



March 9, 2026

Timothy D. Cedrone
General Counsel
Lafayette College
012 Markle Hall
Easton, Pennsylvania 18042

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

Dear Mr. Cedrone,

FIRE¹ is disappointed by Lafayette’s refusal to lift its suspension of fraternity and sorority social activities over anonymous commentary at a Greek Life wellness event. Contrary to your assertion that “the College’s actions were appropriately tailored to the nature of the incident and consistent with its Policy on Equal Opportunity, Harassment, and Non-Discrimination and related Resolution Process,” there is no legitimate college interest in punishing innocent students and groups for speech in which the vast majority did not themselves engage, and that in any case falls far short of harassment or discrimination.² Such expression remains protected by the college’s free speech policies, which you fail to mention in your response. We again call on Lafayette to end all punishment stemming from this incident.

The anonymous student commentary during the November 12 “Wellness 101” event in no way rises to any reasonable definition of harassment or discrimination—neither federal law, nor state law, nor Lafayette College policy considers isolated, anonymous, untargeted speech as such.³ To the contrary, the federal Department of Education, as well as Supreme Court precedent—reflected in the college’s own policy—correctly defines harassment as conduct so severe, pervasive, and objectively offensive that it excludes victims from educational

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 Letter from Timothy D. Cedrone, Lafayette General Counsel, to Zach Greenberg, FIRE Student Association Counsel (Feb. 26, 2026) (in file with author).

³ See Letter from Greenberg to Cedrone (Dec. 22, 2025) (enclosed).

resources.⁴ Discrimination requires some form of differential treatment or exclusion.⁵ Anonymously submitted, subjectively offensive speech does not even come close to meeting these standards, and the college’s failure to bring disciplinary charges or hold hearings only highlights the absurdity of its claims that students violated its policies.

And even if the speech had risen to these standards, no college policy authorizes punishment of students who did not actually write the offending words. Lafayette’s suspension of its entire Greek life system—consisting of hundreds of students—is not an “appropriately tailored” response to offensive speech. Disturbingly, by punishing every member of Greek Life to (as you state) “address the effects of the incident on the impacted individuals and community at large,” Lafayette admits to punishing the *victims* of the alleged misconduct, including those students who complained about the speech. FIRE is in touch with several sororities currently under suspension who had nothing to do with the incident. Far from compliant with state and federal harassment and discrimination laws, Lafayette’s blanket suspension of Greek Life flies in the face of basic anti-retaliation protections enshrined in the rules you cite.⁶

Further, Lafayette’s misguided punishment of “hurtful” speech starkly contradicts its official, written, and public pronouncement that “Freedom of inquiry and freedom of expression are indispensable to the attainment of the goals of Lafayette College.”⁷ Lafayette adds: “Students and student organizations are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately.”⁸ Any reasonable understanding of free expression encompasses protection for subjective offensive speech.⁹ This includes speech

⁴ The U.S. Department of Education’s Office for Civil Rights has clarified that discriminatory harassment “must include something beyond the mere expression of views, words, symbols, or thoughts that some person finds offensive.” U.S. Dep’t of Educ., Dear Colleague Letter from Gerald A. Reynolds, Assistant Sec’y for Civil Rights (July 28, 2003), <https://www2.ed.gov/about/offices/list/ocr/firstamend.html> [<https://perma.cc/9DCA-XMFD>]. This reflects the Supreme Court’s definition of peer harassment as unwelcome, discriminatory conduct based on a protected status that is “so severe, pervasive, and objectively offensive that it can be said to deprive the victim[] of access to the educational opportunities or benefits provided by the school.” *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999). Lafayette’s own policy similarly defines harassment as “unwelcome conduct, determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity.” *Policy on Equal Opportunity, Harassment and Non-Discrimination*, Policy on Discriminatory Harassment, Discriminatory Harassment, LAFAYETTE COLL., <https://sash.lafayette.edu/lafayette-college-interim-policy-on-equal-opportunity-harassment-and-non-discrimination/> [<https://perma.cc/HWU6-TW5R>].

