

No. 19-1696

**United States Court of Appeals
for the Eighth Circuit**

BUSINESS LEADERS IN CHRIST,

Plaintiff-Appellant,

v.

THE UNIVERSITY OF IOWA, ET AL.

Defendants-Appellees.

On Appeal from the U.S District Court for the
Southern District of Iowa,
No. 3:17-cv-00080

JOINT APPENDIX VOL. II

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JOINT APPENDIX INDEX

Volume II

Tab 14 – Dkt. 55 Order on Plaintiff’s Renewed Motion for Preliminary Injunction.....	169
Tab 15 – Dkt. 70 University Motion for Partial Summary Judgment	172
Tab 16 – Dkt. 70-3 University Appendix in support of Motion for PSJ	174
Tab 17 – Dkt. 71 Plaintiff’s Motion for Summary Judgment	370

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

BUSINESS LEADERS IN CHRIST,)	
an unincorporated association,)	Case No. 3:17-cv-00080-SMR-SBJ
)	
Plaintiff,)	
)	
v.)	
)	
THE UNIVERSITY OF IOWA; LYN)	ORDER ON PLAINTIFF’S RENEWED
REDINGTON, in her official capacity as Dean)	MOTION FOR PRELIMINARY
of Students and in her individual capacity;)	INJUNCTION
THOMAS BAKER, in his official capacity as)	
Assistant Dean of Students and in his individual)	
capacity; and WILLIAM NELSON, in his)	
official capacity as Executive Director, Iowa)	
Memorial Union, and in his individual capacity,)	
)	
Defendants.)	

Plaintiff Business Leaders in Christ (“BLinC”) seeks an Order granting its Renewed Motion for Preliminary Injunction. [ECF No. 51-1]. On January 23, 2018, the Court granted BLinC a ninety-day preliminary injunction ordering Defendants University of Iowa, Lyn Redington, Thomas Baker, and William Nelson to restore BLinC to registered student organization status. [ECF No. 36 at 31]. The parties jointly agreed to extend the injunction through June 30, 2018. [ECF No. 46]. In anticipation of its expiration, BLinC asks the Court to renew the preliminary injunction, thereby enjoining Defendants from interfering with BLinC’s registered student organization status during the pendency of this litigation. The Court held a hearing on BLinC’s original request for a preliminary injunction on January 18, 2018. BLinC requested oral argument on its renewed motion; however, the Court finds that in light of the previous hearing and the filings of the parties, the motion can be decided appropriately without it.

The Court reiterates that “[f]acts and conclusions determined by a court in granting or denying a preliminary injunction are provisional and nonbinding.” [ECF No. 36 at 1–2] (citing *Henderson v. Bodine Aluminum, Inc.*, 70 F.3d 958, 962 (8th Cir. 1995) (per curiam); *Sak v. City of Aurelia, Iowa*, 832 F. Supp. 2d 1026, 1031 (N.D. Iowa 2011)).

After careful consideration of its prior Order, the parties’ submissions on this motion, and relevant caselaw, the Court finds that the preliminary injunction should remain in place. In its previous decision, the Court noted that the record contained evidence that another registered student organization had been allowed to operate on campus with membership requirements violative of the University’s Human Rights Policy. *Id.* at 28. Without more information, the Court had to conclude that it was possible that the differing views of the student organizations could account for the differential treatment. The University has now provided data from its ongoing efforts to review its administration of its Human Rights Policy. It appears a large number of student organizations were operating in violation of the University’s stated policies at the time the University revoked BLinC’s registered student organization status. [ECF No. 52-1 at 3]. The University does not reconcile that fact with how the proceedings against BLinC were carried out. Presently, too much remains unknown about what role BLinC’s viewpoint played, if any, in the decision to deregister the group. The Court determines that the preliminary injunction it previously imposed should remain in force throughout this action for the reasons stated both here and in the Court’s Order on Plaintiff’s Motion for Preliminary Injunction, [ECF No. 36].

The Court would also like to take this opportunity to remind and direct the parties to follow the Local Rules with respect to all future submissions. BLinC filed its motion after a court-imposed deadline without showing cause. BLinC also failed to deliver a paper copy of its motion and supporting filings—which together totaled more than 700 pages—with the Clerk of Court

despite previously being advised of that requirement for filings totaling more than 100 pages. *See* LR 5A(g)(8). Similarly, the Court declines to address Defendants' motion to strike, which was raised in a footnote of their response. *See* LR 7(e). The parties are advised that future violations of this type may result in their filings being struck.

For the foregoing reasons, Plaintiff BLinC's Renewed Motion for Preliminary Injunction is GRANTED. The Court orders Defendants to maintain BLinC's registered student organization status until the Court renders a judgment in this litigation. The Court waives the security requirement in Federal Rule of Civil Procedure 65(c).

IT IS SO ORDERED.

Dated this 28th day of June, 2018.



STEPHANIE M. ROSE, JUDGE
UNITED STATES DISTRICT COURT

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

BUSINESS LEADERS IN CHRIST, an, unincorporated association,)	CASE NO. 3:17-CV-00080
)	
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', LYN REDINGTON, THOMAS R. BAKER, AND WILLIAM R. NELSON, MOTION FOR PARTIAL SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56(a)
)	
Defendants.)	
)	

COME NOW the individual Defendants, Lyn Redington, Thomas R. Baker, and William R. Nelson, and move the Court for partial summary judgment and state:

1. The individual Defendants move for summary judgment based on the doctrine of qualified immunity.
2. The material facts are undisputed.
3. The individual Defendants are entitled to judgment as a matter of law.

WHEREFORE, the individual Defendants request the Court to grant summary judgment based on the doctrine of qualified immunity.

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ATTORNEYS FOR DEFENDANTS

Original filed electronically.

Copy electronically served on all parties of record.

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 October 22, 2018:	
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> ECF System Participant (Electronic Service)	
Signature: <u>/s/Betty Christensen</u>	

Tab 13 - Deposition Exhibit 20	111
Tab 14 - Deposition Exhibit 21	117
Tab 15 - Deposition Exhibit 22	118
Tab 16 - Deposition Exhibit 88	119
Tab 17 - Deposition Exhibit 90	120
Tab 18 - Deposition Exhibit 91	123
Tab 19 - Deposition Exhibit 93	124
Tab 20 - Deposition Exhibit 95	137
Tab 21 - Deposition Exhibit 96	141
Tab 22 - Deposition Exhibit 106	142
Tab 23 - Deposition Exhibit 109	149
Tab 24 - Deposition Exhibit 114	151
Tab 25 - Deposition Exhibit 115	153
Tab 26 - Deposition Exhibit 116	156
Tab 27 - Deposition Exhibit 118	163
Tab 28 - Deposition Exhibit 119	165

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<input checked="" type="checkbox"/> ECF System Participant (Electronic Service)	
Signature: <u>/s/Betty Christensen</u>	

TAB 1

Title: The Constitution of Business Leaders in Christ

Preamble: Business Leaders in Christ (BLINC)

Date: April 1, 2014

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, through fellowship and small group discussion, 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) In no aspect of its programs shall there be any difference in the treatment of persons on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or associational preference, 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.

Section 2) There will be no limitations as far as the minimum or maximum number of participants within the student organization.

Section 3) Because Business Leaders in Christ is seeking certification within the Tippie College of Business to become a recognized student organization, the target audience for this organization would be for students already admitted into the Tippie College of Business, pre-business students, or students strongly considering business as a major/minor. However, each member's role or affiliation will not be different based on their class or ties within the Tippie College of Business.

Section 4) A student will be considered a member after signing in and attending 2 or more meetings. However, the President and/or the Faculty Advisor has the right to withdraw membership at any time for extreme circumstances or misconduct.

Article III

Officers and Duties:

There will be 4 executive officer positions within Business Leaders in Christ:

1) **President:** The role of the President of Business Leaders in Christ will be to schedule, organize, and lead executive and large group meetings weekly. It is also their 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 their responsibility, they must work closely with the Faculty advisor, emailing them 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 strong ethic to be able to complete all of the required duties as President.

2) Vice President: The primary role of the Vice President will be 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 their outreach for speakers, they 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.

3) 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.

4) Secretary: The main role of the secretary would be 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 Business Leaders in Christ. Also, during meetings, the secretary should record minutes. Candidates considering the position of secretary should be organized and good communicators.

Article IV

Advisor

The first advisor of Business Leaders in Christ will be Rachael Thompson, a student advisor in the Tippie College of Business (rachael-thompson@uiowa.edu). Her responsibility and the responsibility of future advisors is to be a faculty voice for the students and attempt to help the executives of Business Leaders in Christ with whatever problems they may have. The advisor should be made aware of everything that is going on within the organization by the executives, and it is recommended that they attend meetings in order to again lend their voice and input for the well-being of the organization.

In the case that Rachael Thompson will not be able to continue as an advisor in the future, a new advisor will be selected. To go through this process, the executives of that time will scour the Tippie College of Business first by sending out emails or scheduling meetings with faculty members to see if anyone would be interested. If there is more than one person interested, executives must vote for their favorite candidate; however, the vote must be unanimous. If there is no one interested within the College of Business, the search may expand outside of the college, but the same process must be followed if there is interest by more than one individual.

Article V

Meetings

Section 1) Meetings will be held once a week on Fridays from 3:30-4:30pm. 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 3) A quorum will be constituted by 1/2 of members present.

Section 4) The President or Faculty Advisor has the authority to call and schedule a meeting.

Article VI

Elections

Section 1) Elections for the Executive Board will be held once a year in March to elect for the following school year.

Section 2) Members will be notified in meeting and by email at least two weeks in advance of any upcoming election.

Article VII

Finances

Section 1) There will be no dues required for membership within Business Leaders in Christ.

Section 2) All financial decisions will be made by a joint decision between, at the very least, the Treasurer and the President. Some decisions may require an executive consensus.

Clause 1) All checks must be signed by both the treasurer and the president. If the president is not present, the vice-president may sign, but only with the president's permission.

Clause 2) However much money we receive in grants or gifts should be given back to the Tipple community at a minimum rate of 10 percent.

Clause 3) At the beginning of each fall semester a budget shall be made by the treasurer to thoughtfully allocate all funds expected throughout the end of the spring semester. The budget shall be brought forth to the executive committee and be ratified by a $\frac{3}{4}$ vote.

Clause 4) It is the duty of the executive committee, especially the treasurer, to thoughtfully pray that whatever financing we might receive would be used as God desires.

Section 3) Business Leaders in Christ 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 officers and a $\frac{3}{4}$ vote by current members at the desired meeting is required to overturn or create changes to amendments.

Section 2) If an officer or a member wishes to amend this constitution, officers and members should be notified at least a week in advance by reading the proposed change(s) at one meeting to all members, as well as via email.

Article IX

Section 1) This Constitution shall take immediate effect upon a majority vote of all officers of the organization. The organization shall have all authority necessary to implement this constitution.

TAB 2

**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 Associate 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

AFFIDAVIT OF WILLIAM R. NELSON

STATE OF IOWA

COUNTY OF JOHNSON

)
) ss
)

COMES NOW the undersigned, after being duly sworn, depose and state:

1. I am the Executive Director of the Iowa Memorial Union at the University of Iowa.
2. A group of students (non-Registered Student Organization) with a common belief/focus/interest may still organize and meet, and the group could also reserve space in the Iowa Memorial Union ("IMU") at the general public event pricing, if space is available. Meeting room space in the IMU is allocated on a first-come first-served basis.

3. The bulletin board located on the Ground Floor of the IMU can be used by anyone. There are no published restrictions limiting the use of that board. The same is true for the bulletin board in the Student Activities Center located on the IMU 2nd Floor.

4. External groups can request meeting space within university residence halls subject to the University Housing & Dining Academic Year Room Reservation Policy for External Groups.

5. Any university group or charitable organization can request to have flyers hung up on bulletin boards in the residence halls as well as on digital displays subject to the Guidelines for Distribution, Sales, & Solicitation in the University of Iowa Residence Halls. Mass mailing in the residence halls is done on a case by case basis for any group not affiliated with University Housing & Dining subject to the same aforementioned guidelines.

6. If a group of students (non-RSO) with a common belief/focus/interest want to advertise or recruit on campus, they could do so as long as they follow the university "Casual Use" policy, University of Iowa Operations Manual Chp. V-37.3, in distributing informational materials and do not disrupt or interfere with scheduled university activities or the orderly process of the university.

Subscribed and sworn to before me by William Nelson on this 17th day of January, 2018.



TAB 3

4. Registration as a student organization grants the following benefits, which can also be found here: <https://dos.uiowa.edu/policies/registration-of-student-organizations/>.

- a) Registration as a University organization;
- b) 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;
- c) Eligibility to apply for funds from mandatory Student Activity fees (i.e., for student organizations) or Recreational Services fees (i.e., for sports clubs);
- d) Inclusion in appropriate University publications;
- e) Utilization of the Center for Student Involvement & Leadership's (CSIL) OrgSync software (funded by UISG & GPSG)
- f) Utilization of the University's trademarks in accordance with the UI Trademark Licensing Department's program and policies;
- g) Eligibility for use of campus meeting facilities and outdoor spaces;
- h) Eligibility, but not the right, to utilize UI Fleet Services vehicles in accordance with state and University policies, procedures, guidelines, and insurance requirements;
- i) Eligibility, but not the right, to utilize University staff and programming resources;
- j) Eligibility, but not the right, to utilize Information Technology Services Mass Mail once each semester;
- k) Eligibility to apply for awards and honors presented to University registered organizations and members; and
- l) Eligibility to apply for Student Organization Office Suite (SOOS) or Student Activity Center (SAC) office space and/or storage space.

5. Registered student organizations (RSOs) have the opportunity to participate in the Student Organization Fair. The Student Organization Fair is part of "Fair Days" at Iowa. Fair Days happens in August and January. Fair Days includes the Student Organization Fair, Student Employment Fair, and Volunteer Fair.

6. RSOs register for a table/space at the Student Organization Fair. Space is allocated on a first-come, first-served basis. There is a deadline by which RSOs must register. Space can be limited when the Fair is inside the IMU in January. Space is not necessarily limited if the Fair in August is on Hubbard Park. But the deadline is necessary for both the August and January Fairs.

7. RSO are given a table/space if they apply, if they meet the deadline, and if there is space available. RSOs staff the table with members, they can distribute flyers and swag, and interested students can "sign-up" for membership or additional information.

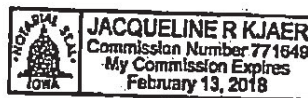
8. Below is the list of Student Organization Fairs since BLinC became registered in Fall 2014 and BLinC's participation:

Fall 2017 – Did Not Participate
Spring 2017 - Participated
Fall 2016 - Participated
Spring 2016 - Participated
Fall 2015 – Did Not Participate
Spring 2015 – Did Not Participate
Fall 2014 – Did Not Participate

Kristi Finger

Subscribed and sworn to before me by Kristi Finger on this 5th day of
January, 2018.

Jacqueline R. Kjaer
Notary Public in and for the State of Iowa



TAB 4

**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, ANSWERS TO FIRST SET OF
INTERROGATORIES**

The Defendant, The University of Iowa, hereby submit its 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
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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 June 8, 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: <u>/s/Betty Christensen</u>	

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 associated 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.

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

TAB 5

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

Deposition of

CONSTANCE A. SCHRIVER
CERVANTES

Deposition of CONSTANCE A. SCHRIVER
CERVANTES, taken before Julie M. Kluber,
Certified Shorthand Reporter, commencing at
9:15 a.m., September 20, 2018, at 2500
Crosspark Road, Room W219, Coralville, Iowa.

Julie M. Kluber, CSR, RMR
3515 Lochwood Drive NE
Cedar Rapids, IA 52402
319.286.1717
1.866.412.4866

1 CONSTANCE A. SCHRIVER CERVANTES,
2 called as a witness, having been first duly
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BAXTER:

6 Q. Good morning. Could you state your full name
7 for the record.

8 A. Constance Anne Schriver Cervantes. It's Anne
9 with an E.

10 Q. Can you tell me where you're employed?

11 A. University of Iowa.

12 Q. And what's your position there?

13 A. I'm a compliance coordinator in the Office of
14 Equal Opportunity and Diversity.

15 Q. How long have you been there?

16 A. I'm thinking about three and a half years.

17 Q. And where were you before that?

18 A. I practiced -- was in private practice.

19 Q. Okay. What was your practice?

20 A. Well, initially or at the end before I started
21 here?

22 Q. What's the general range?

23 A. Okay. I don't understand your question.

24 Q. From the beginning.

25 A. Are you asking where I worked or what I did?

1 Q. Both.

2 A. I worked for a law firm in Davenport, Iowa,
3 named Lane & Waterman. I was a partner there.
4 And then I didn't work for a few years, and
5 then I worked in an office called Cervantes &
6 Gordon PLC in Davenport.

7 Q. What kind of work did you do?

8 A. When I was with Lane & Waterman as an
9 associate, I did whatever I was told to do. I
10 was in the litigation section, so I did
11 litigation from dog bites to UCC cases.
12 Eventually I specialized in employment and
13 labor and discrimination.

14 Q. Okay. And have you ever been deposed before?

15 A. Yes.

16 Q. And when?

17 A. Oh, gosh. Decades ago. I don't recall the
18 date.

19 Q. What was the case?

20 A. Which one?

21 Q. How many times were you deposed?

22 A. Twice.

23 Q. Tell me about the first one.

24 A. I'm not sure which came first.

25 Q. Okay.

1 it.

2 Q. And you were the individual who conducted the
3 investigation of Business Leaders in Christ
4 after a complaint was filed by Marcus Miller,
5 correct?

6 A. Correct.

7 Q. Okay. And in the course of that investigation,
8 did you ever review this document or rely upon
9 it?

10 A. I -- I can't say what I -- I mean whatever I
11 reviewed is in my finding, so if you look at my
12 finding, which I believe you have a copy of it,
13 it lists all the documents that I reviewed.

14 Q. Okay. If I can have that document back.

15 MR. BAXTER: This is Exhibit 20.

16 (Deposition Exhibit Number 20 was marked
17 for identification by the reporter.)

18 Q. Miss Cervantes, is this a document you're
19 familiar with?

20 A. Yes.

21 Q. Okay. And what is it?

22 A. It is a copy -- Well, can I look at the whole
23 thing?

24 Q. Please.

25 A. Let me just take a quick look. I'll scan it, I

1 A. I believe it was against the -- I'm not sure I
2 have the correct name, but it was a -- You
3 must have it so you can probably tell me the
4 name of it. I'm not sure.

5 Q. Well, do you remember the name of it?

6 A. Not as I sit here today I don't, I apologize.

7 Q. Okay. You conducted an investigation of a
8 group called 24:7, isn't that correct?

9 A. Oh, yeah, 24:7 and BLinC.

10 Q. And you also conducted an investigation of an
11 organization called Feminist Union, correct?

12 A. Correct.

13 Q. Okay. Have there been any other investigations
14 that you've conducted against student
15 organizations -- under complaints against
16 student organizations?

17 A. No.

18 Q. But in conducting that, you have an obligation
19 to respect the First Amendment rights of those
20 groups; correct?

21 A. Correct.

22 Q. And that would include their freedom of speech?

23 A. Correct.

24 Q. And their freedom of religion?

25 A. Correct.

1 all-comers policy?

