



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

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October 29, 2007

Patrick T. Harker
President
University of Delaware
104 Hullahen Hall
Newark, Delaware 19716

URGENT

Sent via U.S. Mail and Facsimile (302-831-1297)

Dear President Harker:

As you can see from our Directors and Board of Advisors, FIRE unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, due process, the right of conscience, and academic freedom on America's college campuses. Our website, www.thefire.org, will give you a fuller sense of our identity and activities.

FIRE is gravely concerned about the threat to freedom of conscience posed by the University of Delaware's residence life education program. FIRE writes to dozens of schools each year in defense of students' individual rights, but we have never encountered a more systematic assault upon the individual liberty, dignity, privacy, and autonomy of university students than this program. The program—referred to in the university's internal materials as a "treatment" designed to alter student beliefs and behaviors—requires students to adopt highly specific university-approved views on issues ranging from politics to sexuality, sociology, moral philosophy, and even science. These views are reinforced through a comprehensive manipulation of the residence hall environment, from required meetings and one-on-one sessions all the way to door decorations. The program brazenly invades students' privacy and forces them to confess their "privilege" or their "oppression." Students' progress towards the desired outcome is recorded by Resident Assistants (RAs) and reported to their superiors. Such utter contempt for the autonomy and free agency of others is the hallmark of totalitarianism and has no place in any free society, let alone at a public university in the state of Delaware.

The following is FIRE's understanding of the program. Please inform us if you believe we are in error. The University of Delaware has adopted a "curricular

approach to residence education” based on attaining the educational outcome of “citizenship,” which the Office of Residence Life defines as “understanding how your thoughts, values, beliefs, and actions affect the people with whom you live and recogniz[ing] your responsibility to contribute to a sustainable society at a local, national, and global level.” With this overall outcome in mind, the Office of Residence Life has articulated numerous “competencies” that all students “**must** develop in order to become fully functional and effective citizens towards a sustainable society after they leave the University of Delaware campus.” (Emphasis added.) Each of the university’s residence halls has a different “complex curriculum” that incorporates these competencies. These competencies include: “Students will recognize that systemic oppression exists in our society,” “Students will recognize the benefits of dismantling systems of oppression,” and “Students will be able to utilize their knowledge of sustainability to change their daily habits and consumer mentality.”

The approximately 7,000 students living in the university’s eight housing complexes (in which most freshmen, those not living with family nearby, are required by the university to live) are required¹ to attend training sessions, floor meetings, and one-on-one meetings with their RAs. At these training sessions, such as the mandatory diversity training session attended by students from the Rodney complex, students are introduced to the views the university believes they must hold on a wide range of issues such as internalized and institutionalized racism, diversity, environmentalism, and social justice. The diversity training provided to RAs—who then facilitate diversity training sessions for students—provides insight into some of the specific beliefs the university wishes to impose on its students. For example, RAs attended an August 2007 “diversity facilitation training” session at which they received a list of “definitions and descriptions of racism.” Those definitions included: “A RACIST: A racist is one who is both privileged and socialized on the basis of race by a white supremacist (racist) system. **The term applies to all white people (i.e., people of European descent) living in the United States, regardless of class, gender, religion, culture or sexuality**”; “REVERSE RACISM: A term created and used by white people to deny their white privilege”; and “A NON-RACIST: A non term. The term was **created by whites to deny responsibility for systemic racism...**” (Emphases added.)

At floor meetings, which are also often mandatory,² students are required to participate in various intrusive activities designed to further inculcate them with the university’s approved ideology. In one exercise, students are made to line up and are asked questions about their social identities. Based on their answers, they have to step forward or backward. In another exercise, students “walk in the shoes” of someone from another group, and they are later asked to reflect with their RAs on the stereotypes they hold.

