

F U R T H E R I N F O R M A T I O N

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May 13, 2009

President Mary Sue Coleman
University of Michigan–Ann Arbor
Office of the President
503 Thompson Street
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URGENT

The following is our understanding of the facts, according to documents in FIRE's possession and a timeline (enclosed) provided by *Review* Editor-in-Chief Adam Pascarella and *Review* Publisher Karen Boore to Loren Rullman, Associate Vice President for Student Affairs, on May 10, 2009.

In 2003, then-University of Michigan League Director Robert Yecke informed the *Review* that it had been classified as a "five year" organization and that, accordingly, it had been re-allocated its traditional office space, Room 351 of the University of Michigan League, "for the period of September 1, 2003–July 31, 2008." On January 8, 2007, however, current University of Michigan League Director Audrey Schwimmer notified the *Review* that it would have to reapply for its space by a January 12 deadline. According to the timeline, UM administrators have claimed that this was because UM had reclassified the organization such that it was no longer eligible for five-year leases, but no evidence has been produced to show that the policy had changed or that the *Review* had been so notified. In November 2007, apparently under the threat of losing its office space, the *Review* entered into a retroactive contract with the University of Michigan League giving it the right to occupy Room 351 from September 20, 2007, through April 18, 2009. This contract did *not* claim to supersede or invalidate the 2003 agreement. Although the July 31, 2008, date passed without comment, the *Review* still had not been notified that the university had changed its official classification or the terms of the 2003 agreement.

On September 5, 2008, the *Review* received its one and only notification that it should complete the process for re-registration as a student organization for 2008–2009. This notification, an e-mail from the address msa-webstuff@umich.edu, implied that the process could be completed retroactively as late as May 1, 2009, covering the 2008–2009 academic year. The e-mail stated, "Making the recognition process available in May instead of September was in response to student organization feedback," and no deadline was given.

The implication that student organizations could proceed normally pending official re-recognition, however, even under the new terms that administrators had dictated to the *Review*, turned out to be false. At some point after September 5, 2008, UM removed the *Review* from the list of organizations that regularly received e-mail notification of deadlines and other information pertinent to student organizations. The *Review* thus was never sent any notification of an impending January 16, 2009, deadline to reapply for its office space for the 2009–2010 academic year. UM failed to notify the *Review* that the deadline was looming or, afterward, that the deadline had passed.

UM also failed to notify the *Review* that UM had decided to remove the *Review* from its office space at the expiration of the contract on April 18. In fact, the *Review* did not learn that this decision had been made until March 16, 2009, in a meeting between Boore and Schwimmer about the following year's leadership of the *Review*. According to Boore, Schwimmer told her that she had merely assumed that the *Review* "had found space elsewhere or was going defunct." It is extremely difficult to imagine that Schwimmer would have treated other student publications in this way.

On March 17, Boore submitted a request for an appeal of the decision to be heard, but she was notified on March 23 by Michigan League Board of Governors member Colleen Monahan that

UM had refused to hear the appeal. Monahan's e-mail to Boore stated that "The Office Allocation Committee of the Michigan League Appeals Committee has met this morning and, unfortunately, does not intend to hear the Michigan Review's appeal as they did not submit an application for office space in 2009." Apparently

benefit or harm specific student organizations, and exemptions to the rules (as in 2006) in the case of insufficient notice of the rules may not be granted only to organizations that are most favored by the university.

FIRE requests that you act immediately to correct this ongoing injustice by renewing the lease of *The Michigan Review* in its current offices for five years and by directing university officials to provide timely and sufficient notification of policies and policy changes in the future. The university may not violate the rights of *The Michigan Review* to freedom of the press and legal equality by means of any policy or contrivance that punishes the publication indirectly for its protected expression.

We hope to see this matter resolved with fairness and common sense. Because of the continuing threat to *The Michigan Review's* rights, we request immediate action and a response to this letter by May 20, 2009, three business days before the *Review's* scheduled eviction on May 25.

Sincerely,



Adam Kissel
Director, Individual Rights Defense Program

Encl.

cc:

E. Royster Harper, Vice President for Student Affairs, University of Michigan
Loren Rullman, Associate Vice President for Student Affairs, University of Michigan
Cynthia H. Wilbanks, Vice President for Government Relations, University of Michigan
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