2 A. Applies to everyone, all comers.

3 Q. Okay. Do you have any further understanding
4 than that?

5 A. Not at this time.

6 Q. Okay.

7 A. I looked at that at the time I did the
8 investigation.

9 Q. And do you have an understanding -- Does the
10 university have an all-comers policy?

11 A. Not to my understanding.

12 Q. Okay. And what is your understanding based on?

13 A. On when I did this investigation.

14 Q. Okay. Do you know when the human rights policy
15 was adopted by the University of Iowa?

16 A. I do not.

17 Q. Do you know if it's ever been amended?

18 A. I do not. I'm sure it has but I do not.

19 Q. Okay. Have you received any training on how
20 it's interpreted?

21 A. Yes.

22 Q. And what is the nature of that training?

23 A. I provide that training. I'm not sure I
24 understand your question.

25 Q. Okay. How did you come to know how the

1 Q. Since the complaint by Marcus Miller was filed.

2 A. Have I talked to anyone about how the human
3 rights policy would be interpreted with respect
4 to BLinC or in any case?

5 Q. In any case.

6 A. Yes.

7 Q. Okay. How many conversations have you had?

8 A. I would have no way of knowing.

9 Q. Okay. A lot? A few?

10 A. Between those.

11 Q. Has anybody who has supervisory responsibility
12 over you, talked to you about how you should
13 apply or interpret the human rights policy?

14 A. No.

15 Q. So it's up to your discretion how it's applied.

16 A. Correct.

17 Q. Okay. Do you know what status-based
18 discrimination means?

19 A. Where it's based on protected class? Is that
20 your question?

21 Q. I'm asking if you know what the phrase
22 "status-based discrimination" means.

23 A. I think so. You'll have to define it. Could
24 you please define it for me?

25 Q. Do you know what the difference is between

1 status-based discrimination and conduct-based
2 discrimination?

3 A. Status-based would be based on your status.
4 Conduct would be based on conduct, I would
5 assume.

6 Q. Okay. And --

7 A. And would you define status-based for me,
8 please, as you're using it.

9 Q. I'll ask the question.

10 A. Okay. Then I'm not able to answer your
11 questions on that.

12 Q. Okay, thank you. In your view does the human
13 rights policy prohibit status-based
14 discrimination?

15 A. I'm not sure how you're using the term
16 "status-based discrimination," and I understand
17 you are not going to define that for me, so
18 what I can tell you is that my view, the human
19 rights policy protects against discrimination
20 based on protected classification.

21 Q. Okay. And does it prohibit discrimination on
22 the basis of belief?

23 A. On the basis of belief? Like religious belief? -

24 Q. Sure.

25 A. It does not prohibit discrimination on the

1 basis of belief, it prohibits discrimination on
2 the basis of protected classification.

3 Q. Okay. I'm going to ask you to look at a series
4 of constitutions of student organizations.

5 MR. BAXTER: Will you mark this as Exhibit
6 176.

7 (Deposition Exhibit Number 176 was marked
8 for identification by the reporter.)

9 Q. This is a student constitution for the
10 student -- registered student organization Love
11 Works, which exists at the University of Iowa.
12 Are you familiar with the organization Love
13 Works?

14 A. I am not.

15 Q. Okay. I'll ask you to keep that for a moment.
16 Are you aware that Marcus Miller, after he
17 filed this complaint, he started his own
18 student group on campus?

19 A. I think I heard that but I can't say that I'm
20 aware of it.

21 Q. Okay. I'm going to represent that Love Works
22 is the group that Marcus Miller organized. I'd
23 like you to take a look at Article III on the
24 first page. Do you see under Officers and
25 Duties in the second sentence where it says

TAB 6

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

BUSINESS LEADERS IN CHRIST,

Plaintiff,

vs.

THE UNIVERSITY OF IOWA, et al.,

Defendants.

CIVIL ACTION NO.
17-cv-00080-SMR-SBJ

DEPOSITION OF
THOMAS BAKER

Deposition of THOMAS BAKER, taken at
UI Research Park, 2500 Crosspark Road, Coralville, Iowa,
commencing at 8:30 a.m., August 16, 2018, before Tracy A.
Hamm, Certified Shorthand Reporter and Notary Public in and
for the State of Iowa.

APPEARANCES

On behalf of Plaintiff:

Eric S. Baxter
(pro hac vice)
Lead Counsel
Daniel H. Blomberg
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On behalf of Defendants:

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Nathan Levin
Deputy Counsel
Office of General Counsel
The University of Iowa
120 Jessup Hall
5 West Jefferson Street
Iowa City, IA 52242-1316

T.A. Reporting 319-626-7616 tareporting@gmail.com

1 THOMAS BAKER,
2 witness herein, called as a witness by Plaintiff, after having
3 been first duly sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. BAXTER:

6 Q. Good morning. Could you please state your name for
7 the record.

8 A. Sure. Thomas Robert Baker.

9 Q. And you're employed at the University of Iowa,
10 correct?

11 A. Correct.

12 Q. And how long have you been employed there?

13 A. I've been employed on a part-time basis since 1985
14 and a full-time basis since 1988.

15 Q. And what responsibilities have you had there?

16 A. During the entire time I've worked in the -- I work
17 in the Office of the Dean of Students, so I -- my supervisor
18 was the dean of students. My role started with student
19 discipline and continues to be student discipline, and there
20 were some other responsibilities that have been assigned to me
21 over the years, and the -- from my -- my role has changed, my
22 title has changed several times because the role I play has
23 changed.

24 Q. Can we walk through those quickly. So in 1985 you
25 started; is that right?

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1 A. That's right.

2 Q. And what was your title then?

3 A. I was a graduate assistant.

4 Q. Okay. And you reported directly to the dean of
5 students at that time --

6 A. Yeah.

7 Q. -- as well?

8 A. That's right.

9 Q. And just so we both know, I'm going to ask you just
10 to be careful to let me finish my sentences. I'll try --

11 A. All right.

12 MR. CARROLL: Even there, and it's only for her
13 (indicating).

14 BY MR. BAXTER:

15 Q. I'll try to do the same when you're speaking, and
16 let's make sure any answers you have are "yes," "no," not
17 "uh-huh" or "huh-uh" because that doesn't transcribe well for
18 the reporter, okay?

19 And going back, did you say in 1985 you reported
20 directly to the dean of students?

21 A. Correct.

22 Q. And then in 1988 you took on a full-time position?

23 A. Correct.

24 Q. And what was your title then?

25 A. I was the assistant to the dean of students.

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1 Q. And what beyond student conduct was part of your
2 responsibilities then?

3 A. I -- I don't recall exactly. My primary role was
4 investigating student misconduct cases, and I -- the part of
5 my job description that says "other duties as assigned" was
6 just dependent upon what the particular needs of the office
7 were at the time.

8 Q. And when you say you had responsibility over student
9 misconduct, did that involve registered student organizations,
10 or just misconduct by individual students?

11 A. Misconduct by individual students.

12 Q. And do you remember when your title next changed?

13 A. I believe it was 1997 I became the assistant dean of
14 students and the associate counselor.

15 Q. And how did that change your responsibilities?

16 A. I don't know -- I -- my responsibilities didn't
17 change other than the fact that with the associate counsel
18 role, I was the liaison with the General Counsel's office. In
19 fact, I've been operating as a liaison to the General
20 Counsel's office before that, but my day-to-day work didn't
21 change. Before the change in 1997 I was reviewing contracts.
22 If there was a matter involving a student organization that
23 had violated student organization roles, I might -- rules, I
24 might be assigned to investigate that, but there were a number
25 of different responsibilities that flowed from the legal work

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1 related to Student Services.

2 Q. And beyond sometimes investigating student
3 organization misconduct, what would those have been?

4 A. I'm sorry, I'm not sure I understand your question.

5 Q. You stated that there were other roles that flowed
6 -- other roles concerning student organizations that flowed
7 from your role as the associate counselor and you mentioned
8 that one of those was investigating student organization
9 complaints; were there other specific responsibilities with
10 regard to student organizations?

11 A. No; I was not involved in the day-to-day work of
12 advising student organizations.

13 Q. And when you say you sometimes were asked to
14 investigate issues concerning student organizations, what
15 specifically did that entail?

16 A. Reports of hazing by a fraternity or a sorority. We
17 had a death in a fraternity house in 1995, so we investigated
18 the circumstances of that.

19 Q. And you would conduct the actual factual
20 investigation?

21 A. Correct.

22 Q. And what was the process for students to appeal from
23 your findings?

24 A. I don't recall exactly. I believe if a sanction was
25 imposed on a student organization, there was an appeal

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1 my email. I may have talked to him on the phone; I don't
2 recall for sure. As far as I remember, there weren't any
3 documents that Professor Brown had.

4 Q. What was the extent of your communication with
5 Lyn Redington?

6 A. Well, because she was my supervisor, there were
7 several times when we spoke or communicated by email. The
8 first time in the case involving BLinC that Dean Redington
9 spoke to me was to tell me that she wanted me to sit in on the
10 investigation being conducted by Connie Cervantes and then to
11 share the findings of Connie's investigation with Dr. Nelson.

12 Q. Did she tell you why she wanted you to sit in on
13 that investigation?

14 A. She did; I asked her to clarify what my role was,
15 and what I recall from the conversation was that she was
16 asking me to serve as a liaison role.

17 Q. A liaison between whom?

18 A. Between the EOD office, Connie Cervantes; and the
19 CSIL office, Dr. Nelson's office.

20 Q. Was this an unusual step for her to ask you to
21 participate in this way?

22 A. Well, it was unusual in the sense that we had never
23 had a Human Rights Policy investigation, a complaint filed
24 before, so I had never served that role before, and it was the
25 first time that we had a formal complaint filed against -- by

—T.A. Reporting 319-626-7616 tareporting@gmail.com—

1 system were included in the --

2 Q. Did you specifically search for emails with Connie?

3 A. I believe I did.

4 Q. Okay. I'm going to ask you to -- well, did -- so
5 those scheduling emails, did you -- after those scheduling
6 emails, did you attend the interviews of the witnesses?

7 A. I recall missing one of the interviews, and I don't
8 remember which one it was. I did attend the interview with
9 was it Hannah Thompson; is that her name? So I participated
10 in an interview Connie had with Marcus Miller, and I attended
11 the interview with Hannah Thompson.

12 Q. Okay. And prior to attending interviews, were you
13 given any documents relative to the investigation?

14 A. I don't remember.

15 Q. Okay. I'm going to ask you to turn to what's
16 previously been marked as Exhibit 91, probably in the second
17 binder.

18 MR. CARROLL: Before I forget, your binder is much
19 thicker than mine.

20 MR. BAXTER: That's because I didn't introduce all
21 the documents for which I have tabs.

22 MR. CARROLL: Okay. So -- but I don't have all your
23 documents, so it just depends if you're going to introduce
24 them?

25 MR. BAXTER: Right.

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1 was working in the Dean of Students -- or, pardon me, Student
2 Conduct Office. It was after the separation of the Dean of
3 Students and the vice president, so I was working in the --
4 with the Dean of Students and Student Conduct at the time that
5 -- and this is just from memory, at the time the Hastings case
6 was issued in 2010, so I don't -- if I read the Hastings case,
7 I don't remember reading it.

8 Q. You referred here to an "All Comers" policy; what
9 were you referring to there?

10 A. The -- from what I recall, the Hastings law college
11 had a policy that they described as an "All Comers" Policy.

12 Q. And what did you understand an "All Comers" Policy
13 to be?

14 A. Was that there could be -- everyone -- every student
15 had the opportunity to be a member of a group, to be a leader
16 of a group without regard to Statements of Faith and things
17 like that.

18 Q. And as far as you knew at that time when you read
19 this email, the University of Iowa did not have an
20 "All Comers" Policy, correct?

21 A. Correct.

22 Q. And how would you describe the policy that
23 University of Iowa had?

24 A. That -- I don't have a particular label for our
25 policy. When we talked about our -- we just talked about the

—T.A. Reporting 319-626-7616 tareporting@gmail.com—

TAB 7

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

Deposition of

HANNAH E. THOMPSON

Deposition of HANNAH E. THOMPSON, taken
before Julie M. Kluber, Certified Shorthand
Reporter, commencing at 8:29 a.m., August 17,
2018, at 2500 Crosspark Road, Room W219,
Coralville, Iowa.

Julie M. Kluber, CSR, RMR
3515 Lochwood Drive NE
Cedar Rapids, IA 52402
319.286.1717
1.866.412.4866

1 than an um-hmm or a nod because it doesn't show
2 up well.

3 A. Yes.

4 Q. Three, if you do not understand my question,
5 just ask me to clarify it.

6 A. Okay.

7 Q. I want to make sure we're talking about the
8 same things today. And, four, if you need a
9 break, you can ask for a break but you can't
10 ask for one during a pending question. You
11 need to answer the question, and you're more
12 than welcome to have a break if you want one.

13 A. All right.

14 Q. When were you a member of BLinC?

15 A. I helped start the organization in the spring
16 of 2014, and I continued membership and I was
17 on the executive board in the spring of 2017.

18 Q. Did you graduate from Iowa in 2017?

19 A. I did.

20 Q. Is that why you're no longer affiliated with
21 BLinC?

22 A. That's correct.

23 Q. Can you please explain to me how an openly gay
24 student could be a leader in BLinC?

25 A. Could be?

1 with -- work together on the executive team.

2 He's more than welcome to be a member, but
3 it -- for me there was a conflict in terms of
4 the way that we interpreted the Bible, and in
5 terms of someone living in a way that was
6 contrary to our beliefs seemed confusing for
7 me, and if it was confusing for me, I believe
8 that would be confusing for members. As the
9 president of the organization, I wanted to
10 protect the purpose and the mission of the
11 organization and alleviate confusion for our
12 members and for our team.

13 Q. And how many members did you have at the time
14 of Marcus Miller's application for leadership?

15 A. Seven.

16 Q. It was less than ten, wasn't it?

17 A. Yes.

18 Q. And you understand -- Well, you were one of
19 the founders or the founder?

20 A. I was one of the founders.

21 Q. And when that group was created, you were
22 subject to all University of Iowa policies and
23 procedures?

24 A. Yes.

25 Q. So you were subject to the human rights policy;

1 become vice president and it says "by
2 acclimation." I assume that just means we all
3 agree, you don't even have to vote. Is that
4 what you meant by that? If you used the word,
5 is that what you meant?

6 A. I don't believe I used that word.

7 Q. Okay. All right. Is it fair to say that he
8 had all the qualifications except either his
9 status or his beliefs to be vice president of
10 your group?

11 A. Would you clarify status or beliefs?

12 Q. Well, he was gay, and his beliefs apparently
13 clashed with BLinC's beliefs. But otherwise,
14 he was imminently qualified, was he not?

15 A. He was qualified.

16 Q. Did you say to Miss Cervantes he would have
17 become vice president, and if you didn't use
18 the word acclimation, that's fine. He would
19 have become -- "Marcus Miller would have become
20 VP if had not told was gay." Did you use those
21 words?

22 A. I don't remember if I specifically used those
23 words.

24 Q. Did you ever say it was a belief disconnect?

25 A. Yes. A lot. I don't know that I would say

TAB 8

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,)
et al.,)
)
 Defendants.)

DEPOSITION OF LYN REDINGTON, taken on
Thursday, August 9, 2018, commencing at 9:43 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.

APPEARANCES:

Eric Baxter, of Becket Religious Liberty for All,
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Attorney for the Plaintiff.

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Maria Lukas, of University of Iowa Office of
General Counsel, 120 Jessup Hall, Iowa City,
Iowa 52242-1316, Attorney for the Defendants.

Karrie D. Truitt, CSR, RPR
Carson Reporting, Inc.
118 - 3rd Avenue, Southeast, Suite 301,
Cedar Rapids, Iowa 52401
(319) 366-7450

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

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	WITNESS		I N D E X																					
	Lyn Redington		EXAMINATION																					
			D(Sy Mr. Baxter)																					
			E X H I B I T S																					
	NUMBER		EXHIBIT																					
	6		Defendant, Lyn Redington, Answers to First Set of Interrogatories																					
	14		Dean of Students Registration of Student Organizations Policy; P 000272-9																					
	37		PowerPoint Presentation Slides, University of Iowa Policy on Human Rights; BLinC-Def 000928-52																					
	81		7/24/17 Schriver Memo to Student A, et al., with Finding on Formal Complaint of Discrimination																					
			Attached; BLinC-Def 002674-85																					
	88		3/29/16 Miller Message String; P 000007																					
	90		2/20/17, 6/22/16, 5/17/16 Miller/Thompson Email String; BLinC-Def 002597-9																					
	91		CONFIDENTIAL Inquiry/Complaint Form; P 000024																					
	92		2/20/17 Schriver Letter to Thompson; P 000027-8																					
	94		2/22/17 Baker Email to Cervantes/Finger; BLinC-Def 002710																					
	98		5/12/17 Thompson Letter to Schriver Cervantes																					

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S T I P U L A T I O N

"The deposition of Lyn Redington 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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Karrie Truitt, CSR, RPR
CARSON REPORTING, INC. - 319/366-7450

