

UNI Students for Life

v.

Northern Iowa Student Government Legislative Branch

No. 2021-11 Argued October 7, 2020 -- Decided October, 14, 2020

Lauen, A. delivers the opinion of the court, in which Guzman, Y., Cavalier, K., Janes, L., and Peterzalek, A. join.

Bass, B. files a dissenting opinion, in which Loomis, E., and Burrage, S. join.

Background:

On September 8th 2020, UNI Students for Life, a student organization attempting to register through the Northern Iowa Student Government, met with the Organizational Finance Committee to review their constitution. The committee advised them to revise their constitution due to it missing officer job duties, an officer removal process, and a source for funding. After UNI Students for Life made revisions, their constitution was approved by the Organizational Finance Committee on October 6th, 2020. On October 7th, the Northern Iowa Student Government Senate voted to deny UNI Students for Life as a registered student organization on a vote of 3-11-9. After receiving this decision, UNI Students for Life filed a complaint to the Northern Iowa Student Government Supreme Court on October 12th, 2020, and a hearing was scheduled for October 14th, 2020.

Jurisdiction:

The Legislative Branch correctly chose to deny UNI Students for Life status as a registered student organization based on University Policy 3.10: Registration of Student Organizations and University Policy 13.02 Section 14C Subsection i: Discriminatory Harassment.

Held:

1. In reference to “good faith” in policy 3.10 that states “Registration of a student organization does not constitute University or NISG endorsement or approval of the viewpoints or activities of the organization. It is the policy of the University and NISG to register any student organization formed in good faith for a lawful purpose.” In the revision of the Northern Iowa Student Government Senate vote 3-11-9 one can see the lack of “good faith” that is stated in policy 3.10. Hence, in good faith we can not agree to register UNI Students For Life as a student organization on this campus. After the review of the UNI Students For Life Constitution presented it has been deemed vague, allowing for open interpretation as was debated in the Northern Iowa Student Government Senate meeting on October 7th. The good faith that is needed by the deciding party which in this case is the NISG Senate to establish UNI Students For Life as a student organization is therefore lacking in evidence of being an equitable, just, and welcoming student organization for our students and community found on campus of the University of Northern Iowa.
2. In reference to the University Policy 13.02 Section 14C Subsection i: Discriminatory Harassment which discusses discrimination and harassment in terms of creating a hostile

environment. It is seen through the vagueness and the ties to the national chapter that this organization has the potential to create a hostile environment on the University Campus. The University has spent the last year advocating for diversity on campus, allowing this organization will not support the progress that has been made through the efforts of other students and campus organizations. As stated in Section A of the Students For Life Constitution the organization will use a Regional Coordinator to gain materials in order to advertise their chapter on campus. Therefore this directly links the UNI Students For Life chapter to their national chapter. Which after review the national chapter for Students For Life does not uphold the morals/standards nor policies when it comes to equity, diversity, inclusion, and social justice that are found here at the University of Northern Iowa. To reference the Student Rights Policy 3.02 Student Conduct Code Section VIII Student Rights subsection A: "A student has a right to be treated with dignity and respect by all persons involved in the student conduct process". Allowing this organization that openly disregards the rights of women and other subsequent groups is not demonstrating nor upholding this policy. After further review of the UNI Students for Life Constitution and Mission Statement and the National Chapter of Students for Life it has been decided that allowing this organization on campus would not adhere to University Policy. Allowing this organization would create a hostile environment for our students here on campus.

It is so ordered.

Autumn Lauen, Yadira Guzman, Kimberly Cavalier, Lennon Janes, Anna Peterzalek

Justice Emily Loomis and Justice Shawn Burrage join Chief Justice Bekah Bass in the dissenting opinion:

The majority has voted that UNI Students for Life should not be allowed to become a registered student organization. The majority opinion has predicted actions of UNI Students for Life -- sowing unrest on campus and depriving others of their rights -- that go far beyond the logical scope of this case. Before the details of this case are discussed, know that *the Legislative Branch pleaded guilty*; they recognized that they violated University Policy 3.10 and 13.10 by voting no on SSB 2021-11, yet the majority of the Supreme Court still voted to uphold their October 7, 2020 decision.

