

October 5, 2018

Molly Weisgram
Executive Assistant to the CEO and Board
System Director for Student Affairs
South Dakota Board of Regents
306 E. Capital Ave. Suite 200
Pierre SD 57501

RE: SD Board of Regents policies on free speech
and intellectual diversity

Dear Molly –

We have read the correspondence from South Dakota House Majority Leader Lee Qualm to the Board of Regents dated July 2, 2018 with great interest and with a high degree of support for the intent and spirit underlying the letter. We have also read the Board of Regents response to the Qualm letter dated September 14, 2018. We have several follow-up questions to the BOR response to the Qualm letter. We have set forth these questions below we would like them **answered by October 22, 2018**. Please circulate this letter to relevant parties at the BOR for the drafting of *full and complete* responses. When responding to our inquiry, please send the responses to the undersigned, to the sponsors of last legislative session's bills HB 1073 and SB 198, and to those CCed on this correspondence. Also, please make Representative Qualm's original letter and the BOR's response to same available to the public on the BOR website in order to promote transparency and public dialogue.

We strongly support BOR President Kevin Schieffer's stated commitment to "promote free speech and diversity of thought on our

campuses,” as set forth in his cover letter dated September 14, 2018. We are in strong agreement with this goal and commend Regent Schieffer for his strong leadership on this front. The specific actions that will be taken to pursue this goal on South Dakota campuses are not clear, however. We are also concerned with reports that university faculties are already organizing against any attempts to promote intellectual diversity.

- 1) In light of BOR president’s stated goals, please explain in detail how the BOR will aggressively pursue the promotion of intellectual diversity on South Dakota campuses. How will the BOR avoid mere tokenism, i.e. the creation of just one or two counter-voices? How will the BOR handle any push back from faculty who resist changes designed to promote intellectual diversity?
- 2) We are concerned that the proposed changes to BOR free speech policies only state that “professional diversity” will be promoted in the future. The more appropriate phrase, in keeping with the work of Heterodox Academy and other reform organizations, is “intellectual diversity.” Will the BOR substitute “intellectual diversity” for the more vague and uncertain “professional diversity” in the policy changes it is proposing?
- 3) On page 7 of the BOR response to the Qualm letter the BOR states that the BOR “encourages intellectual diversity” on campus. What is the specific evidence that the BOR is aggressively encouraging intellectual diversity at the present time? Please give detailed and specific examples.
- 4) On page 7 of the BOR response to the Qualm letter the BOR states that there is no evidence of a lack of intellectual diversity on South Dakota campuses. The BOR cites zero evidence to prove this claim. The BOR response focuses on student evaluation procedures and the absence of student responses to a confusing and obscure complaint system that few students will ever bother to use. Once again, can the BOR provide specific and substantive evidence of intellectual diversity among its faculty? Is the BOR aware of the report entitled “Homogenous” issued by the National Association of Scholars on April 24, 2018? Is the BOR aware of the absence of

intellectual diversity on campus described in this report? Does the BOR agree that this report describes a deep and troubling problem? Given the dramatically one-sided nature of the national faculty pool what is the BOR plan to encourage greater balance in hiring?

- 5) Will it continue to be the position of the BOR that the faculty on South Dakota's public university campuses exhibit the same "intellectual, viewpoint, and political diversity" as the "citizen population in South Dakota"? Is the BOR aware that such a claim stands in great contrast to the report entitled "Homogenous" issued by the National Association of Scholars on April 24, 2018? Does the BOR have any evidence to support this claim? Isn't it a fair statement that the "citizen population in South Dakota" holds views quite distinct from a large majority of faculty on campus?
- 6) On page 2 of the BOR response to the Qualm letter, it states that SDSU maintains 35 different speech policies. The subsequent explanation is convoluted and confusing. Does the BOR really expect students to make sense of this level of complexity when dealing with the university bureaucracy? What steps will the BOR take to streamline this? Are all these various restrictions on speech necessary?
- 7) In response to question 2 in the Qualm letter, some universities report that they include "diversity offices" in the process of writing campus speech codes. Is this wise given the propensity of diversity offices to advance restrictions on free speech (as indicated by the response to question 7)? Can the campuses which include "diversity offices" in the process of writing campus speech codes please explain why these offices are included and what these offices do in the process?
- 8) The BOR staff response to question 3 in the Qualm letter is confusing. Is the BOR saying that no effort is made at the system level to invite speakers to campuses from a wide variety of political perspectives? If not, what will the BOR do to make such an effort?
- 9) The BOR staff response to question 9 in the Qualm letter is also confusing. Does the phrase "guidance is provided by each of the Human Resources offices at each campus" mean that the hiring process is subject to involvement from diversity officers and/or

