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www.SLFLiberty.org

June 1, 2021

VIA EMAIL

Mr. Alan Cramb
President
Illinois Institute of Technology
president@iit.edu

Re: Student Government Abuse of Power

Dear President Cramb:

We are writing to you with concerns about the recent treatment of conservative and libertarian students at Illinois Institute of Technology (Illinois Tech). These students have been threatened, harassed, and alienated all because of their viewpoints. More egregiously, their own Student Government Association (SGA) has outright denied certain opportunities to these students—like forming an organization with their peers—purely because of their views. As the representative body of *all* students, SGA has failed to fulfill its obligation to its constituents, even those with whom SGA members may disagree.

Southeastern Legal Foundation is a nonprofit public interest law firm and policy center dedicated to advocating limited government, protecting American freedom, and defending individual liberties. Through our 1A Project, we educate the public about students' First Amendment rights on college campuses. This letter seeks to inform Illinois Tech about the measures it must take to ensure students are treated equally and impartially by their student government leaders.

Factual Background

In October 2020, students at Illinois Tech submitted a proposal to form a chapter of Turning Point USA (TPUSA), a national organization dedicated to educating and training students to promote freedom, free markets, and limited government. The students received over one hundred signatures in support of their petition before bringing their proposal to SGA.¹ After engaging in what SGA euphemistically called a “spirited discussion,” the student leaders of SGA denied the proposal.² In the months that followed, classmates and peers began harassing the student leaders of TPUSA, even going so far as to harass the students' friends who had no connection to the organization.³ And when the TPUSA leaders attempted to revise their proposal and bring an official TPUSA representative to campus to explain the purpose of their organization (namely, to

¹ www.campusreform.org/article?id=16753.

² <http://technewsiit.com/sga-senate-meeting-recap-102120>

³ www.campusreform.org/article?id=16753.

foster open inquiry), “there was a huge outcry from students” that ultimately resulted in the student leaders rescinding their proposal altogether.⁴ Despite vowing to investigate the threatening texts many conservative students and their friends received, it appears SGA never took any concrete action to resolve the matter.

Analysis

Colleges and universities generally do not give student government associations *carte blanche* to impose binding resolutions, approve or deny recognition to student groups, or approve or deny funding based on certain views. Instead, they place reasonable restrictions on SGA authority. For example, if student leaders are tasked with approving or denying recognition to student groups, there is often a narrow list of reasons for which denial may be granted. The list may include failure to create a constitution, failure to gather enough signatures in support of a petition, or failure to provide a concise statement explaining the reason for forming a group. But SGA cannot and should not be permitted to deny recognition to a student group based on the whims of its own members—or even the whims of the *majority* of the student body. That is because SGA is tasked with protecting the values of all students, not just a select few.

When members of SGA or other students in positions of authority abuse their discretion or fail to uphold their duty to zealously represent all members of the student body, colleges must have appeals processes in place to correct the students’ wrongdoing. Through such channels, and depending on the circumstances, administrators can unilaterally overturn SGA decisions, remand SGA decisions for a re-vote, or provide a hearing for students to present their case in an impartial forum. These processes provide an important check to ensure that all students’ views and backgrounds are respected—not just those whose views are the most trendy or popular.

It has come to our attention that Illinois Tech claims to have one or more of these processes in place. While we commend the College for maintaining important checks on the student government, we are concerned that those safeguards are not clearly communicated to students. For example, when SGA denied recognition to TPUSA, it does not appear that the TPUSA student leaders appealed the decision to administrators.⁵ Was this a deliberate choice, or were the students unaware of the appeals process available to them? And if they had attempted to appeal SGA’s decision, where would they have turned? Nowhere is the appeals process listed in the student handbook or SGA by-laws, even though both resources include detailed instructions for seeking approval for a student club.

Request

It is imperative that students know exactly what procedures exist for forming student organizations, because only then can a college be a “marketplace of ideas” open to discourse and diversity. We urge Illinois Tech to impose reasonable restraints on SGA so the organization does not continue to abuse its authority against conservative and libertarian students. We also encourage

⁴ <http://technewsiit.com/sga-senate-meeting-recap-1272021>.

⁵ Instead, it appears that the student leaders formed and proposed an entirely new student group. <http://technewsiit.com/sga-senate-recap-3-3-21>.

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the College to define the appeals process available to student leaders in a readily available, easy-to-access location. Finally, we urge administrators at Illinois Tech to monitor SGA closely so that egregious peer-on-peer harassment and censorship do not continue.

Yours in Freedom,

A handwritten signature in black ink that reads "Kimberly S. Hermann". The signature is written in a cursive style with a large, stylized "K" and "H".

Kimberly S. Hermann

General Counsel

Southeastern Legal Foundation