

THE CHRONICLE OF HIGHER EDUCATION

'COORDINATED ASSAULT'

At Notre Dame, Documents Suggest a 'Concerted Effort' to Oust a Professor Over Her Views on Abortion

By *Nell Gluckman*

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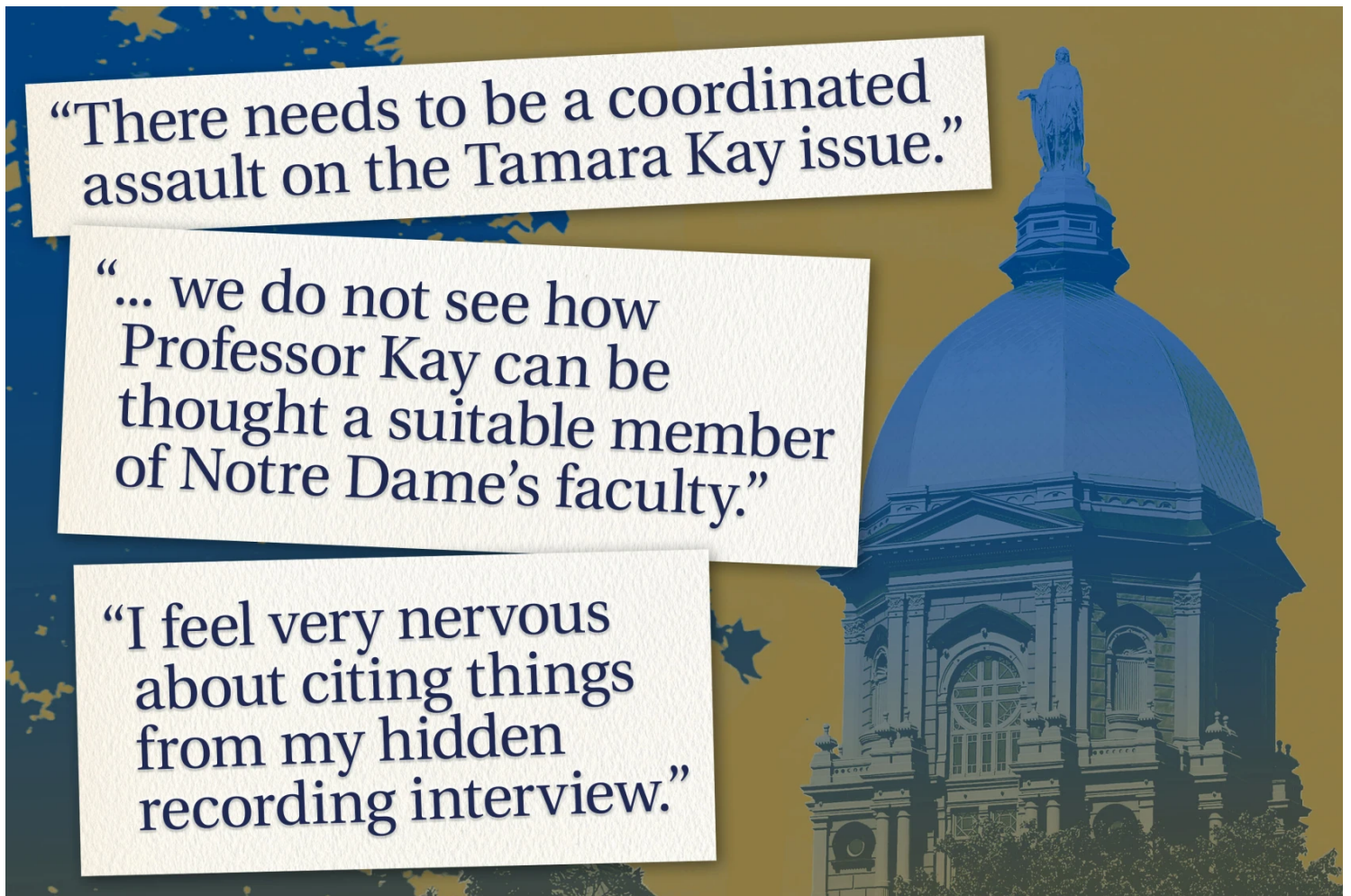


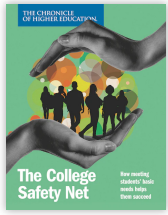
ILLUSTRATION BY THE CHRONICLE; JONATHAN DANIEL, GETTY IMAGES

When Indiana's abortion ban took effect, in the fall of 2022, Tamara Kay, a tenured professor in the University of Notre Dame's Keough School of Global Affairs, tweeted that she was prepared to help students get access to health care. She hung a sign on her office door with her personal email address and a similar message.

