



**CONFIDENTIAL INVESTIGATION REPORT – ATTORNEY CLIENT
PRIVILEGED**

TO: University of Idaho (C. Scott Green, University of Idaho President)
FROM: Hawley Troxell
DATE: December 17, 2021
RE: Investigation of UI Diversity and Inclusion Initiatives

**I.
INVESTIGATION SUMMARY**

This law firm (Hawley Troxell) was engaged by University of Idaho (“UI”) to conduct an independent investigation of certain allegations regarding UI’s diversity and inclusion initiatives. Specifically, in February 2021, a report titled “Social justice ideology in Idaho higher education” was published by the Idaho Freedom Foundation (hereinafter the “IFF Report”). The IFF Report was authored by Dr. Scott Yenor, a professor at Boise State University, and Anna Miller, an education policy analyst for the Idaho Freedom Foundation.

The report contains numerous conclusions based upon the analysis of Dr. Yenor and Ms. Miller. It is unclear precisely what materials the IFF Report relied upon in drawing its conclusions, as several of the conclusions appear to be based upon subjective criteria and definitions created by Dr. Yenor and Ms. Miller themselves. Moreover, it does not appear the allegations in the IFF Report are based upon any witness interviews, and are instead supported by information gathered from public record requests or information available online.

The term “social justice education,” a term subjectively defined in the IFF Report, appears to be a focal point of the allegations. The report states that “social justice education

poses a threat to education in American and to the American way of life.” The report then makes several primary conclusions in its executive summary, as stated below, that were the focus of this investigation:

- UI administrators have developed a lengthy and detailed strategic plan for realizing their commitment to pushing social justice activism in hiring, recruitment, and culture-building.
- UI has a chief diversity officer (hired in 2015) and has established several standing committees to extend the reach of social justice ideology into all facets of the university.
- Its major colleges and departments are taking this social justice emphasis into the curriculum and the classroom. The College of Engineering leads the way with a Director of Engineering Diversity.
- Students must take at least five general education courses that are focused on or involve social justice education.
- Social justice ideology plays a significant part in at least 14 departments at UI.
- Campus speakers sponsored by the university are exclusively left-wing and represent social justice ideology.

As UI requested, we conducted an independent investigation into the allegations contained in the IFF Report. Our instructions from UI were to investigate the specific allegations raised in the IFF Report and report whether those allegations have been substantiated. We were given authority to communicate directly with certain UI staff, including faculty members and administrators. UI cooperated fully with the investigation and provided us with all information we requested.

As part of our investigation, we interviewed eight (8) of UI’s faculty and administrators while reviewing a substantial number of documents related to UI’s policies, curriculum, and accreditation standards.

After conducting a thorough and independent investigation, we were unable to substantiate any of the allegations contained within the IFF Report. UI's initiatives related to diversity and inclusion stem from independent factors and are not designed to indoctrinate anyone with social justice ideology, including students and university employees alike. Nor did we identify any evidence suggesting such indoctrination has taken place.

It is also important to note that, over the course of the investigation, we were unable to identify a single complaint, from faculty, students, or otherwise, with regard to UI's or any of its programs' diversity and inclusion initiatives. For sake of clarity, the findings of our investigation track the conclusions contained in the IFF report.

II. BACKGROUND

In 2018, UI re-instated its Diversity Plan, which was first established in 2004. In 2019, the President's Council on Diversity and Inclusion revised the plan, which is currently in effect today. The plan includes eight overarching goals dedicated to strengthening UI's commitment to diversity and inclusion. While this plan was voluntarily implemented by UI, it is important to note that the Northwest Commission on Colleges and Universities, the primary accrediting body of postsecondary institutions in the northwest, encourages the adoption of such plans within its accreditation standards.

The same is true for many of the various accrediting bodies of UI's individual programs and departments, with several explicitly requiring UI's programs/departments to have diversity and inclusion plans in place.

Additionally, it is important to note that the IFF Report includes its own arbitrary definitions of the terms "diversity," "equity," "inclusion," and "social justice." It is unclear from

where these definitions were derived as no citations exist within the report detailing the source material. Indeed, there are several definitions of each of these terms and it is unlikely there is a single definition that would be accepted universally. However, these terms, as described by one witness with knowledge of UI's diversity and inclusion initiatives, include the following definitions:

