

University of Northern Iowa  
House File 802 Overview  
**Key Points for Faculty and Academic  
Administrators**

House File 802 is a new Iowa law that, among other things, restricts certain “specific defined concepts” from being taught, advocated for, acted upon, or promoted in mandatory staff or student training sessions at public institutions of higher education. While HF 802 has a number of different provisions that apply to public institutions of higher education, PK-12 school districts, and state/local governments, this document serves as a resource for academic deans, department heads, and faculty to understand the law as it relates to instructional activities at the University of Northern Iowa. Furthermore, this document summarizes key aspects of academic freedom and responsibility in delivering classroom instruction.

**Point 1: Academic courses at UNI are not impacted by House File 802.**

House File 802 does not limit the curriculum taught by our faculty in academic courses offered at UNI. Unlike the section of House File 802 that applies to PK-12 school districts, Section 2 of House File 802 does not prohibit a public institution of higher education from using any curriculum that covers any of the specific defined concepts. Section 2 of House File 802 expressly states that it shall not be construed to:

- Inhibit or violate the first amendment rights of students or faculty
- Undermine a public institution of higher education’s duty to protect to the fullest degree intellectual freedom and free expression
- Infringe on the intellectual vitality of students and faculty
- Prohibit discussing specific defined concepts as part of a larger course of academic instruction

Faculty are still expected to teach within the accepted framework of academic freedom under UNI Policy 6.10 and Board of Regents, State of Iowa Policy 3.9, as outlined in Point 2.

**Point 2: UNI Policy on Academic Freedom and Academic Responsibility provide helpful guidance for classroom instruction.**

As noted above, House File 802 provides that it shall not be construed to “[i]nhibit or violate the first amendment rights of students or faculty, or undermine a public institution of higher education’s duty to protect to the fullest degree intellectual freedom and free expression.” UNI is committed to protecting and promoting freedom of expression and academic freedom of its students and faculty.

UNI Policy 6.10 defines academic freedom and outlines that all faculty are entitled to protection of their academic freedom. The policy is based on the 1940 AAUP statement and defines academic freedom as the liberty for faculty to teach all matters relevant to the subject of a course, and to speak or write without discipline, within the bounds of professional ethics.

It is important to note that students also enjoy academic freedom, and faculty must protect students' free speech rights as vigorously as their own. For course discussions, faculty must allow reasonable conversation and dissenting views when a topic is introduced into a course within the limits of reasonable, content neutral limits on time, place, and manner. Students cannot disrupt the learning of other students. Students are owed a fair and impartial evaluation of their work. Faculty should respect reasonable decisions by students to excuse themselves from limited portions of a course to avoid objectionable material; however, students remain responsible for all course content and assignments.

Policy 6.10 also outlines limits of academic freedom. Material, especially controversial topics, introduced in a course should be germane to the subject matter of the course, consistent with disciplinary standards, and in line with the catalog description.

**Point 3: House File 802 prohibits UNI employees and contractors from teaching, advocating, acting upon, or promoting any of the specific defined concepts in mandatory staff or student training.**

Training is distinct from academic teaching as part of a student's course of study. Each of the following "specific defined concepts" are prohibited from being covered in a mandatory staff or student training, regardless of whether the training is offered by a university employee or contractor:

1. That one race or sex is inherently superior to another race or sex.
2. That the United States of America and the state of Iowa are fundamentally or systemically racist or sexist.
3. That an individual, solely because of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
4. That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex.
5. That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.
6. That an individual's moral character is necessarily determined by the individual's race or sex.
7. That an individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
8. That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual's race or sex.

9. That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.
10. Any other form of race or sex scapegoating or any other form of race or sex stereotyping.

House File 802 defines race or sex scapegoating or stereotyping as follows:

*“Race or sex scapegoating”* means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex, or claiming that, consciously or unconsciously, and by virtue of persons’ race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

*Race or sex stereotyping”* means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of the individual’s race or sex.

House File 802 expressly permits an employee or contractor providing mandatory employee or student training to respond to questions regarding specific defined concepts raised by participants in the training.

