



December 2, 2025

Daniel G. Lugo  
Office of the President  
Trinity College  
300 Summit Street  
Hartford, Connecticut 06106

*Sent via U.S. Mail and Electronic Mail (president@trincoll.edu)*

Dear President Lugo:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by your November 7 announcement of an investigation into a series of messages written on classroom blackboards. The messages, written earlier that day, read, “Trinity is suppressing freedom of assembly,” “Disclose Divest Protest,” “Trinity Invests in Genocide,” “You are on stolen land,” and “Free Palestine.”<sup>2</sup> Your announcement claims these messages, purportedly written by members of Trinity Students & Faculty for Justice in Palestine, were at odds with college policies prohibiting “political activism within academic settings,” and made students and faculty feel “unsettled,” characterizing them as examples of disruption, harassment, and intimidation.<sup>3</sup> Yet Trinity’s strong and laudable commitment to free expression protects these messages, regardless of the feelings of some who saw them. We therefore urge Trinity to end its investigation into the matter.

While, as a private college, Trinity is not bound by the First Amendment, it has voluntarily made commensurate and binding promises to recognize and protect its students’ freedom of expression. Trinity’s own policies state that “excellence in ... education relies on critical thinking, freeing the mind from parochialism and prejudice, and encouraging student[s] to lead examined lives. Free inquiry and free expression are essential for attainment of these

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<sup>1</sup> For more than 25 years, FIRE has defended freedom of expression and other individual rights on America’s college campuses. You can learn more about our mission and activities at [thefire.org](https://thefire.org).

<sup>2</sup> Trinity Students & Faculty for Justice in Palestine (@sfjp\_trin), INSTAGRAM (Nov. 7, 2025), [https://www.instagram.com/p/DQxTWFDErdu/?img\\_index=1](https://www.instagram.com/p/DQxTWFDErdu/?img_index=1) [<https://perma.cc/VVV6-7YAU>].

<sup>3</sup> Email from Daniel Lugo, President, to Jason Rojas, Associate Vice President for External Affairs (Nov. 7, 2025, 9:32 PM). The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer and invite you to share it with us. We were unable to find any Trinity policy specifically prohibiting “political activism within academic settings.”

goals.”<sup>4</sup> These commitments—and what constitutes a reasonable interpretation of these commitments—are informed by First Amendment jurisprudence and Connecticut contract law.<sup>5</sup>

While, consistent with these free-expression commitments, Trinity may establish “reasonable time, place, and manner” restrictions on expressive activity, these restrictions must be content-neutral.<sup>6</sup> Any policy prohibiting “political activism within academic settings” necessarily fails content neutrality, as such a policy restricts expression precisely *because* its content is political.<sup>7</sup> As the Supreme Court observed, such broad restrictions on “political” messaging can be applied to t-shirts or buttons that say relatively anodyne things such as “Support Our Troops,” “#MeToo,” or even “Ben & Jerry’s.”<sup>8</sup> In other words, Trinity’s policy violates its own commitments to free expression, since the speech it regulates is virtually limitless.

Trinity’s investigation into the blackboard messages further contravenes its free speech promises. Higher education depends on “wide exposure to that robust exchange of ideas which discovers truth out of a multitude of tongues, rather than through any kind of authoritative selection.”<sup>9</sup> This is especially true of political expression, which lies at the core of the value of the American ideal of free expression. Protection of political expression is especially necessary in times of intense disagreement on global affairs<sup>10</sup>—even when “unsettling” to some<sup>11</sup>—and necessarily and frequently encompasses “sensitive topics” like ethnicity or religion, “where the risk of conflict and insult is high.”<sup>12</sup> In the college context, “dissent is expected and,

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<sup>4</sup> Student Integrity Contract, Statement of Rights and Responsibilities, Academic Life, Academic Rights and Freedoms, TRINITY COLL., <https://www.trincoll.edu/dean-of-students/community-standards/student-integrity-contract/> [<https://perma.cc/K8A8-Y82C>] (last visited Nov. 25, 2025).

<sup>5</sup> See *Bass ex rel. Bass v. Miss Porter’s Sch.*, 738 F. Supp. 2d 307, 320-21 (D. Conn. 2010) (the basic relationship between a student and a private university is contractual in nature, and this rule is well-settled).

<sup>6</sup> *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989); *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984).

<sup>7</sup> See *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (“Content-based laws ... are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.”) (citations omitted).

<sup>8</sup> *Minn. Voters All. v. Mansky*, 585 U.S. 1, 19 (2018) (regarding a statute prohibiting “political insignia” within polling places).

<sup>9</sup> *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (cleaned up).

<sup>10</sup> *Buckley v. Am. Const. Law Found.*, 525 U.S. 182, 186–87 (1999).

<sup>11</sup> See, e.g., *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973) (a student newspaper’s front-page publication of a “political cartoon ... depicting policemen raping the Statue of Liberty and the Goddess of Justice” and use of a vulgar headline—published at the height of the Vietnam War—were no doubt deeply offensive to many at a time of deep polarization and unrest, but were nonetheless protected under the First Amendment).