- Diversity: Having a variety of racial, sexual, gender, class, religious, ethnic, abled, and other social identities represented in a space, community, institution, or society. "Differences between social identity groups based on social categories such as race, gender, sexuality, class and others." Adams, M et al. (2016). *Teaching for Diversity and Social Justice*. New York: Routledge. p. 1
- Equity: The notion of being fair and impartial as an individual engages with an organization or system, particularly systems of grievance. "Equity" is often conflated with the term "Equality" (meaning sameness). In fact, true equity implies that an individual may need to experience or receive something different (not equal) to maintain fairness and access. For example, a person with a wheelchair may need differential access to an elevator relative to someone else. Morton, B. and Fasching-Varner, K. (2015). "Equity." *Encyclopedia of Diversity and Social Justice*. Vol. 1. (Ed. S. Thompson). Lanham, MD: Rowman & Littlefield. pp. 303-4.
- Inclusion: The notion that an organization or system is welcoming to new populations and/or identities. This new presence is not merely tolerated but expected to contribute meaningfully into the system in a positive, mutually beneficial way. Derived from Carter-Hicks, J. (2015). "Inclusive Education." *Encyclopedia of Diversity and Social Justice*. Vol. 1. (Ed. S. Thompson). Lanham, MD: Rowman & Littlefield. pp. 412-3.
- Social Justice: Social justice is an analysis of how power, privilege, and oppression impact our experience of our social identities. "Full and equal participation of all groups in a society that is mutually shaped to meet their needs. Social justice includes a vision of society in which the distribution of resources is equitable" and all members of a space, community, or institution, or society are "physically and psychologically safe and secure." Adams, M et al. (2016). *Teaching for Diversity and Social Justice*. New York: Routledge. p. 1.

III. SCOPE OF INVESTIGATION

The primary purpose of this investigation is to determine whether there were attempts by UI to impose “social justice ideologies” on its students or employees and whether the allegations contained in the IFF Report can be substantiated.

IV. INVESTIGATION PROTOCOL

The IFF Report was published in February 2021. Given the serious nature of the allegations contained in the report, UI elected to engage our law firm to conduct an independent investigation with regard to the conclusions made by the report.

After reviewing the IFF Report, we reached out to and requested interviews with eight (8) UI employees, including members of the President’s Council on Diversity and Inclusion, several administrators, and multiple instructors who we believed to have direct knowledge of the allegations contained in the report. We then interviewed each of these individuals as it related to their knowledge of the subject matter contained in the report.

At the beginning of each interview, each employee was informed that we had been retained by UI to conduct an independent investigation concerning the allegations contained in the IFF report; that we were not legal counsel for the employee and could not offer legal advice; that we were conducting an investigation and that a report would be compiled and presented to UI; and that the employee should be as forthcoming as possible regarding information they might have.

In addition to these interviews, we also reviewed a substantial number of documents, including course materials, syllabi, UI policies, UI's Student Code of Conduct, and other documents related to UI's diversity and inclusion initiatives.

V. FINDINGS

A. While UI does emphasize diversity in its recruitment and retention of students, there exists valid business purposes for doing so, including maintaining its accreditation and boosting enrollment.

The IFF Report alleges that UI emphasizes diversity in its recruitment and retention of faculty and students from minority populations. As discussed above, UI does have a diversity plan, stemming back to 2004 when the plan was initially conceived. One of the goals of this plan is to “recruit, enroll, retain, and graduate a diversified student population,” and “establish critical masses of underrepresented groups in the University, thereby achieving a body of students and alumni/ae reflecting the diverse state and regional population.”

Since the IFF Report does not purport to state exactly why this is an improper purpose, we are left to speculate that the report seems to be concluding that by nature of having such a policy, non-minority students are left to suffer. We have not seen any evidence to support such a conclusion.

As discussed above, the Northwest Commission on Colleges and Universities (NWCCU) is recognized by the United States Department of Education and the Council on Higher Education to accredit colleges and universities across the northwest. This accreditation is crucial to the viability of higher education institutions, as accreditation affects institutions' ability to receive funding from the federal government, such as grants, student loans, and other forms of support. Without this accreditation, higher education institutions risk sanctions from the federal

government, including restrictions on their ability to receive such funding, which has the potential to jeopardize the institutions' existence.

NWCCU utilizes several accreditation standards in evaluating higher education institutions. These include standards directly related to diversity and inclusion initiatives such as:

Standard 1.C.6. - Global Awareness & Cultural Sensitivity – Consistent with its mission, the institution establishes and assesses, across all associate and bachelor level programs or within a General Education curriculum, institutional learning outcomes and/or core competencies. Examples of such learning outcomes and competencies include, but are not limited to, effective communication skills, global awareness, cultural sensitivity, scientific and quantitative reasoning, critical analysis and logical thinking, problem solving, and/or information literacy.

Standard 2.G.1. – Equity (Diversity Plan) – Consistent with the nature of its educational programs and methods of delivery, and with a particular focus on equity and closure of equity gaps in achievement, the institution creates and maintains effective learning environments with appropriate programs and services to support student learning and success.

