



December 22, 2025

Nicole Hurd
Office of the President
Lafayette College
316 Markle Hall
Easton, Pennsylvania 18042

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

Dear President Hurd:

FIRE¹ is alarmed by Lafayette College's blanket suspension of all 13 of its fraternities and sororities over anonymous commentary at a Greek Life wellness event. Lafayette's guilt-by-association punishment in response to protected student expression violates the college's commitment to uphold students' free speech rights. We urge Lafayette to promptly end this systemwide punishment of Greek Life members for exercising rights the college promised to them.

On November 12, Lafayette hosted a Wellness 101 event attended by the college's approximately 600 fraternity and sorority members.² During the event, administrators asked students to anonymously answer questions through their phones, which would appear on a large screen in the center of the room.³ One question asked, "What's keeping you from better organizing or maintaining your finances?" to which someone responded: "Jews."⁴ Other responses allegedly included unspecified sexual comments about Lafayette administrators and

¹ As you may recall from recent correspondence, FIRE is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at fire.org.

² Benjamin White and Elisabeth Seidel, *Fraternity, sorority social events halted after alleged antisemitic, sexist remarks*, THE LAFAYETTE (Dec. 5, 2025), <https://lafayetestudentnews.com/186497/news/final-no-photo-fraternity-sorority-social-events-halted-after-alleged-antisemitic-sexist-remarks>. The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information to offer and invite you to share it with us.

³ *Id.*

⁴ *Id.*

misogynistic commentary.⁵ Director of Student Wellness Initiatives Vanessa Freeman then rebuked the attendees for submitting these responses.⁶

In a December 1 email to the groups, Director of Institutional Equity & Title IX Coordinator Karen Salvemini criticized students' "numerous inappropriate and offensive comments" and "antisemitic language, sexist language, and disrespectful and harmful comments about a variety of topics and identity groups."⁷ She announced an indefinite suspension of "all fraternity- and sorority-related social events, events with alcohol, and spinnings (the social philanthropy events meant to introduce first year students to fraternities and sororities)," as well as "[s]ocial recruitment events ... until the full membership of the chapter[s] satisfactorily completes an in-house educational program developed by College professionals regarding the topics and issues that are related to this incident."⁸ Salvemini explained that "the community as a whole is unfortunately subject to the consequences of this incident due to the severity of the conduct and the presence of a significant portion of the student body."⁹

As of the date of this letter, Lafayette has not provided any further communication about the educational programming. The groups remain suspended.

Lafayette's collective punishment violates its promises to protect students' expressive rights. The college proclaims: "Freedom of inquiry and freedom of expression are indispensable to the attainment of the goals of Lafayette College."¹⁰ Lafayette further states: "Students and student organizations are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately," adding that "[t]hey are free to support causes by orderly means, including any means of peaceful assembly or advocacy, which do not interfere with or disrupt the operations of the College."¹¹ These commitments represent not only a moral obligation but a contractually binding legal duty on the part of the college.¹²

⁵ *Id.*

⁶ *Id.*

⁷ Email from Karen Salvemini, Director of Institutional Equity & Title IX Coordinator, to Lafayette fraternities and sororities (Dec. 1, 2025) (on file with author).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Statement of rights and responsibilities of students*, LAFAYETTE COLL., <https://conduct.lafayette.edu/student-handbook/statement-of-rights-and-responsibilities-of-students> [<https://perma.cc/X3JM-BKV9>].

¹¹ *Id.*

¹² *Barker v. Trustees of Bryn Mawr Coll.*, 122 A. 220, 221 (Pa. 1923) ("[T]he relation between the student and the college is solely contractual in character."); *Swartley v. Hoffner*, 734 A.2d 915, 919 (Pa. Super. Ct. 1999) ("The contract between a private institution and a student is comprised of the written guidelines, policies, and procedures as contained in the written materials distributed to the student over the course of their enrollment in the institution."). Additionally, Lafayette is accredited by the Middle States Commission on Higher Education, which requires that each institution, as a pre-condition for accreditation, "possesses and demonstrates . . . a commitment to academic freedom, intellectual freedom, freedom of expression." *Standards for Accreditation and Requirements of Affiliation*, Standard II, Ethics and Integrity, Criteria, MIDDLE STATES COMM'N ON HIGHER EDUC., <https://www.msche.org/standards/fourteenth-edition/> [<https://perma.cc/ZRD3-B2LW>].

Anonymous student commentary—even when offensive—at a college event falls squarely within this commitment. Any reasonable conception of free speech encompasses adult college students’ right to express views that may offend students and administrators. This is why the United States Supreme Court, interpreting the First Amendment’s Free Speech Clause, has repeatedly protected words others find uncivil, disrespectful, and even hateful. This core principle is why authorities cannot outlaw burning the American flag,¹³ punish the wearing of a jacket emblazoned with the words “Fuck the Draft,”¹⁴ penalize a parody ad depicting a pastor losing his virginity to his mother in an outhouse,¹⁵ or disperse civil rights marchers out of fear that “muttering” and “grumbling” white onlookers might resort to violence.¹⁶ In ruling that free speech protects protesters holding insulting signs outside of soldiers’ funerals, the Court reiterated this fundamental principle, remarking that “[a]s a Nation we have chosen . . . to protect even hurtful speech on public issues to ensure that we do not stifle public debate.”¹⁷

