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June 7, 2005

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Dear Vice President Henningsen:

Thank you for your response to FIRE's April 18, 2005, letter to Seminole Community College President E. Ann McGee. While we appreciate your attempt to explain Seminole Community College's (SCC's) refusal to allow student Eliana Campos to distribute literature at a table in the Little Bean Café on SCC's Oviedo campus, SCC's continuing insistence that Ms. Campos distribute literature only in the campus's "free speech zone" constitutes a violation of Ms. Campos' rights under the First Amendment to the U.S. Constitution.

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First, we are gratified to hear that SCC has determined that Student Activities Specialist Gail Agor's views on the People for Ethical Treatment of Animals (PETA) do not represent the college's official view of the organization. Your comments make it clear to FIRE that you are aware that discrimination against certain student viewpoints is unacceptable at a public community college. However, FIRE still has two major areas of concern with SCC's free speech policies and the application of those policies.

SCC's "Free Speech Zone" Policy Violates the First Amendment to the U.S. Constitution

As we discussed in our April 18 letter to President McGee, "free speech zone" regulations on public college campuses are contrary to the First Amendment's guarantee of freedom of speech. In a June 2 e-mail to Ms. Campos, which lists you as a recipient, SCC Director of Student Life Randall Pawlowski quoted

SCC Procedure 6.07 regarding the “Use of College Grounds for Free Speech and Assembly.” In pertinent part, that policy states:

1. Seminole Community College grounds may be available for student exercise of free speech and assembly only in areas specifically identified for that purpose by the President or designee.

...

3. The designated area for free speech and assembly...on the Oviedo campus will be adjacent to the clock tower at the center of campus.

A look at a map of SCC’s campus and at photos of the clock tower area illustrates that SCC Oviedo’s free speech zone is both small and removed from the bulk of campus foot traffic. Indeed, Ms. Campos reports to FIRE that she did not once pass by the clock tower during an entire semester at SCC. As FIRE informed President McGee:

[T]he only possible defense of SCC’s “free speech zone” policy is that it is a “reasonable time, place and manner” restriction as allowed by cases like *Ward v. Rock Against Racism*, 491 U.S. 781 (1989). There is nothi

an excellent indication of how federal courts would be likely to resolve such a question in a similar situation—such as that of SCC.

SCC’s Application of Unwritten Restrictions to Ms. Campos’ Expression Constitutes Unconstitutional Viewpoint Discrimination

Not only does SCC maintain a facially unconstitutional “free speech zone” policy, but the evidence indicates that SCC administrators are applying a nonexistent speech regulation in order to prevent Ms. Campos from engaging in expressive activities in the place of her choice. Ms. Campos’ desire to distribute literature in the public area of the Little Bean Café stems from her observation that other students and groups have engaged in similar activities in that area on several occasions.

SCC administrators have confirmed in writing that tables for expressive activities are set up in the Little Bean Café. For instance, in her March 25 e-mail to Ms. Campos, Gail Agor stated, “When we set up tables, it is in the area with the Little Bean and students would be eating animal products in front of you...I feel this is a set up for conflict.” Likewise, in an April 8 e-mail to Ms. Campos (Attachment C to your May 18 letter to FIRE), Director of Student Life Randall Pawlowski wrote that “[f]or groups or people who are not registered student organizations, the free speech [*sic*] zone is the only place according to SCC policy that you can promote PETA.”

However, when Ms. Campos repeatedly requested that Director Pawlowski send her a copy of the SCC policy that allows only registered student organizations to set up tables in the Little Bean Café, Mr. Pawlowski was unable to do so. Ms. Campos’ first e-mail requesting a copy of the policy was met with a request by Mr. Pawlowski to call him. Ms. Campos, who is currently traveling, was unavailable to make a call and repeated her request over e-mail. In response, Mr. Pawlowski merely sent Ms. Campos another copy of SCC Procedure 6.07, the college’s free speech zone policy. A search of SCC’s website by FIRE also failed to produce any policy that regulates tabling in the Little Bean Café.

SCC’s apparent lack of any actual policy that limits tabling in the Little Bean Café, coupled with the college’s admission that students do in fact set up tables in the area, eliminates any possible justification for preventing Ms. Campos from setting up a table and distributing literature in that space. SCC’s continued refusal to allow Ms. Campos access to the area on an equal basis with other students and organizations can therefore only be explained by either an arbitrary desire to continue limiting her freedom of expression or by personal animus against Ms. Campos—neither

immediately reverse its decision to unconstitutionally restrict speech and allow Eliana Campos to exercise her expressive rights on an equal basis with other students, unencumbered by arbitrary and/or nonexistent restrictions. As we did in our first letter, FIRE asks that Seminole