As noted, failure to adhere to NWCCU standards, including the standards listed above, has the potential to result in sanctions being enacted against UI, including the possible revocation of UI's access to federal funds. Thus, at least one of the purposes of UI's diversity and inclusion initiatives is to ensure that it is keeping up with NWCCU's accreditation standards.

It is also of note that, through our interviews, the intent behind the utilization of diversity and inclusion initiatives in recruitment is designed to increase enrollment at UI. As several witnesses noted, non-minority students who meet UI's admission criteria are not disallowed in favor of minority students as there is currently no cap on enrollment at UI. Thus, there is no evidence suggesting that this recruitment strategy prevents or restricts non-minority students from enrolling at UI.

Furthermore, the purpose of UI's diversity and inclusion initiatives, according to all witnesses with knowledge of the matter, is not to exclude anyone, but is rather intended to ensure all individuals are equally valued.

VI.

MANY DEPARTMENTS, INCLUDING THE COLLEGE OF ENGINEERING, ARE REQUIRED BY ACCREDITING BODIES TO HAVE DIVERSITY AND INCLUSION INITIATIVES. WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT'S ALLEGATIONS THAT MALE, NON-MINORITY STUDENTS ARE EXCLUDED FROM RESOURCES ONLY AVAILABLE TO WOMEN AND MINORITY STUDENTS.

The IFF Report further alleges that social justice ideology plays a significant role - within individual departments and that leadership of these departments is ready to take steps to implement diversity hiring goals and offer scholarships to minorities. Much of the IFF Report's focus with regard to this conclusion is centered on the College of Engineering. Specifically, the report references the college's appointment of its Director of Engineering Diversity; the establishment of an endowment to support diversity and inclusion initiatives; the Women in Engineering Symposium; the provision of scholarships to women and minorities; undergraduate research opportunities reserved for minorities and women; and a focused mentoring network for women and minorities.

First, it is important to note that while the university is accredited by the NWCCU, individual programs and departments are also accredited by certain organizations related to that department's field of study. For example, the College of Engineering is accredited by the Accreditation Board of Engineering and Technology (ABET). Programs seeking ABET accreditation must demonstrate they meet the required criteria, which includes "an ability to communicate effectively with a range of audiences" and "an ability to function effectively on a team whose members together provide leadership, create a collaborative and inclusive

environment, establish goals, plan tasks, and meet objectives.” One witness, who has direct knowledge of ABET’s accreditation standards, also stated that ABET is further considering additional diversity and inclusion criteria in the new standards it is preparing to adopt. According to the witness, this could potentially include the requirement for departments to adopt a formal diversity and inclusion plan.

The College of Engineering is also recognized by the American Society for Engineering Educations as a bronze level ASEE Diversity Recognition Program, joining over 100 other colleges from top universities such as Duke, UC Davis, UC Berkeley, and Harvard. This level of recognition, which is sought out by many other top programs across the country, requires programs to have a diversity, equity, and inclusion plan and an established infrastructure, including a dedicated leadership position, to implement the plan. Thus, the evidence indicates that there are business purposes for the College’s creation of the Director of Engineering Diversity position.

With regard to the allegations pertaining to the Women in Engineering Symposium, this event is inclusive of all genders, including males, and is not exclusively for women. According to witnesses, this has been a successful recruitment tool in boosting the college’s overall enrollment numbers since its inception, thereby demonstrating a business purpose outside of promoting diversity and inclusion.

Relating to the IFF Report’s allegations concerning an endowment established to support diversity and inclusion initiatives, we were able to substantiate that such an endowment exists. According to witnesses, the endowment was established by Micron, one of Idaho’s largest employers, and was granted by Micron with the express condition that it would be used to

promote these initiatives. Micron appears to be of the opinion that these initiatives and skills are essential to its workers, many of whom it recruits from UI's College of Engineering.

As to the remaining allegations of scholarships and research opportunities being reserved for minorities or women, we were unable to substantiate such allegations. Witnesses did acknowledge that donors are able to condition endowments and scholarship on certain criteria. However, as it relates to scholarships designated by the College of Engineering, the College does not designate scholarships based upon a student's status as a woman or minority and instead may focus on other factors. For example, last year, the college set aside general scholarship funds for community college transfer students, as the donor allowed the College that discretion in determining eligibility. We found no evidence that the College of Engineering reserves research opportunities or other resources for minorities and women, and no evidence that non-minority students are excluded in any capacity.

Thus, in regard to the College of Engineering's diversity and inclusion initiatives, it appears there are several independent justifications to maintaining such plans, including maintaining accreditation standards and appealing to the college's stakeholders and donors.