BLinC-Def MSJ Appendix 000039

JA 0222-

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

<p style="text-align: right;">6</p> <p>1 date?</p> <p>2 A. I had a lot of vacation accrued, and so I used</p> <p>3 a lot of vacation during some of March and April. But,</p> <p>4 yes, I was actively employed.</p> <p>5 Q. And what was your responsibility -- What was</p> <p>6 your title while you were at the University of Iowa?</p> <p>7 A. Title was assistant vice president and dean of</p> <p>8 students.</p> <p>9 Q. And what were your major responsibilities?</p> <p>10 A. Primary responsibility as dean of students was</p> <p>11 the overseeing of student conduct process in the Student</p> <p>12 Care and Assistance Office. Then I also oversaw through</p> <p>13 supervision the Iowa Memorial Union and all of its</p> <p>14 auxiliaries or all of its units, including the student</p> <p>15 activities, the bookstore, the hotel. I didn't directly</p> <p>16 supervise them, but I supervised Dr. Nelson.</p> <p>17 Q. What is the student conduct piece?</p> <p>18 A. That's when if students violate or allegedly</p> <p>19 violated a student conduct policy then they go before --</p> <p>20 they go through our student conduct system.</p> <p>21 Q. Have you ever been deposed before?</p> <p>22 A. Yes.</p> <p>23 Q. When was that?</p> <p>24 A. Probably in the -- I would say mid to late</p> <p>25 1990s I think.</p>	<p style="text-align: right;">8</p> <p>1 is registered or deregistered?</p> <p>2 A. I think so, yes.</p> <p>3 Q. I'm going to ask you to look at the document</p> <p>4 in front of you behind tab number 6. Do you recognize</p> <p>5 this document?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. It is the document that I completed.</p> <p>9 Q. And did you understand that when you filled</p> <p>10 this out you were making -- providing information under</p> <p>11 oath?</p> <p>12 A. Yes.</p> <p>13 Q. I'm going to ask you within that same document</p> <p>14 to flip to page 3, Interrogatory Number 1. It asks you</p> <p>15 to identify persons you've communicated with concerning</p> <p>16 this matter. Who is Angela Ibrahim-Olin with respect to</p> <p>17 the U? Did she work under you?</p> <p>18 A. She worked -- her supervisor -- Angela started</p> <p>19 approximately a year after I did, and she had a couple</p> <p>20 of different supervisors. At one point she reported</p> <p>21 directly to me. I don't believe it was during this</p> <p>22 time. I believe when this was happening she reported to</p> <p>23 Dr. Angie Reams.</p> <p>24 Q. Why would you have spoken to Angela about the</p> <p>25 BLinC matter?</p>
<p style="text-align: right;">7</p> <p>1 Q. Were you a party in the case or a witness?</p> <p>2 A. I'm not a lawyer, so I'm going to assume I was</p> <p>3 a party.</p> <p>4 Q. Were you sued or did you sue someone?</p> <p>5 A. I did not sue anyone. Somebody sued the</p> <p>6 University, and I was a part of that process.</p> <p>7 Q. Were you an official witness? Did you speak</p> <p>8 on behalf of the University at your deposition,</p> <p>9 sometimes referred to as a 30(b)(6) witness, or were you</p> <p>10 speaking in your individual capacity or do you know?</p> <p>11 A. I don't know.</p> <p>12 Q. And do you understand the purpose of why we're</p> <p>13 here today?</p> <p>14 A. Yes.</p> <p>15 Q. What's your understanding?</p> <p>16 A. My understanding is that you are representing</p> <p>17 the BLinC organization and would like them to be</p> <p>18 formally recognized as a student organization at the</p> <p>19 University of Iowa.</p> <p>20 Q. When you say recognized --</p> <p>21 A. Or registered. I think it's registered. I'm</p> <p>22 sorry, I've moved on.</p> <p>23 Q. That's okay. Just try not to talk over me. I</p> <p>24 know it's a pain, but I'll finish my sentence and you</p> <p>25 finish yours. So you were saying the official language</p>	<p style="text-align: right;">9</p> <p>1 A. Because Angela worked with the student conduct</p> <p>2 system.</p> <p>3 Q. Did she have any responsibility over student</p> <p>4 organizations?</p> <p>5 A. No. At that point we had -- Again, we had</p> <p>6 hired somebody who worked with student organization</p> <p>7 misconduct, but she was brand new and so wasn't really</p> <p>8 working with that system.</p> <p>9 Q. So I just want to understand. If she was over</p> <p>10 student conduct, it's my understanding there was no</p> <p>11 student misconduct involved; is that correct?</p> <p>12 A. Correct. But she -- So Angela worked with</p> <p>13 student conduct of which student organization misconduct</p> <p>14 fell under.</p> <p>15 Q. Okay. Did you have any substantive</p> <p>16 discussions with these individuals about whether BLinC</p> <p>17 should be penalized or deregistered?</p> <p>18 A. No.</p> <p>19 Q. You never spoke substantively with Dr. Nelson</p> <p>20 about this?</p> <p>21 A. No.</p> <p>22 Q. Or with Tom Baker?</p> <p>23 A. No.</p> <p>24 Q. Did Tom Baker report to you?</p> <p>25 A. Yes.</p>

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BLinC-Def MSJ Appendix 000040

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

<p style="text-align: right;">14</p> <p>1 A. That as a student organization, if they did</p> <p>2 not abide by the human rights policy, that they would</p> <p>3 not be able to be a registered student organization.</p> <p>4 Q. Did it ever occur to you that asking a</p> <p>5 religious student group or telling a religious student</p> <p>6 group who it had to pick as its leaders might violate</p> <p>7 federal or state law?</p> <p>8 A. I thought of those things, and then I spoke to</p> <p>9 general counsel about it.</p> <p>10 Q. Just describe generally for me the extent of</p> <p>11 your involvement in the decision to deregister BLinC</p> <p>12 from start to finish.</p> <p>13 A. The decision to deregister BLinC was not my</p> <p>14 decision. So I wasn't involved with that.</p> <p>15 Q. What was your involvement?</p> <p>16 A. My involvement was after BLinC was</p> <p>17 deregistered and it was -- the decision was appealed,</p> <p>18 that appeal came to me.</p> <p>19 Q. I'm going to ask you to take a look at the</p> <p>20 document in front of you behind tab number 14. And do</p> <p>21 you recognize this document?</p> <p>22 A. Um-hm.</p> <p>23 Q. What is it?</p> <p>24 A. It is the registration of student</p> <p>25 organizations according to the website. I don't know</p>	<p style="text-align: right;">16</p> <p>1 with what?</p> <p>2 A. Meaning students being engaged, actively</p> <p>3 engaged, on campus with peers, with academic</p> <p>4 classifications to support their success.</p> <p>5 Q. Is one of the interests of the student</p> <p>6 organization policy to promote a marketplace of ideas</p> <p>7 for the students to participate in?</p> <p>8 A. I don't know that I can answer that fully.</p> <p>9 Honestly I wasn't there long enough to know how it was</p> <p>10 fully formed to begin with. So to -- I believe you said</p> <p>11 to create a marketplace of ideas. I don't know what the</p> <p>12 intent was. Certainly it is to provide opportunities</p> <p>13 for students to gather together in areas of interest or</p> <p>14 need.</p> <p>15 Q. Just as the -- I'm sorry, you were assistant</p> <p>16 dean of students or dean of students?</p> <p>17 A. I was dean of students.</p> <p>18 Q. As the dean of students would you have</p> <p>19 expected -- just personally, would you have expected</p> <p>20 students to engage with difficult ideas and grapple with</p> <p>21 them and expand their intellectual horizon while at the</p> <p>22 University?</p> <p>23 A. I think that's what higher education is.</p> <p>24 Q. And would you say that the student groups were</p> <p>25 a part of that?</p>
<p style="text-align: right;">15</p> <p>1 what year this was.</p> <p>2 Q. While you were there -- Was this the</p> <p>3 registration of student organization policy that was in</p> <p>4 effect while you were at the University?</p> <p>5 A. It looks like it.</p> <p>6 Q. And you haven't had a chance to read it;</p> <p>7 correct?</p> <p>8 A. Yeah.</p> <p>9 Q. I understand you haven't --</p> <p>10 A. It looks like it. Although when I looked at</p> <p>11 it it was always online. It was never --</p> <p>12 Q. That makes sense.</p> <p>13 A. Yeah.</p> <p>14 Q. Just on the first page this says that student</p> <p>15 groups are separate legal entities from the University;</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that meant that they were free to form</p> <p>19 around areas of interest of students; correct?</p> <p>20 A. Correct.</p> <p>21 Q. What's the purpose of the University</p> <p>22 encouraging student groups on campus?</p> <p>23 A. Student involvement, student engagement,</p> <p>24 student success.</p> <p>25 Q. When you say student engagement, engagement</p>	<p style="text-align: right;">17</p> <p>1 A. Could -- Some absolutely. Some probably not.</p> <p>2 Q. And so if students were offended by positions</p> <p>3 that another student group took, would you expect that</p> <p>4 to be part of the normal process or would you be</p> <p>5 concerned about offense among student groups?</p> <p>6 A. I would not be concerned about offense.</p> <p>7 Q. Why not?</p> <p>8 A. Because we can all be offended by a number of</p> <p>9 different things.</p> <p>10 Q. Like you said, part of being at the University</p> <p>11 is to confront those ideas and to learn from them and to</p> <p>12 expand what you think; is that fair?</p> <p>13 A. I didn't say that it was to confront those</p> <p>14 ideas. I do believe that higher education is to be an</p> <p>15 institution of learning. Part of that learning is to be</p> <p>16 exposed to new ideas, different ways of thinking.</p> <p>17 Q. Even if those ideas might be offensive;</p> <p>18 correct?</p> <p>19 A. Sure.</p> <p>20 Q. I'm going to ask you to look at the document</p> <p>21 in front of you that's labeled document 92, behind tab</p> <p>22 92.</p> <p>23 MR. CARROLL: It's over here (indicating),</p> <p>24 isn't it?</p> <p>25 MR. BAXTER: It should be in the second</p>

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BLinC-Def MSJ Appendix 000041

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

<p style="text-align: right;">18</p> <p>1 binder.</p> <p>2 MR. CARROLL: I don't have one. I have a 92</p> <p>3 tab.</p> <p>4 (Exhibit 92 was marked for identification by</p> <p>5 the reporter.)</p> <p>6 Q. And you're c'd on this document, right, on</p> <p>7 the second page?</p> <p>8 A. Yes, I am.</p> <p>9 Q. And do you remember seeing this document</p> <p>10 before?</p> <p>11 A. Now that I'm reading it, now it looks</p> <p>12 familiar.</p> <p>13 Q. What's your understanding of what it is?</p> <p>14 A. It is notification that a student filed a</p> <p>15 complaint with the EOD.</p> <p>16 Q. In the normal course -- This is the notice of</p> <p>17 the complaint that was filed by Marcus Miller against</p> <p>18 BLinC; is that correct?</p> <p>19 A. That's what it appears to be, yes.</p> <p>20 Q. And was this the first time you would have</p> <p>21 heard about the BLinC situation?</p> <p>22 A. I believe so.</p> <p>23 Q. Were you involved in any other investigations</p> <p>24 of student organizations in the time you were there?</p> <p>25 A. I was not a part of investigating student</p>	<p style="text-align: right;">20</p> <p>1 Q. Were you involved in any of the investigation</p> <p>2 of BLinC?</p> <p>3 A. I was not.</p> <p>4 Q. What was your next involvement?</p> <p>5 A. My involvement was when the report came from</p> <p>6 Connie to our office.</p> <p>7 Q. I'm going to ask you to look at document</p> <p>8 number 94.</p> <p>9 A. Nothing there.</p> <p>10 (Exhibit 94 was marked for identification by</p> <p>11 the reporter.)</p> <p>12 A. Okay.</p> <p>13 Q. Are you familiar with that document?</p> <p>14 A. It looks familiar.</p> <p>15 Q. What is it?</p> <p>16 A. It's an email from Tom Baker.</p> <p>17 Q. And do you remember getting this email?</p> <p>18 A. Not specifically.</p> <p>19 Q. Do you see at the end of the paragraph that</p> <p>20 says, "As far as I know the University of Iowa human</p> <p>21 rights policy does not mandate an all-comers policy"?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know what an all-comers policy is?</p> <p>24 A. Not the legal definition, no. My</p> <p>25 understanding of what that is is that students who want</p>
<p style="text-align: right;">19</p> <p>1 organizations. But, yes, there were other student</p> <p>2 organizations that had -- that went through our student</p> <p>3 misconduct process. I can't say because I don't know, I</p> <p>4 don't remember, if they went through an investigation</p> <p>5 through EOD.</p> <p>6 Q. So I'm going to ask you to flip back then to</p> <p>7 document number 91.</p> <p>8 (Exhibit 91 was marked for identification by</p> <p>9 the reporter.)</p> <p>10 Q. Are you familiar with that document?</p> <p>11 A. I've seen this, but I wouldn't have seen it</p> <p>12 initially, because this went to EOD.</p> <p>13 Q. So EOD would not have shared this with you?</p> <p>14 A. No. No.</p> <p>15 Q. And what was your next involvement in the</p> <p>16 investigation of BLinC; do you recall?</p> <p>17 A. If you would please tell me where we just left</p> <p>18 off on the questioning.</p> <p>19 Q. Yes.</p> <p>20 A. I'm not sure where "next" means.</p> <p>21 Q. You received -- on the document in front of</p> <p>22 you, Exhibit 92, you received from Constance Cervantes a</p> <p>23 notice that Marcus Miller had filed a complaint against</p> <p>24 Business Leaders in Christ?</p> <p>25 A. Um-hm.</p>	<p style="text-align: right;">21</p> <p>1 to be a part of something can.</p> <p>2 Q. And as far as you understood at the time, did</p> <p>3 the University of Iowa have an all-comers policy?</p> <p>4 A. You know, I don't know. I really don't.</p> <p>5 Q. Did you discuss with anyone that the</p> <p>6 University had an all-comers policy?</p> <p>7 MR. CARROLL: Other than attorneys.</p> <p>8 A. I was -- know that there was -- I believe that</p> <p>9 it was a part of that phone call where I sat in on it</p> <p>10 and didn't talk. I believe there was discussion about</p> <p>11 an all-comers policy, but I don't -- I can't</p> <p>12 definitively say it was there.</p> <p>13 Q. I'm handing you what's been marked as</p> <p>14 Exhibit 220. This is the document that is attached to</p> <p>15 the email under tab 94 that you received from Tom Baker.</p> <p>16 Do you recall reading this document?</p> <p>17 MR. CARROLL: You mean at the time of 94?</p> <p>18 A. The time of this email, getting it?</p> <p>19 Q. Correct.</p> <p>20 A. I don't recall reading it, but I'm sure I did</p> <p>21 if Tom sent it.</p> <p>22 Q. Do you see in the second paragraph where it</p> <p>23 says the policy on human rights does not prohibit</p> <p>24 student groups from establishing membership criteria?</p> <p>25 A. Hold on a minute.</p>

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BLinC-Def MSJ Appendix 000042

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

26	<p>1 Q. "Mr. Miller expressly stated that he rejected</p> <p>2 important parts of our Christian beliefs, would not</p> <p>3 support them and would openly oppose them in public."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Did you have an understanding of how the human</p> <p>7 rights policy was to be interpreted?</p> <p>8 A. I'm sorry. Could you ask that again?</p> <p>9 Q. Sure. When a University student organization</p> <p>10 was sanctioned, Dr. Nelson had -- I'm sorry, yes, was</p> <p>11 sanctioned, that would have been done by Dr. Nelson you</p> <p>12 indicated; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then any appeals would have been taken to</p> <p>15 you?</p> <p>16 A. Correct.</p> <p>17 Q. And I assume in appealing you were to assess</p> <p>18 whether Mr. Nelson had made the correct decision; is</p> <p>19 that correct?</p> <p>20 A. Correct.</p> <p>21 Q. And to do that you would have had to</p> <p>22 understand how the human rights policy operates and</p> <p>23 should be interpreted; correct?</p> <p>24 A. Correct.</p> <p>25 Q. Is it your understanding that the University</p>	28	<p>1 yes.</p> <p>2 Q. And if there were an organization formed to</p> <p>3 support transgender individuals --</p> <p>4 A. Yes.</p> <p>5 Q. -- and they wanted to exclude individuals who</p> <p>6 believe that transgenderism is a figment of someone's</p> <p>7 imagination, they could include that individual as one</p> <p>8 of their leaders; correct?</p> <p>9 A. I would speak with counsel on that to get</p> <p>10 their guidance.</p> <p>11 Q. Why?</p> <p>12 A. I think that -- Honestly I would have spoken</p> <p>13 to counsel about many of those examples that you gave me</p> <p>14 simply to make sure that I was upholding the human</p> <p>15 rights policy as it was written and as the University</p> <p>16 was living that.</p> <p>17 Q. So you think it's possible that the University</p> <p>18 would require a feminist organization to admit someone's</p> <p>19 a leader who was antifeminist if they wanted to?</p> <p>20 A. Honestly I don't know.</p> <p>21 Q. And so you made a decision in the BLinC case</p> <p>22 without knowing how this would apply?</p> <p>23 A. I made a decision based on the written</p> <p>24 information as I understood it and having consulted with</p> <p>25 general counsel.</p>
27	<p>1 student groups or students had the right to form groups</p> <p>2 around common interests?</p> <p>3 A. Yes.</p> <p>4 Q. And that can include religious interests?</p> <p>5 A. Yes.</p> <p>6 Q. It could include interests about gender</p> <p>7 identity?</p> <p>8 A. Yes.</p> <p>9 Q. Politics?</p> <p>10 A. Yes.</p> <p>11 Q. Social experiences like sports and music and</p> <p>12 drama and the arts; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And those -- If the Democratic party had a</p> <p>15 leadership standard that you had to be a democrat and</p> <p>16 affirm the principles of the Democratic party, that</p> <p>17 would be acceptable under the human rights policy;</p> <p>18 correct?</p> <p>19 A. That's my understanding, yes.</p> <p>20 Q. And the same as for the Republicans?</p> <p>21 A. Yes.</p> <p>22 Q. And that's true even if the Republican party</p> <p>23 platform endorses marriage as an institution between a</p> <p>24 man and a woman; correct?</p> <p>25 A. I didn't take it that far, but I assume so,</p>	29	<p>1 Q. So before you wrote the letter deregistering</p> <p>2 BLinC --</p> <p>3 A. I did not deregister them.</p> <p>4 Q. Before you wrote the letter affirming the</p> <p>5 decision to deregister BLinC, you consulted with</p> <p>6 counsel?</p> <p>7 A. Correct.</p> <p>8 Q. In your decision did you take into account the</p> <p>9 statements that Ms. Thompson made in her letter?</p> <p>10 A. I know I read this, and what I did was I</p> <p>11 reviewed all of the information that I had.</p> <p>12 Q. And was this letter among that?</p> <p>13 A. Yes.</p> <p>14 Q. And would it have made a difference to you if</p> <p>15 BLinC had denied Marcus Miller a leadership position</p> <p>16 simply because he was gay as opposed to if they had</p> <p>17 deregistered him because he disagreed with their</p> <p>18 religious beliefs about sexuality and marriage?</p> <p>19 MR. CARROLL: You used the term deregistered</p> <p>20 Mr. Miller.</p> <p>21 Q. I thought I corrected to say denied him a</p> <p>22 leadership position.</p> <p>23 A. Okay.</p> <p>24 Q. BLinC denied Mr. Miller a leadership position;</p> <p>25 correct?</p>

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BLinC-Def MSJ Appendix 000043

