



Undergraduate Student Government

UNIVERSITY OF IOWA UNDERGRADUATE STUDENT GOVERNMENT

February 7th, 2023
Student Senate Session
S.S.R.8.

Sponsors: Senator Studer, Senator Stringer
Referred to: Governmental Relations
Student Senate Action: Passed/Failed/Tabled

A RESOLUTION

Related to amending the University of Iowa's Free Speech Resources (freespeech.uiowa.edu) to clarify the term, "hate speech."

Section 1. Short Title

This bill may be cited as "Modifying Free Speech Resources to clarify hate speech."

Section 2. Background and Discussion

Whereas, the National Center for Education Statistics cites that a median of 5.1 hate crime incidents occurs per every 100,000 full-time students enrolled on an average American public college or university campus.¹

Whereas, according to the American Civil Liberties Union, "the First Amendment does not protect behavior on campus that crosses the line into targeted harassment or threats."²

Whereas, the State of Iowa Code affirms that "persons [. . .] have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability."³

¹ <https://nces.ed.gov/programs/coe/indicator/a22/postsecondary-hate-crimes>

² <https://www.aclu.org/other/speech-campus>

³ <https://www.legis.iowa.gov/docs/code/2022/729A.1.pdf>

Whereas, the National Library of Medicine defines hate speech as, “verbal and written words, and symbolic acts, that convey a grossly negative assessment of particular persons.”⁴

Whereas, The University of Iowa provides a free speech website (freespeech.uiowa.edu) that allows students to access information concerning, “free expression, academic freedom, and diversity of perspectives...”⁵ including a statement on the administration’s commitment to the First Amendment.

Whereas, Big 10 schools Indiana University, Michigan State University, University of Minnesota, and University of Wisconsin have updated their free speech resources to include accurate information addressing when the university can interfere with “hate speech.”

Whereas, the Free Speech at Iowa resources lack accurate and comprehensive information about the legality and consequences of “hate speech.”

Whereas, Undergraduate Student Government is dedicated to promoting free speech among the student body, so long as the speech does not interfere with student’s right to learn, live, or fulfill their own needs at the University of Iowa.

Section 3. Action

Resolved, The University of Iowa Undergraduate Student Government acknowledges the need to establish clear and comprehensive free speech resources.

Resolved, Undergraduate Student Government supports the inclusion of resources that clarify “hate speech” and when the University of Iowa can or cannot intervene in student, staff, and faculty use of the defined “hate speech.”

Resolved, Undergraduate Student Government supports adding the following text to the Free Speech at Iowa Website (freespeech.uiowa.edu) under the “Frequently Asked Questions” sub-page:

What is hate speech?
There is no exact legal definition of hate speech. However, it may be reasonably described as a form of communication or expression that attacks, endangers, threatens, insults, or degrades somebody based on particular qualities. These include but are not limited to race, national origin, creed, sex, sexual orientation, gender identity, physical or mental ability, religion, marital status, ancestry, political belief, or socioeconomic status.

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7500692/>

⁵ <https://freespeech.uiowa.edu/university-statement-free-speech>

Is “hate speech” protected by the First Amendment?

Usually yes. The First Amendment protects speech that may be hateful, offensive, or inconsistent with the university's values. The best response to speech the listener finds offensive is counter-speech. However, “hate speech” becomes unprotected, warranting action by the University, in narrowly defined circumstances, including when it is so severe, persistent, or pervasive that it limits or denies someone's ability to work and/or learn at the University of Iowa, as outlined in the University’s [Harassment Policy](#) (Links to an external site, Operations Manual Chapter 14: Anti-Harassment).

Previously: “Yes. The First Amendment protects speech that may be hateful, offensive, or inconsistent with the university's values. The best response to speech the listener finds offensive is counter-speech.”

Resolved, Undergraduate Student Government commits to continuing its work in advocating for equity and inclusion and urges the University of Iowa and The Board of Regents to do the same.

Therefore, be it resolved, this resolution shall be sent to the Office of Institutional Equity, Office of the Dean of the College of Education, the Office of the Dean of the College of Engineering, the Office of the Dean of the College of Liberal Arts and Sciences, the Office of the Dean of the College of Nursing, the Office of the Dean of the College of Public Health, and the Office of the Dean of the Tippie College of Business.

Therefore, be it resolved, this resolution shall be sent to the Office of the Associate Vice President and Chief Information Officer, the Office of the Executive Vice President and Provost, the Office of the President, and the Iowa Board of Regents.

Section 4. Enactment Clause

Be it enacted by the Undergraduate Student Government upon the signature of the USG President.

Alexis Carfrae

, **Speaker of the Senate**
Alexis Carfrae

I hereby attest and certify that this resolution originated from the 2022-2023 Student Senate Session.

APPROVED on 2/7/23 _____, by

Patrick Johnson _____, **USG President**
Patrick Johnson