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Greg Lukianoff
Director of Legal and Public Advocacy
Foundation for Individual Rights in Education
210 West Washington Square, Suite 303
Philadelphia, PA 19106

Re: Indian River Community College

Dear Mr. Lukianoff:

for Student Activity Form is as follows: A Request for Student Activity Form is completed and signed by the faculty sponsor then submitted to the Student Affairs/Activities Office. Dr. LaCivita contacted Mr. Stumas and informed him that there had not been a Request for Student Activity Form submitted for this event. She also mentioned that the movie was R-rated, to which Dan Stumas stated he was unaware of the movie being R-rated and in view of the rating would not support the activity nor would he approve the request to show it. No comment was ever made by Dr. LaCivita or anyone else to the College's knowledge stating that the movie was "controversial". The fliers were not confiscated. The fliers were left with student affairs pending approval of the activity. The approval of the fliers was never in question.

You have cited a couple of cases in your letter that stand for the proposition that revolting and disgusting speech may be constitutionally protected.

Indian River Community College is an institution that prides itself on looking out for the best interest of its students. It is also important to note that as a community college, it has numerous dual enrollment students on campus. For these reasons, the College has made a determination that it is inappropriate to have R-rated movies shown on campus. You may disagree with this policy and certainly many people think it is acceptable to allow high school students to wander into R-rated movies that they normally would not be able to see. The College has a responsibility to the students and in some cases to their parents and has made decisions with these responsibilities in mind.

If you have any cases that indicate that colleges are not authorized to restrict the type of movies shown on campus, I would be most happy to review those cases.

I don't think you mean to suggest that just because certain speech or acts are constitutionally protected, that a college is required to license them on its campus. One could only imagine the bizarre clubs and activities that would be formed if that were the case.

It is perhaps unfortunate *The Passion of the Christ* is R-rated. The College, however, does not want to be in a position of setting a precedent that would allow R-rated movies

to be shown.

Again, however, if you can cite to a case that prohibits what the College is doing, I would be very much interested in reviewing it.

A handwritten signature in blue ink, appearing to read "C. LaCivita", is located at the bottom right of the page.