Finally, although no other departments were mentioned specifically by the IFF Report with regard to the existence of other diversity and inclusion plans, our investigation did find several other accrediting bodies that expressly require participating programs to establish and implement diversity and inclusion initiatives, including the recruitment of students and faculty from underrepresented populations. This includes accrediting organizations such as the American Bar Association (ABA), the National Architecture Accrediting Board (NAAB), the Association to Advance Collegiate Schools of Business (AACSB), the Committee on

Accreditation of Athletic Training Education (CAATE), the Council for Accreditation of Education Preparation (CAEP), the Society for Range Management, and the National Association of Schools of Art & Design (NASAD).

VII.

UI'S POLICIES, INCLUDING ITS POLICIES ON HIRING AND HARASSMENT, ARE REQUIRED BY LAW. FURTHER, WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT'S CLAIMS THAT UI VIEWS ITS FACULTY AS BIGOTED AND THAT ITS OFFICE OF CIVIL RIGHTS INVESTIGATIONS MISREPRESENTS THE NUMBER OF COMPLAINTS IT RECEIVES.

The IFF Report alleges that UI emphasizes diversity in its policies, and creates “racial and gender benchmarks” for hiring faculty. The report also suggests that UI views its staff as bigoted, thus necessitating the need for implicit bias training. The report further alleges that UI’s harassment policies are ambiguous and takes issue with UI’s Office of Civil Rights Investigations. We will address each of these issues in turn.

Based on its status as a federal contractor, UI must meet the affirmative action requirements under federal law. For example, Executive Order 1124 and 41 C.F.R. § 60-2 require UI to annually review its faculty and staff workforce composition; identify underutilization by comparing the workforce composition with the availability of women and minorities with requisite skills in the job market; and establish placement goals to increase the representation of women and minorities in underutilized areas. However, women and minorities are not the only classes protected by these laws, as federal law also requires federal contractors to take similar steps for veterans and disabled workers. Thus, we conclude that while UI does establish hiring goals and monitors its workforce composition, it is obligated to do so to by federal law.

It also appears that UI does provide its employees with certain trainings, including implicit bias training. However, based upon our review of the training and interviews with several witnesses, we do not believe that UI provides the training because it believes its faculty are bigoted in any way. In fact, this training is not even mandatory for all faculty, and is instead reserved for those employees making hiring decisions in an effort to ensure that any bias is eliminated from hiring decisions. Furthermore, the training is not directed toward gender bias or racial bias, and instead focuses more generally on a variety of biases such as affinity bias, attribution bias, confirmation bias, conformity bias, the halo effect, and the horns effect. As stated within the training, these unconscious biases “may result in wrong decisions being made about potential candidates” and have the potential to “have legal or financial consequences for the university.” UI, like all employers, is required to comply with equal employment opportunity laws, including Title IX, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. Thus, we do not conclude that the use of this implicit bias training is a condemnation of UI’s faculty in any regard, and is instead used as a tool to ensure hiring decisions are defensible and in accordance with these laws.

As it relates to UI’s policies, specifically its harassment policies, the IFF Report states that the alleged victim of harassment is the sole judge of whether harassment has occurred. The report also seems to allege that due process is not afforded to the alleged perpetrator of harassment. First, it is important to note that we found substantial evidence indicating these harassment policies are mandated by law, including Title IX, and by Idaho’s State Board of Education. Additionally, after speaking with several witnesses and reviewing documents such as the policies in question and the investigation procedures for complaints of harassment, we did

not find any evidence suggesting that the alleged victim of harassment is able to unilaterally determine whether harassment has occurred. When a formal complaint of harassment is received, UI's Office of Civil Rights Investigations (OCRI) conducts an independent investigation into the complaint to determine whether a violation of the policy has occurred. As part of this process, the alleged perpetrator of harassment is afforded multiple opportunities to participate in the investigation, including responding to the allegations in writing and being interviewed by an OCRI investigator. Determinations as to whether harassment has occurred are made by the OCRI investigator, a neutral party, after all evidence has been gathered. Thus, we found no evidence suggesting that an alleged victim is unilaterally able to determine whether harassment has occurred.

The IFF Report further takes issue with the OCRI's reporting of civil rights complaints it receives. Specifically, the IFF Report alleges that OCRI over reports the number of complaints it receives in its annual report, suggesting OCRI does so to justify its existence. In alleging this, the IFF Report relies on the assertion that the Clery Act, which requires universities to report crimes on campus, would be a more accurate assessment of the actual number of complaints. After reviewing multiple OCRI annual reports and speaking with multiple witnesses, we are not able to substantiate the IFF Report's allegations in this regard. First, it should be noted that alleged harassment can rise to the level of a policy violation without necessarily being criminal. In fact, conduct can rise to the level of being a violation of the law (such as anti-discrimination laws) without rising to the level of criminal activity. Consequently, the Clery Act's standards for reporting would not be helpful as it pertains solely to criminal acts. Second, we have seen no evidence indicative of OCRI misrepresenting the number of complaints its office receives. In

fact, significant evidence was presented indicating that many complaints do not neatly fit within one category, and can oftentimes encompass multiple categories, such as sexual harassment and stalking. Thus, OCRI does not place a hierarchy on these categories and will report such claims within both categories. Evidence was presented indicating this to be an industry best practice as well. Therefore, we do not make any findings that OCRI has made any material misrepresentations with respect to reporting complaints.

