



April 26, 2016

Marieke Tuthill Beck-Coon  
Senior Program Officer, Individual Rights Defense Program  
Foundation for Individual Rights in Education  
510 Walnut Street, Suite 1250  
Philadelphia, PA 19106

Dear Ms. Beck-Coon:

Thank you for your letter of April 15, 2016, sharing your concerns about an incident on our campus last week. We appreciate your bringing the matter to our attention.

The University of Delaware understands and values its students' right to free speech. We would like our campus to be a place where individuals feel welcome to engage in critical thinking and to freely express their views and values. We take seriously our students' right to speak freely within the bounds of the law, but as educators we also want them to consider and appreciate the impact their words may have on others – not just on campus, but across the globe. Indeed, as we both know, the fact that speech may be protected by the First Amendment doesn't mean it won't be hurtful to others.

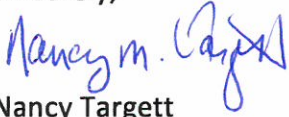
Our police officer was well-intentioned in his conversation with the students from the Young Americans for Liberty chapter at the University of Delaware, but clearly he was not accurate when he suggested that the single drawing of a penis on the "Free Speech Ball" would be prohibited by the University's Sexual Misconduct Policy. Indeed, he is correct that there could be situations when a drawing of a penis, in connection with a pattern of behavior, could constitute sexual harassment. We don't contend that this particular drawing was sexual harassment.

Just as you do, we commend our officer's demeanor during his interaction with the students. He never threatened to stop them from engaging in their activity or to censor the words on the "Free Speech Ball" himself. And while you suggest that when approached by a law enforcement officer, "most if not all students will self-censor to avoid trouble[,] that apparently was not the case here since the students continued tabling "for several more hours but declined to censor the penis references." <https://www.thefire.org/university-of-delaware-police-to-students-self-censor-free-speech-ball/> (last accessed April 19, 2016). Indeed, they apparently continued tabling without any further interactions with University officials.

The University of Delaware remains committed to providing an atmosphere where everyone feels welcome to engage in critical thinking and may express their views and values freely.

Once again, thank you for sharing your thoughts with me.

Sincerely,

A handwritten signature in blue ink that reads "Nancy M. Targett". The signature is written in a cursive style with a large, stylized initial "N".

Nancy Targett  
Acting President