



American Civil Liberties Union of Indiana

December 20, 2007

Joseph M. Scodro
Office of University Counsel
Indiana University
1120 South Drive
318 Fesler Hall
Indianapolis, IN 46202

re: Keith Sampson

Dear Joe,

Following our recent conversation concerning Mr. Sampson I received a copy of the enclosed letter that had been given to Mr. Sampson. It is my understanding that you agree that there was nothing improper about the book that Mr. Sampson was reading. Given this, and given that this letter has been issued and, I assume, placed in Mr. Sampson's personnel file, I am requesting that all references to this matter be deleted from Mr. Sampson's file. I would also like a formal letter to Mr. Sampson, through me, that addresses:

- the idea that reading a scholarly work can be deemed to be "inflammatory and offensive" and "racial harassment"
- the conclusion that reading a scholarly work can be "extremely poor judgment"
- the apparent believe that it is appropriate for the University to step in to enforce requests that persons not read scholarly work
- the threat that "any future substantiated conduct" could result in disciplinary action

Without even mentioning the First Amendment implications of all this, I am sure you see the absurdity of a University threatening an employee with discipline for reading a scholarly work that deals with the efforts of Notre Dame students in the 1920's to fight the KKK.

Given the enclosed letter, which I did not know about when we spoke, Mr. Sampson feels that his reputation has been damaged and his employment is in jeopardy. Given the tone of the letter, I do not believe he is incorrect. Therefore, it is incumbent at this point that the University immediately take affirmative steps to correct this situation.

I look forward to hearing from you.

Thank you very much.

Very truly yours,

Kenneth J. Falk
Attorney at Law

INDIANA UNIVERSITY
PURDUE UNIVERSITY
INDIANAPOLIS

November 25, 2007

Keith Sampson
P O Box 88804
Indianapolis, IN 46208

Dear Mr. Sampson:

The Affirmative Action Office has completed its investigation of Ms. Nakea Vincent's allegation that you racially harassed her by repeatedly reading the book, Notre Dame vs. the Klan: How the Fighting Irish Defeated the Ku Klux Klan by Todd Tucker in the presence of Black employees. In conducting this investigation, we interviewed you, Nakea Vincent, and other employees with information relevant to the matter.

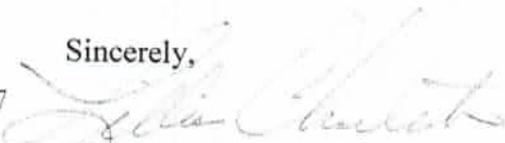
Upon review of this matter, we conclude that your conduct constitutes racial harassment in that you demonstrated disdain and insensitivity to your co-workers who repeatedly requested that you refrain from reading the book which has such an inflammatory and offensive topic in their presence. You contend that you weren't aware of the offensive nature of the topic and were reading the book about the KKK to better understand discrimination. However you used extremely poor judgment by insisting on openly reading the book related to a historically and racially abhorrent subject in the presence of your Black co-workers. Furthermore, employing the legal "reasonable person standard," a majority of adults are aware of and understand how repugnant the KKK is to African Americans, their reactions to the Klan, and the reasonableness of the request that you not read the book in their presence.

During your meeting with Marguerite Watkins, Assistant Affirmative Action Officer you were instructed to stop reading the book in the immediate presence of your co-workers and when reading the book to sit apart from the immediate proximity of these co-workers. Please be advised, any future substantiated conduct of a similar nature could result in serious disciplinary action.

Racial harassment is very serious and can result in serious consequences for all involved. Please be advised that racial harassment and retaliation against any individual for having participated in the investigation of a complaint of this nature is a violation of University policy and will not be tolerated.

This concludes this matter with the Affirmative Action Office. If you have any questions, please feel free to contact us.

Sincerely,



Lillian Charleston
Affirmative Action Officer

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cc Emily Wren