This principle applies with particular strength to colleges that, like Lafayette, are dedicated to open debate and discussion. Take, for example, 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 (“Motherfucker Acquitted”).¹⁸ These words and images—published at the University of Missouri at the height of the Vietnam War—were no doubt deeply offensive to many at a time of deep polarization and unrest. So, too, were “offensive and sophomoric” skits depicting women and minorities in derogatory stereotypes at George Mason University,¹⁹ “racially-charged emails” to a community college listserv,²⁰ and a gay student organization at the University of New Hampshire that the public at the time viewed as “shocking and offensive.”²¹ Yet, the Court held that “the mere dissemination of ideas—no matter how offensive to good taste—on a . . . [college] campus may not be shut off in the name alone of ‘conventions of decency.’”²²

Lafayette students’ commentary may have offended fellow students and administrators, but the college’s laudable commitment to free speech precludes official punishment. The college provided no evidence that the commentary constituted unprotected true threats or

¹³ *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (burning the American flag was protected by free speech principles, the “bedrock principle underlying” the holding being that government actors “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”). While Lafayette is not bound by the First Amendment, courts’ interpretation of free speech principles should inform Lafayette’s commitment to these principles and students’ reasonable interpretation of their rights.

¹⁴ *Cohen v. California*, 403 U.S. 15, 25 (1971).

¹⁵ *Hustler Mag., Inc. v. Falwell*, 485 U.S. 46, 50 (1988).

¹⁶ *Cox v. Louisiana*, 379 U.S. 536, 557 (1965).

¹⁷ *Snyder v. Phelps*, 562 U.S. 443, 448, 461 (2011).

¹⁸ *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973).

¹⁹ *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason Univ.*, 993 F.2d 386, 388–392 (4th Cir. 1993).

²⁰ *Rodriguez v. Maricopa Cnty. Comm. Coll. Dist.*, 605 F.3d 703, 705 (9th Cir. 2009) (free speech “embraces such a heated exchange of views,” especially when they “concern sensitive topics like race, where the risk of conflict and insult is high.”).

²¹ *Gay Students Org. of Univ. of N.H. v. Bonner*, 509 F.2d 652, 661 (1st Cir. 1974).

²² *Papish*, 410 U.S. at 667–68 (1973).

harassment.²³ Rather, the students’ commentary is very much within the orderly expression of opinions—directly solicited by administrators, through their prescribed method—protected by the college’s official policy.²⁴

Lafayette’s disregard for its students’ expressive rights is coupled with the injustice of collective punishment of its entire Greek Life system for a few individuals’ protected speech. Though colleges may address chapters’ misconduct by suspending activities of individual groups, the basic principles of free speech and common sense limit the types of consequences and the groups upon which they may be imposed. Crucially, Lafayette has no legitimate interest in punishing students or groups who have not been accused of any wrongdoing. Yet Salvemini admitted to punishing “the community as a whole” because the expression took place before “a significant portion of the student body”—regardless of which groups or students actually submitted the offending responses.²⁵ The basic principles of fairness and “equal justice under law” are incompatible with blanket suspensions for mere affiliation with those who committed misconduct—in other words, guilt by association.²⁶ Even when discipline rests on *formal* association with organizations that have engaged in actual violence, courts have made clear that association alone cannot establish guilt.²⁷

Just as it would be unacceptable for the authorities to punish you, President Hurd, for the actions of your fellow college presidents in which you were not involved, Lafayette must, for the same reasons, make individualized disciplinary determinations regarding the individuals accused of wrongdoing.²⁸ Considering that the misconduct here is nothing more than expression protected by Lafayette’s own policies, the college should not be punishing *anyone*, let alone its entire Greek Life system.

Lafayette may educate students about speech it deems inappropriate, but it may not punish them for such expression. We request a substantive response to this letter no later than close of business January 5, 2026, confirming Lafayette will lift its suspension.

Sincerely,



²³ Unprotected Speech Synopsis, FIRE, <https://www.thefire.org/research-learn/unprotected-speech-synopsis> (last visited Dec. 16, 2025) (summarizing unprotected categories of speech).

²⁴ *Statement of rights and responsibilities of students*, *supra* note 10 (establishing that students “are free to support causes by orderly means, including any means of peaceful assembly or advocacy, which do not interfere with or disrupt the operations of the College.”).

²⁵ Email from Karen Salvemini, *supra* note 7.

²⁶ See *Healy v. James*, 408 U.S. 169, 186 (1972) (“guilt by association alone, without [establishing] that an individual’s association poses the threat feared by” authorities “is an impermissible basis upon which to deny” expressive or associational rights).

²⁷ *Id.* at 171, 181.

²⁸ See *United States v. Robel*, 389 U.S. 258, 265 (1967) (“The statute quite literally establishes guilt by association alone, without any need to establish that an individual’s association poses the threat feared by the Government in proscribing it. The inhibiting effect on the exercise of First Amendment rights is clear.”) (footnote omitted).

Zachary Greenberg
Student Association Counsel, Campus Rights Advocacy

Cc: Vanessa Freeman, Director of Student Wellness Initiatives
Karen Salvemini, Director of Institutional Equity & Title IX Coordinator
Walter Snipes, Dean of Students
Jake Bates, Associate Director of Fraternity & Sorority Life