Policy and Nondiscrimination Statement.

ANSWER:

The non-discrimination policy speaks for itself. The University is simply seeking to enforce a content neutral policy.

18. Detail any changes to the University of Iowa's enforcement of its Human Rights Policy or Nondiscrimination Statement since January 23, 2018.

ANSWER:

The Center for Student Involvement and Leadership (CSIL) has revoked the ability for Registered Student Organizations (RSO) to upload governing documents into their OrgSync portal. This action is now limited to staff. Organizations must submit governing documents to CSIL who will review for requirements and approve. CSIL staff will then upload governing documents to an RSO's portal once they have been approved.

19. Identify any communications the University of Iowa has had with any students or any registered student organizations in response to the Court's order dated January 23, 2018.

ANSWER:

The UI communicated with student leaders within BLinC regarding their ability to participate in the Student Organization Fair and the continued use of their locker located within the Tippie College of Business.

CSIL has communicated with numerous student organizations that did not have the required Human Rights Clause or financial statement in their governing documents. The communication was sent via email on April 20, 2018.

Supplemental Answer on 7/13/2018.

See documents in response to Request for Production Nos. 9 and 10.

20. Explain why the Korean American Student Association and Feminist Union are no longer listed on the University of Iowa's OrgSync website.

ANSWER:

Both the Korean Student Organization and the Feminist Union were de-registered for failing to re-register their organization by the registration deadline. Neither Korean American Student Association nor the Feminist Union have taken steps to renew their organization outside of the re-registration period via the Reactivation Process. Organization can re-register outside of the re-registration period by filling out the Organization Reactivation form. The responses to the form are approved by CSIL staff. Approval is based on the organizations perceived ability to re-register within re-registration period in the future.

21. Identify all persons who provided any information used, or any documents reviewed or referenced, in answering these interrogatories.

ANSWER:

Andrew Kutcher

Anita Cory

William Nelson

Kristi Finger

Eric Rossow

Thomas Baker