

January 10, 2025



Matthew Daum, Ph.D.  
Interim Dean  
College of Agriculture and Natural Resources  
Michigan State University (MSU)

*Sent via email*

Dear Dr. Daum,

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity. We have grassroots chapters and tens of thousands of members nationwide, including in Michigan. Our website, [fairforall.org](http://fairforall.org), can give you a fuller sense of our identity and activities.

I am writing today about an matter brought to us recently involving the vote to deny tenure to Dr. Marisol Quintanilla on October 13, 2024, within the Department of Entomology (the “Department”) at Michigan State University (MSU), which I fear may be a case of ideological discrimination.

Dr. Marisol Quintanilla obtained her PhD from MSU in 2009 and has been employed as an assistant professor at the University since 2019. Dr. Quintanilla is also a lifelong Christian and dedicated 7-Day Adventist who observes the Sabbath from sundown on Friday to sundown on Saturday. Her sincerely held religious beliefs (and biological observation) include the view that biological sex is binary, that it is unchangeable and cannot be chosen, and that it cannot depart from alignment with one’s biological sex. These beliefs have led to significant personal and professional conflicts, especially in relation to MSU’s diversity, equity, and inclusion (DEI) policies.

For example, Dr. Quintanilla explains that she has been repeatedly required to disclose her “gender” to participate in talks and seminars, with the question made mandatory in registration forms. The question is worded in such a way that answering it would implicitly amount to supporting gender ideology. Each time, Dr. Quintanilla has refused to answer this question because doing so would contravene her sincerely held beliefs and conscience.

On July 13, 2022, Dr. Quintanilla, in her personal capacity, published an article critical of DEI policies, including those at MSU. Following this, her department chair, Dr. Hannah Burrack, demanded she either retract the article or remove her MSU credentials, asserting that the piece conflicted with the University’s values. When Dr. Quintanilla refused, she began experiencing what she described as “immense bias” across the University. This hostile environment led to insults and threats from students and faculty, including coordinated efforts to push for her dismissal.

Dr. Quintanilla also reported that a faculty member made racist comments during a meeting advocating for the exclusion of white men from academia—a position Dr. Quintanilla strongly opposes and has expressed to other faculty members. Apparently due to her positions on contested issues, faculty members have openly mocked her. For instance, Dr. Christina DiFonzo disrupted one of Dr. Quintanilla's seminars by making faces, which some audience members found distracting and disruptive.

Additionally, in 2023, Dr. Burrack instructed Dr. Quintanilla to write a DEI statement as part of her annual review. Dr. Quintanilla objected to the mandatory nature of this as it would be used for ideological discrimination. After a letter from FIRE and consulting with Associate Dean and Director for DEI, Quentin R. Tyler, Dr. Burrack dropped the requirement.

Despite facing this animosity, Dr. Quintanilla was awarded a merit-based raise for “exceeding expectations” on October 1st, 2024, this letter of raise came from Theresa Mastin, the Vice Provost. While employed at MSU, Dr. Quintanilla authored or coauthored 21 peer-reviewed manuscripts and gave 189 extension talks. She also secured major grants totaling over \$6,200,000, exceeding some tenured faculty. Her leadership is recognized nationally and internationally. Nonetheless, on October 13th, the Department of Entomology voted against granting her tenure, and the Department Chair, Dr. Burrack, supported this decision.

Other faculty members in the Department with inferior accomplishments and performance have been granted tenure in recent years—the only difference between Dr. Quintanilla and those faculty members is her unwillingness to adopt MSU's chosen orthodoxies. Compared to the three faculty who were granted tenure in the Department of Entomology since 2017, Dr. Quintanilla obtained at least 10 times more funding, graduated at 3 to 5 times more graduate students, and gave a multitude of more talks. In addition, all her students have graduated and are successfully employed. Indeed, the reasons the Department gave for rejecting Dr. Quintanilla's tenure appear to be nothing more than pretexts. One highly concerning incident lends credence to this suspicion. On November 4th, 2024, Dr. Quintanilla received a text message from a former PhD student, claiming that someone had contacted her in an attempt to "get [her] to say bad things about [Dr. Quintanilla]." The student declined and instead praised Dr. Quintanilla to the inquiring party.

