



VIA FACSIMILE (215.717.3440)

May 9, 2018

Ari Z. Cohn
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education
510 Walnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

Re: Letter regarding Theta Tau Fraternity Conduct

Dear Mr. Cohn:

As I stated in my letter dated May 7, 2018, your letter to Chancellor Kent Syverud (of May 4) was referred to me for a response.

Let me open by saying we appreciate your interest in this matter and respect your organization's position on speech on college campuses. The issue of free speech has long been the subject of debate and study at Syracuse University.

Although - as you note in your letter - the First Amendment does not apply to private institutions, the University recognizes that a healthy and rigorous learning environment must allow for a diverse array of ideas, even those that may be viewed by a majority as provocative, or potentially incendiary. The University demonstrated its ongoing commitment to freedom of speech when, in 2017, it published revisions to its campus speech policies based on the recommendations of a working group chaired by David Rubin, professor of communications (ret.) and dean emeritus of the S.I. Newhouse School of Public Communications. This process involved comment from students, faculty, and the University Senate.

The University's revised speech policies are designed to balance free expression with the University's obligations under federal and state civil rights laws to maintain an educational environment that is devoid of discrimination or harassment aimed at certain protected groups. This includes the University's obligation under Title IX to take immediate and appropriate steps to investigate conduct that may constitute sex- or gender-based harassment and create a hostile environment. The University also expects members of its campus community to adhere to the standards and values set forth in University policies. The University allows all students to freely express themselves within these important parameters.

Office of University Counsel

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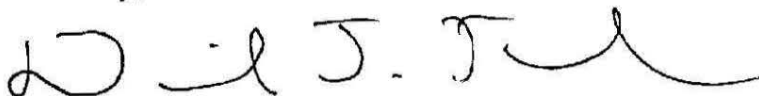
The Theta Tau fraternity videos present a situation where the rights of one group to speak freely collide with the rights of others to a safe and welcoming learning environment, that is free of prohibited discrimination and not hostile to specific groups. The Theta Tau videos have had a significant impact on the health and well-being of students, faculty and staff on this campus and in the greater University community. The videos contain language that is sexist, racist, ableist, anti-Semitic and demeaning to the LGBTQ community. That the videos were extremely offensive does not appear to be an issue of debate. However, the University recognizes that reasonable people may have different views as to the appropriate response or punishment for those involved.

Once the videos were released, the University was compelled to act, and started an immediate investigation into the genesis of the videos to determine who was responsible for producing them. The investigation identified eighteen participants from a much larger group of fraternity members and resulted in conduct charges.

Two of the eighteen students have accepted sanctions through an informal resolution process. The remaining sixteen will participate in hearings starting today to determine whether they bear any responsibility. They have been and will be given an opportunity to present a defense. If any of the sixteen students are found responsible, a conduct board will consider an appropriate sanction on an individualized basis, and each student will be given an opportunity to provide any mitigating information. Any student who is found responsible and sanctioned will have the right to appeal.

No student conduct matter is easy, and the University approaches each case fairly and professionally. This matter has been handled no differently.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. French". The signature is fluid and cursive, with the first name "Daniel" and last name "French" clearly legible.

Daniel J. French

cc: Chancellor Kent Syverud