VIII.
**WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT'S ALLEGATIONS
THAT UI STUDENTS WERE INDOCTRINATED BY THE CHINESE GOVERNMENT
AND THAT UI HAS FUNDED CHINESE ESPIONAGE.**

Perhaps somewhat unrelated to its overall subject matter, the IFF Report also makes allegations related to the Confucius Institute that was in existence at UI from fall 2013 until spring 2021. Specifically, the report alleges that UI allowed the Chinese government to indoctrinate its students with the Chinese Communist Party's distorted version of China's history and that UI is funding Chinese espionage in America by virtue of having the Confucius Institute.

After speaking with multiple witnesses and reviewing documents such as class syllabi, program curriculum, and other materials related to the Confucius Institute, we were unable to substantiate these allegations. First, we found no evidence of any teachings related to the Chinese Communist Party or teachings related to any other nefarious purpose. Rather, substantial evidence was presented that the Confucius Institute's purpose is to teach the Chinese language and that it adhered to that purpose under UI supervision, even using textbooks published by the leading Asian language publisher in the U.S. To the extent any cultural aspects were involved within the language courses, those aspects appeared to be minimal, such as cultural outreach events held by the Confucius Institute involving food and music.

Furthermore, we conclude that the IFF Report's assertion that UI is funding Chinese government espionage misleading and incorrect on several levels. For starters, significant evidence was presented indicating that the teachers were not from the Chinese government and were instead just college or secondary language instructors. Additionally, while Hanban and South China University of Technology, UI's partners for the Confucius Institute, receive funds from China's Ministry of Education, this is not an uncommon practice. Indeed, many countries including Germany, Japan, and South Korea have federal involvement with higher education. This does not mean that those education institutions are considered to be part of the government, and we have seen no evidence indicating that to be the case with regard to the Confucius Institute.

Additionally, and contrary to the IFF Report, significant evidence indicates that only two Chinese language instructors were present at the UI campus as part of the Confucius Institute. The salaries of those employees were jointly funded by Hanban and the Chinese partner school. In addition to these two instructors, UI hired a graduate student to teach another language course which UI funded. We have seen no evidence substantiating the allegation that there were eight Chinese instructors at the UI Confucius Institute.

Lastly, the IFF report alleges that the Confucius Institute, which was closed in May 2021, has been replaced by the Idaho Asia Institute and that its teachings are no different from the teachings of the Confucius Institute. We have not seen any evidence in support of this conclusion. In fact, significant evidence has been presented to the contrary, demonstrating that the Idaho Asia Institute is designed to support the teaching of courses related to other Asian cultures in addition to China, such as Japan, Korea, Bangladesh, and India. Thus the purpose of

the Idaho Asia Institute is much broader in geographic scope and has no affiliation with the Confucius Institute. The Confucius Institute remains permanently closed and it appears there are no plans by UI to reopen it.

IX.
**WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT'S CLAIMS
REGARDING SOCIAL JUSTICE IDEOLOGY IN UI'S CURRICULUM.**

The IFF Report makes several conclusions as it relates to social justice ideology existing within UI's curriculum. Namely, the report alleges that students are required to take at least five general education courses that are focused on or involve social justice education, and also alleges that social justice ideology plays a significant part in many of UI's departments. It is unclear in the IFF Report as to what objective criteria was used to make such conclusions.

As it relates to general education courses, we found no evidence suggesting students are required to take courses that are focused on or involve social justice ideology. Although somewhat unclear, the report seems to label several courses, some of which are in fact not required, as "social justice education courses." These courses are ENGL 101, ENGL 102, COMM 101, MATH 130, and MATH 143.

After interviewing multiple witnesses and reviewing a significant number of documents related to these courses, such as class descriptions, syllabi, and learning objectives, we conclude that these courses are neither focused on nor involve the teaching of social justice ideology. While some of these courses may have diversity and inclusion aspects, such as encouraging students to interact with others who may be different from them, these aspects are not a focal point of the curriculum and appear to naturally occur within the classroom. Furthermore, we

conclude that these aspects do not rise to the level of teaching social justice ideology within the classroom.

In support of its position, the IFF Report only provides excerpts of the class descriptions for ENGL 101/102 and does not provide class descriptions for the general education courses. After reviewing the full class description for each course, it appears the IFF Report was selective about what language it cited to from the class descriptions. For example, the IFF Report states the following as the class description for ENGL 101:

English 101, Introduction to College Writing, serves as a portal to higher education for many first-year students. English 101 naturally has a diverse student population . . . English 101 promotes a student's self-awareness as a unique person who has diverse qualities and traits, and invites them to interact with the diverse others who make up the English 101 classroom.

