

NADD Spring 2023 Conference San Diego, CA

To: NADD Conference Attendees

From: Kathy Rogers, Esq.

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Below are links to resources of various kinds that are relevant to the legal issues and cases I shared with you today. I hope you find them useful.

Please note: I have included multiple links to Inside Higher Ed because these articles contain hyperlinks to the relevant court opinions.

Topic 1: Oberlin College lawsuit

These are links to a timeline, an FAQ, and 10 key facts, all produced by Oberlin and located on its website. I've also included a link to the opinion of the Ohio Appeals Court – denying Oberlin relief from the jury's verdict -- and a NYT article on the case.

https://www.oberlin.edu/sites/default/files/content/news-and-events/documents/gibsons_incident_timeline.pdf

<https://www.oberlin.edu/sites/default/files/content/office/general-counsel/current-issues/faqs.pdf>

<https://www.oberlin.edu/news-and-events/bakery-litigation/10-key-facts>

<https://www.documentcloud.org/documents/21581169-gibson-bros-inc-v-oberlin-college-2022-court-of-appeals-opinion>

<https://www.nytimes.com/2022/09/08/us/oberlin-bakery-lawsuit.html>

Topic 2: Tenure denial

Kemit Mawakana v. Board of Trustees of the University for the District of Columbia the case in which the D.C. Court of Appeals ruled that the tenure denial case could proceed after being dismissed by the trial court.

[https://www.cadc.uscourts.gov/internet/opinions.nsf/0/5F54313E6207C36E8525841900509AC1/\\$file/18-7059.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/0/5F54313E6207C36E8525841900509AC1/$file/18-7059.pdf)

An article about the Mawakana case

<https://www.insidehighered.com/news/2019/06/17/appeals-court-reinstates-long-standing-tenure-denial-case-brought-black-law>

The Court's opinion in Dr. Rachel Tudor v. Southeastern Oklahoma State University

[Microsoft Word - 18-6102.docx \(uscourts.gov\)](#)

News story on court opinion granting Rachel Tudor tenure and reinstatement.

<https://www.oklahoman.com/story/news/2021/09/15/transgender-professor-fired-denied-tenure-seosu-reinstated-us-appeals-court/8336829002/>

Link to information on Professor Paul Harris's tenure denial which was later reversed by U. Virginia

<https://www.chronicle.com/article/reversing-course-uva-recommends-tenure-for-a-black-scholar-who-had-been-denied>

An article about recent tenure denials

<https://www.insidehighered.com/news/2022/05/19/recent-tenure-denial-cases-raise-questions>

Topic 3: Retaliation

Most recent report by the U.S. Department of Education, Office of Civil Right on unlawful discrimination and retaliation claims brought to OCR in 2021

<https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2021.pdf>

Two articles about the California university which settled a case alleging retaliation and failure to investigate with its former Provost for \$600,000.

<https://www.latimes.com/california/story/2022-04-13/csu-provost-reported-harassment-against-presidents-husband-then-faced-retaliation-records-say>

<https://www.insidehighered.com/quicktakes/2022/04/15/600000-not-investigating-provost%E2%80%99s-complaint>

Article including links to judge's opinion in favor of faculty member who alleged retaliation when his contract was not renewed

<https://www.insidehighered.com/news/2022/03/15/judge-oks-professors-free-speech-case-against-u-north-texas>

Topic #4: First Amendment

Free Speech

Davidson College Commitment to Free Expression

<https://www.davidson.edu/about/commitment-freedom-expression>

Letter from Dean Ruger to Faculty Senate President re: Prof. Amy Wax
[University-of-Pennsylvania-Law-Deans-Report-Regarding-Amy-Wax-June-23-2022.pdf - Google Drive](#)

Article from colleague of Amy Wax

<https://www.insidehighered.com/views/2022/07/26/amy-wax-can-speak-her-mind-not-demean-students-opinion>

Letter from President of Stanford to Judge Duncan

<https://eppc.org/wp-content/uploads/2023/03/letter-from-Stanford.pdf>

Religious Freedom

Information on the case on use of preferred pronouns: Meriwether v. Shawnee State University

<https://law.justia.com/cases/federal/appellate-courts/ca6/20-3289/20-3289-2021-03-26.html>

<https://www.insidehighered.com/news/2021/03/29/court-sides-professor-who-repeatedly-misgendered-trans-student>

<https://www.casemine.com/judgement/us/606399444653d05de834193f>

<https://www.shawnee.edu/about-us/administrative-offices/general-counsel/settlement-statement>

Information on Hamline University matter re: adjunct professor showing image of the Prophet Mohammed in class presentation

<https://www.thefire.org/news/facing-lawsuit-hamline-suddenly-discovers-its-commitment-academic-freedom>

<https://www.thefire.org/research-learn/faculty-letter-support-hamline-university-instructor-january-3-2023>

<https://www.nytimes.com/2023/01/17/us/hamline-lawsuit-prophet-muhammad-religion.html>

Links to other schools' free speech resources to

The FAQ from **U of Houston** – you will find the FAQs at the bottom of the page
<https://www.uh.edu/freedomofexpression/index#faq>

Colorado State's Talk, Talk, Talk booklet is a PDF which can be found on the university's website

<https://source.colostate.edu/csu-distributes-guide-to-boost-understanding-of-first-amendment-free-speech/>

The U of Nevada, Reno has an excellent site on advising students on free speech and hate speech

<https://www.unr.edu/student-expression/expressing-disagreement>

This link will bring you to **George Mason University's** on-line form to report a violation of free speech

<https://www.gmu.edu/free-speech-incident-reporting-form>

To find the 20-page booklet from **Florida Atlantic University's** General Counsel's Office, go the FAU General Counsel's website and then click on the "Free Speech" link to find the link to the Guide.

<https://www.fau.edu/generalcounsel/faq/>

Here is the link to the YouTube video on hate speech on **U of Buffalo's** website

<https://www.buffalo.edu/news/releases/2023/03/007.html>

The **University of Alabama System's** *Resolution Recognizing Commitment to Freedom of Speech and Expression* can be found on its website.