<sup>12</sup> *Rodriguez v. Maricopa Cnty Comm. Coll. Dist.*, 605 F.3d 703, 708–09 (9th Cir. 2009).

accordingly, so is at least some disharmony,”<sup>13</sup> which means that neither affords administrators a legitimate justification to restrict speech.

Nor may Trinity rest its investigation on the purported “disruption” caused by the chalkboard messages. Colleges certainly have a strong interest in ensuring classes are not disrupted, but that interest does not justify a blanket prohibition on all political expression that takes place in the *physical confines* of a classroom—even when class is not in session. While the chalkboard messages may have made some viewers uncomfortable, political messages written in chalk on a blackboard, regardless of content, will rarely rise to the level of material and substantial disruption to justify a school’s taking action to punish that expression.<sup>14</sup> If free debate is to be preserved, any investigation or disciplinary action on disruption grounds must be supported “by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.”<sup>15</sup> And, of course, given the impermanent nature of chalk messages on chalkboards, students or faculty members can simply erase the messages they do not wish to see.

The messages do not constitute harassment, either. Hostile environment discriminatory harassment in the educational context is defined as conduct that is (1) unwelcome, (2) discriminatory based on a protected status, and (3) “so severe, pervasive, and objectionably offensive that it can be said to deprive the victim[] of access to the educational opportunities or benefits provided by the school.”<sup>16</sup> These messages, as reported, were neither severe nor objectively offensive,<sup>17</sup> and certainly cannot be said to have deprived any students of reasonable access to their education.<sup>18</sup>

The messages also do not constitute intimidation, a form of true threats.<sup>19</sup> A true threat is a statement through which “the speaker means to communicate a serious expression of an intent

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<sup>13</sup> *Higbee v. E. Mich. Univ.*, 399 F. Supp. 3d 694, 704 (E.D. Mich. 2019).

<sup>14</sup> See *Tinker v. Des Moines*, 393 U.S. 503, 512 (1969) (quoting *Keyishian*, 385 U.S. at 603). While *Tinker* involved minor students in high school, the speech of college students cannot be restricted more than that of high school students. See *Tinker*, 393 U.S. at 515 (Stewart, J., concurring). Therefore, the protections described by the Court in *Tinker* are the floor for student expressive rights, not the ceiling. Even under *Tinker*’s disruption standard, these chalk messages do not rise to the level of a punishable disruption.

<sup>15</sup> *Id.* at 509.

<sup>16</sup> *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999).

<sup>17</sup> There is a large segment of the U.S. population whose views on the Israeli-Palestinian conflict would likely lead them to find the chalk messages inoffensive. Laura Silver, *How Americans view Israel and the Israel-Hamas war at the start of Trump’s second term*, PEW RSCH. CTR. (Apr. 8, 2025), <https://www.pewresearch.org/short-reads/2025/04/08/how-americans-view-israel-and-the-israel-hamas-war-at-the-start-of-trumps-second-term/>.

<sup>18</sup> See *Davis*, 526 U.S. at 654 (“[P]etitioner contends that the harassment had a concrete, negative effect on her daughter’s ability to receive an education[.]”) (emphasis added); see also *Nungesser v. Columbia Univ.*, 169 F. Supp. 3d 353, 368 (S.D.N.Y. 2016) (“Examples of such negative effects include a drop in grades, missing school, being forced to transfer schools, or mental health issues requiring therapy or medicine.”); *Mandel v. Bd. of Trustees of Cal. State Univ.*, 2018 WL 1242067, at \*20 (N.D. Cal. Mar. 9, 2018); *Roe ex rel. Callahan v. Gustine Unified Sch. Dist.*, 678 F.Supp.2d 1008, 1028 (N.D. Cal. 2009).

<sup>19</sup> *Virginia v. Black*, 538 U.S. 349, 359-60 (2003).

to commit an act of unlawful violence to a particular individual or group of individuals[.]”<sup>20</sup> and requires that the speaker consciously disregard a substantial risk that their speech would place another in fear of serious physical harm.<sup>21</sup> Regardless of the charged political nature of the messages, none of the expression at issue can objectively be said to have communicated *any* intent of the speaker to commit unlawful violence against those viewing the messages.

As such, there is nothing sanctionable about the speech itself, and the dissemination of said speech does not, in these circumstances, amount to intimidation, harassment, or disruption. The messages written on the chalkboards were clearly protected as core political speech, and Trinity’s actions infringe on this protection.

We request a substantive response to this letter no later than the close of business on December 16, 2025, confirming Trinity will publicly announce an end to its investigation on the matter and remove any existing policy prohibiting “political activism within academic settings.”

Sincerely,



Garrett Gravley  
Program Counsel, Campus Rights Advocacy

Cc: Sonia Cardenas, Vice President for Academic Affairs  
Dickens Mathieu, General Counsel

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<sup>20</sup> *Id.* at 359.

<sup>21</sup> *Counterman v. Colorado*, 600 U.S. 66, 74 (2023).