However, this excerpt eliminates important contextual language from the full class description, which reads:

English 101, Introduction to College Writing, serves as a portal to higher education for many first-year students. **Additionally, this course is offered as a dual enrollment option in multiple high school settings around the state, and as an Independent Study in Idaho course. As such, English 101 naturally has a diverse student population. English 101 engages students in a respectful and civil learning environment around the discussion of concepts and practical skills related to language and rhetoric—particularly how words and images are used to convey messages. English 101 teaches students how ideas are presented with a variety of purposes, audiences, and occasions. Students also learn how to give and receive constructive feedback about each other's writing within the course.** As a result, English 101 promotes a student's self-awareness as a unique person who has diverse qualities and traits, and invites them to interact with the diverse others who make up the English 101 classroom.

With this added context, it appears the class description is referring to diversity in a broad sense, including in referring to the fact that high school students from across the state could be enrolled in the course and that students learn how to receive constructive feedback regarding their writing from other students. As a result, the class promotes engagement among students with diverse backgrounds and traits. We conclude that this does not rise to the level of teaching social justice ideology within the classroom. Having reviewed the materials related to the other four classes listed above, we find this conclusion extends to those classes as well.

In addition to the five classes listed above, the IFF Report alleges other categories of the general education curriculum are inundated with social justice ideology. However, out of all of these categories, the only category the report identifies as having no alternatives to “social justice courses” is the American Diversity Course category, stating that all of the 79 courses offered are social justice courses. Based upon our review of the curriculum, class descriptions, and interviews with multiple witnesses, we conclude that this is not the case. While the general education curriculum does require students to take one American Diversity Course, the course offerings are broad, with many classes apparently having nothing to do with social justice. Such courses include, but are not limited to: Dance in Society; Science on Your Plate: Food Safety, Risks and Technology; U.S. History I/II; Idaho and the Pacific Northwest; Universal Design; History and Film; Introduction to Music; Studies in Jazz History; and Adult Development and Aging. While some courses, such as Introduction to Inequity and Justice, may have social justice aspects to them, we conclude there are many alternatives available to students that do not include such aspects.

In addition to the general education curriculum, the IFF Report also broadly concludes that many departments are infused with social justice ideology. The report only discusses seven departments in any detail. These departments include: Women's, Gender & Sexuality Studies, the History Department, the Sociology Department, the Criminal Justice Department, the English Department, Elementary Education, and Journalism and Mass Media. In support of its conclusion that these departments are infused with social justice ideology, the IFF Report cites to the Women's Gender & Sexuality Studies department mission statement and then one to three class descriptions for the other departments. Based upon our review of the evidence, including department mission statements, department learning outcomes, curriculum and class descriptions, as well as interviews with multiple witnesses, we were not able to substantiate the IFF Report's conclusion.

First, it is important to note, as previously discussed in this report, that some departments are required to have diversity and inclusion elements as a result of maintaining their program's accreditation. Second, some of the departments listed, by nature of the subject matter being taught, are naturally more likely to have diversity and inclusion elements in their curriculum. For example, the Women's, Gender & Sexuality Studies minor is more likely to have discussion of gender and sexuality than other courses, as the purpose of the minor is to study topics concerning "women and men, gender and sexuality, feminist theory and research, social history, public health, and women's and men's participation in the arts and popular culture." However, by virtue of simply having such elements present in the curriculum does not lend itself to the conclusion that social justice ideology is being forced upon the department's students, nor have we seen any evidence indicating that to be the case.

As it relates to the other departments in the IFF Report, we have not seen any evidence indicating that classes listed demonstrate a department-wide “commitment to social justice activism.” Rather, we conclude that these classes instead represent just a few of the courses offered to students. For example, neither of the two history classes listed in the IFF Report are required to earn a major in History. The same can be said for the classes listed for the Criminal Justice, English, and Journalism and Mass Media majors.

The IFF Report lists one class that is required to earn a major in Sociology, Sociology 201 – Introduction to Inequalities and Inclusion, and one class that is required to earn a major in Elementary Education, Ed-Curriculum and Instruction 302 – Teaching Culturally Diverse Learners. However, we have not seen any evidence suggesting either of these courses are designed to impose social justice ideology upon students. Rather, the evidence suggests these courses are designed to facilitate students’ ability to effectively communicate with individuals from diverse backgrounds.

Accordingly, as a result of our investigation into these allegations, we are unable to substantiate the IFF Report’s claims that social justice ideology is being forced upon students through the general education curriculum or by individual departments.