The case the Court was presented with asked us to rule on whether the NISG Legislative Branch had violated Student Policy 3.10 by denying a bill, SSB 2021-11, registering UNI Students for Life as a student organization. SSB 2021-11 was sponsored by the Organization and Finance Committee after a unanimous decision to send the bill to the Senate. UNI Students for Life explicitly met the guidelines to become a registered student organization and the NISG Senate decided to disregard University policy 3.10. Four of the eleven NISG senators who eventually voted to deny UNI Students for Life's registration voted to approve the organization within the Organization and Finance Committee. What changed in the day between the Organization and Finance Committee meeting on October 6, 2020 and the NISG Senate meeting on October 7, 2020? Additionally, the decision of the Senate violates the Organization and Finance Committee's policy on the registration of student organizations, University policy 13.10, and Board of Regents policy 4.2(F). By voting not to overturn the decision of the NISG Senate, the majority violates these policies as well.

One of the arguments of the majority is that the constitution of UNI Students for Life was too vague and did not convince the majority that their request to become registered was in good faith. The majority has extrapolated ill-intent from:

Members of UNI Students for Life work to save lives threatened by induced abortion, euthanasia, and the destruction of human embryos for research. In furtherance of these goals, members seek to promote respect for life at UNI and on a local, state, and national level, to educate on life issues, to help those in need so that life is a promising choice, and to work with others who share common goals.

Like it has been stated before, the constitution of UNI Students for Life meets all criteria set forth by the University of Northern Iowa and NISG. The court's job is not to decide they disagree with a policy for personal reasons and then subject an individual or group to a new set of arbitrarily decided rules. The court's role is to uphold and enforce the NISG Constitution and By-laws and preserve the integrity of the rights afforded to all students. How we understand the term "good faith" cannot be attached to our personal values. Whether I support the mission of UNI Students for Life should not and does not determine my ability to deny them their right to become a registered student organization. This term, "good faith," is intentionally vague to protect the rights of those who have minority views.

The majority is also using University Policy 13.02 §14(C)i. to justify the refusal to register UNI Students for Life. This policy is not under the jurisdiction of the NISG Supreme Court and is not

applicable to this situation. The majority is using this policy to justify preventing the registration of a student organization when the policy is meant to address discriminatory harassment. UNI Students for Life has done nothing to justify the allegation of harassment. Additionally, the policy states that “When speech or conduct is protected by the First Amendment, it will not be considered a violation of University policy, though supportive measures will be offered to those impacted.” Speaking to others about what one believes in a way that is neither inflammatory nor inciting is unequivocally protected by the First Amendment.

The argument of multiple senators that their constituents would not support the creation of this group and its use of student fees is unbased and highly problematic. The opinion of a majority of students is not the only opinion that exists or matters on campus. University Policy 13.10 states that

As a university of the state of Iowa, the University of Northern Iowa bears a collective responsibility to ensure that freedom of expression is protected...it is the responsibility of every university employee and student to abide by the legal requirements ensuring freedom of expression

By silencing a group of students who have shown no interest or indication of harming others, the NISG Senate and the Supreme Court majority are robbing these students of their fundamental right to speak freely and assemble as a group.

All members of NISG take an oath before they take office. That oath reads:

I (name), ***promise to uphold and execute the Constitution and By-Laws of the Northern Iowa Student Government and the duties of my position to the best of my ability.*** I pledge my dedication through my time, talents, and other efforts to faithfully preserve and improve the quality of the academic and student life of my constituents ***and the student community of the University of Northern Iowa.***

By denying UNI Students for Life and upholding the result of SSB 2021-11, certain members of NISG have broken their oath and refused to preserve the quality of student life for *all* UNI students.

For the aforementioned reasons, we respectfully dissent.