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

30	<p>1 A. Correct.</p> <p>2 Q. Would it make a difference to you in making</p> <p>3 your decision on the appeal of BLinC's deregistration if</p> <p>4 BLinC had denied him a position because he was gay</p> <p>5 versus because he disagreed with the organization's</p> <p>6 religious beliefs about sexuality and marriage?</p> <p>7 A. I don't know that I can answer that. What I</p> <p>8 can say is I remember reading that he was denied a</p> <p>9 position because he was gay. So that's what I reviewed.</p> <p>10 Q. Well, just hypothetically if he had claimed</p> <p>11 that he was denied a position because he disagreed with</p> <p>12 their beliefs about marriage and sexuality, would that</p> <p>13 have changed your position?</p> <p>14 A. I do not know. It's hard to deal with</p> <p>15 hypotheticals.</p> <p>16 Q. So you think it's possible that it's okay for</p> <p>17 the University to tell a religious group that they can't</p> <p>18 consider religious beliefs in selecting their leaders?</p> <p>19 A. Sorry. Tell me again.</p> <p>20 Q. Do you think it would ever be okay for the</p> <p>21 University of Iowa to tell a religious student group</p> <p>22 that it cannot consider religion in selecting its</p> <p>23 leaders?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p>	32	<p>1 A. Certainly.</p> <p>2 Q. Did you ever read -- I'm going to ask you to</p> <p>3 look at the document behind number 106.</p> <p>4 A. Yes.</p> <p>5 Q. Are you familiar with this document?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. This is Connie's findings on the complaint.</p> <p>9 Q. And did you read this carefully --</p> <p>10 A. Yes.</p> <p>11 Q. -- at the time you received it?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever receive any draft findings?</p> <p>14 A. Not that I recall, no.</p> <p>15 Q. So as far as you recall is this the first</p> <p>16 information you would have received about BLinC after</p> <p>17 receiving Connie's first notice of the complaint?</p> <p>18 A. Yes.</p> <p>19 Q. On page 2 you see under subheading 4 --</p> <p>20 A. Yes.</p> <p>21 Q. -- there's a subheading Remedy Requested and</p> <p>22 Allegations and Responses. This would have been --</p> <p>23 student B would have referred to the representative from</p> <p>24 BLinC. And you see here it says that "student B admits</p> <p>25 that because of complainant's desire to pursue a</p>
31	<p>1 A. Because that's their belief.</p> <p>2 Q. And that belief is protected by the First</p> <p>3 Amendment; right?</p> <p>4 A. Yes.</p> <p>5 Q. And you know that as an individual?</p> <p>6 A. Yes.</p> <p>7 Q. And if you thought the University was doing</p> <p>8 that, you would try to stop them; right?</p> <p>9 A. I hope so. Yes.</p> <p>10 Q. And if you thought there was a possibility</p> <p>11 they were doing that, that would raise red flags in your</p> <p>12 mind that the University should be very cautious?</p> <p>13 A. Yes.</p> <p>14 Q. In fact, you were cautious about that as you</p> <p>15 spoke to counsel; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And that's the reason you went to counsel?</p> <p>18 A. Not entirely. I would say that just going to</p> <p>19 counsel as a normal way of being at the University of</p> <p>20 Iowa is how I was operating. So it wasn't just to be</p> <p>21 cautious, it was to inform.</p> <p>22 Q. But protecting the University's interests --</p> <p>23 or, yeah, ensuring that the University is in compliance</p> <p>24 with federal law was certainly one of those interests;</p> <p>25 correct?</p>	33	<p>1 homosexual relationship he was denied a leadership</p> <p>2 position in BLinC"; correct?</p> <p>3 A. Actually it says desire to pursue a homosexual</p> <p>4 lifestyle/relationship.</p> <p>5 Q. Correct, desire to pursue a homosexual</p> <p>6 lifestyle, slash, relationship.</p> <p>7 A. Um-hm.</p> <p>8 Q. And on the second page -- on page 3 if you</p> <p>9 flip one more page over there's a paragraph that's</p> <p>10 indented there in the middle of the page. Do you see</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. It says, "First and foremost the reason why</p> <p>14 I" -- referring to student B, or Hannah Thompson --</p> <p>15 "made the decision that I could not allow you to be in a</p> <p>16 leadership position within BLinC is because of your</p> <p>17 desire to pursue a homosexual lifestyle/relationship";</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Did -- In this reading of any of those</p> <p>21 statements did it ever occur to you that</p> <p>22 Hannah Thompson's statements were based on religious</p> <p>23 belief?</p> <p>24 A. I'm sure I assumed that.</p> <p>25 Q. I ask you to flip over to the document tabbed</p>

Karrie Truitt, CSR, RPR
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BLinC-Def MSJ Appendix 000044

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
LYN REDINGTON - August 9, 2018

62	<p>1 their face do not comply with the University's human</p> <p>2 rights policy?</p> <p>3 A. No. No.</p> <p>4 Q. What are you saying?</p> <p>5 A. I don't know.</p> <p>6 Q. There's a conflict here; correct?</p> <p>7 A. Oh, my gosh, yes.</p> <p>8 Q. You agree that if the University were telling</p> <p>9 student groups what kind of beliefs they could put in</p> <p>10 their constitution that would violate the First</p> <p>11 Amendment; correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you would want to know that before you</p> <p>14 made a decision about deregistering BLinC; correct?</p> <p>15 A. I didn't deregister, but yes.</p> <p>16 Q. But your decision had the final impact --</p> <p>17 A. To uphold.</p> <p>18 Q. -- of upholding the deregistration; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And in your role as the dean you would have</p> <p>21 believed that a religious student organization could</p> <p>22 require its leaders to affirm their belief even if those</p> <p>23 beliefs were offensive to others; correct?</p> <p>24 A. Correct.</p> <p>25 Q. If there's -- Are there any Muslim groups on</p>	64	<p>1 A. I believe so, yes.</p> <p>2 Q. Creed would include any philosophy whether it</p> <p>3 was religious or not; correct?</p> <p>4 A. My understanding of what creed means, yes.</p> <p>5 Q. I'm going to ask you to look at document 37.</p> <p>6 Could you just flip through that and get a sense of what</p> <p>7 that document is?</p> <p>8 A. It looks like it is a presentation that</p> <p>9 somebody from EOD gave.</p> <p>10 Q. And do you know who Tiffini Stevenson Earl is?</p> <p>11 A. I do.</p> <p>12 Q. Who is she?</p> <p>13 A. She works in the EOD office.</p> <p>14 Q. Is she a lawyer?</p> <p>15 A. She is.</p> <p>16 Q. Would she have authority to train people on</p> <p>17 what the human rights policy means?</p> <p>18 A. I -- Yes.</p> <p>19 Q. I'm going to ask you to flip to document nine</p> <p>20 thirty -- or it's labeled at the bottom 935. Do you see</p> <p>21 that?</p> <p>22 A. Um-hm.</p> <p>23 Q. Do you see that definition of creed?</p> <p>24 A. Yes, I do.</p> <p>25 Q. It says that -- "a strongly held philosophical</p>
63	<p>1 campus?</p> <p>2 A. There were. I don't know if there are now.</p> <p>3 Q. And you would have had no problem with Muslim</p> <p>4 groups selecting Muslims as their leaders; correct?</p> <p>5 A. No.</p> <p>6 Q. And you wouldn't have gotten into the question</p> <p>7 of whether a student who was rejected was really a</p> <p>8 Muslim or not a Muslim; right?</p> <p>9 A. I don't think so.</p> <p>10 Q. That would have been a decision just left to</p> <p>11 the group; correct?</p> <p>12 A. I would assume so, yes.</p> <p>13 Q. And that would be true for Democrats rejecting</p> <p>14 Republicans; correct?</p> <p>15 A. Correct.</p> <p>16 Q. And that would be true for a transgender</p> <p>17 support group rejecting people who reject the idea of</p> <p>18 transgenderism as a biological phenomenon; correct?</p> <p>19 A. Correct.</p> <p>20 Q. And you would want to be consistent across all</p> <p>21 of those groups?</p> <p>22 A. Correct.</p> <p>23 Q. And creed is one of the protected categories</p> <p>24 in the constitution -- or in the human rights policy;</p> <p>25 correct?</p>	65	<p>1 belief, even if not a recognized religion"; correct?</p> <p>2 A. Correct.</p> <p>3 Q. So that would include political beliefs;</p> <p>4 correct?</p> <p>5 A. Certainly.</p> <p>6 Q. Beliefs about the environment?</p> <p>7 A. I guess I've never thought of those as</p> <p>8 philosophical beliefs, but sure.</p> <p>9 Q. In fact, any student group that is formed</p> <p>10 around some kind of an idea, whether it be the value of</p> <p>11 music or why we like hunting, all of that could be a</p> <p>12 creed; correct?</p> <p>13 A. I don't -- I am not a lawyer nor would be</p> <p>14 trained to --</p> <p>15 Q. But you agree she says here at least any</p> <p>16 strongly held philosophical belief?</p> <p>17 A. Yes.</p> <p>18 Q. If you were going to stop student groups,</p> <p>19 religious student groups, from selecting leaders based</p> <p>20 on religion, you would also have to stop the</p> <p>21 environmental group from using belief in its philosophy</p> <p>22 as a criteria for selecting its leaders; correct?</p> <p>23 A. You are delving into an area where I would</p> <p>24 absolutely be talking to general counsel.</p> <p>25 Q. But as the dean wouldn't that make sense to</p>

Karrie Truitt, CSR, RPR
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BLinC-Def MSJ Appendix 000045

TAB 9

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)

DEPOSITION OF)
WILLIAM R. NELSON)
Volume 1 August 8, 2018)

APPEARANCES

ATTORNEY ERIC BAXTER, of The Becket Fund for
Religious Liberty, 1200 New Hampshire Ave.
NW, Suite 700, Washington DC 20036, appeared
on behalf of the Plaintiff.

ATTORNEY DANIEL BLOMBERG, 1124 Park West
Blvd., Mount Pleasant, SC 29466, appeared on
behalf of the Plaintiff.

ATTORNEY GEORGE CARROLL, of the Iowa Attorney
Generals Office, 1305 E. Walnut Street,
Des Moines, IA 50319, appeared on behalf of
the Defendants.

DEPOSITION OF WILLIAM NELSON,

taken in Room BVC 111, University of Iowa Research-Park,
2500 Crosspark Road, Coralville, Iowa, on the 8th day of
August, 2018, commencing at 8:52 a.m., before Sandra E.
Edwards, Certified Shorthand Reporter in and for the
State of Iowa.

EDWARDS REPORTING SERVICE 319-338-3776

BlinC-Def MSJ Appendix 000046

JA 0230

PROCEEDINGS

(August 8, 2018; 8:52 a.m.)

(Present are the deponent, Mr. Baxter,
Mr. Blomberg, and Mr. Carroll.)

WILLIAM NELSON,

the witness, was duly sworn to testify the truth, the
whole truth, and nothing but the truth, was examined,
and testified as follows:

EXAMINATION

BY MR. BAXTER:

Q. Good morning.

A. Good morning.

Q. Would you please state your name for the record?

A. William R. Nelson.

Q. And could you please -- who's your employer?

A. The University of Iowa.

Q. And how long have you been at the University?

A. I just -- completed my 15th year.

Q. And what positions or roles have you held at the
University?

A. I came to the University as the Director of
Student Life. Then I became -- I was promoted and
became -- the Director of Student Life title, and then
became, in addition, Associate Director of the Iowa
Memorial Union. I became the -- Director of the Iowa

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000047

JA 0231-

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000048

JA 0232

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.)

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000049

JA 0233

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000050

JA 0234

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000051

JA 0235

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000052

JA 0236

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000053

JA 0237

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000054

JA 0238

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000055

JA 0239

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000056

JA 0240

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000057

JA 0241-

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000058

JA 0242

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 --

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000059

JA 0243

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000060

JA 0244

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000061

JA 0245

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000062

JA 0246

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000063

JA 0247-

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 --

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000064

JA 0248

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000065

JA 0249

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000066

JA 0250

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000067

JA 0251

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000068

JA 0252

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000069

JA 0253

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000070

JA 0254

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000071

JA 0255

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000072

JA 0256

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000073

JA 0257-

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000074

JA 0258

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000075

JA 0259

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000076

JA 0260

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?

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000077

JA 0261-

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,

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000078

JA 0262

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.

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000079

JA 0263

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

EDWARDS REPORTING SERVICE 319-338-3776

BLinC-Def MSJ Appendix 000080

JA 0264

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
WILLIAM NELSON, VOLUME II - August 9, 2018

<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>

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BLinC-Def MSJ Appendix 000081

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
WILLIAM NELSON, VOLUME II - August 9, 2018

274	<p>1 A. I can't tell you the percentage. I can give</p> <p>2 you numbers.</p> <p>3 Q. What's the number?</p> <p>4 A. I'll have to go through the list, if you will.</p> <p>5 Examples of -- Again, the big number that we start with</p> <p>6 is 1.872 million. Then there are fixed-cost groups that</p> <p>7 get money off of the top. So that would be like the</p> <p>8 student organization, the business office, which I</p> <p>9 believe gets 160,000, student legal services, which I</p> <p>10 believe gets approximately 250 to \$260,000. There's</p> <p>11 those groups that get that. LeaderShape is a program</p> <p>12 that gets, I believe, \$42,000.</p> <p>13 So there's -- so not all -- Your question was</p> <p>14 do they all go to registered student organizations. The</p> <p>15 answer is no, some go to university programs and</p> <p>16 services.</p> <p>17 Q. Do you have the amount that goes to the</p> <p>18 student orgs generally?</p> <p>19 A. The amount that's allocated by -- We talked</p> <p>20 yesterday about SABAC, and the counterpart to SABAC is</p> <p>21 GPAC.</p> <p>22 Q. And SABAC is spelled S-A-B-A-C?</p> <p>23 A. Correct. GPAC is G-P-A-C. It's the parallel</p> <p>24 organization for the graduate special students. Those</p> <p>25 two together have an allocation of about 270,000.</p>	276	<p>1 Q. Did they express any opinion about the matter?</p> <p>2 A. I believe they just took the information in.</p> <p>3 They didn't -- I don't recall them offering me a</p> <p>4 position or opinion.</p> <p>5 Q. Who is Angie Reams?</p> <p>6 A. Angie Reams is the current associate dean of</p> <p>7 students responsible for student care and assistance and</p> <p>8 then also now student -- in the interim student conduct</p> <p>9 is reporting through her.</p> <p>10 Q. What has been her involvement in the matter?</p> <p>11 A. So since Lyn's departure student conduct,</p> <p>12 again, reports -- So Angela we talked about reports to</p> <p>13 her, Tom Baker we talked about reports to her. So her</p> <p>14 involvement is as a supervisor and director of that</p> <p>15 area.</p> <p>16 Q. Was she involved in the review of the student</p> <p>17 constitutions?</p> <p>18 A. No.</p> <p>19 Q. And Ellen Link I think you mentioned was an</p> <p>20 assistant?</p> <p>21 A. Yeah. Ellen Hermanson-Link is one of the</p> <p>22 then-three associate directors of the Center for Student</p> <p>23 Involvement & Leadership.</p> <p>24 Q. I'll ask you this. Did she participate in the</p> <p>25 review of the constitution?</p>
275	<p>1 Q. And those funds are distributed -- All student</p> <p>2 organizations have equal access to those funds?</p> <p>3 A. Registered student organizations.</p> <p>4 Q. And only registered student organizations; is</p> <p>5 that correct?</p> <p>6 A. Student organizations that aren't registered</p> <p>7 aren't eligible.</p> <p>8 Q. Who is Jacob Simpson?</p> <p>9 A. Jacob Simpson was the then president of the</p> <p>10 University of Iowa Student Government.</p> <p>11 Q. Is that a student?</p> <p>12 A. That's a student.</p> <p>13 Q. What's his knowledge relevant to this case?</p> <p>14 A. Student government has a capacity where</p> <p>15 they -- Again, they administer the funds. SABAC and --</p> <p>16 That SABAC group is an arm of UISG, and Jacob is the</p> <p>17 president of UISG.</p> <p>18 Q. Who is Lilian Sanchez?</p> <p>19 A. Then-vice president of UISG.</p> <p>20 Q. So Jacob and Lilian's knowledge is limited to</p> <p>21 the funds that might have been distributed to BLinC; is</p> <p>22 that correct?</p> <p>23 A. No. I kept them abreast of the generalities</p> <p>24 of the case given their capacity as the president and</p> <p>25 vice president.</p>	277	<p>1 A. Yes.</p> <p>2 Q. In what capacity?</p> <p>3 A. She was a part of -- Again, we talked about</p> <p>4 Dr. Cory, Nellie and Paul Mintner leading that effort,</p> <p>5 coordinating that effort among the staff.</p> <p>6 Q. Nellie is?</p> <p>7 A. Ellen Link is Nellie. She goes by Nellie. I</p> <p>8 apologize.</p> <p>9 Q. Thank you for clarifying. In question 4 on</p> <p>10 the next page -- or next couple of pages over, do you</p> <p>11 see where it says to describe the advice or statements</p> <p>12 made to the University by the persons identified in</p> <p>13 Interrogatory Number 3, which are the people we just</p> <p>14 talked about?</p> <p>15 A. Correct.</p> <p>16 Q. And then there's an objection as to</p> <p>17 attorney/client privilege; do you see that?</p> <p>18 A. Correct.</p> <p>19 Q. Are any of the individuals that we just talked</p> <p>20 about in question 1 and that are referred to in</p> <p>21 question 3, are any of them attorneys?</p> <p>22 A. Can I refer back --</p> <p>23 Q. Yeah, looking back to question 1.</p> <p>24 A. Tom Baker is an attorney. He doesn't work in</p> <p>25 the general counsel's office, but he is an attorney.</p>

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BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
WILLIAM NELSON, VOLUME II - August 9, 2018

<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?</p> <p>3 A. Correct.</p> <p>4 Q. So there's no one on the list who is acting as 5 an attorney?</p> <p>6 A. Correct.</p> <p>7 Q. If you look at question number 6 --</p> <p>8 MR. CARROLL: Just within the same document.</p> <p>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.</p> <p>11 A. Okay.</p> <p>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?</p> <p>16 A. I participated in gathering this list with 17 staff. It involved multiple people.</p> <p>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?</p> <p>21 A. Correct.</p> <p>22 Q. BLinC is the first student organization that 23 that's happened to?</p> <p>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?</p> <p>2 A. I did not provide this information.</p> <p>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.</p> <p>9 MR. CARROLL: Yeah, that's -- Yes.</p> <p>10 Q. We'll skip that for now then. Did you provide 11 any information in response to Interrogatory Number 9?</p> <p>12 A. Yes.</p> <p>13 Q. What did you provide?</p> <p>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.</p> <p>17 Q. What are those scholarships?</p> <p>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.</p> <p>23 Q. So that's a list that you compiled and gave to 24 someone else?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">279</p> <p>1 registered.</p> <p>2 Q. And that was because they had removed someone 3 from a chat group on their Facebook page; correct?</p> <p>4 A. That is correct, a man who was a member of the 5 group.</p> <p>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?</p> <p>9 A. Yes.</p> <p>10 Q. So the University can restrict the speech of 11 those students?</p> <p>12 A. That information can be used in an 13 investigation in making a finding.</p> <p>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?</p> <p>17 A. That was one of them, yes.</p> <p>18 Q. Did anybody discuss with you that that was a 19 potential First Amendment violation?</p> <p>20 A. No.</p> <p>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?</p> <p>2 A. Correct. I gave the list to Nate Levin.</p> <p>3 Q. And that's a long list of like -- you said 80 4 organizations?</p> <p>5 A. Correct.</p> <p>6 Q. I believe that was produced to us.</p> <p>7 MR. CARROLL: Those are the documents you 8 received. Those are for every scholarship that he is 9 directly familiar with.</p> <p>10 MR. BAXTER: Okay. Great.</p> <p>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?</p> <p>14 A. Correct.</p> <p>15 Q. Those might be based on race or gender 16 identity or sexual orientation; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. Are there any that are focused on religion?</p> <p>19 A. I would need to refer to the list to make 20 certain I'm accurate.</p> <p>21 Q. And do you actively recruit those kinds of 22 scholarships or look for donors to provide those types 23 of scholarships?</p> <p>24 A. I do not.</p> <p>25 Q. Do you know who does?</p>

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BLinC-Def MSJ Appendix 000083

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
WILLIAM NELSON, VOLUME II - August 9, 2018