X.
**WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT’S CLAIM THAT UI
HAS NOT HAD CONSERVATIVE SPEAKERS OR SPEAKERS OPPOSING SOCIAL
JUSTICE ON ITS CAMPUS.**

The IFF Report alleges that UI has not invited any conservative speakers to campus or offered a single event with a viewpoint opposing social justice. However, significant evidence was presented to the contrary, indicating that several conservative speakers and groups, have

held events at UI and co-sponsored university events, over the course of the last several years and into 2021. Below are just some of the examples of such speakers and events:

- **Glenn Loury – The Problem with Critical Race Theory.** On April 21, 2021, UI College of Law held a zoom webinar presentation by Glenn Loury, in which he discussed the “flaws and consequences in critical race theory being foisted upon society.” Glenn Loury is a Merton P. Stoltz Professor of the Social Sciences and Professor of Economics at Brown University. A prominent social critic and public intellectual, he has published over 200 articles in journals of public affairs in the United States and abroad on the issues of racial inequity and social policy.
- **New Saint Andrews College – Idaho Bach Festival 2021.** The New St. Andrews College co-sponsored the Idaho Bach Festival 2021 held at UI. This institution has publicly shared its opposition to the Black Lives Matter movement and support of traditional conservative values, such traditional gender roles.
- **Michael Chertoff – Bellwood Lecture.** Michael Chertoff was the keynote speaker at UI’s 2018 Bellwood Lectures. He is a member of the Republican Party and served as the former secretary of the U.S. Department of Homeland Security under the Bush administration. He was also a co-author of the USA PATRIOT Act. *Note: Other Bellwood Lecturers from previous years include iconic conservative speakers such as Justice Antonin Scalia and Chief Justice John Roberts.*
- **Doug Wilson – The Lost Virtue of Sexism.** In 2020, Doug Wilson presented a talk at UI’s campus entitled “The Lost Virtue of Sexism,” which discussed the idea that there are virtues and benefits associated with sexism and traditional gender roles, especially as it relates to the Christian faith.

As a result of our investigations, we were unable to substantiate the IFF Report’s claims that conservative voices and opposing views to social justice are being suppressed. Based upon our review, it appears that UI promotes the free flow of ideas and perspectives on its campuses.

XI.

WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT’S CLAIMS THAT UI’S SERVICE LEARNING OPPORTUNITIES PROMOTE SOCIAL JUSTICE ACTIVISM.

The IFF Report concludes that UI’s experiential learning courses are designed to prepare students for a career in progressive and social justice activism. In support of this conclusion, the

report alleges that experiential learning and service learning opportunities recruit students into social justice activism. The report next alleges that service-learning programs predominantly support leftist organizations and do not support conservative activist groups.

As a result of our investigation, we are unable to substantiate any of these claims. As an initial matter, it is important to distinguish between experiential learning and service learning opportunities. Experiential learning opportunities refers to opportunities for students to get real world experience in their respective fields of study, similar to an internship. Service learning refers to volunteer opportunities for various organizations and charities. For the sake of being thorough, we analyzed both experiential learning and service learning opportunities.

As it relates to experiential learning opportunities, we were unable to identify any evidence supporting the claim that these opportunities promote students to become active in social justice activism. Similarly, we did not identify any evidence supporting the claim that experiential learning opportunities primarily benefit left leaning organizations. The College of Law has the university's only official experiential learning program. This program allows students to gain hands on experience through their work with public agencies, non-profit organizations, and in-house corporate counsel offices such as:

- Ada County Public Defender's Office
- American Civil Liberties Union
- California Department of Justice
- Capital Habeas Unit Federal Defenders Services of Idaho
- Center for Justice (Spokane, Wash.)
- City Attorney's Office – multiple cities
- Coeur d'Alene Tribe Office of Legal Counsel
- County Prosecutor's Office – multiple counties, Idaho and Washington
- Idaho Attorney General's Office – criminal, environmental
- Idaho Coalition Against Sexual and Domestic Violence
- Idaho Legal Aid Services, Inc.
- Domestic Violence Public Policy Office
- New Mexico Office of District Attorney, 2nd Judicial District
- Idaho State Bar
- Idaho State District Court – multiple districts
- Idaho Volunteers Lawyers Program (IVLP)
- National Coalition Against Domestic Violence Public Policy Office
- Nez Perce Tribe Prosecutor's Office
- Office of the Governor of Idaho
- 2nd District Court, State of Utah
- Simplot
- Southeast Alaska Conservation Council
- State Appellate Public Defender's Office
- St. Luke's Health System
- United States Attorneys Office
- United States District Court
- University of Idaho
- Washington State Attorney General's Office

These organizations serve a wide range of causes. In addition to the College of Law, other colleges such as the College of Education and College of Natural Resources, have hands-on learning opportunities. We found no evidence indicating that these learning opportunities are designed to promote social justice ideology.