About a month later, *The Irish Rover*, a student publication that says its mission is to uphold Notre Dame's Roman Catholic identity, published [an article](#) about Kay titled "Keough School Professor Offers Abortion Access to Students." A subhead read: "Abortion assistance offered to students despite IN law, ND policy."

But that wasn't true, Kay says. She worried about the ban's effect on rape survivors, she says, and wanted to create a space for them to ask for help — but never offered anyone access to abortion. She tried for months to get the article taken down, to no avail, all the while receiving threatening emails and letters.

FROM THE CHRONICLE STORE



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For other professors who have drawn the ire of conservative publications, this is a familiar cycle: They are featured in viral headlines, get nasty messages from random email addresses, and wait for the fury to subside.

But Kay's situation is also unusual: For one, she sued the *Rover* for defamation. And documents made public recently as part of the lawsuit point the finger at not just the student publication but others at the university. The documents suggest that Notre Dame students, faculty, and alumni worked behind the scenes to amplify Kay's statements and draw public outrage.

In the days before the *Rover* article appeared, a business-school professor texted a student reporter that “there needs to be a coordinated assault on the Tamara Kay issue.” The president of an alumni group emailed the Notre Dame president, the provost, and Kay's dean, saying he and other members of their group hoped Kay would soon no longer be on the Notre Dame faculty. And students hatched an effort to “entrap” Kay, she alleges, by asking her for contraception under false pretenses.

The *Rover* article, Kay's lawyers wrote in a new filing, “was the result of a concerted effort of Notre Dame faculty, staff, students, and even an alumni group, all with one agenda in mind — to get rid of Professor Kay.”

‘Placate the Mob’

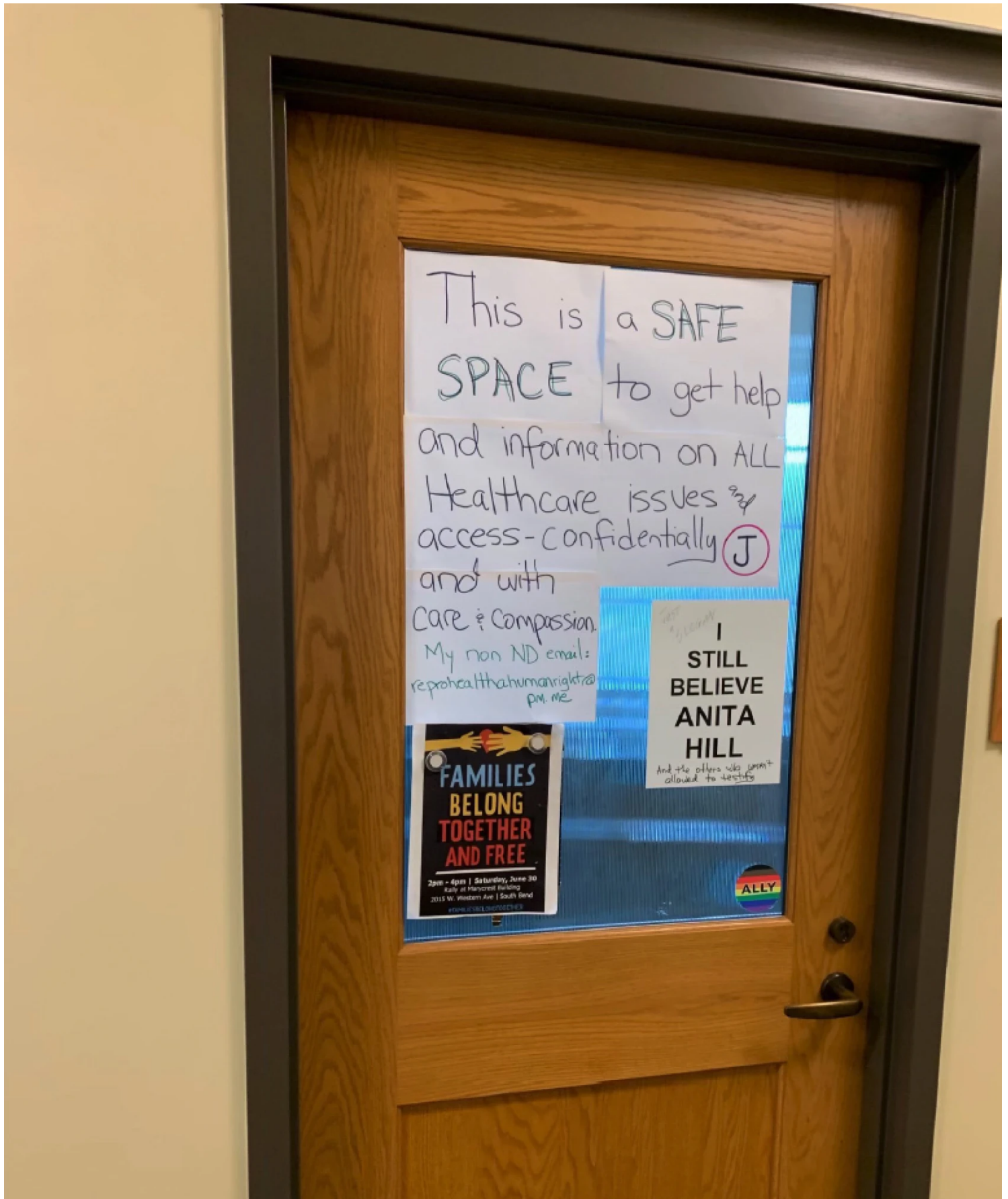
In the year after *Roe v. Wade* was overturned, ending the constitutional right to an abortion, Kay and her colleague Susan Ostermann, an assistant professor of political