290	<p>1 A. There are -- the notion of agency, and the</p> <p>2 University considers their governance organizations.</p> <p>3 There are six governance organizations -- excuse me,</p> <p>4 seven.</p> <p>5 Q. And what about those governance organizations?</p> <p>6 A. That they are considered -- Their leaders are</p> <p>7 considered agents.</p> <p>8 Q. And student organizations that are classified</p> <p>9 as general student organizations are not considered</p> <p>10 agents?</p> <p>11 A. Correct.</p> <p>12 Q. And in general is it the University's desire</p> <p>13 to encourage a broad diversity of student organizations?</p> <p>14 A. Yes.</p> <p>15 Q. Why is that? What value is that to the</p> <p>16 University?</p> <p>17 A. It adds a richness to the educational</p> <p>18 experience and campus environment.</p> <p>19 Q. How important are student groups to the</p> <p>20 University?</p> <p>21 A. They are very important.</p> <p>22 Q. Why?</p> <p>23 A. Because they provide opportunities for --</p> <p>24 fellowship opportunities for very important learning</p> <p>25 outside of the classroom, opportunities to engage the</p>	292	<p>1 other than you and Lyn Redington?</p> <p>2 A. Yes, that would be correct.</p> <p>3 Q. I would ask you to just turn the page over to</p> <p>4 Interrogatory 14. I'm not asking for a legal opinion</p> <p>5 here, but just in your opinion this question asks what</p> <p>6 interest the University of Iowa has in preventing</p> <p>7 religious student groups from selecting leaders who</p> <p>8 embrace their mission. Yesterday you indicated that</p> <p>9 that isn't really a purpose of the University. But to</p> <p>10 the extent it may be, are these reasons here, compliance</p> <p>11 with federal law, the only reasons why the University</p> <p>12 would re-- impose restrictions on which leaders</p> <p>13 student groups can select?</p> <p>14 A. I'm going to ask you to repeat that, please.</p> <p>15 You referenced a position I took yesterday, and I wanted</p> <p>16 to hear that.</p> <p>17 Q. I'll simplify the question. Does the</p> <p>18 University have any reasons why it would want to</p> <p>19 restrict who student groups can select as their internal</p> <p>20 leaders?</p> <p>21 A. We would want to make certain that the process</p> <p>22 for selecting internal leaders was consistent with</p> <p>23 University policy, specifically the human rights clause</p> <p>24 related to student organizations.</p> <p>25 Q. But what's the reason behind that policy?</p>
291	<p>1 curriculum with the co-curriculum in a more practical</p> <p>2 experiential kind of way.</p> <p>3 Q. When you say important for students to engage</p> <p>4 and learn, what do you mean by that?</p> <p>5 A. To participate, to be members, leaders,</p> <p>6 learners within the groups.</p> <p>7 Q. Do you expect that students would have</p> <p>8 opportunity to confront ideas that they might disagree</p> <p>9 with and learn how to debate and understand and grapple</p> <p>10 with positions that maybe they have never grappled with</p> <p>11 before?</p> <p>12 A. Yes.</p> <p>13 Q. And that's an important part of the</p> <p>14 University's purpose of having student groups; correct?</p> <p>15 A. Yes.</p> <p>16 Q. I'm going to ask you to look in the same</p> <p>17 document, Number 4, Interrogatory Number 13. This</p> <p>18 interrogatory asks who played a role in the decision to</p> <p>19 deregister BLinC, and the answer includes William Nelson</p> <p>20 and Lyn Redington. Is there a reason why Tom Baker</p> <p>21 wasn't included here?</p> <p>22 A. Lyn and I are the actual two people who issue</p> <p>23 the decisions. Tom Baker's opinion was sought.</p> <p>24 Q. Was there anybody else who -- Is it fair to</p> <p>25 say that Tom Baker played a larger role than anyone</p>	293	<p>1 A. So that we provide equal treatment to all</p> <p>2 under the law.</p> <p>3 Q. But you would agree that whatever student</p> <p>4 organizations do, whoever student organizations select</p> <p>5 as their leaders, that doesn't implicate the University;</p> <p>6 correct?</p> <p>7 A. If there's a policy violation as a result of</p> <p>8 that, it -- yes.</p> <p>9 Q. Does the University bear any responsibility</p> <p>10 for who student groups select as their leaders?</p> <p>11 A. Yes, I think within the context of ensuring</p> <p>12 that the process for selecting leaders is one that is</p> <p>13 consistent with our human rights policy.</p> <p>14 Q. If -- But you've already indicated that the</p> <p>15 student groups are not acting on behalf of the</p> <p>16 University when they select leaders; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did the -- I'm looking at Interrogatory</p> <p>19 Number 15 on the next page, just one page over from</p> <p>20 where you are. I'm going to skip that. - - -</p> <p>21 Turning to the next one on Interrogatory</p> <p>22 Number 16, this says -- asks why the University believes</p> <p>23 that BLinC's statement of faith is discriminatory on its</p> <p>24 face. The response here says that the University of</p> <p>25 Iowa seeks to enforce its rights under the Iowa</p>

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BLinC-Def MSJ Appendix 000084

BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
WILLIAM NELSON, VOLUME II - August 9, 2018

298	<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>
299	<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>
300	<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>
301	<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>

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BUSINESS LEADERS IN CHRIST vs. THE UNIVERSITY OF IOWA, et al
WILLIAM NELSON, VOLUME II - August 9, 2018

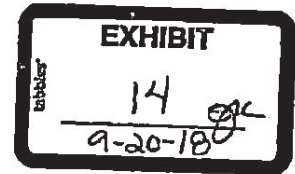
302	<p>1 the University doesn't have an all-comers policy?</p> <p>2 A. Among the people making the decision, no.</p> <p>3 Q. Who were the ones that disagreed?</p> <p>4 A. Again, I think there were people asking</p> <p>5 questions because -- particularly Mr. Baker, because it</p> <p>6 was different than 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>	304	<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>
303	<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>	305	<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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TAB 10

DEAN OF STUDENTS



[Home](#) ▸ [Policies](#) ▸ [Registration of Student Organ...](#)

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

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 filling 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

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 sports 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

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:

- 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.

000076

- 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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TAB 11

CENTER FOR STUDENT INVOLVEMENT & LEADERSHIP

GET INVOLVED!

[Home](#)

[Services](#)

[Arts & Entertainment](#)

[Annual Events](#)

[Multicultural](#)

[Fraternity & Sorority](#)

[Leadership & Service](#)

[Student Orgs](#)

[OrgSync](#)

[Home](#) ▶ [Student Orgs](#) ▶ Registered Student Organizatio...

Registered Student Organization Constitutional Standards & Guidelines

Constitutional Standards & Guidelines

The information on this page will help you draft your student organization constitution. The University of Iowa has standards for student organization constitutions and the information below will aid you in the successful creation of the document that will govern your organization.

A constitution contains the basic, fundamental principles and procedures regarding the organization's structure. By-laws outline, in more detail, the rules of procedure by which a group's membership govern their organization. Your constitution should be simple, concise and comprehensive. However, it

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should be more difficult to amend, this means most procedural rules should be placed in your organization's by-laws.

These guiding principles are designed to assist groups with their formation and help groups anticipate any future issues. Prospective student organizations should use these principles to assist them with the drafting of their constitution and by-laws. Any constitution not in accordance with this document will not be accepted, and recommendation for registration will be delayed until the constitution meets University standards.

Please note the two sections in *Italic TYPE*. They must appear in all Constitutions EXACTLY as they are written in this document. These two clauses are the *UI Human Rights Clause* and the *Financial Clause*. The financial clause provides you with specific instructions regarding your organization. Remember to alter the financial clause so it contains the specifics regarding your organization and dissolution. You need to remember to include an organization where funds are to be sent if your organization dissolves.

DO NOT copy and paste text from these guidelines directly into your organization constitution or just provide answers to questions in this document. The questions should prompt your organization to create text to address what is being asked. You must thoughtfully think about the future of your organization and its existence when crafting your constitution. You may not think you need to address certain issues within your organization but, you should not overlook them as the ultimate goal is for your organization to outlast your time as a student. Provide forward-thought about what the future may hold for your organization. Consider what problems may arise, and include other processes regarding your organization's future.

Your constitution should not contain specific names or list certain individuals in the membership or advisor section. These areas should be general and define different classes of membership or if an advisor exists and what the advisor's role is within the organization.

If your organization is affiliated with a national organization, you must submit a constitution that is unique to your University of Iowa chapter. This must include the mandatory clauses specific to the University of Iowa. You will be required to submit the national constitution as well as the constitution of your UI chapter.

If you require further assistance with the preparation of your constitution or by-laws, please contact the Coordinator for Student Organization Development in the Center for Student Involvement & Leadership (CSIL) at (319) 335-3059 or getinvolved@uiowa.edu.

Sample Constitution

Title: "Constitution of (Insert official name of the organization)" The name as it appears in your Constitution must be used in any advertising or business done by the organization, and should reflect the nature of the organization.

P 000305

BLinC-Def MSJ Appendix 000096

Date Submitted: Date of submission to Center for Student Involvement & Leadership

Article I - Purpose

State the mission and purpose of the organization. The purpose statement should explain why your organization exists as well as its objectives and goals. Your organization's activities should be related to this purpose statement. You want to think about why your organization exists, who will it serve, and group activities.

Article II - Membership

a) Required UI Human Rights Clause must be included in all student organization constitutions and must be written EXACTLY as follows (updated 10/15/14):

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.

b) State different classes of membership and the description/requirements for and the privileges of each class, if any.

Example:

- Executive Board (must be a member in good standing)
 - President (Primary Representative)
 - Vice-President (Secondary Representative)
 - Treasurer (Authorized Signer 1) and must be a different individual than the President
 - Secretary/Recorder
- General Members:
 - UI Students (must comprise 80% of the total organization membership) are eligible to vote and hold office within the Organization.
 - Non-UI Students (cannot exceed 20% of total organization membership) are not eligible to vote or hold office within the organization.
- Members in Good Standing:
 - To be a member in good standing, one must have paid dues (if applicable), met GPA requirements as set forth in By-Laws (if applicable), and met meeting attendance requirements as set forth in the By-Laws (if applicable). Members in Good Standing have the right to vote as well as seek and hold an elected/appointed office or position.

P 000306

Things to think about in this section: Is there an executive council composed of officers (officer duties are explained in Article III, you only need to mention the existence of the council and the titles in this section). Are there general members, what is their role? What does it mean to be a general member? What does it mean to be a member in good standing? What are the rights and privileges of both classes of membership? Are voting privileges different? Voting privileges are limited to UI students only. What are the different limitations of each membership classification?

c) State the procedure for selection of membership.

Example 1:

- Membership will be granted in one of three categories: Full Membership, General Membership, Resting Membership.
- All University of Iowa students are entitled to full membership in the organization.
- All faculty, staff, and interested community members will receive general membership in the organization.
- Members who will be unable to participate in the club for an extended time will be granted resting membership. Resting membership can be due to situations including but not limited to study abroad programs, etc.

Example 2:

- Membership in this chapter is open to anyone officially connected to the University of Iowa as students, faculty, or staff as well as those from the community such as alumni and the general public, as long as 80% of the active members of this organization are currently enrolled UI undergraduate or graduate and professional students.

d) State the procedure for the addition or revocation of membership.

Example 1:

- The organization shall admit as a member any person who expresses interest, contacts the organization officers, and provides their name and contact information. Membership may be revoked for reasons including but not limited to: inappropriate behavior, being delinquent in paying dues without explanation, and one year inactive membership (not attending or being involved in communication with the officers or the organization). Revocation of membership may occur due to situations that arise both outside of club functions and those that arise during club functions.
- All situations of revoking membership will be evaluated on a case by case basis by the officers of the club, who are in charge of the revocation process.
- Revocation of membership occurs after two written warnings in one semester and will involve a written notice.
- Individuals may appeal the revocation of their membership by contacting an officer and will appeal to a committee of members supervised by either an advisor, an officer, or a combination of officers, members, and the advisor.

P 000307

- A person may not regain membership after having it revoked until a period of no less than six months after the last written notice or appeal has passed. The officers of the organization will evaluate the situation before a person may regain membership, and situations of regaining membership will be handled on a case by case basis.

Example 2:

- To be removed from this organization, a member must miss three consecutive meetings with unexcused absences. When this occurs, that individual's membership status will be voted on by the organization and must obtain a majority vote in favor to stay a member. Membership can also be suspended if one acts unrepresentative of the organization.

Things to think about in this section: Who can suggest the removal of a member? What are the exact processes for removal? Is there a certain voting procedure required for removal or addition? Removal of members may not seem necessary when creating your organization, but this section may prove valuable at some point during the life of your organization.

Article III - Officers/Executives and Duties

a) Officers or executives must be enrolled University of Iowa students. They represent the organization membership. These individuals are selected from the ranks of the organization's voting membership.

b) List the positions available, titles, term lengths, and the duties and responsibilities associated with each. Include any qualifications an individual must possess in order to be considered for that position.

Example 1:

- The elected officers of the organization shall be:
- **Chair:** The duties of the chair include calling and chairing all meetings, preparing the agendas, representing the official position of the organization to the University and all external individuals and groups, delegating responsibilities, and any other duties that the membership might assign.
- **Vice-chair:** The Vice-chair shall fulfill the duties assigned by the Chair. In case of a vacancy in the Chair, the Vice-chair will assume the duties of the chair until a special election can be held to fill the Chair position.
- **Secretary:** The Secretary shall record and keep the minutes of all meetings and shall make those minutes available to any member upon request. The Secretary shall make and distribute copies of the minutes according to policy established by the elected officers. The Secretary shall be responsible for the design and maintenance of the organization's website.
- **Treasurer:** The Treasurer shall handle all financial transactions, keep the financial records of the organization, ensure the organization is meeting all University policies, and federal and state laws. The Treasurer will also make periodic reports to membership.

P 000308

BLinC-Def MSJ Appendix 000099

- Special Events Coordinator - The Special Events Coordinator shall lead and facilitate the planning and implementation of group social, educational, and service activities. The Special Events Coordinator shall fulfill other duties as assigned by the Chair.
- The elected officers of the organization shall constitute the Executive Council.
- Appointed positions shall be created and/or filled by the Executive Council with the approval of a majority vote of those members present at any official meeting.
- All members are qualified to hold elected or appointed office. Any person is limited to holding no more than two one-year terms in any office.
- All offices will be filled annually.
- Offices vacated will be filled in a special election. The Executive Council will present a nomination to the membership for their approval by a majority vote of those present at the next meeting.
- Procedure for removal of an officer will follow the procedures outlined in Roberts' Rules of Order (latest edition).

Example 2:

- The following officers shall be elected every academic year per guidelines in Article VI.
- President: All candidates running for presidency shall have had at least one year of experience on the organization's Executive Board and approval to return per the guidelines outlined in Article VI. If no individual on the Board is available to return as President, the candidate must have had at least two semesters as an active Member. The duties of the President shall include, but shall not be limited to:
 - Maintaining the Constitution and University registration of the organization
 - Keeping in contact with the organization(s) advisor(s)
 - Organizing and conducting periodic board meetings
 - Preparing meeting agendas and collecting information from board members on projects/tasks
 - Announcements prepared for meetings
 - Settling disputes with the organization's Executive Board
 - Assisting Officers with excessive duties
 - In the event of an emergency and in the absence of the Finance Director, signing appropriate financial documents.
- Vice President: The duties of the Vice President shall include, but shall not be limited to:
 - Sending weekly mass emails for all upcoming organization events, as well as, additional reminders the day preceding or day of an event
 - Assisting with meetings and matters concerning the organization
 - Working with the President to complete tasks and succeeding the President in the event he or she is unable to perform assigned duties.
- Public Relations Director: The duties of the Public Relations Director shall include, but shall not be limited to:

P 000309

- Updating the organization's website, social media, and other forms of communication weekly
- Designing and distributing materials pertaining to upcoming group events to group members and advisors
- Recording, typing, and distributing minutes of board and group meetings
- Finance Director: The duties of the Finance Director shall include, but shall not be limited to:
 - Preparing and presenting balance reports as necessary
 - Authoring and acquiring vouchers for supplies and any other purpose
 - Assisting with the formal budgeting procedures through student government, including supplemental budgeting if necessary
 - Handling all revenue and making deposits regularly
 - Keeping records including all receipts and balance statements
 - Ordering of supplies and items for the organization
- Programming Director: The duties of the Programming Director shall include, but shall not be limited to:
 - Coordinating and confirming a schedule of speakers for meetings
 - Reserving rooms for all meetings and social events
 - Providing the President and Vice President with information about upcoming meetings to be sent to members
 - Providing the Public Relations Director with information about upcoming meetings to be advertised
- Social Activities Director: The duties of the Social Activities Director shall include, but shall not be limited to:
 - Setting up events to promote camaraderie and relationship building between organization membership
 - Organizing study groups during exam weeks
 - Assisting others in planning events related to their duties
- All Executive Board members are expected to attend all meetings each semester unless a previous arrangement has been made or an pre-existing engagement prevents them from attending. All members of the Executive Board are strongly encouraged to attend other activities and unofficial meetings.
- Should an Executive Board Member need to be removed from office, a meeting of the Executive Board shall be held and a vote taken, with removal occurring as the results of a majority vote. A reason for removal includes, but is not limited to, failure to comply with officer duties.

Article IV - Advisors

a) Advisors of registered student organizations must be members of the University of Iowa faculty or administrative professional staff or they must be affiliated with a local, regional, national, or international affiliate of an organization.

P 000310

b) What are the duties of an advisor?

Example 1:

- The Executive Board shall be responsible for selecting an advisor. It is anticipated the advisor will be a member of the faculty or staff at the University of Iowa. The advisor shall:
- Serve for at least one academic year and shall attend the meetings of the organization and and aid and advise the organization on matters under consideration.
- The advisor shall be responsible for the continuity of records and other property of the collegiate chapter.
- Additional persons, faculty and/or non-faculty or staff may be asked to join the appointed advisor whenever tasks involved make it feasible to have additional representation. Only the appointed advisor may vote as a board member if he or she is granted that right.
- The advisor may serve as the official advisor and contact with the organization's local, regional, national or international affiliate or headquarters.

Example 2:

- The position of advisor may be filled by the Executive Board with the approval of a majority of those members present at any official meeting.
- The duties of the advisor shall be determined by the Executive Board.

Things to think about in this section: What are the responsibilities/duties of the advisor? How are advisors selected? If you don't have an advisor and don't currently plan on having one it still may not be a bad idea to plan for the future and add this section, so you don't have to amend your constitution later.

Article V - Meetings

a) What kind of meetings will your organization have? Executive Board Meetings, Business Meetings, General Membership Meetings?

b) How often will meetings be held? Is your organization required to hold a certain amount of meetings per semester?

c) When will membership be notified of meetings or special meetings? How many days? What form of communication(s) will be used to notify members?

d) What constitutes a quorum at a meeting? Quorum is the minimum number of members present in order to conduct official business. Would it be 2/3 of members present? 2/3 of members in good standing? 3/4 of Executive Board Members?

e) Who has the authority to call meetings? The President? Any member of the Executive Board? Members?

P 000311

f) Is there a minimum number of meetings members are required to attend each semester to be considered a member in good standing? Does a member lose group affiliation and membership privileges by not attending a minimum number of meetings?

Article VI - Elections

a) Your organization should have a democratic process outlined for the election of officer positions in this section. Your organization needs to identify by what means and how far in advance members be notified of any upcoming elections.

Example 1:

- Membership will be notified of upcoming elections at least two weeks in advance by announcement at a previous general meeting and by email communication.

b) Your organization needs to identify when and how frequently elections will be held?