In regard to service-learning opportunities, we were likewise unable to substantiate the claim that these opportunities promote social justice activism and serve predominantly left-leaning organizations. The IFF Report fails to identify any organization it considers to be “left-leaning.” However, our review of the service-learning opportunities offered did not indicate that conservative causes are left out while liberal causes are supported. Rather, all evidence suggests that these volunteer opportunities are intended to serve a wide range of causes and organizations that may or may not be affiliated with UI. These volunteer opportunities include: the Lionel

Hampton Jazz Festival, the Goodwill, the Community Action Center, the Regional Theatre of the Palouse, Habitat for Humanity, and Regency Pullman.

We found no evidence of students being required or encouraged to participate in the “Writing on the Wall” event discussed in the IFF Report. In fact, we were unable to find any evidence that the event has even taken place over the last several years. It is also worth addressing that we were unable to substantiate the report’s other allegations pertaining to the event. Materials and witnesses with knowledge of the event indicated that the event is intended to reject hate by tearing down a wall with harmful words written on it. No evidence was presented suggesting that individuals are organized into an “oppressor” category as part of this event, nor did we find any evidence that this event is exclusively reserved for the Black Lives Matter movement.

XII.
**WE WERE UNABLE TO SUBSTANTIATE THE IFF REPORT’S ALLEGATIONS
PERTAINING TO SOCIAL JUSTICE IDEOLOGY IN UI’S RESIDENCE LIFE AND
THE VANDAL CLIMATE EDUCATION AND SUPPORT TEAM.**

The IFF Report alleges that social justice ideology is also forced upon students in their campus life outside of the classroom. Specifically, the report alleges that student housing has been “turned into a venue for social justice advocacy,” citing to the existence of gender inclusive units and housing dedicated to Women in Idaho Science and Engineering (WiiSE) while alleging UI does not provide similar housing options to non-minority, male students.

We have found no evidence to support the IFF Report’s conclusion that diversity and inclusion initiatives are being forced upon students via campus housing. UI has several options for on-campus living. Students select their own rooms within UI’s housing portal from a variety of locations: Wallace Residence Hall, the Tower, McConnell Hall, and Living Learning

Communities (LLCs). Two out of the 174 suites in the LLCs and three out of the 544 suites in Wallace are designated as gender inclusive housing options. These units are opt-in only, meaning students must specifically opt to live in these units. Students are not required to or forced to live in these units. In fact, students are required to fill out an addendum in the housing portal in order to even be eligible to live in the gender inclusive units. Thus, all evidence suggests that these units are strictly optional and not forced upon anyone.

The IFF Report also alleges that there is a floor designated for Women in Idaho Engineering and Science, and that no such floor exists for men. However, we found significant evidence to the contrary, as the eighth floor of the Tower is designated as the all-male floor for engineering and computer science majors. Additionally, the College of Education, Health & Human Sciences, the College of Agricultural and Life Sciences, the College of Letters, Arts, and Social Sciences, and the College of Natural Resources each have their own designated floors that are co-ed living spaces.

The IFF Report further alleges that diversity and inclusion initiatives are being forced upon students through the existence of UI's Vandal Climate Education and Support Team (VSET). Again, we have not seen any evidence suggesting that VSET operates as an organization that forces social justice ideology upon students. Contrary to the IFF Report's assertions, VSET does not conduct investigations or issue any disciplinary actions. The purpose of VSET is to assess the campus climate, provide proactive educational programming, and respond to complaints from students by providing support and referrals to those impacted. If a reported incident is determined to be a violation of UI policy and/or the student code of conduct, it is referred to either the OCRI or the Dean of Students Office, at which point the incident may

or may not be formally investigated. It is important to note that we were presented with significant evidence indicating that the purposes of VSET are intended to serve all students, male and non-minority students included. In fact, evidence suggests that this has occurred, as VSET has received reports from male, non-minority students alleging bias and/or discrimination in the past, and has referred those reports to the appropriate body for further investigation. As previously alluded to in this report, we conclude that adequate due process is afforded to all throughout the investigative process.

In conclusion, we have not found any evidence substantiating the IFF Report's allegations that social justice initiatives are forced upon students through residence life or the existence of VSET.

XIII. CONCLUSION

After conducting our investigation, we were unable to substantiate the conclusions contained within the IFF Report, including the allegations pertaining to UI having a systemic commitment to forcing social justice ideology upon its students. Furthermore, we have identified no complaints, from UI faculty, students, or otherwise, related to the conclusions in the IFF Report. While diversity and inclusion initiatives may be present at UI, we conclude that these initiatives do not rise to any level of impropriety as alleged by the IFF Report.

END REPORT