



Foundation for Individual Rights in Education

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respectfully request that Johns Hopkins repudiate its previous promises of free expression and rewrite its promotional materials to reflect the fact that students and faculty do not have the right to unfettered free speech at the university. If Johns Hopkins does not guarantee its students free speech, the university must inform parents, students, donors, and alumni of this policy, as those individuals almost certainly believe that students and faculty at Johns Hopkins enjoy at least the same rights as they would at any community college. Obviously, many prospective parents and students might be reluctant to commit to an institution where one's entire academic career can be jeopardized by making a joke, and they have a right to know about this risk.

Private colleges have the right to define their identities, but they do not have the right to promise rights to students and then break those promises when they become inconvenient. Making essential promises that you do not intend to fulfill in order to induce someone to spend money on a product or service is fraud, and even private colleges do not have the right to defraud. If Johns Hopkins wishes to drastically narrow the freedoms it offers students to those far smaller than what public college students enjoy, it simply

Area School District (2001). Similarly, in invalidating on First Amendment grounds a harassment policy at the University of Michigan, a federal district court held that the university could not “proscribe speech simply because it was found to be offensive, even gravely so, by large numbers of people.” *Doe v. University of Michigan* (1989).

In light of the overwhelming legal precedent, to say that punishing a student for merely posting a satirical invite does not “violate anyone’s right to free speech” is grossly inaccurate. If Johns Hopkins decides to repudiate its promises of free speech, then it need not protect free speech, but it must recognize that its actions do in fact constitute a violation of the right to free speech that would be guaranteed at a public university or in society at large.

Further, Dunham writes that “the

disciplinary problems. Like students across the country, he posted an invite to a themed Halloween party using slang and jokes from popular music and television programs. He was found guilty of a number of serious offenses, kicked off of campus entirely for a year, and sentenced to hundreds of community service hours, despite the fact he had already apologized for his actions. The university's actions here threaten to ruin a promising student's career and to cement Hopkins' reputation as the school where an insensitive joke can mean the end of all of a student's hard work. This is not fair, this is not right, and this is not the way we deal with speech that offends us in a free society. By teaching students that they have a right not to be offended, and that expression will only be tolerated so long as it is agreeable, you do your students a grave disservice and fail to prepare them to be active participants in a pluralistic democracy.

We hope that Johns Hopkins will reaffirm its commitment to the values of free expression, due process, and free speech, and trust in the open discussion and dialogue to handle instances of "offensive" speech.

FIRE remains committed to seeing this matter through to a just and moral conclusion. I invite your response, and hope that this matter can be resolved through reasoned dialogue.

Sincerely,



Greg Lukianoff
President

cc:

Robert Turning, Director of Greek Affairs, Johns Hopkins University

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