



June 8, 2020

Gary Barta  
Henry B. and Patricia B. Tippie Director of Athletics Chair  
University of Iowa  
101 Jessup Hall  
Iowa City, Iowa 52242

**URGENT**

*Sent via Electronic Mail (gary-barta@uiowa.edu)*

Dear Mr. Barta:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

We are writing to seek clarification and further information on reports by *The Athletic* that members of the University of Iowa's football team were prohibited from using the social media service Twitter<sup>1</sup> and that the policy has since been amended to allow one pre-approved tweet from players.<sup>2</sup> That modification apparently follows players' request for "permission to post on social media so they could participate in the national discussion around injustice, racism and inequality," after which the "team . . . agreed last Thursday [June 4] to lift the longstanding ban on social media[.]"<sup>3</sup> Excerpts of those reports are enclosed for reference.

If accurate, the restriction on student-athletes' use of social media raises serious concerns about the University of Iowa's compliance with the First Amendment, which binds public

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<sup>1</sup> Scott Dochterman, *Former Iowa players speak out about strength coach Chris Doyle, program culture*, THE ATHLETIC, June 6, 2020, <https://theathletic.com/1857695/2020/06/06/iowa-football-strength-coach-chris-doyle-players-speak-out-twitter>.

<sup>2</sup> Scott Dochterman, *Kirk Ferentz addresses player allegations of mistreatment, vows to make changes*, THE ATHLETIC, June 8, 2020, <https://theathletic.com/1859510/2020/06/08/iowa-football-player-mistreatment-strength-coach-chris-doyle-kirk-ferentz-news-conference-sunday>.

<sup>3</sup> Chad Leistikow, *Iowa football: Kirk Ferentz places Chris Doyle on administrative leave, lifts Twitter ban*, HAWK CENTRAL, June 6, 2020, <https://www.hawkencentral.com/story/sports/college/iowa/football/2020/06/06/iowa-footballs-chris-doyle-placed-administrative-leave-by-kirk-ferentz-begin-cultural-shift/3166432001>.

universities' regulations of student expression.<sup>4</sup> These rights include a right to speak via social media without interference from government actors<sup>5</sup> and without prior review of administrators.<sup>6</sup> Just because a student wears the university's uniform on the field does not mean he is without his First Amendment rights off the field.<sup>7</sup>

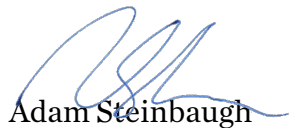
These rights are critical to students. They are ever the more critical at this moment, when students' offline expressive channels have largely been foreclosed by the ongoing pandemic. And while *The Athletic* reports that students have access to other social media sites, Twitter is unique in that it facilitates open engagement with the broader community, while platforms like Facebook or Snapchat facilitate communication with friends or relatives.

Accordingly, we ask that the University of Iowa answer the following questions by the close of business on Thursday, June 11, 2020:

1. What regulations, if any, does the University of Iowa impose on its student-athletes' use of social media or other forms of expressive activity, on or off the field?
2. Does the university provide any guidance, suggestions, or recommendations to its student-athletes concerning their use of social media?

In furtherance of the foregoing questions, please also find enclosed a request pursuant to Iowa's Open Records Law seeking copies of any such regulations or guidance.

Sincerely,



Adam Steinbaugh  
Director, Individual Rights Defense Program

Cc: Bruce Harreld, President  
Carroll Reasoner, Vice President for Legal Affairs and General Counsel  
Office of Transparency (public-records@uiowa.edu)

Encl.

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<sup>4</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. . . .”).

<sup>5</sup> “While in the past there may have been difficulty in identifying the most important places . . . for the exchange of views, today the answer is clear. It is cyberspace . . . and social media in particular.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735 (2017).

<sup>6</sup> *Burch v. Barker*, 861 F.2d 1149, 1155–57 (9th Cir. 1988) (striking down mandatory prior review of student newspaper at a high school).

<sup>7</sup> See, e.g., *V.A. v. San Pasqual Valley Unified Sch. Dist.*, No. 17-cv-02471-BAS-AGS, 2017 U.S. Dist. LEXIS 210400 (S.D. Cal., Dec. 21, 2017) (granting preliminary injunction against policy prohibiting student-athletes from kneeling during the National Anthem).

### **Public Records Request**

This is a request for the following records pursuant to the Iowa Open Records Law (Iowa Code §22.1, *et seq.*).

