

INDIANA UNIVERSITY



September 18, 2007

VIA FACSIMILE (215-717-3440) AND U.S. MAIL

Tara E. Sweeney
 Foundation for Individual Rights in Education
 601 Walnut Street, Suite 51
 Philadelphia, PA 19106

Dear Ms. Sweeney,

I am responding to your August 21, 2007, letter regarding Robert Francis.

IU South Bend's Chancellor has overturned the Hearing Commission's decision against Mr. Francis. A copy of the Chancellor's letter to Mr. Francis, which sets forth in detail the bases for her decision, is attached.

As you will see in the Chancellor's letter, the Hearing Commission's sanction requiring Mr. Francis to write a response paper has been rescinded. I do not know if you are aware of this or not, but the same day that your letter was sent to the campus (August 21), Mr. Francis delivered a response paper to Office of Judicial Affairs. A copy is attached for your file. Since this sanction has been rescinded by the Chancellor's decision, Mr. Francis's response paper will be removed from his file.

Other than to remove the response paper, however, the University cannot agree to your request to "strike any evidence of [the] charges from Mr. Francis's record." We cannot erase the fact that a faculty member and a student filed a charge pursuant to the University's Code of Student Rights Responsibilities and Conduct. Rather, we feel it is important, both to the institution and to Mr. Francis, that IU South Bend's records accurately reflect that this complaint was addressed according to the Code and was subject to each step of the review process that the Code provides. The Campus Judicial Office followed its prescribed procedure at each level and, at each level, Mr. Francis was informed of the rights afforded to him under the Code (to appear, to have a representative, to appeal, etc.). Mr. Francis did not pursue the final level of appeal under the Code but, as noted in the Chancellor's letter, your letter was deemed to represent that appeal. This process has resulted in a written determination that corrects a misapplication of the Code, namely, the imposition of sanctions based on speech rather than conduct.

I appreciate the opportunity that your letter presented to work with FIRE to address this situation. Please let me know if I can be of further assistance.

Sincerely,

Kiply Suzanne Drew
 Associate General Counsel

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KSD:acw

Enclosures

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