science, published op-eds that challenged the efficacy of abortion bans and raised concerns about the health risks they posed.

In August 2022, one of Kay's students told her she had been drugged with a date-rape drug and woke up in the hospital, according to court filings. Kay reported the incident to Notre Dame's Title IX office, but was not satisfied with the response she got from the officer she spoke with. A month later, a near-total abortion ban went into effect in Indiana, and Kay worried it would make her students less likely to report rapes and seek health care such as rape kits, emergency contraception, pregnancy tests, or treatment for sexually transmitted diseases.

It was with that in mind, Kay said in court filings, that she tweeted: "Such a devastating day to be a woman in IN. But women faculty @NotreDame are organizing. We are here (as private citizens, not representatives of ND) to help you access healthcare when you need it, & we are prepared in every way." The tweet was "in response to the lack of access to health care that Notre Dame was providing to its students who are sexually assaulted," the court document filed earlier this month said.

She also hung the sign on her door, which read: "This is a SAFE SPACE to get help and information on ALL healthcare issues and access — confidentially and with care and compassion." It was accompanied by the letter "J," which Kay said in a court document stands for "Jane Doe," a common pseudonym for anonymous victims of sexual assault in legal proceedings.



FROM FILING IN TAMARA KAY V. THE IRISH ROVER INC.

Tamara Kay's office door

A few days later, according to court documents, Vincent Phillip Muñoz, a professor of political science and law and faculty adviser to the *Rover*, sent the *Rover's* former editor in chief a link about a coming panel discussion featuring Kay, and suggested that the publication cover it. The former editor forwarded the email to a *Rover* reporter, Joseph DeReuil. Muñoz later texted DeReuil a photo of the sign on Kay's door. Later that day, another political-science professor, Daniel Philpott, emailed DeReuil images of some of Kay's tweets.

"I understand that you've been apprised of the professor tweeting out offers of assistance in procuring an abortion," Philpott wrote to DeReuil. It is not clear from the filing which tweets were in the images the professor shared with DeReuil.

Word of Kay's tweets also reached alumni. In late September the president of the Sycamore Trust, [an alumni group](#) that sees its mission as "protecting Notre Dame's Catholic identity," wrote a letter to the provost, John T. McGreevy. In an email about the letter, he cc'ed the president, John I. Jenkins; the general counsel, Marianne Corr; and the Keough School's dean, R. Scott Appleby.

William H. Dempsey, the Sycamore Trust's president, wrote in the letter that Kay appeared to be offering to help students get abortions, by tweeting an image that had a link to information about "Plan C," or medication abortion. If she was offering to help students break the law, he wrote, it would be in violation of the university's ethical-conduct policy.