pressures from affirmative action offices with the intent of aiding particular kinds of candidates? When “Human Resources offices” are involved in “reviewing” campus “demographics” to look for “equal opportunity issues” does this mean that the hiring process is subject to involvement from diversity officers and/or pressures from affirmative action offices with the intent of aiding particular kinds of candidates? What candidates are given a boost in the hiring process by involvement from diversity officers and/or pressures from affirmative action offices? Be specific and give concrete examples when responding to the latter question. Are “Human Resources offices” the same as affirmative action, diversity, and/or equity offices or do they overlap? On page 10 the “President’s Council on Diversity and Inclusiveness” is discussed—what is this and what does it do? On page 14 the “human resources vice-president” is described as analyzing the “demographics” of applicants to DSU—what does this mean? On page 14 the “institutional affirmative action advisory committee” is discussed—what is this? In the answer to question 9 it is unclear how much DSU is spending on human resources/affirmative action/diversity/equity etc—please explain. On page 16 SDSU argues that its \$300,000 budget for its “Diversity, Inclusion, Equity, and Access” office is designed to make the university “more representative”—what does this mean precisely? Representative of what? On page 15 the “Multicultural Student Lounge” is discussed—what is this? How does it differ from a regular student lounge? What is its purpose? On page 17, USD’s “Office of Diversity” is discussed—its stated mission, according to its website, is “increasing the diversity of students, staff, and faculty” and “embedding diversity and inclusiveness throughout the University.” In very concrete and specific terms, what does this mean and how is this mission pursued? How many taxpayer dollars are being spent on this office and this mission and how many staff are being paid to advance this mission and how much? If this kind of “diversity” can be aggressively pursued using established diversity offices with specific missions, why can’t intellectual diversity be aggressively pursued in order to promote a variety of viewpoints on campus?

- 10) The BOR and campuses report that they use affirmative action in hiring. Who benefits from the use of affirmative action and who is penalized? Be very specific when describing how campuses use

affirmative action and describe which offices on campus enforce affirmative action policies.

- 11) All of the administrative arrangements described in response to question 9 are difficult to decipher and the actions taken by these offices are difficult to account for. Please provide specific and detailed information as to how these offices in fact operate beyond the superficial explanations provided thus far. Please revisit your earlier answers.
- 12) On South Dakota public university campuses, have affirmative action offices, "Human Resources" offices, and/or diversity/inclusion/equity etc offices or administrative units ever pressured (in any form) hiring committees to make "diversity hires"? If affirmative action offices, "Human Resources" offices, and/or diversity/inclusion/equity etc offices or administrative units pressure hiring committees to make "diversity hires" why is it not acceptable to promote "intellectual diversity hires"?
- 13) The cost of the complex administrative arrangements described in response to question 9 about diversity/equity offices seems to easily exceed a million dollars (although complete responses were not provided). Please provide a full and complete accounting of every dollar spent on diversity/inclusion/equity etc offices along with the total spent on affirmative action offices and "Human Resources" offices. Please total the amount spent on these offices so that state legislators can tell how much taxpayer money is spent on these activities and be clear, precise, and comprehensive. Could not these funds be easily reallocated to boost funding for the programs discussed in questions 11, 12, and 15 in the Qualm letter? Why or why not?
- 14) According to the BOR correspondence, some campuses have no diversity/inclusion/equity etc offices or administrative units. It then seems perfectly acceptable, does it not, for all campuses to have no diversity/inclusion/equity etc offices or administrative units? Is there any reason legislation could not be written to abolish existing diversity/inclusion/equity etc offices or administrative units on South Dakota campuses?