#### **Records Requested:**

A copy of any regulations, policies, standards, handbooks, rules, guidance, suggestions, recommendations, or other documents distributed or otherwise made available to student-athletes at the University of Iowa concerning:

1. Their use of social media; or
2. Their ability to engage in political expression; or
3. Their ability to engage in expressive activity on the field or in uniform; or
4. Their conduct as student-athletes. With respect to this category, we do not seek copies of codes of conduct generally applicable to all students, nor copies of the rules of play for sports themselves.

This request is limited to documents generated, distributed, or in force on or after January 1, 2019.

**Fee waiver request:** This request is made on behalf of the Foundation for Individual Rights in Education, a nonprofit and nonpartisan organization that works to preserve civil liberties on college campuses. We request a waiver of any fees or costs associated with this request.

This request concerns a matter of public interest, relating to the university's restrictions on student-athletes' First Amendment rights. The records are not sought for a commercial or personal interest, but rather for the purpose of providing the public with information concerning civil liberties in higher education.

**Request for expedited processing:** The records pertain to a matter of public importance and current debate. Providing expedited production of the records will facilitate the public understanding of these matters before they are fully resolved. Any undue delay in production will undermine the purpose of the public records laws, which serve to allow public input and oversight of government affairs.

# Former Iowa players speak out about strength coach Chris Doyle, program culture



By Scott Dochterman (/author/scott-dochterman/) Jun 6, 2020

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IOWA CITY, Iowa — The lid that often contains a cultural clash between the Iowa football program and its African American athletes was blown sky high following a series of Twitter exchanges among former players in recent days.

Dozens of African American former Iowa football players shared their experiences — both within the program and in the Iowa City area. Some were measured in their criticism; others provided explosive allegations directed toward longtime Iowa football strength and conditioning coach Chris Doyle, who has worked alongside coach Kirk Ferentz since 1999. Doyle is the nation's highest-paid strength coach at \$800,000 per year.

**(Editor’s note:** Doyle was placed on administrative leave Saturday

(<https://theathletic.com/1858364/2020/06/06/iowa-strength-coach-chris-doyle-placed-on-administrative/>.)

Iowa’s current players are banned from interacting on Twitter but can post on other social media platforms.

The dialogue began Wednesday afternoon when Ferentz discussed the possibility of kneeling (<https://theathletic.com/1852801/2020/06/03/iowa-football-head-coach-kirk-ferentz-protests-reaction/>) during the “Star-Spangled Banner,” of which he was opposed previously. Former Iowa center James Daniels, who left Iowa for the NFL in 2017 after three seasons, wrote “If the team collectively decides to kneel, this will bring about a cultural change for both Iowa football and the state of Iowa which I believe is long overdue!!!”



**James Daniels**  
@jamsdans

If the team collectively decides to kneel, this will bring about a cultural change for both Iowa football and the state of Iowa which I believe is long overdue!!! [twitter.com/scottdochterma...](https://twitter.com/scottdochterman)

**Scott Dochterman** @ScottDochterman

Kirk Ferentz says he wants his team to take a uniform position this fall where either they all stand at attention or they all kneel.

2,777 11:11 PM - Jun 3, 2020

[369 people are talking about this](#)

Daniels and other former Hawkeyes extended the discussion that often became heated with some Iowa fans on Twitter. On Friday night, Daniels called out the program, which sparked dozens of responses from former teammates. None of their responses were edited for grammar, spelling or punctuation.

“There are too many racial disparities in the Iowa football program,” wrote Daniels, a starting offensive lineman with the Chicago Bears who later returned to Iowa and graduated in spring 2019. “Black players have been treated unfairly for far too long.”

**James Daniels**

# Iowa football: Kirk Ferentz places Chris Doyle on administrative leave, lifts Twitter ban

Chad Leistikow, Hawk Central Published 6:06 p.m. CT June 6, 2020 | Updated 6:20 p.m. CT June 6, 2020

Chris Doyle has been placed on administrative leave, effective immediately, after dozens of social-media posts from black former athletes describe a culture of systemic racism within the Iowa football program.

Hawkeye head coach Kirk Ferentz made the revelation Saturday night, while also mentioning the creation of an advisory committee to address “a call for a cultural shift.” Doyle has been Iowa’s strength and conditioning coach since Ferentz’s first year of 1999.

