

person other than a licensed physician, or a licensed health care provider acting under a physician or under a physician's order, *"who wilfully [sic] publishes any notice or advertisement of any medicine or means for producing or facilitating a miscarriage or abortion, or for the prevention of conception, or who offers his services by any notice, advertisement, or otherwise to assist in the accomplishment of any such purpose, is guilty of a felony."*

While the topic of abortion (including facilitating a miscarriage) are addressed under the discussion above, the scope of what is meant by "prevention of conception" and to have "offered services by notice, advertisement, or otherwise..." is unclear and untested in the courts. Since violation is considered a felony, we are advising a conservative approach here, that the university not provide standard birth control itself.

Specific activities that may continue

University employees may, with certain limitations:

- Direct students to sources of information outside university
- Have classroom discussions on topics related to abortion or contraception limited to discussions and topics relevant to the class subject and instructor neutrality
- Provide condoms for the purpose of helping prevent the spread of STDs and not for purposes of birth control

Information outside university. Directing students to sources of information outside of the university is permitted if done properly and with neutrality. Directing students to private groups or agencies of another state, where students can receive a discussion of *all* aspects of the topic and be presented with *all alternatives* legally available to them, is not barred, however, in doing so, university employees must remain neutral on the subject of abortion and simply reference the ability of the outside sources to have a broader discussion of all aspects of the topic.

General Counsel's Office is preparing a short, written statement that can be given to students who are seeking broader information in this area than what the university can give.

Classroom Discussions. Classroom discussion of the topic should be approached carefully. While academic freedom supports classroom discussions of topics related to abortion, these should be limited to discussions and topics relevant to the class subject. The laws discussed above, specifically including those addressing promoting abortion, counseling in favor of abortion and referring for abortion, will remain applicable. Academic freedom is not a defense to violation of law, and faculty or others in charge of classroom topics and discussion must themselves remain neutral on the topic and cannot conduct or engage in discussions in violation of these prohibitions without risking prosecution.