When taken together, the facts of Dr. Quintanilla's situation lead us to believe that the Department's refusal to offer her tenure constitutes discrimination in violation of her First Amendment rights and Title VII, due to her sincerely held beliefs and objections to DEI policies.

The First Amendment prevents universities from requiring professors to recite ideological beliefs against their conscience. See *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943); *Keyishian v. Board of Regents*, 385 U.S. 589 (1967). Requiring Dr. Quintanilla to self-identify her “gender identity” to participate in the university talks and seminars necessarily compels her to affirm faith in a gender ideology she does not accept. As famously written by Justice Jackson, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in

politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *Barnette*, 319 U.S. at 642.

Furthermore, compelling professors to self-identify with a “gender” to participate in talks and seminars may violate their religious freedoms. The First Amendment protects against state intrusion into an individual’s sincerely held religious beliefs. *Hurley v. Irish-American Gay, Lesbian, & Bisexual Grp.*, 515 U.S. 557, 573 (1995); *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (“A system which secures the right to proselytize religious, political, and ideological causes must also guarantee the concomitant right to decline to foster such concepts.”). Many world religions deny the existence of numerous genders and the ability of an individual to select or change their gender. Mandating the affirmance of such ideas would violate the rights of professors whose sincerely held religious beliefs reject them.

The First Amendment also protects public employees from government censorship when acting in their personal capacity. See *Garcetti v. Ceballos*, 547 U.S. 410 (2006). Thus, when Dr. Hannah Burrack demanded that Dr. Quintanilla retract an article she published in her private capacity, Dr. Burrack risked violating Dr. Quintanilla’s right to free speech. While Dr. Quintanilla refused to remove the article and no further action was taken, this demand created an impermissible chilling effect on her speech, setting the stage for her eventual tenure denial.

Additionally, Title VII protects employees from several forms of workplace discrimination. Title VII provides, in relevant part:

It shall be an unlawful employment practice for an employer - (1) to...discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

42. U.S.C. §2000e-2a. As employers of more than 15 employees, universities must comply with Title VII. See *Hazelwood School District v. United States*, 433 U.S. 299 (1977).

I am concerned that the denial of tenure to Dr. Quintanilla culminates from a pattern of actions that reveals the Department’s opposition to and discrimination against Dr. Quintanilla’s viewpoint. These actions—ranging from the compelled ascription to gender ideology, the attempted censorship of her article, the mandatory DEI evaluation form, and the racially charged comments within her department—reflect an environment that marginalizes certain beliefs and dissenting views. If MSU chooses to finally deny her tenure, this act may constitute a violation of 42 U.S.C. § 2000e-2(a), as such denial could effectively constitute the deprivation of an employment opportunity due to Dr. Quintanilla’s sincerely held beliefs.

As the Interim Dean of the College of Agriculture and Natural Resources, you are authorized to review and overturn the committee’s tenure decision. I urge you to take immediate action to investigate this matter thoroughly and ensure that Dr. Quintanilla is granted the tenure she has earned based on her academic and professional merit, free from discriminatory or retaliatory considerations. Additionally, I

recommend implementing measures to ensure that MSU fosters an environment that respects and protects the First Amendment and Title VII rights of all faculty members, regardless of their religious or ideological perspectives.

The principles of fairness and freedom of academic expression and inquiry must remain the foundation of Michigan State University's values. Indeed, MSU has adopted the free speech principles of the Chicago Statement, which provides in relevant part:

Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn . . . . [I]t is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.

By addressing this situation promptly, you can reaffirm the University's commitment to these ideals and demonstrate that discrimination and retaliation have no place at MSU.

I am available to discuss this matter further and provide any additional information you may require. Please do not hesitate to contact me.

Very truly yours,

*Leigh Ann O'Neill*

Leigh Ann O'Neill  
Director of Legal Advocacy  
Foundation Against Intolerance & Racism

Cc: Thomas D. Jeitschko, Ph.D., Interim Provost, Michigan State University  
Board of Trustees Members, Michigan State University