[Buy Photo](#)



Chris Doyle had been scheduled to oversee voluntary workouts that begin Monday at the Hansen Football Performance Center. (Photo: Joseph Cress/Iowa City Press-Citizen)

Here is the full Ferentz statement:

*"This is a defining moment for the Iowa Hawkeye football program.*

*Over the past 24 hours I have seen some difficult and heartbreaking posts on social media. I appreciate the former players' candor and have been reaching out to many of them individually to hear more about their experiences in our program. I am planning on talking to all of them in the coming days. This is a process that will take some time, but change begins by listening first.*

*"Many of the discussions have centered around our strength and conditioning program and coach Chris Doyle. I have spoken with him about the allegations posted on social media. They're troubling and have created a lasting impact on those players. Therefore, coach Doyle has been placed on administrative leave immediately while an independent review can take place. He and I agree that all parties will have their voices heard and then a decision about how we move forward will be made.*



**Hawkeye Football**

@HawkeyeFootball

This is a defining moment for the Iowa Hawkeye Football program:



5,748 6:57 PM - Jun 6, 2020

1,274 people are talking about this

*"There has been a call for a cultural shift in our program. Therefore, I am creating an advisory committee, chaired by a former player and comprised of current and former players as well as department staff. This will be a diverse group that will be able to share without judgement so we can all examine where we are today and how we can have a better environment tomorrow.*

*"Football is a game of discipline and sacrifice. In our program, we have high standards and accountability. And we have a good team of players, coaches and staff members. But it is clear we can do more to create a better environment, a respectful environment where every player can grow, develop and become the best version of himself.*

*"As I told the team earlier this week. I am a white football coach. Teaching is what I do. But it is also important to know when to be the student.*

*"Several days ago, the players asked permission to post on social media so they could participate in the national discussion around injustice, racism and inequality. As a team we agreed last Thursday to lift the longstanding ban on social media and so you will be seeing them enter the now broader conversation.*

*"These are painful times. As a leader you can learn a lot by listening but at some point you must take action. Finally, I told the team that change begins with us, but in reality it begins with me."*

Doyle, college football's highest-paid strength-and-conditioning coach, was scheduled to begin overseeing voluntary player workouts Monday, when the Hansen Football Performance Center is opened to veteran players for the first time since mid-March due to the COVID-19 pandemic.

Iowa athletics director Gary Barta announced that Raimond Braithwaite, who is black and has been on staff the last 15 years, would lead Iowa's strength and conditioning program during this period.

"Ultimately, our success will be defined by our actions," Barta said in a statement. "Our greatest victory won't be found on a box score but a willingness to speak out against racism, and to make sure every student-athlete, coach and staff member feel safe, supported and that they have a voice that is empowered."

Both Kirk Ferentz and the independent panel will investigate the findings without a specific timetable. In the interim, assistant strength and conditioning coach Raimond Braithwaite will replace Doyle. Braithwaite, an African American, has worked under Doyle since 2005.

Iowa long has had a demanding culture that has been less welcoming for many African American players. The program's Twitter ban was loosened this month to allow for one pre-approved tweet from players. Last year, the program eased restrictions on hats, earrings and hoodies in the football building.

"That was just a small step, but as a result of feedback that we got from our players last summer," Ferentz said. "One thing that's become clear to me is that we have a lot more steps to take and more things to accomplish. And that's all going to be starting with dialogue and that that process will continue and begin in earnest (Monday)."

(Top photo: Wesley Hitt / Getty Images)

What did you think of this story?



MEH



SOLID



AWESOME

Scott Dochterman (author/scott-dochterman/) is a staff writer for The Athletic covering the Iowa Hawkeyes. He is a Burlington, Iowa native and a 1997 graduate of Western Illinois University. Scott previously worked at Iowa newspapers in Cedar Rapids, Fort Dodge, Burlington and Muscatine, served as sports editor of the St. Joseph (Mo.) News-Press and covered Iowa football for Land of 10. Scott also worked as an adjunct professor teaching sports journalism at the University of Iowa.

10 COMMENTS

Add a comment...

Jeff B. 4h ago

Do you see Barta acting on BF the way KF did with Doyle? Or is Brian just a bit player in what is a greater systemic problem, which would actually lead to Barta acting on Kirk?



Scott Dochterman STAFF 2h ago

@Jeff B. It's too early to tell. I think we'll know more when the independent panel investigates. I can't imagine the interviews would be contained to only Doyle. If the panel sees a pattern involving Brian Ferentz that's too great to ignore, then it cannot be excused.



Richard G. 46m ago

I don't see how he didn't see there was a problem in his building with the amount of African-American student athletes leaving his program. Surely someone at Iowa was looking at the statistics of African-Americans not graduating from the football program and not wondering why? Or is that just me?