At one-on-one meetings, students discuss these issues in greater depth with their RAs. At the Central complex, for instance, RAs follow a “pre-established lesson plan.” RAs write up their

¹ One of the hallmarks distinguishing the university’s chosen “curricular approach” from its alternative, the “program model,” is that the program model only “relies on voluntary attendance.”

² An e-mail from one RA to her students states, “Every semester we are required to hold a 1-on-1 session. This gives us, the RA’s, a chance to know how everyone’s doing and where everyone stands on certain issues or topics. Not to scare anyone or anything, but these are MANDATORY!!” The Central complex’s curriculum states that “All students are expected to be at their floor meetings. This ensures that lesson plans are delivered to each student.”

“best” and “worst” one-on-one sessions and deliver these reports to their superiors. These write-ups make absolutely clear that students are expected to adopt the university’s ideology; if they do not, students risk being identified by their RAs as the “worst” students in the residence life education program. One student identified by a Russell complex RA as having the “worst” one-on-one session was a young woman who stated that she was tired of having “diversity shoved down her throat” and who responded to the question “When did you discover your sexual identity?” by stating “That is none of your damn business.” Another student identified as having an RA’s “worst” one-on-one stated that she did not understand why the university “force[s] all this diversity stuff” on its students.

At various points in the program, students are also pressured or even required to take actions that outwardly indicate their agreement with the university’s ideology, regardless of their personal beliefs. In the Dickinson complex, for example, students are told to display on their room doors a door decoration representing the interlocking circles of the “triple bottom line” of sustainability, which the university defines as “the simultaneous pursuit of economic prosperity, environmental quality, and social equity.” At one-on-one meetings with their RAs, Dickinson students are also asked to commit to reducing their ecological footprint by at least 20% before their next one-on-one meetings. In the Russell complex, students must participate in a “cultural plunge,” which is defined as “an experience that **forces** the student to leave his/her comfort zone and surround him/herself with people of which [sic] s/he has never interacted on a personal level before.” (Emphasis added). At various points throughout the year, Russell students are also required to advocate for a social group that is oppressed as well as for a “sustainable world.”

In the Office of Residence Life’s internal materials, these programs are described using the harrowing language of ideological reeducation. For example, the “assessment plan” for the Gilbert/Harrington complex curriculum states that “through the Gilbert/Harrington curriculum experience (a treatment) specific attitudinal or behavioral changes (learning) will occur.” The Russell complex curriculum’s assessment plan similarly asks: “What is [students’] attitude and/or values about those specific social identities after the treatment?” The fact that the university views its students as patients in need of “treatment” for their incorrect attitudes reveals the university’s utter lack of respect both for its students and for the fundamental right to freedom of conscience. And the university’s definition of learning not as a *process of acquiring knowledge or technical skill*, but rather as the *attainment of specific attitudinal or behavioral changes*, represents a distorted idea of “education” that one would more easily associate with a Soviet prison camp than with an American institution of higher education. As another example, after an investigation showed that males demonstrated “a higher degree of resistance to educational efforts,” the Rodney complex chose to hire “strong male RAs.” Each such RA “combats male residents’ concepts of traditional male identity,” in order to “ensure the delivery of the curriculum at the same level as in the female floors.” This language is disturbingly reminiscent of a pivotal scene from George Orwell’s *1984*, in which the protagonist’s captors tell him that “The Party is not interested in the overt act: the thought is all we care about. We do not merely destroy our enemies, we change them.”

The curriculum is assessed in many ways to determine whether student beliefs, values, and attitudes have changed. In the Ray Street complex, students keep a portfolio that includes worksheets designed by the complex coordinator to measure student contributions to the

community. Students there also develop a co-curricular transcript. Such individual files are kept on each student and then archived. Participation at activities is monitored, and freshmen who are not participating are asked to participate in focus groups to determine why. In the Russell complex, students are surveyed to determine whether they would be comfortable being close friends with or dating people of different races, sexes, and sexual preferences and are asked how comfortable they are with their own various “identities.” Progress is apparently determined by examining whether there is an increasing proportion of “right” answers over time.