Example 1:

- Elections will occur each November

Example 2:

- Elections will occur each April

Example 3:

- Elections will be held in accordance with our national affiliates policies.

c) Is there an attendance/specific membership requirement in order to participate in elections?

Example 1:

- Must be a member in good standing to participate (see Member in Good Standing Clause above).

Example 2:

- Must have attended three organization meetings.

Example 3:

- There is no attendance or specific membership requirement to participate in elections.

d) What are the nominating processes for elections?

Example 1:

- Officer elections will be a three step process:
 - At the third to the last meeting of the spring semester, nominations for the various officer positions will be submitted.
 - At the next meeting, nominated candidates who wish to accept their nomination status will be given two minutes to justify their nomination.

P 000312

- At the final meeting of the spring semester, members will vote for candidates that completed the nominations/elections processes.

Example 2:

- Student Organization Leadership shall be elected during the fall semester to serve one year until the next fall election. Chapter officers may run for re-election if they will continue to be at the University of Iowa for at least one more year.
- All elected officers shall be chosen by secret ballot, and nomination shall be made from the floor. The candidates receiving a plurality of all votes cast shall be elected.

e) What is the election process? Is there a certain threshold that must be met to be elected (i.e., 50%+1, 2/3rds vote, etc.)

Example 1:

- Elections will be conducted in person by secret ballot with the winner receiving 51% of the vote at a general meeting.

Example 2:

- Elections will be conducted by virtual vote (i.e., OrgSync poll, email, etc.) with the winner receiving 51% of the vote.

Example 3:

- If no candidate receives 50% of the vote a run-off shall be held between the top two vote receivers.

Article VII - Finances

a) Are there dues in your organization? If so, how will the amounts be determined? What is the process for changing due amounts (i.e., vote by committee, vote by membership, etc.)

Example 1:

- There are no dues for membership.

Example 2:

- Dues will be determined and voted on by the Executive Board prior to the beginning of the academic fall semester. Members will be notified of dues payment and expected to pay dues to participate in organization activities.

Example 3:

- Membership dues shall be \$25.00 per year, payable in advance, which includes fees to the national association/organization, and the remainder to the University of Iowa Chapter. Membership dues may vary from year to year based upon the national association/organization

P 000313

changing its required membership dues. The Executive Board may change chapter dues as deemed necessary.

b) Who is in charge of financial affairs? Your organization's President/Primary Representative cannot be in charge of financial affairs; the responsibility must be delegated to a separate Executive/Officer. The President/Primary Representative can have signing authority, but should not be delegated as the one in charge. Please consider both administrative (i.e., collection of dues, disbursement of funds, budget application processes) and authoritative (i.e., expenditure authorization) responsibilities.

Example 1:

- The Treasurer shall be responsible for all collection of dues, budget application processes, disbursement of funds, and payment authorization. The Treasurer is also responsible for following all University of Iowa cash-handling and accounts payable policies are followed.

Example 2:

The Treasurer shall be responsible for the budget application processes, disbursement of funds, and payment authorization. The organization Secretary shall be responsible for the collection of dues. The Treasurer is also responsible for following all University of Iowa cash-handling and accounts payable policies are followed.

c) The financial clause listed below must be included in every student organization constitution. It is not optional. Please remember to make the clause unique to your organization by specifying where money should go if your organization dissolves. The University of Iowa and student governments are not responsible for the division of revenue generated dollars. It is the responsibility of the organization to include this information.

Required Financial Clause:

(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.

P 000314

Article VIII - Amendments

a) Amendments are formal alterations to your organization's constitution. It can include the addition of material and the removal of excess, invalid, or outdated text. Constitutions should not be amended easily or frequently.

Example 1:

- Proposed amendments to this constitution must be submitted in writing by membership to the Executive Board. Amendments shall not be acted upon during a general meeting of the organization membership. Amendments should be read again at a specified number of subsequent general meetings and then the general meeting in which votes will be taken.
- There will be three readings of a proposed amendment before a vote will be taken to adopt changes to the organization's constitution.

b) How will eligible voting members be informed of the amendment?

Example 1:

- Members will be notified of a proposed amendment by two consecutive readings at a general membership meeting.

Example 2:

- Members will be notified of a proposed amendment by a posted notification, email communication, or mail.

c) What vote is required to ratify an amendment?

Example 1:

- A 2/3 vote is required by members in good-standing to ratify an amendment.

Example 2:

- A 3/4 vote is required by members in good-standing to ratify an amendment.

d) All amendments or changes to this constitution must be reflected in an updated constitution that must be submitted to the Center for Student Involvement & Leadership located at 145 Iowa Memorial Union.

Article IX - Ratification

a) Ratification is the final date the founding membership agrees on the final draft of the organization's constitution before submitting it to the Center for Student Involvement & Leadership via OrgSync.

Example:

- This constitution is ratified on (Insert date).

P 000315

The Division of Student Life fosters student success by creating and promoting inclusive educationally purposeful services and activities within and beyond the classroom.

Center for Student Involvement and Leadership

145 Iowa Memorial Union

Iowa City, IA 52242

Phone: 319-335-3059

Email: getinvolved@uiowa.edu

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P 000316

BLinC-Def MSJ Appendix 000107

JA 0293

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P 000317

BLinC-Def MSJ Appendix 000108

JA 0294

TAB 12

DEAN OF STUDENTS

[Home](#) » [Policies](#) » [Statement of Religious Diversl...](#)

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-

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.

Engaging students, supporting positive community behavior, and enriching the college experience through educationally-purposeful activities, service, and community building.

Office of the Dean of Students

135 Iowa Memorial Union, Iowa City, IA 52242

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P 000319

BLinC-Def MSJ Appendix 000110

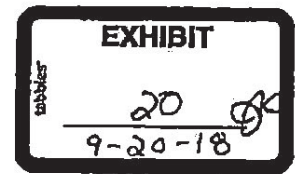
JA 0297

TAB 13

[Home](#) > [II. Community Policies](#)

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](#)
- [3.2 Definition of Terms Used in This Policy](#)
- [3.3 Bringing a Complaint](#)
- [3.4 Process for Sanctions](#)
- [3.5 Applicable Procedures](#)
- [3.6 Appeal Procedures](#)
- [3.7 Protection Against Retaliation](#)
- [3.8 Protection of the Respondent](#)
- [3.9 Confidentiality](#)

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.

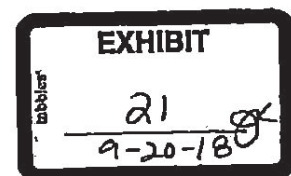
TAB 14

[Home](#) > [II. Community Policies](#)

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.



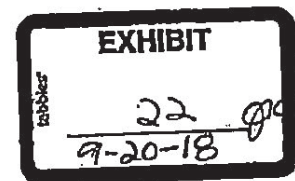
TAB 15

[Home](#) > [II. Community Policies](#) > [Ch.8 - Affirmative Action and Equal Employment Opportunity Statement of Policy and Purpose: Statement on Diversity](#)

8.2 Statement on Diversity

The University of Iowa values diversity among students, faculty, and staff, and regards Equal Employment Opportunity and Affirmative Action as tools to achieve diversity. The University believes that a rich diversity of people and the many points of view they bring serve to enhance the quality of the educational experience at The University of Iowa.

See also [III-9.6 Affirmative Action Employment Guidelines](#).



TAB 16



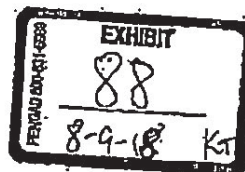
Marcus Miller

Marcus Miller from your phone contacts is also on Messenger

05/22/2018 (10:41)

Hey Hannah! I have been praying about this and thought I would throw this out there! I wasn't sure if BLinC has a need for anyone to be on the executive board for next year since I knew there are a few seniors in BLinC. If so, I would definitely be interested in considering how I can serve. I am not sure what my load will look like next year either, but I figured I would throw it out there and see where the Lord leads! Also, I plan on voting for you tomorrow haha!

Hey Marcus! Wow, this is SO sweet!! I have also been praying about it and have been so encouraged by you this semester. I have been meaning to meet with you for a while now because I would love to have you help with BLinC and/or take on an executive position! I was incredibly excited to hear about your RA job but was a little sad because I didn't want to lose you at BLinC. God is SO sweet! I would love to meet up with you sometime to talk more about BLinC's future and what your role could be if you would be willing to. ☺ Also, thank you so much! I'm honored and I definitely appreciate your support!

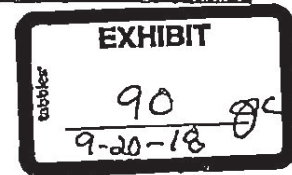


P 000007

TAB 17

Cervantes, Constance A

From: Miller, Marcus
Sent: Monday, February 20, 2017 11:39 AM
To: Cervantes, Constance A
Subject: Fw: Business Leaders in Christ



Marcus Miller
University of Iowa, Class of 2018
Resident Assistant, Daum Hall
Founder and President of Love Works

From: Thompson, Hannah E
Sent: Wednesday, June 22, 2016 9:48 AM
To: Miller, Marcus J
Subject: Re: Business Leaders in Christ

Dear Marcus,

I hope that you are enjoying your summer vacation and that you are well. You may notice that it has taken awhile for me to respond to you, and while I sincerely do apologize for the delay, I wanted to ensure that my response was not purely a reflection of my emotions, but rather a reflection of what God continues to speak to me. Once again, I have needed quite a while to pray and think about an appropriate and God-honoring response.

I believe that you should know that when I first read your email, I was quite hurt and taken aback. While I am so glad to hear that you have been blessed by BLinC (praise be to God!), I was caught off guard by your words as I did not sense that our conversation in April ended in such a negative manner.

I want to, most importantly, clarify what I desired to convey to you and I apologize if what follows was not clearly communicated when we initially met. First and foremost, the reason why I made the decision that I could not allow you to be in a leadership position within BLinC is because of your desire to *pursue* a homosexual lifestyle/relationship. I emphasize the word *pursue* because what this communicates to me is your intention of choosing to continue to sin rather than turning from your sin and pursuing the sanctified life that Jesus promises us once we have come to salvation in Him. To clarify this further, a sanctified life does *not* mean that we are perfect, nor does it mean that we will ever be perfect while on earth, but it does mean that while we continue to struggle, we are turning and repenting from our sin because walking with Christ is far better than anything this world may offer us and the only way to obtain life, as told within scripture.

Struggling with homosexuality, yet not acting upon it, is a different story. As I mentioned, we all struggle with a multitude of sin, however, the difference is a decision to deny our fleshly desires, and pursue righteousness. When we stumble, we are lavished with the grace and mercy of God, which I would be a hypocrite to withhold from anyone as I have been so freely given this grace just the same as any child of God. These are not my intentions (to withhold grace and mercy) and I do not want this to be confused with the importance of turning from sin which we are called to do once we become followers of Jesus (Romans 6:1-2).

As you may correctly imply, my position on homosexuality, regardless of whether it is within a loving marriage or not, is that it remains to be a sin. As the Bible does not provide any evidence that it is 1) pleasing to God, 2) produces fruit in the life of a Christian (Colossians 1:10), 3) good for the life of a Christian (1 Corinthians 10:23).

Ultimately, brother, I want you to know that it is *not* because you call yourself a homosexual that you cannot be on leadership, but your *pursuit* of this sin is how I came to such conclusions. That being said, you have my word that I will hold myself, and the other executives to this exact standard, regardless of the specific sin. Those in an executive position within BLinC are being held to the standard that, although we may struggle, we choose to turn from our sin and receive the grace of Jesus. My hope and prayer is that this brings clarity to our initial conversation.

Additionally, I would like to address your point about an assumed acceptance of woman being pastors in the church. This is not true, and I do not believe that woman being pastors is biblical for several reasons. I do not believe that being in a position of leadership within BLinC reflects the intentions of this passage within scripture. BLinC is not a church and I am not a pastor, nor do I claim to be a pastor. However, I did not even think of this prior to your suggestion, thus, thank you for making me aware of the potential confusion and I will be more mindful of how I am being received by others.

Lastly, I could go on and on, however, I want to emphasize that my intentions were never to make you feel unloved, nor to make you feel unwelcome with myself or at BLinC. You should know that I am not at all interested in being correct, but I am solely concerned with you and your salvation. After praying about this for months now, you should know that I have continued to be affirmed in the truth of the word of God and not supplementary materials.

It grieves me to know that Satan is attacking you and causing you to feel things such as loneliness and confusion, as this is not what Jesus desires for you. As a sister in Christ, I want to do all that I can to help you, love you, and support you (although we may currently disagree) in your walk with Christ and, specifically, right now during this period of your life as the Lord has brought us together. I have been praying for you a lot and will continue to do so. If you need anything, please let me know, however, I do not wish to continue this conversation via email, purely because things can so easily get misconstrued. Please do not hesitate to call or Facetime, or I would even be happy to meet with you if you would like, please let me know. May Christ rule in our hearts the rest of the summer and be glorified through our speech and actions. To Him be all the glory.

Soli Deo Gloria,

Hannah

From: Miller, Marcus J
Sent: Tuesday, May 17, 2016 5:31:48 PM
To: Thompson, Hannah E
Subject: Business Leaders in Christ

Dear Hannah and Business Leaders in Christ,

I would like to first start off by encouraging you all. The work you are doing in advancing God's Kingdom is super cool. Through volunteering with Faith Academy to being a light for the Tippie College of Business, I know God is using you all in amazing ways that often times aren't recognized right away. So keep up what you are doing.

I am writing this to express some concerns with regards to the decision to not allow me to be on the executive board. It was made clear to me that the reason I am not allowed to be on the executive board is due to my sexual orientation, combined with potentially having a revisionist view on the subject of marriage. However, if I were straight, I was told this would not be an issue. The purpose of this email is not to change your opinions on what the correct theology/interpretation of God's Word is. Rather, I want to raise some concerns as to whether this was handled Biblically.

I am seeking to follow Jesus with all of my heart. I was told that if I end up having the revisionist interpretation and acting on that, I wouldn't be doing so, hence the reason I was not allowed to be on the executive board. However, God promises the Holy Spirit to those who confess that Jesus Christ is their Lord. I have been studying God's Word intensely, coupled with historical analysis, Greek and Hebrew root analysis, and a whole lot of prayer, asking that God reveals to me what His will is for my life. It seems wrong, and unbiblical to have another believer tell me that even though I am relying on the Holy Spirit to guide me, I am failing to follow Jesus fully. It is tantamount to saying to me, "The Holy Spirit actually isn't working in your life, so we are going to override what God is revealing to you." To me, when I was told that I am not following Jesus, it felt like it was both a mischaracterization, and a personal attack on my journey of finding God's will for my life. I felt invalidated, and Jesus spoke against this during His sermon on the Mount when he stated "Judge not, that you be not judged. For with the judgement you pronounce you will be judged, and with the measure you use it will be measured to you. Why do you see the speck that is in your brother's eye, but do not notice the log that is in your own eye? Or how can you say to your brother, 'Let me take the speck out of your eye,' when there is the log in your own eye? You hypocrite, first take the log out of your own eye, and then you will see clearly to take the speck out of your brother's." (Matthew 7:1-5).

Perhaps this will become less abstract and more concrete with an example. Some very conservative churches argue that women should not have leadership positions in the church, and that doing so is going against God's design. The Bible speaks to this issue, in 1 Corinthians 14:34 "Women should remain silent in the churches. They are not allowed to speak, but must be in submission, as the law says." However, BLinC has obviously interpreted that through the lens of a historical perspective, and realize that this was something that was meant for that culture back then (ie, women were not educated back then, and therefore would often times not be qualified or be a distraction). To be clear, I agree with BLinC, and definitely think women should be allowed leadership roles in the church. However, if someone were to tell you (Hannah) that you are not following Jesus fully because you are acting on your temptation to be a leader, then that would of course be false and rude. We know that you are following Jesus daily, and we know that God is using you in mighty ways. For someone to tell you this would be judgmental and unbiblical. This is exactly how I feel; the topic is just different.

I pray that God would soften all of our hearts as we seek truth, and what God's will actually is. I recognize the difficulty in this situation, and am in no way trying to discourage BLinC. I am simply raising some potential concerns as we all seek to become more like Jesus every day. The reality is that we are all in need of abundant grace—and we all fall short. As brothers and sisters in Christ, I pray we can work through this and that God would be glorified through it all. The timing of this is good, and perhaps the summer will be a nice break as we all take some time to reflect on what God's will is for each of our own lives.

Have a great summer, BLinC!

Marcus Miller

Sent from [Mail](#) for Windows 10

TAB 18



Chief Diversity Office
Equal Opportunity & Diversity

CONFIDENTIAL Inquiry/Complaint Form

Complainant: Matthew Miller
Respondent: Business Leaders in Christ
(Person/Unit/Department against whom the concern is made)

Action Requested:

☐ Inquiry ☒ Informal Resolution ☐ Formal Investigation

Basis of Concern:

- ☒ University's Policy on Human Rights (discrimination 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 or associational preferences)
(Please circle appropriate classification.)
- ☐ University's Policy on Sexual Harassment:
- ☐ University's Policy on Consensual Relationships Involving Students:
- ☐ University's Policy on Violence:
- ☐ University's Anti-Harassment Policy:
- ☐ University's Anti-Retaliation Policy:
- ☐ Unfair hiring practices:
- ☐ Other (Please specify: _____)

Please provide a detailed description of the basis of your concern (attach pages if necessary):

I was denied a leadership position - (Vice President) due to my
being openly gay.

Remedy or Resolution Requested:

Either force BLC to comply with the non-discrimination policy laws that
LGBTQ members have (rights) or take away their status of being a recognized group
affiliated with the University of Iowa

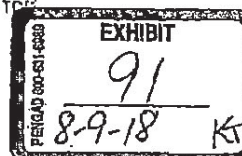
By my signature below, I authorize the Director of the Office of Equal Opportunity and Diversity or his/her designee to investigate and/or seek resolution of my concern. It is my intent and understanding that this authorization includes the collection and examination of any and all records and documentation relevant to my concern, as well as authorization to discuss any matter regarding my concern with any persons having relevant knowledge of the events and circumstances involved including, but not limited to, the Respondent. If I am filing a formal complaint, I understand that a copy of this form will be provided to the Respondent.

Matthew Miller
Signature (Complainant or University Agent)

8/30/18
Date

University of Iowa: Office of Equal Opportunity & Diversity
202 Jessup Hall, Iowa City, Iowa 52242-1316
(319) 335-0708, TDD: (319) 335-0697 - TDD
<http://diversity.uiowa.edu/leeds>

5-20117, 9-20114

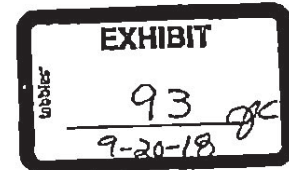


P 000024

BLinC-Def MSJ Appendix 000123

JA 0316

TAB 19



Marcus Miller

2/16/17 – walk in

marcus-miller@uiowa.edu

cell – 515-868-7152

There are 2 university orgs he was offered leadership position in, that are religious by nature. He told them he was gay and they rescinded the offers. These happened in 2016. He is a second year Political Science major with a minor in Ethics and Public Policy.