- 15) The USD *Volante* recently reported that the Student Theater Cooperative and the Diversity in Media & Entertainment Organization were pushing for reforms to “create an atmosphere of diversity and inclusiveness” in theater at USD. What does this mean precisely? What specific steps would be taken to “create an atmosphere of diversity and inclusiveness” in theater at USD?
- 16) In response to question 12, the BOR staff states that “subjects like constitutionalism, civics, political economy, classical history etc are infused throughout the curriculum.” No evidence is provided with the exception of courses under the Classics Institute at DSU. Please provide the details about the courses in constitutionalism, civics, political economy, classical history etc that are now offered at South Dakota public universities, how often they are offered, and how many students take them etc. Is the BOR aware of the 2016 report from the American Council of Trustees and Alumni describing the “crisis in civic education”? The report found that only 18% of colleges require an American history course for graduation and that college graduates are extremely uninformed about basic American history and the basic workings of government. Is the BOR concerned about these findings? What can the BOR do to bolster civic education and awareness among students at South Dakota public universities?
- 17) The response to question 15 seems to indicate that, for example, only 38% of USD graduates take any American history or government courses. Is this accurate? What is the percentage for other colleges? DSU did not appear to respond. Does the BOR believe that 62% of USD students taking no American history or government courses and solely relying on an American history course in high school is sufficient to support strong civic engagement throughout a student’s life? Would the BOR support increasing college history/government requirements? Texas requires that students at Texas universities take at least 6 hours of American history courses—would the BOR support a similar requirement?
- 18) SDSU seems unresponsive to question 16. What is the total cost of creating and maintaining minors such as “Inclusion and Equity,” “Women and Gender,” and “Peace and Conflict Studies”? Who teaches these courses? What is the curriculum? In order to promote

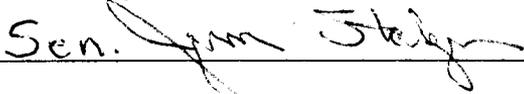
intellectual diversity, should the BOR consider requiring SDSU to also offer minors on the American heritage, constitutionalism, and/or conservative thought? Why or why not? USD offers courses with titles such as "Introduction to Multicultural Studies" and "Pirates, Outlaws and Rebels" and pays for a conference on "Women, Gender and Sexuality" and offers a minor in "Women, Gender and Sexuality Studies." What are these courses/minors/conference? What is the curriculum? Who is in charge of them? How much do they cost USD? Should the BOR consider advocating that South Dakota public universities offer minors in "American Constitutional Heritage," "Conservative Political Thought," "The Great Books," or "The Heritage of Ancient Greece and Rome"? Why or why not? In general, can the BOR develop/advocate more minors similar to "The Great Books" and fewer similar to "Inclusion and Equity" and wouldn't such a reprioritization better meet the expectations of parents, taxpayers, and students?

- 19) With respect to question 18, it seems from the responses provided by the BOR staff and from observations during the 2018 legislative session that university administrators and BOR staff were involved in guiding the testimony of students. We caution the BOR about this matter.
- 20) With respect to question 19, the BOR staff response appears to indicate that no effort is made to promote intellectual diversity on campus within the work of hiring committees. Is this correct? If so, what instructions to hiring committees will the BOR implement to place a premium on the promotion of intellectual diversity on campus?

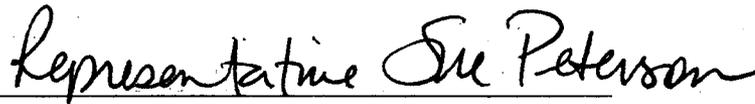
Overall, the BOR staff responses to Majority Leader Qualm's questions seem overly general. It might take an outside auditor to truly assess the total amount of taxpayer money spent on the functions being discussed in this correspondence. In any event, in the short term, we need as much information as possible to make good decisions about future legislation on these matters. Please be completely forthcoming in your responses to this query so that we do not have to engage in an endless cycle of information requests.

Again, we ask for your close attention to our questions and ask for full, detailed, and specific responses. To repeat, we would like **answers by October 22, 2018**. When responding to our inquiry, please send the responses to the undersigned and the sponsors of HB 1073 and SB 198. Also, please make Representative Qualm's original letter, the BOR's response to same, and the BOR's response to this letter available to the public on the BOR website in order to promote transparency and public dialogue. Thank you for your cooperation.

Sincerely,



Senator Jim Stalzer



Representative Sue Peterson

CC:

Kevin Schieffer, SD BOR President

Paul Beran, SD BOR Executive Director

Nathan Lukkes, SD BOR General Counsel

Representative Lee Qualm

Representative Steven Haugaard

Senator Brock Greenfield

Senator Jim Bolin