Somehow, the University of Delaware seems terrifyingly unaware that a state-sponsored institution of higher education in the United States does not have the legal right to engage in a program of systematic thought reform. The First Amendment protects the right to freedom of conscience—the right to keep our innermost thoughts free from governmental intrusion. It also protects the right to be free from compelled speech. As the Supreme Court declared in the landmark case of *West Virginia State Board of Education v. Barnette* (1943): “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” The Court concluded that “the purpose of the First Amendment to our Constitution” was precisely to protect “from all official control” the domain that was “the sphere of intellect and spirit.” The University of Delaware’s residence life education program is an unconscionable and unconstitutional incursion into the private conscience of students whose greatest offense is simply choosing the University of Delaware and living in the dormitories.

The legal problems posed by the residence life education program are abundant and cut to the core of the most essential rights of a free people. Possible claims against the university for operating such a program include violations of the right to privacy as well as federal and state constitutional claims for having and enforcing an unconstitutional speech code, for compelling people to speak against their will (something that has been anathema to free societies since long before the *Barnette* case), and for violations of the right to freedom of conscience. Simply put, the residence life education program is a legal minefield.

To be clear, however, FIRE is not a litigation organization, and our objection to this program is far more than legalistic. What makes this program so offensive is its brazen disregard for autonomy, dignity, and individual conscience, and the sheer contempt it displays for all of the university’s incoming students.

As aggressive as civil liberties organizations like FIRE may seem, at the heart of all concepts relating to freedom of the mind is a recognition of our own limitations—like us, those in power are neither omniscient nor omnipotent, and therefore have no right to dictate to others what their deepest personal beliefs must be. Concerns for free speech and freedom of conscience are rooted in the wisdom of humility and restraint. The residence life education program, which presumes to show students the specific ideological assumptions they need in order to be better people, crosses the boundary from education into unconscionably arrogant, invasive, and immoral thought reform. We can conceive of no way in which the residence life education program can be maintained consistent with the ideals of a free society.

We ask for nothing less than the immediate and total dismantling of the residence life education program.

If the University of Delaware wishes to continue its sociological and psychological experiments, it should seek its test subjects elsewhere. Because of the severe and ongoing rights violations in this case, FIRE asks for your response by November 5, 2007. We look forward to hearing from you.

Sincerely,



Samantha Harris
Director of Legal and Public Advocacy

cc:

Howard E. Cosgrove, Chairman, Board of Trustees of the University of Delaware
Robert A. Fischer, Jr., Vice Chairman, Board of Trustees of the University of Delaware
Robert W. Gore, Vice Chairman, Board of Trustees of the University of Delaware
Kathleen Kerr, Director of Residence Life, University of Delaware
Jim Tweedy, Associate Director for Residence Life, University of Delaware
Michele Kane, Assistant Director for Residence Education, University of Delaware
Catherine Skelley, Assistant Director for Community Standards, University of Delaware
Dena Kniess, Christiana Towers Complex Coordinator, University of Delaware
Samanta Lopez, Central Complex Coordinator, University of Delaware
Michael R. Diesner, Independence Complex Coordinator, University of Delaware
Sami Nassim, Russell Complex Coordinator, University of Delaware
Sandy Guerrier, Dickinson Complex Coordinator, University of Delaware
Jimmy Howard, Rodney Complex Coordinator, University of Delaware
Lulu Kaliher, Ray Street Complex Coordinator, University of Delaware
Jacqueline Winslow, Gilbert Harrington Complex Coordinator, University of Delaware
Kathryn Goldman, Director of Judicial Affairs, University of Delaware
John A. Brennan, Director of Public Relations, University of Delaware
Monica Marie Taylor, Vice President for University Development and Alumni Relations,
University of Delaware
Wesley Case, Editor-in-Chief, *The Review*, University of Delaware