He did not want to burn bridges at first, but now does not want this to happen to anyone else.

Set appointment for Monday 2/20/17

2/20/17 – with Steve Wehling

MM is a soph with a major in Political Science and Policy. His minor is Business. He is an RA in Daum.

The two orgs involved are both on org sync, and have constitutions on UI website. He is ok if DOS wants to do jt invest.

He questions the validity of the constitutions of BLincC and 24/7, concerning the Human Rights language. He believes leadership is part of the programming.

BlinC is not associated with any church. Hannah Thompson is the president. He joined as a freshman, at the beginning of the second semester. The org met 1 – 2 times per week and he did not disclose his sexual preference.

At the end of the spring 2016 semester Hannah had a meeting with MM and offered him the position of vice-president. Hannah was president last year (2015-16) and is again this year (2016-17.) She was very excited to offer him the position. She asked if he had any questions. MM told her he was not exactly sure if he agreed with the org's stance on marriage and told her he was gay. He knew the people in the org ascribed to a very conservative view. He asked how that would affect him, if at all. Hannah said she would have to get back to him.

Two – three weeks later he met with Hannah again. She told him she was no longer able to offer him the position. He was not allowed because he did not ascribe to what the bible says, because of his belief that a person can be gay. He then asked Hannah if he was straight and felt gay marriage was ok, would that be ok, and she said yes.

It would be ok if he accepted being gay as wrong, and did not act on it. If you are gay, you cannot be pursuing a relationship. Straight people are not mandated to be single.

After MM was told Hannah was withdrawing the leadership offer, he sent an e-mail trying to clarify her position. She indicated they would be willing to allow him to be a leader if he were single.

MM and Hannah were the only two in the meetings. There are only two e-mails. MM does not know who the advisor is.

There is no relationship between BlinC and 24/7. MM feels the same would happen if he had applied to other Christian orgs.

24/7 is affiliated with the Parkview church. MM attended there sometimes. He started going to meetings in the fall of 2015. They met 2/week. The large group met in the IMU, and there were maybe 100 people there every week, and then a small bible study group met at the Airliner on Monday. 24/7 has a fb page which is not a closed page. It is in the top 3 of the Christian groups on campus.

MM applied to lead a freshman bible study group for 2016-17. "Verve" is the freshman bible study name. He was offered the position by Jacob Boyd. Jacob is not a UI student but an intern at Parkview. Jacob is affiliated with 24/7 and is the music director for 24/7. MM applied for the position and was then interviewed. Jacob said he was impressed, and that there should be no reason he would not be selected. A formal offer was not made, but it was implied.

MM told Jacob almost the identical comment and question he told Hanna. 24/7 already knew his orientation, but because he subscribed to their beliefs, it was ok. At first when he joined the org he agreed it was a struggle, then he started to question that. They were not ok with him being actively gay. He told Jacob he had potentially changed his mind and might be open about being gay. MM felt they were ok with his sexual orientation, but only if he was hiding it.

Jacob told Scott Gaskill and then Scott wanted to speak with him. Scott is the head pastor for 24/7. He is not at the university but is on the staff at Parkview.

MM first met with Scott in the Old Capitol Mall, in the hallway. MM told Scott he was struggling with being gay and being Christian. Scott stopped MM and said the use of the word, "gay" was a red flag. Scott told MM if he was openly gay he would not be acceptable as a leader.

A second meeting was held with Scott. Justin Dodd was also present at this meeting. Justin is a friend of MM's that was also in 24/7. MM had told Justin how mad MM was at Scott. Again the meeting was held in the Old Capitol Mall, on the first floor in the open space. MM believes Scott invited Justin and wanted Justin there as a mediator.

At the second meeting MM expressed concerns about not being offered the position unless he was closeted, Scott was not ok with MM using the term, "gay." Scott wanted to frame it as "struggling with same sex attraction." MM could reveal the latter, but not engage in a relationship and not identify as "gay."

MM understood he could still be part of 24/7, but he chose not to be.

Possible witnesses: Justin, a Master's student, Hannah, Jacob and Scott. He will send other names of individuals he shared his concerns with at the time.

2/27/17 – with Tom Baker

MM called and asked if he could meet again. MM first wanted to prioritize the witnesses he had sent EOD. MM gave 4 names and this is his priority of importance: 1.) David Borer Germann, a pastor, who used to work with orgs like 24/7 and understands the words they use; 2.) Michael Anderson, a person with whom MM shared his story; 3.) Abbey Johnson and Grant Glion, both of whom he shared his experiences with as he was going through them.

MM believes that 24/7 will try to deceive. They will say it has nothing to do with his being gay but rather his beliefs about marriage. MM knows of a Verve leader, Hanna Kinney, who is straight but supports same-sex marriage.

Scott was the one who made the ultimate decision MM could not be a leader. Students have no role in making the decision.

24/7 knew he was gay, but when MM told Jacob he had started to question the 24/7 belief on gay marriage, then it became an issue. MM feels if he identified as straight, this would not have been an issue.

Justin Dodd is still in 24/7 and is a Bible Leader for upperclassmen, called "Campus Groups."

2/16/17

4:10

Marcus Miller

- Marcus-Miller@uic.edu
Cell 515-868-71522 orgs - offered leadership position
religious in nature1st was gay & resented
happened last yr - 2016

2nd yr - Political Science

Ethics and Public Policy

1st not want to burn bridges at 1st
now wants not happen to anyone else

BLinC-Def., op2603

BLinC-Def MSJ Appendix 000127

JA 0321

2/20/17

11:15 Marcus Miller
 soph political science + policy
 minor - bus
 RA - Daum

both three ~~const~~
 both on org sync
 constitution

at if have it
 invest all
 for leadership

requires Art II

○ Constit for BLINC ~ 24/7 - questioning
 validity - no HR
 believes leadership part of programming
 language in Art II
 see Art II

both approved constitutions

BLINC - pres - Hanna Thompson
 joined as fresh - not disclosed

lot
 issue of
 any
 church
 offered position of JP
 Hanna Thompson

at end of meeting - indiv
 AT asked for questions

BLINC-Def 002604

BLINC-Def MSJ Appendix 000128

JA 0322

told them not exactly sure if agree on your
stance on marriage & I am gay

knew they ascribed to a very ~~active~~
conservative view

joined beg of 2nd semester
met 1/2 wks or 1/wk

know
was last
for
4th yr

Hanna offered up in individ meeting w/ MM
very excited to offer
any last min questions

asked above - said how affect -
if all

HT said I'll get back to you

2-3 wks later

meets again - no longer able to
offer you the position

not allowing bc cause don't ascribe to
believes - what bible says

not orientation - but belief that a person
can be gay

so then asked - if straight & gay
marriage ok - would be ok?
she said yes

OK if see gay as wrong & don't act on it.
 if gay - have to be single to
 be partnership team
 if pursuing relationship - not ok

→ straight people not mandated to be single

placing an extra leg on gays
 treating them diff

○ would say - ok to be gay & be a leader
 would say ok
 but not pursuing relationship.

will
 send
 all
 e-mails

after told ~~not~~ withdrawing leadership offer
 trying to clarify position
 willing to ~~be a~~ allow you to be
 a leader if were single

only 2 in person meetings
 only 2 - e-mails

not knew who advisor is

○ no relationship btwn 2 orgs

BLinC-Def 002606

BLinC-Def MSJ Appendix 000130

JA 0324

feels same would happen if had applied
to other christian orgs

24/7

Parkview Church affiliation

started going in fall of 2015
met ever 2/wk

large group ^{IMU} & small bible study group ^{in house on Mon}
applied for teal fresh bible study
for 2016-17

offered position

Jacob Boyd - intern @ parkview
fb page - not closed page

in top 3 of Christian orgs on campus

applied & then interviewed - Jacob said impressed

should be no reason would be selected
told him almost id to what told

Manna

they already knew of his orientation
but because subscribed to
their beliefs - was ok

at 1st agreed a struggle - then started
to question - they not ok

BLIN-Def 002607

all actively being gay

Todd Oleson had potentially changed mind
& not be open

again - ok w/ orientation
but only if hiding it

OK w/ him being gay as long as
he felt it was wrong

Scott ~~Backill~~ Backill - head pastor of 24/7
not UI - ~~on staff~~ at Parkview

Todd told Scott

Scott then wanted to talk to him

formal offer not made
but implicit offer -

1st meeting w/ Scott - Old Cap Mall in hallway
told if openly gay - would not
be acceptable as leader

2nd meeting w/ Scott - ~~same place~~ ^{old cap mall} - 1st floor

Justin Dodd - also at meeting

friend of MMs - also in 24/7

had been telling Justin how mad
MM was at Scott

BLINC-Def 002608

told Scott -
negotiating w/
long time
this time
he stopped
at 1st floor
of 24/7
at 1st floor
of 24/7
at 1st floor
of 24/7

so, 2nd meeting to discuss what happened
 Scott wanted Justin to be there as mediator

MM expressed concerns about not being offered
 offered position on cond that
 was closed

not ok w/ using term "gay"
 wanted to frame as "struggling
 w/ same sex attraction"
 could reveal latter
 but not engage in a relationship
 & not id as gay

24/7 -

Said had to affirm statement of faith
 not recall having to do

Never voted on anything whole time
 he was there

understood could still be part of org
 just not in leadership

Chose not to be

W3 - Justin - Masters student - will send name
 Hanna, Jacob & Scott
 also in 24/7

also - part of 24/7 - discussed w/ her -

BLinC-Def 002609

BLinC-Def MSJ Appendix 000133

3/22/17.

11:15 - Marcus Miller

Prioritize W's - all to 24/7

4 names: ① David Bor

- pastor

he used to work in org like
24/7 + understands church

they use

believes 24/7 will try to denigrate - he can
explain language to courtswill say had nothing to do w/ his being
gay but believes about marriageknows 1 Jerro leader acceptable of
Hanna Kinneydispel idea they care about the view
same-sex marriage

24/7 will claim its due to his views

② Michael Anderson - share his story?
has relevant experience w/ 24/7③ Alby Johnson > same - going thru
④ Grant Bullion as AM experience

BLinC-Def 002610

BLinC-Def MSJ Appendix 000134

JA 0328

24/7

with claim nothing to w/ sexual orientation
but views on marriage

allow could be a leader, & single
one leader - straight - has LBT views

pressing Scott basel - pastor - on this pt
why mm subjected to ~~sex~~ ^{sexual} ~~strict~~
scrutiny

his answer - mixture of both - orientation
& view

Scott made ultimatum dec that mm not
a leader

Students have no role in making dec

Jacob Boyd - intern at ~~the~~ ^{the} ~~parkview~~
he who mm had an interview w/
~~when revealed that~~

Knew he was gay
but mm had adopted their conservative
beliefs

could not say gay

struggling w/ same sex attraction

told Jacob had started to question

24/7 view on gay marriage -
then became an issue

if id'd as straight folks, I would not be
an issue

4/14/16
on back side - happened b/w meeting
w/ Jacob & 1st meeting w/ Scott

3 meetings - Jacob
Scott - 4/21
Scott

Drew - a friend who does not go to IFA
written record of what happening at time
shows consistency of what saying

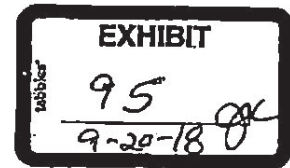
Justin
Dad -
still in
Ozark
Bible study
Made a Campus
called "Groups"

BLinC-Def 002612

BLinC-Def MSJ Appendix 000136

JA 0330

TAB 20



Hannah Thompson Interview

March 2, 2017

Also present – Susan Sager and Tom Baker

Hannah is a Sr., an undergraduate at the UI. She will graduate in May. Her major is Marketing and Management with a minor in Global Health Studies.

Hannah is a co-founder of Business Leaders in Christ, BLinC. It was founded three years ago and recognized by Tippi in 2014. Hannah was the secretary the first year, and then the President for the year 2015-16. She is again the president for the year 2016-17. Jacob Estell is the CFO, and Brett Eikenberry is the secretary. There is no vice-president now. No one was interested other than Marcus Miller (MM.)

The officers share duties. They presently have about 10-12 members. She started her position as President in May 2015. Under the Constitution, if a member has attended two meetings they are eligible to vote. At the 2016 election they had about 5-6 members. Officer positions were discussed but no formal vote was taken. They agreed on the candidates. They have no minutes of their meetings. Sarah became the secretary at the March 25, 2016 meeting, and Hannah became the president at that meeting. The CFO was determined later on. The CFO handles the money for the organization. MM was at that meeting.

BLinC has a Facebook page and sends out weekly e-mails. The meeting times are also listed on the UI student organization website. They are not associated with any church or group. Susan is their current advisor

Prior to elections, there is a process where Hannah meets with potential officers, to determine their backgrounds and decide if they fit within the Constitution, and in their behavior and beliefs.

In the spring of 2016, MM e-mailed Hannah asked about BLinC and if he could come to a meeting.¹ At a meeting they announced they were looking for officers. MM expressed an interest. MM reached out to Hannah about a leadership position. On April 7, 2016 Hannah met with MM to discuss the position. They discussed the leadership position. MM asked if he had to sign anything. Hannah asked what he meant. MM was trying to figure out his sexual orientation. MM seemed sincerely interested in the position.

After the meeting with MM, Hannah met with the other then executive members, the same day: Kolton Dames - sec, and Nate Wells – CFO. (Ricky Martinez was the VP but had not been attending meetings so he was not at this meeting.) They both asked how the meeting with MM went and Hannah explained he was gay. The three of them discussed if this was consistent with their values. They hashed it out. She then talked to others and read her bible.

¹ See Chronology.

There was discussion throughout the next two weeks within the Executive Committee. The team prayed about it. They were seeking wisdom about the purpose of the organization, and upholding behaviors in the leaders. They looked to the Constitution to establish what they were looking for in a leader.

MM would have been eligible but for being gay. MM would have become the VP at the April 27, 2016 meeting, by acclamation, if he had not told them he was gay.

Hannah met with MM again on 4/27. She advised him his lifestyle was inconsistent with the Bible. Pursuing a relationship with a person of the same sex was inconsistent with the Bible. MM had said he had intentions to pursue relationships with other men.

Others in the organization have relationships with the opposite sex and that is acceptable.

There is no one gay in their membership. She would encourage someone who is gay to come. They welcome all students to be members. The leadership process has to be more selective.

She has talked with the leadership team. They are required to be turning away from sin.

In August 2016, the leadership team adopted a statement of faith.² No signature is required. It was adopted by word of mouth by the leadership team. Then it was discussed with the membership, and they all agreed. Because MM considered himself to be gay and wanted to live openly as gay, he could not meet the last paragraph of the Vision. This document is only for leaders.

When Hannah received the May 17, 2016 e-mail from MM she discussed it with Kolton.

Hannah states that her June 22, 2016 e-mail response to MM correctly states her, and the organization's position on homosexuality and leadership in the organization. She may have asked her sister to review the e-mail before she sent it to MM.

MM did not attend any meetings after the refusal to allow him the leadership position. No offer was made to anyone else to be VP. MM could have been the VP if he had not said he was gay. He could not be a leader because of his desire to pursue a relationship. He would be demonstrating behaviors inconsistent with the Bible. If MM had said he was "struggling" with being gay, but had no intentions of pursuing a relationship with a man, she would have had to discuss it with the management team. Hannah has the final say as President.

Another member recently came to Hannah and admitted that they had been going to the bars and getting drunk, and that is a sin according to the Bible. Hannah was going to talk to this person, who is a Leader, but the person came to Hannah, admitted what they had been doing and acknowledged it was wrong. The organization holds the Leadership team to a higher standard than Members.

² See Vision Meeting August 20, 2016

Hannah is familiar with the university guidelines for organizations. The language says in "no aspect of programs." Hannah stated that if someone came to her and was struggling with a sin she would say that person could not be on the leadership of BLinC. She believes MM had equal access to membership, but leadership is a benefit. Based on her leadership screening process, she met with all potential leaders to find out where they are in their walk, identify what they were struggling with, and determine whether they were pursuing a relationship with Christ. Because MM was gay he was not growing and pursuing a relationship with Christ. MM's possible election as VP was never put to the members for a vote due to the screening that Hannah had with him.

Hannah reiterated that it was not her intention to prohibit a gay person, or someone getting drunk, but she seeks Leaders using Christ as a foundation. If there were no standards for Leadership, individuals that are repentant of their sin, if they don't have Leaders that fulfill that purpose, what is their purpose?

They ask their Leaders if there is something they are struggling with, and if they confess and repent, then it is ok. She will follow up with them. They are a close community, so it is not out of the ordinary to discuss each other's sins within the Leadership group.

Hannah sees a difference between a church and a student organization. An organization gets funding from the UI.

Possible witnesses: Brett and Jacob, but neither involved in decision not to allow MM to be VP.

VISION MEETING AUGUST 20, 2016

- **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 JUDGEMENT:** 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.
- As I hold an Executive position with Business Leaders in Christ, I commit to live a life in which I turn from my sin and actively choose the biblical principles of Godly sanctification and righteousness. If and when I misstep, I will confess my struggle to God and to a member of the Business Leaders in Christ executive board acknowledging that I choose to receive grace and forgiveness from God and from others, and turn from my sin.

BLinC-Def 002770

BLinC-Def MSJ Appendix 000140

JA 0335

TAB 21

EXHIBIT

tabbies

96

9-20-18

CHRONOLOGY

February 3, 2016: Receive an email from Marcus expressing Interest In BLInC.

February 6, 2016: Meet Marcus for the first time at BLInC meeting.

March 25, 2016: Sarah Catherine Is elected Secretary.

March 29, 2016: Marcus contacts me seeking information about BLInC executive leadership.

April 7, 2016: Meet for the first time regarding BLInC leadership. Marcus asks if he has to sign anything in order to be on the executive team. He then goes on to tell me that he thinks he is gay. We talk about what he has been thinking about and struggling with. Discuss scripture, pray together, and I tell him I would have to get back to him and I need to discuss this with the other executive members, as I am not sure what that means for leadership.

April 25, 2016: Marcus emails me to see if I have gotten a chance to "think any more about the executive position". I ask him to meet with me.

April 27, 2016: Meet for the second time. Marcus tells me he is going to live actively as a gay man. I explain to Marcus that I have been praying about this decision, reading the Bible, consulting the executive members and other trusted acquaintances. Based on BLInC's faith and foundation in the Bible and as our authority, he cannot be on executive leadership with BLInC because his lifestyle is inconsistent with what the Bible says about sin. We talk for about an hour, pray together, read more scripture. I explain to him that we want to continue to walk closely with him and would love for him to continue to be a member. Again, pray for one another.

May 17, 2016: Receive email from Marcus saying he thinks he was wrongly denied leadership based on his sexual orientation.

June 22, 2016: Respond to his email, clarifying our conversation.

August 7, 2016: Exchange texts with Marcus, he wished me a Happy Birthday. I say thank you and ask if he would like to meet when school resumes. He says he is busy but will let me know.

January 25, 2017: See Marcus at the fair. I say hello and ask him how he is doing. He says fine. I say I've been thinking about him for awhile and have been meaning to reach out, ask if he would like to get together sometime. He says is busy. I say I understand and will still text him if anything changes.

