

On the First Amendment

This message was sent to the Kelley School of Business community Nov. 20, 2019.

Professor Eric Rasmusen has, for many years, used his private social media accounts to disseminate his racist, sexist, and homophobic views. When I label his views in this way, let me note that the labels are not a close call, nor do his posts require careful parsing to reach these conclusions. He has posted, among many other things, the following pernicious and false stereotypes:

- That he believes that women do not belong in the workplace, particularly not in academia, and that he believes most women would prefer to have a boss than be one; he has used slurs in his posts about women;
- That gay men should not be permitted in academia either, because he believes they are promiscuous and unable to avoid abusing students;
- That he believes that black students are generally unqualified for attendance at elite institutions, and are generally inferior academically to white students.
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Ordinarily, I would not dignify these bigoted statements with repetition, but we need to confront exactly what we are dealing with in Professor Rasmusen's posts. His expressed views are stunningly ignorant, more consistent with someone who lived in the 18th century than the 21st. Sometimes Professor Rasmusen explains his views as animated by his Christian faith, although Christ was neither a bigot nor did he use slurs; indeed, he counseled avoiding judgments. Rhetorically speaking, Professor Rasmusen has demonstrated no difficulty in casting the first, or the lethal, stone.

His latest posts slurring women were picked up by a person with a heavily followed Twitter account, and various officials at Indiana University have been inundated in the last few days with demands that he be fired. We cannot, nor would we, fire Professor Rasmusen for his posts as a private citizen, as vile and stupid as they are, because the First Amendment of the United States Constitution forbids us to do so. That is not a close call.

Indiana University has a strong nondiscrimination policy, and as an institution adheres to values that are the opposite of Professor Rasmusen's expressed values. We demand tolerance and respect in the workplace and in the classroom, and if Professor Rasmusen acted upon his expressed views in the workplace to judge his students or colleagues on the basis of their gender, sexual orientation, or race to their detriment, such as in promotion and tenure decisions or in grading, he would be acting both illegally and in violation of our policies and we would investigate and address those allegations according to our processes. Moreover, in my view, students who are women, gay, or of color could reasonably be concerned that someone with Professor Rasmusen's expressed prejudices and biases would not give them a fair shake in his classes, and that his expressed biases would infect his perceptions of their work. Given the strength and longstanding nature of his views, these concerns are reasonable.

Therefore, the Kelley School is taking a number of steps to ensure that students not

add the baggage of bigotry to their learning experience:

- No student will be forced to take a class from Professor Rasmusen. The Kelley School will provide alternatives to Professor Rasmusen's classes;
- Professor Rasmusen will use double-blind grading on assignments; if there are components of grading that cannot be subject to a double-blind procedure, the Kelley School will have another faculty member ensure that the grades are not subject to Professor Rasmusen's prejudices.

If other steps are needed to protect our students or colleagues from bigoted actions, Indiana University will take them.

The First Amendment is strong medicine, and works both ways. All of us are free to condemn views that we find reprehensible, and to do so as vehemently and publicly as Professor Rasmusen expresses his views. We are free to avoid his classes, and demand that the university ensure that he does not, or has not, acted on those views in ways that violate either the federal and state civil rights laws or IU's nondiscrimination policies. I condemn, in the strongest terms, Professor Rasmusen's views on race, gender, and sexuality, and I think others should condemn them. But my strong disagreement with his views—indeed, the fact that I find them loathsome—is not a reason for Indiana University to violate the Constitution of the United States.

This is a lesson, unfortunately, that all of us need to take seriously, even as we support our colleagues and classmates in their perfectly reasonable anger and disgust that someone who is a professor at an elite institution would hold, and publicly proclaim, views that our country, and our university, have long rejected as wrong and immoral.

Lauren Robel
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