"We are frank to say we do not see how Professor Kay can be thought a suitable member of Notre Dame's faculty," the letter said. In the email, Dempsey added: "We hope that, one way or another and before too long, she will move on to a school where she will not feel compelled to subvert its deeply held convictions of conscience."

Responding to a *Chronicle* email asking whether he was pushing for Kay to be fired, Dempsey wrote: "We knew Professor Kay had tenure, and we would not have betrayed

our ignorance, or our disregard for such an important principle, by urging the provost to dismiss Professor Kay.”

He said the letter “does not remotely suggest that the provost fire Kay despite her tenure,” but that he and others “simply hoped she would move on to a more congenial environment.”

Around October 6, DeReuil attended a meeting with other students on campus, according to court documents. Notes from the gathering that were included in the documents referenced the coming “*Rover* Expose on Tamara Kay.” A list of “goals” at the top of the meeting notes included “stronger statement affirming overturning *Roe* and the Indiana abortion ban” and “Notre Dame/Keough School/Gender Studies must stop sharing pro-abortion articles/studies.”

“There needs to be a coordinated assault on the Tamara Kay issue.”

The notes also included a list of contacts at mostly conservative national news outlets like the *National Review*, the *Daily Wire*, and *Breitbart*. In his deposition, DeReuil explained that the *Rover* sometimes sends a copy of its articles before they are published to bigger outlets in the hope of getting more readers. He said the article about Kay was not sent to all the outlets on the list.

Before publishing his article, DeReuil also exchanged text messages with Craig Iffland, a visiting assistant teaching professor in the business school.

“There needs to be a coordinated assault on the Tamara Kay issue,” Iffland texted to DeReuil on October 10, according to court documents. “Just flood Jenkins. Basic output: Keough has to hire someone based to placate the mob.”

A Hidden Recording

In his deposition, DeReuil explained that Iffland was referring to two open positions in the Keough School. DeReuil's interpretation of the text, according to the deposition transcript, was that if Jenkins knew how upset people were about Kay, "Notre Dame would be more likely to hire people who he viewed as in line with the mission of the university."

Muñoz, Philpott, and Iffland did not respond to requests for comment. DeReuil also did not respond to a request for comment. And the university's media-relations office did not respond to a request for comment.

On October 12 the *Rover* published its first article about Kay. DeReuil said in his deposition that he never asked Kay what the sign on her door meant. Very quickly, according to court documents, Kay received rape and death threats, including from Notre Dame alumni.

A lawyer for the *Rover* condemned Kay's defamation suit in an interview with *The Chronicle*. "The problem here is that Dr. Kay is trying to use the government, i.e. the state courts, to do a defamation case to shut up a student newspaper who's been reporting on her activity," said James Bopp, of the Bopp Law Firm. He said she is an abortion-rights advocate, so it was reasonable to think her sign was about that issue. "Her notice on her door of course occurred in connection with the *Dobbs* decision," the case that overturned *Roe v. Wade*.

Some students involved in the article seemed in the court documents to be reticent about their work. DeReuil said in his deposition that he had, without telling her, recorded a conversation with Kay that took place after her appearance on a panel about abortion.

"I feel very nervous about citing things from my hidden recording interview," DeReuil later texted another student. (In Indiana, only one person in a conversation has to be aware of a recording for it to be legal.)

DeReuil and another student also texted about something he called “the abortion pill acquisition project.” According to Kay’s court documents, they were referring to an email Kay received from a student at a different college who asked for help in obtaining Plan C, or medication abortion, “in an apparent attempt to entrap” Kay.

In March, *The Irish Rover* published [another piece](#) about Kay, this time about her appearance at a College Democrats meeting. The article repeated the claim that Kay had posted “offers to procure abortion pills on her office door.”

In May, Kay sued the *Rover* for defamation in state court, seeking damages. The *Rover* has denied her allegations and asserted its freedom-of-speech rights. At the end of this month, a judge will rule on whether Kay’s case can proceed.

We welcome your thoughts and questions about this article. Please [email the editors](#) or [submit a letter](#) for publication.