January 26, 2017: I text him, apologize for not reaching out sooner and for a lack of support. I say that I am available if he ever needs anything and that I am still praying for him, hoping he is well.

January 27, 2017: He responds with Thanks, Hannah.

January 29, 2017: Responds to a BLInC email and asks to be removed from the list. I respond saying yes, no problem.

P 000018

BLInC-Def MSJ Appendix 000141

JA 0337

TAB 22

EXHIBIT

tabbizer

106
9-20-18

MEMORANDUM

TO: Student A, Complainant
Business Leaders in Christ, Respondent

FROM: Constance Schriver Cervantes *alt*
Compliance Coordinator
Office of Equal Opportunity and Diversity

DATE: June 30, 2017

SUBJECT: Finding on formal complaint of discrimination

I. SUMMARY

On February 20, 2017, Complainant filed a formal complaint with the Office of Equal Opportunity and Diversity against Respondent alleging that Respondent engaged in actions in violation of the University of Iowa's *Policy on Human Rights*.

This finding is issued in conjunction with the Office of Equal Opportunity and Diversity's investigation of Complainant's complaint.

II. FINDING

The evidence produced during the investigation does provide a reasonable basis to believe the *Policy on Human Rights* was violated.

III. BACKGROUND

Complainant is a student at the University of Iowa, and a former member of Business Leaders in Christ (BLinC).

Respondent is a registered student organization at the University of Iowa.

In addition to Complainant, the following witness was interviewed:

- Student B, President, BLinC

The following documents were reviewed:

- Copy of Facebook Messenger notes of meeting dates between Complainant and B
- May 17, 2016 e-mail from Complainant to Student B
- June 22, 2017 e-mail from Student B to Complainant
- Constitution of Business Leaders in Christ

- Center of Student Involvement & Leadership Registered Student Organization Constitutional Standards and Guidelines
- "Nature of Complaints," notes from Complainant
- "Chronology," prepared by Student B
- "Vision Meeting August 26, 2016," notes from Student B

IV. SUMMARY OF REMEDY REQUESTED, ALLEGATIONS AND RESPONSES

Remedy Requested

Complainant requests that BLinC be required to comply with the university's non-discrimination policy, or no longer be a recognized student organization, affiliated with the University of Iowa.

Allegations

Complainant states that he was denied a leadership position with BLinC because of his sexual orientation.

Complainant indicated that at the end of the 2016 spring semester, he expressed an interest in becoming the vice-president of BLinC for 2016-17 academic year. On April 7, 2016, Student B, the current President of BLinC, met with Complainant and offered him the position. She then asked if he had any questions. Complainant told Student B he was gay. He asked how that would affect his becoming vice-president. Student B indicated she would have to get back to him.

On April 27, 2016, Student B again met with Complainant and informed him she was withdrawing the offer to him for the position of vice-president. Student B stated that because Complainant was gay and might pursue a relationship as a gay person, he could not be a leader in BLinC.

Responses

Student B admits that because of Complainant's "desire to pursue a homosexual lifestyle/relationship" he was denied a leadership position in BLinC.

Student B is a co-founder of BLinC. It was founded three years ago, and was recognized by the university as a student organization in 2014. Student B was the secretary for the organization in its first year and has been the president since.

Student B states that the officers share duties. There is no vice president for the 2016-17 academic year. Currently BLinC has approximately 10-12 members. No minutes of meetings are kept.

In a meeting in March 2016, Student B announced they were looking for officers for BLinC for the 2016-17 academic year. Complainant reached out to Student B to express his interest in a leadership position, that of vice-president.

On April 7, 2016, Student B met with Complainant to discuss the position of vice-president. At the end of that meeting Complainant informed Student B he was gay. Student B then advised Complainant she would have to get back to him with respect to the position.

Student B then met with other BLinC officers to discuss the question of allowing Complainant to become vice-president. Student B determined Complainant would have been eligible for the position of vice-president but for being gay. Student B met further with Complainant on April 27, 2016, and told Complainant that he would not be allowed to be vice-president. In her interview in this investigation, Student B stated Complainant would have become vice-president at the April 27, 2016, meeting if he had not told her he was gay.

On May 17, 2016, Complainant e-mailed Student B to express further concerns with respect to the decision that he not to be allowed to be on the executive board of BLinC. Student B replied by e-mail on June 22, 2016, indicating in part:

First and foremost, the reason why I made the decision that I could not allow you to be in a leadership position within BLinC is because of your desire to pursue a homosexual lifestyle/relationship.

Student B confirmed that this e-mail correctly states her, and the organization's position on homosexuality and leadership in the organization. Pursuing a relationship with the opposite sex is acceptable within the organization.

Complainant has not attended any meetings since his rejection as vice-president and is no longer a member of the organization. BLinC has no self-identified gay members. Student B states individuals who are gay are welcome to be student members of BLinC, but not leaders of the organization.

BLinC's Constitution, adopted April 1, 2014, provides in part:

Article II

Membership:

Section 1) In no aspect of its programs shall there be any difference in the treatment of persons on the basis of ...sexual orientation...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.¹

Article III

Officers and Duties:

There will be 4 executive officer positions within Business Leaders in Christ:

- 1) President...
- 2) Vice President...
- 3) Treasurer...
- 4) Secretary...

Article VI

Elections

Section 1) Elections for the Executive Board will be held once a year in March to elect for the following school year.²

V. APPLICABLE POLICIES

Policy on Human Rights:

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 ... sexual orientation ... These principles are expected to be observed in the internal policies and practices of the University; specifically... in policies governing programs of extracurricular life and activities...

<http://opsmanual.uiowa.edu/community-policies/human-rights>

¹ All university registered student organizations are required to follow the Registered Student Organization Constitutional Standards and Guidelines, <http://csil.uiowa.edu/manage/new-organization-constitutional-guidelines/>.

Under those guidelines, the university's Human Rights Clause must be included and must be written in a student organization's Constitution exactly as follows: *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.*

The clause in BLinC's Constitution does not meet the present language requirements, which were updated in October 2014.

² For the 2016-17 election, BLinC had approximately 5-6 members. Officer positions were discussed but no formal vote was taken. The members agreed on the candidates according to Student B.

VI. ANALYSIS AND CONCLUSION

The purpose of a formal investigation is to determine, based on sufficient evidence, whether there is a reasonable basis to believe that a violation of the policy has occurred. The standard for evaluating evidence gathered in the investigation is by a preponderance of evidence which requires the investigator to determine whether it is more likely than not that a given fact is true, or a given event occurred.

For a violation of the *Policy on Human Rights* here, the evidence must show that an individual was treated differently than others were treated in a university program, and that the differential treatment was based on a protected class, including sexual orientation.

The preponderance of the evidence in this case establishes that Complainant was applied for and was interviewed for the position of vice-president of BLinC for the 2016-17 academic year. However, upon learning that Complainant was gay, Student B, the president of the organization, after consultation with other officers, denied Complainant a position of leadership within BLinC because of his sexual orientation.

The refusal by an officer of a recognized student organization to allow Complainant to be an officer of BLinC, and the decision to treat him differently than other members due to his sexual orientation violates the university's *Policy on Human Rights*.

The University of Iowa has a categorical non-discrimination policy. The *Policy on Human Rights* prohibits institutional discrimination in its programs based on protected classifications, including sexual orientation. There is no distinction within the *Policy on Human Rights* for membership as opposed to leadership positions. The policy provides: *in no aspect of its programs shall there be differences in the treatment of persons because of ... sexual orientation ... These principles are expected to be observed in the internal policies and practices of the University; specifically in the ... in policies governing programs of extracurricular life and activities...*

Here, the basis for BLinC's refusal to select Complainant for the position of vice-president was his sexual orientation.

Student organizations may state a set of beliefs with which their members or leaders must comply. BLinC has no such statement in its Constitution. However, an organization may not adopt a statement of beliefs that is inconsistent with the *Policy on Human Rights*, and base exclusion on a protected classification. BLinC's action with respect to this Complainant's application for the position of vice-president violates the *Policy on Human Rights* because of the statements made by the president.

VII. 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 writing³ and submitted together with all supporting documentation to the Office of Equal Opportunity and Diversity within ten (10) university business days of the receipt of the finding. Generally within two (2) 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 Office of Equal Opportunity and Diversity website: <http://diversity.uiowa.edu/policies/discrimination-complaint-procedures>.

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 Iowa 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.

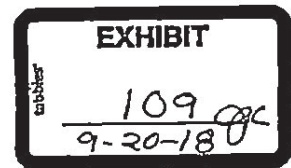
VIII. NOTE ON CONFIDENTIALITY AND RETALIATION

The Office of Equal Opportunity and Diversity considers all information received in connection with the filing, investigation, and resolution of complaints to be confidential. Disclosure of information in connection with this complaint is limited to those individuals necessary to its investigation and resolution, and it is expected that the parties will observe the same standard of confidentiality. The individuals copied on this finding are administrators who have authority and responsibility for the University of Iowa student organizations, or for the Respondent and would be critical to any sanction that might be imposed. This practice of maintaining confidentiality is in the best interests of all the parties to the complaint and failure to respect confidentiality may be regarded as retaliation. University policy prohibits retaliation against individuals who file complaints and against those who participate in complaint investigations as witnesses.

³The address to submit such an appeal is: diversity@uiowa.edu or Office of Equal Opportunity and Diversity, 202 Jessup Hall, 5 West Jefferson St., Iowa City, IA, 52242-1316.

cc: Georgina Dodge, Chief Diversity Officer and Associate Vice President, Title IX
Coordinator
Jennifer Modestou, Director, Office of Equal Opportunity and Diversity, Deputy Title IX
Coordinator
Thomas Rooklin, Vice President for Student Life
Lyn Redington, Assistant Vice-President, Dean of Students
William Nelson, Executive Director, IMU
Anita Cory, Associate Director, Student Organization and Leadership Program, Center
for Student Involvement and Leadership
Susan Sager, Administrator, HR Services, Advisor, Business Leaders in Christ

TAB 23



July 14, 2017

VIA EMAIL

Dean Lyn Redington
Assistant Vice President and Dean of Students
University of Iowa
Office of the Dean of Students
135 Iowa Memorial Union
Iowa City, IA 52242
lyn-redington@uiowa.edu

Dear Dean Redington,

I am a University of Iowa student and the incoming president of the student group BLinC or Business Leaders in Christ. As you know, on June 30, Ms. Schriver Cervantes from the Office of Equal Opportunity and Diversity found that BLinC had violated the University's *Policy on Human Rights*. It is my understanding that the matter has now been sent to you for a decision whether BLinC should be sanctioned. It should not. In fact, sanctioning BLinC would violate both the University's own policies and state and federal law.

First, Ms. Schriver Cervantes' conclusion that BLinC violated the *Policy on Human Rights* is incorrect. The University's own policies respect the right of student groups to "exercise free choice of members" who "subscribe to the goals and beliefs of the organization." BLinC did not discriminate against the complaining student because of his sexual orientation. The student participated in BLinC before asking for a leadership position, and remains welcome to participate—even as a leader, regardless of his sexual orientation. The student was not eligible to be a leader of BLinC only because he stated that he disagrees with, and would not try to live by, BLinC's Christian principles, which means he could not effectively lead our group.

Second, your office has previously agreed that it would be a violation of the Iowa Human Rights Act to force a student group to accept leaders whose behavior is contrary to the group's purpose or its statement of faith. Such coercion would also violate federal law, including the First Amendment. BLinC is a Christian organization for students who share core Christian convictions. Its entire purpose is to encourage students to live according to its understanding of Christian principles. And its leaders play a religious role in leading the group. BLinC cannot fulfill its core mission if its leaders do not support its beliefs. The First Amendment protects BLinC's right to select leaders who share its mission.

The University itself also protects that right for a wide variety of other student groups who require both their leaders and their members to support their organizations' goals and purposes. BLinC's earlier letter to Ms. Schriver Cervantes, on which you were copied, identifies many of those organizations. Because your office has acknowledged that forcing a religious group to select leaders who oppose its mission would violate the Iowa Human Rights Act, and because you have taken no action against many other student groups with leadership standards, targeting BLinC because of its religious beliefs would be an intentional violation of both state and federal law, raising the potential for punitive damages against the University and its officers.

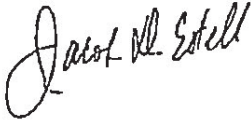
BLinC-Def 002686

BLinC-Def MSJ Appendix 000149

JA 0347

For all these reasons, it is our hope that you will reverse Ms. Schriver Cervantes' findings and take no further action against BLinC.

Sincerely,



Jacob D. Estell
President
Business Leaders in Christ

cc: Georgina Dodge (*georgina-dodge@uiowa.edu*)
Jennifer A. Modestou (*jennifer-modestou@uiowa.edu*)
William Nelson (*william-nelson@uiowa.edu*)
Anita Cory (*anita-cory@uiowa.edu*)
Susan M. Sager (*susan-sager@uiowa.edu*)
Constance A. Schriver Cervantes (*constance-cervantes@uiowa.edu*)

TAB 24



Iowa Memorial Union
135 Iowa Memorial Union
Iowa City, Iowa 52242-1327
319-335-3555
iua.olev2020

SENT VIA ELECTRONIC MAIL

September 13, 2017

Jacob Estell, President
Business Leaders in Christ (BLinC)

Dear Jacob:

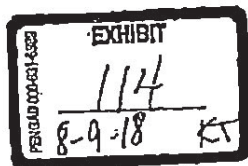
I am in receipt of the June 30, 2017, communication from Constance Schriver Cervantes regarding the case filed against your registered student organization, BLinC. Ms. Schriver investigated the complaint filed against BLinC on behalf of the Office of Equal Opportunity and Diversity.

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

BLinC-Def MSJ Appendix 000151

JA 0350

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

cc: Tom Baker [REDACTED]
Eric Baxter [REDACTED]

BLinC-Def 002572

BLinC-Def MSJ Appendix 000152

JA 0351-

TAB 25

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 <lyri-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.

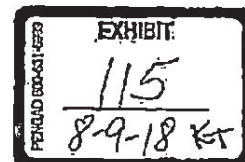
She has agreed to grant the extension you requested.

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

TAB 26

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.

BLinC-DEF 003554

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

BLInC-DEF 003555

BLInC-Def MSJ Appendix 000158

JA 0359

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.

BLinC-DEF 003556

BLinC-Def MSJ Appendix 000159

JA 0360

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 $\frac{3}{4}$ 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.

BLinC-DEF 003557

BLinC-Def MSJ Appendix 000160

JA 0361

EXHIBIT A

BLinC-DEF 003558

BLinC-Def MSJ Appendix 000161

JA 0362

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.

BLINC-DEF 003559

TAB 27



Iowa Memorial Union
245 Iowa Memorial Union
Iowa City, Iowa 52242-1517
319-335-3167
http://iowamemorialunion.org

SENT VIA ELECTRONIC MAIL

October 19, 2017

Jacob Estell
Business Leaders in Christ (BLinC)

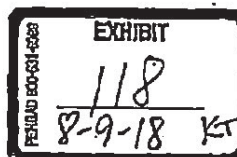
Eric Baxter

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

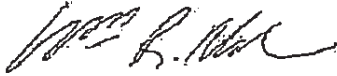
BLinC-Def MSJ Appendix 000163

JA 0365

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

cc: Tom Baker [REDACTED]

BLinC-Def 002579

BLinC-Def MSJ Appendix 000164

JA 0366

TAB 28

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)

Eric Baxter

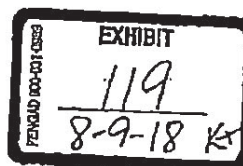
Dear Jacob and Eric:

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

BLinC-Def MSJ Appendix 000165

JA 0368

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.

BLinC-Def 002591

BLinC-Def MSJ Appendix 000166

JA 0369

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

BUSINESS LEADERS IN CHRIST, <i>Plaintiff,</i> v. THE UNIVERSITY OF IOWA, <i>et al.</i> , <i>Defendants.</i>	Civil Action No. 17-cv-00080-SMR-SBJ PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT ORAL ARGUMENT REQUESTED
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Pursuant to Federal Rule of Civil Procedure 56 and Local Rules 7 and 56, Plaintiff Business Leaders in Christ (BLinC) moves for summary judgment on the following claims:

BLinC is entitled to summary judgment on several of its federal-law claims:

I. Defendants infringed BLinC’s Free Speech, Exercise, and Association rights without sufficient justification.

A. Defendants infringed BLinC’s rights under the Free Speech Clause (Counts VII-VIII).

Defendants prevented and still forbid BLinC from accessing a forum for speech, and their restriction is both unreasonable in light of the purposes of the forum and discriminates against BLinC’s religious viewpoint.

B. Defendants infringed BLinC’s right to freedom of association (Count VI).

BLinC is an expressive association, and Defendants prevented and still forbid BLinC from associating with leaders who agree with and can express its religious viewpoints with integrity, which significantly affect’s BLinC’s ability to express its viewpoints.

C. Defendants infringed BLinC's rights under the Free Exercise Clause (Counts III-IV).

Defendants censored BLinC's religious beliefs as such, which is never permissible, and have discriminated against BLinC's sincere religious beliefs and religious exercise in a manner that is neither neutral nor generally applicable.

D. Defendants lack sufficient justification for these infringements, and therefore violated BLinC's rights in each instance.

Defendants have not and cannot prove that their infringements on BLinC's First Amendment rights are narrowly tailored to a compelling government interest, and thus have violated those rights under clearly established federal law.

II. Defendants' interference with BLinC's leadership selection violates the Religion Clauses (Counts I-II).

BLinC is a religious group whose mission is marked by clear and obvious religious characteristics, and its officers are its religious leaders who minister to its members, personify its beliefs, and are important in conveying BLinC's religious message and carrying out its religious mission. Defendants accordingly violated BLinC's clearly established rights under the Free Exercise Clause to shape its own faith and mission through its appointments of leaders, and its Establishment Clause right against government entanglement in the same.

IN SUPPORT OF THIS MOTION, BLinC has attached a Brief in Support of Summary Judgment, a Statement of Material Facts, and an Appendix. Contemporaneously with this motion, and pursuant to Local Rule 7(h), BLinC is also filing a motion for leave to file an overlength brief. Per Local Rule 5A(g)(8), BLinC is delivering a bound and tabbed paper copy of all of these filings to the Court.

BLinC requests oral argument on this motion.

WHEREFORE, BLinC requests that this Court grant summary judgment to BLinC on the claims listed above, and:

- a. Declare and enter judgment that the First Amendment to the United States Constitution requires Defendants not to discriminate against BLinC or withhold registered status on the basis of BLinC's Statement of Faith and leadership selection policies;
- b. Declare and enter judgment that Defendants' enforcement of the University's policy against BLinC violated BLinC's clearly established constitutional rights;
- c. Declare and enter judgment that the individual-capacity Defendants are personally liable for these violations and that their qualified immunity affirmative defense fails;
- d. Issue a permanent injunction prohibiting enforcement of the University's Human Rights Policy against BLinC based on the content of BLinC's Statement of Faith and leadership selection policies;
- e. Award BLinC nominal damages to which it is entitled by law;
- f. and set a trial for the determination of further damages against the individual-capacity Defendants.

Respectfully submitted,

/s/ Eric S. Baxter

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Lead Counsel

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