**Point 4: House File 802 does not prohibit UNI from promoting diversity and inclusion.**

House File 802 expressly provides that it shall not be construed to “[p]revent a public institution of higher education from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness” so long as it is consistent with this and other laws. At this time, we are not aware of any mandatory UNI employee or student diversity and inclusion training that would violate House File 802. Further, House File 802 does not apply to voluntary training. UNI is committed to continuing to promote diversity and inclusion, including through mandatory and voluntary training, workshops, and other educational programs.

**Point 5: We have robust processes for resolving academic concerns and for responding to external inquiries.**

Pathways to Address Academic Concerns

- **Office of Compliance and Equity Management (OCEM):** When students/faculty believe they have experienced discrimination or harassment on the basis of protected class status, they should contact OCEM at <https://equity.uni.edu/> , [equity@uni.edu](mailto:equity@uni.edu) , or (319) 273-2846
- **Student Request Process:** In cases where a student seeks an exception to policy or practice, requests for review can be made using the Student Request link in the Student Center and Faculty Center in MyUniverse. This may include situations in which a student wants to:

- Replace a required course with a difference course
  - Withdraw from a course after a deadline
  - Seek changes to the requirements of a major
  - Or generally be exempted from any given academic rule
- **Student Academic Grievance Policy (UNI policy 12.01):** When a student feels their academic achievements in a class or program were unfairly or incorrectly impacted because of something that a faculty member has or has not done. This policy is primarily a tool for students to seek a change of grade due to faculty bias or error.
  - **Free Speech Reporting Form:** In cases where a person wishes to report an infringement of free speech, the incident can be reported individually or anonymously. The form is linked from the <https://freespeech.uni.edu/> page.
  - **Student Complaints Form:** For issues that a student wishes to be addressed that do not fit into the above categories. Dean of Students will direct complaints to appropriate offices or processes. The Form can be found on the Dean of Students website at <https://deanofstudents.uni.edu/student-complaints>.
  - **Student Conduct Policy:** Faculty can refer students who are believed to have violated the Student Conduct Code (3.02) to the Dean of Students Office when any of the following conditions apply:
    - Any situation where it appears that the student’s conduct may present a danger or threat to the health or safety of self or others (in emergency situations it may be appropriate first to call 911, contact Public Safety, or the Student Health Center);
    - Any situation significantly infringing upon the rights, property, or educational pursuits of others or significantly breaching the peace and/or causing social disorder; and/or,
    - Any situation detrimental to the pursuit of the educational mission and/or interests of the University.
  - **Emergencies:** As with all contentious issues, there may be rare instances (and in exceptional cases) when the situation may warrant a call to Public Safety (319-273-2712). If a true emergency when the safety of students, faculty or staff are at risk, please call 911.

## Process for External Inquiries

UNI leadership strongly supports the framework of academic freedom and responsibility reflected in university policy and the First Amendment rights of our faculty, staff, and students guaranteed under the United States Constitution and Iowa Constitution. The legal and policy architecture set forth by academic freedom and responsibility and free speech and expression form the contours of university practice in response to related external inquiries from policymakers, media, and the general public.

The UNI Office of Governmental Relations responds to inquiries from state and federal officials on a broad array of issues. When these inquiries pertain to academic matters, the Office of Governmental Relations will coordinate with the Provost's Office and other units, as appropriate, to gather relevant facts and respond in a manner consistent with the University's mission, values, and policy responsibilities. Please contact Andrew Morse, Chief of Staff in the Office of the President, by email at [andrew.morse@uni.edu](mailto:andrew.morse@uni.edu) or by phone at 319-273-6144 with any questions.

UNI's Office of University Relations responds to inquiries from media outlets and the general public, in consultation with university entities as appropriate, on a variety of issues, including academic matters. Similar to the process of responding to inquiries from state and federal officials, the Office of University Relations will gather relevant information and respond in a manner that affirms UNI's commitment to academic freedom, academic responsibility, and free speech and expression, as appropriate. Please contact Cassie Mathes, Director of University Relations, by email at [cassie.mathes@uni.edu](mailto:cassie.mathes@uni.edu) or by phone at 319-273-2761 with any questions.