⁵ *Policy on Equal Opportunity*, *supra* note 4 at Scope (defining discrimination as “exclusion from, or different treatment in, activities, such as admission, athletics, or employment”).

⁶ *Id.* at Retaliation (“The College ... [is] prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.”). This reflects the anti-retaliation provisions authorized by Title VI and Title IX prohibiting educational institutions from punishing students for reporting alleged harassment and discrimination. 34 C.F.R. § 100.7(e) (2025) (Title IV); 34 C.F.R. § 106.71 (2025) (Title IX).

⁷ *Statement of rights and responsibilities of students*, Preamble, LAFAYETTE COLL., <https://conduct.lafayette.edu/student-handbook/statement-of-rights-and-responsibilities-of-students> [<https://perma.cc/X3JM-BKV9>].

⁸ *Id.* at Student Affairs.

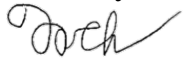
⁹ This core free speech principle is why authorities cannot outlaw burning the American flag, *Texas v. Johnson*, 491 U.S. 397, 414 (1989), punish the wearing of a jacket emblazoned with the words “Fuck the Draft,” *Cohen v. California*, 403 U.S. 15, 25 (1971), penalize cartoons depicting a pastor losing his virginity to his mother in an outhouse, *Hustler Magazine. v. Falwell*, 485 U.S. 46, 50 (1988), or disperse civil rights marchers out of fear that “muttering” and “grumbling” white onlookers might resort to violence, *Cox v. Louisiana*, 379 U.S. 536, 557 (1965).

deemed “hurtful” or even hateful by administrators. In fact, the entire purpose of promising students’ free speech is to avoid the temptation of punishing them for expression that irks fellow students and administrators.¹⁰ We hope you agree that colleges that promise students free speech should uphold this commitment as a moral and contractually binding legal duty.¹¹

This basic principle—that free speech protects offensive speech—is especially important at institutions of higher education like Lafayette, which are dedicated to the free and open exchange of ideas. Though Lafayette’s desire to protect its students is understandable, college students are adults fully able to counter speech they dislike with their own speech, which is why courts have consistently struck down administrators’ paternalistic attempts to shield them from distasteful expression.¹² When colleges punish expression someone deems offensive but that violates no other rule, they imperil a broad range of political speech and academic inquiry. History shows that such exceptions inevitably become tools used against those whom such policies are nominally intended to protect. Indeed, as mentioned above, that is precisely what is happening *right now at Lafayette*, which is punishing multiple students and groups whose only involvement with the offensive remarks was objecting to them. The injustice of the situation is both manifest and unavoidable.

FIRE has patiently awaited your response—delayed by inclement weather and personal health issues—in the hopes of privately resolving this issue with you. We again privately urge you to promptly rectify this violation of the college’s free speech commitment, accreditation standard, and anti-retaliation rules. We respectfully request a substantive response to this letter no later than close of business March 23, 2026, confirming Lafayette will lift all sanctions on fraternity and sorority chapters stemming from the November 12 event.

Sincerely,



Zachary Greenberg
Student Association Counsel, Campus Rights Advocacy

Cc: Nicole Hurd, President
Sarah Moschenross, Vice President for Student Life

¹⁰ See, e.g., *Matal v. Tam*, 582 U.S. 218, 246 (2017) (the Court has refused to limit speech viewed as “hateful” or demeaning “on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground.”); *Johnson*, 491 U.S. at 414 (burning the American flag is protected by First Amendment, the “bedrock principle” holding that government actors “may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable”).

¹¹ *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”); see also *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>] (accredited colleges must “demonstrate[] ... a commitment to ... intellectual freedom, freedom of expression.”).

¹² E.g., *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973) (reversing university sanctions on student newspaper reading “Motherfucker Acquitted” alongside a “political cartoon . . . depicting policemen raping the Statue of Liberty and Goddess of Justice”); *Iota Xi Chapter of Sigma Chi Fraternity v. George Mason Univ.*, 993 F.2d 386, 388–92 (4th Cir. 1993) (overturning a university’s sanctions on a fraternity for conducting an “ugly woman contest” with “racist and sexist” overtones).