FREE SPEECH

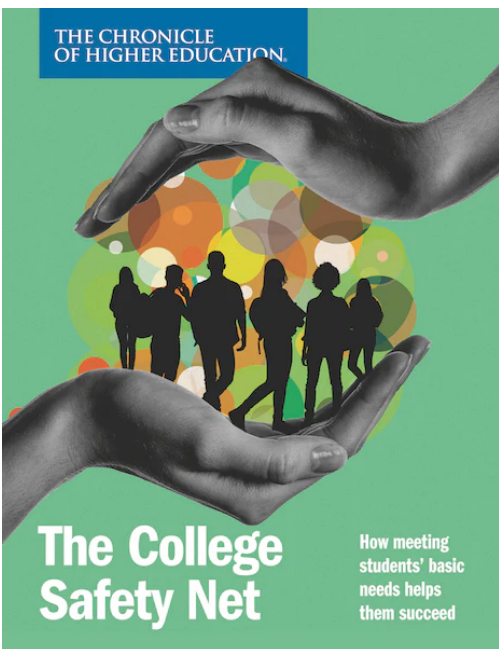
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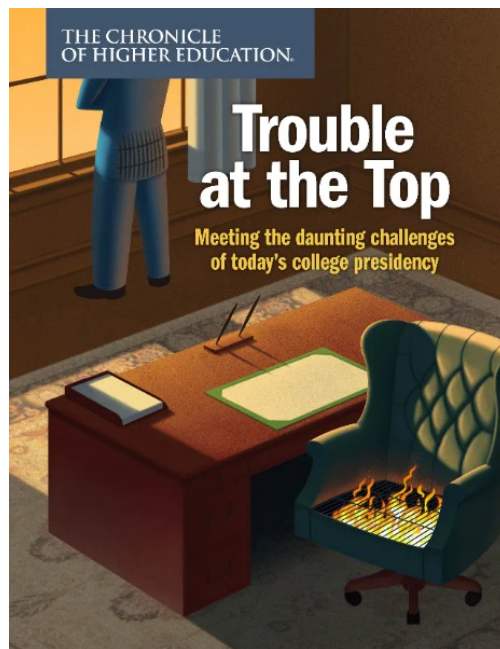
Nell Gluckman

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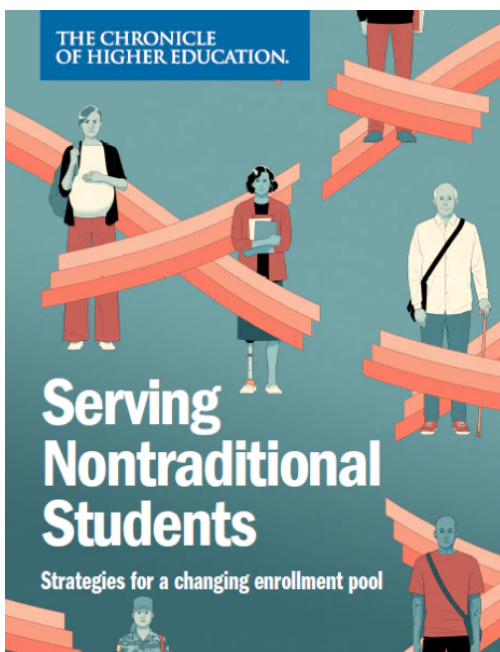
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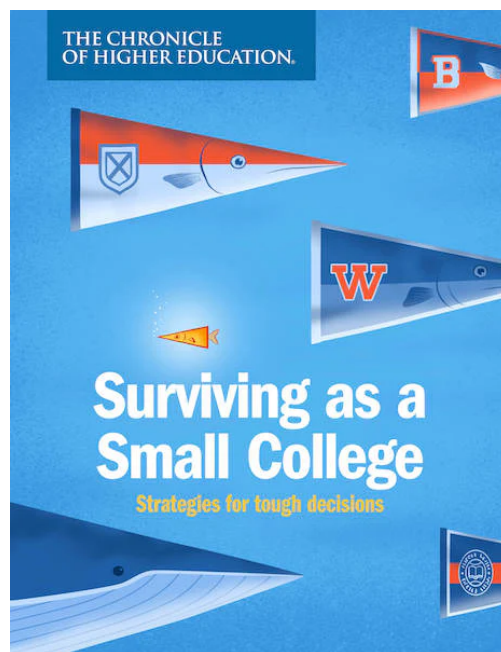
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