

October 6, 2003

President Designate Shirley Robinson Pippins
Suffolk County Community College, Ammerman Campus
37 Norman F. Lehtrecker Building
533 College Road
Selden, New York 11784-2899

Dear President Pippins,

Welcome to Suffolk County Community College. Prior to your tenure as president, the Foundation for Individual Rights in Education (FIRE) wrote to your predecessor, his staff, and several members of the Board of Trustees regarding the threats to free speech, journalistic freedom, and freedom of association posed by the punishment of Ursula Monaco, an SCCC student. We wish that your predecessor had resolved this matter prior to your arrival, but the response (attached) that we received from him did not demonstrate a recognition of either the gravity of this situation or the significance of the constitutional issues involved. We have great confidence that you will address our concerns, which we trust that you will share.

We have attached both our July 21 and August 25 letters to SCCC. As FIRE has clearly explained in our previous communications regarding this matter, SCCC may not lawfully punish Ursula Monaco for “harassment” or “intimidation” for accidentally sending an e-mail with a profanity in it to a professor. Furthermore, SCCC’s banning Ms. Monaco from virtually all involvement in student newspapers at SCCC is an unlawful violation of her rights to free speech, academic freedom, voluntary association, and journalistic freedom.

Unfortunately, this situation has worsened since we last wrote to members of SCCC’s administration. This is our understanding of the facts. We urge you to correct any errors in our understanding of the facts, if any exist. In the last several weeks, Ms. Monaco’s unjust and overly expansive probation has been enforced in an increasingly harsh and arbitrary manner. The SCCC administration’s punishment of Ms. Monaco clearly stipulated that her probation was intended to

limit only her involvement with *student* publications. Despite this, she was reprimanded by Dean Meryl Rogers on August 20 and September 11 for contacting *Western Student Press* (*WSP*) advisor Gregg Sarra in relation to her work for *non-student* publications.

The reported events leading to the September 11 reprimand of Ms. Monaco typify the severe and arbitrary nature of the SCCC administration's actions. We understand that on that day, Ms. Monaco was ordered by Director of Campus Activities Tom Wendt to leave the hallway outside the *WSP* press office. Ms. Monaco refused to do so because her probation did not prevent her from being in the student center where the *WSP* is located; her probation only kept her from entering the offices of student publications. Because of her refusal to leave the hallway, she was eventually taken to Dean Rogers's office by two public security officers. While in her office, Ms. Monaco was told by Dean Rogers that she would not be punished for anything that had occurred that morning. Nevertheless, Ms. Monaco was cited for violating her probation in this incident.

The escalation of this situation at SCCC is very troubling. A punishment that was an unconstitutional infringement upon Ms. Monaco's rights to begin with is now being enforced in a manner that encompasses an ever-widening arena of protected activity. Ms. Monaco's probation is essentially a "gag order" with terms that seem to be in a perpetual state of expansion. It is not surprising, then, that the events of the last few months have taken a toll on Ms. Monaco's health and livelihood.

FIRE has also recently become aware of a separate situation involving attempts to censor the speech of a faculty member at SCCC. Associate Professor of Mathematics Kathryn Benjamin was recently involved in an e-mail discussion of a set of policy guidelines for art exhibits and displays. In an e-mail that she sent on September 18, Professor Benjamin commented on two versions of the policy and closed by remarking, "If only our upper administration fully understood the right to free speech. Based on my observations and several episodes that I have learned of this summer, I am sorry to say they do not. I guess as educators, it is up to us to educate them about it."

SCCC Vice President for Legal, Planning and Information Services Steven Schrier responded to her note with the warning that the speech in her e-mail could constitute "defamation." Schrier's response to Professor Benjamin's e-mail relies on an irresponsible misrepresentation of defamation law to attack constitutionally protected expression of opinion on a topic of public concern, and demonstrates the administration's fear of—rather than respect for—free expression at SCCC.

These incidents strongly indicate a systemic disregard for basic freedoms on the part of SCCC's administration. FIRE again asks SCCC to overturn its punishment of Ursula Monaco, to reaffirm

that its students and faculty—including Ms. Monaco and Professor Benjamin—are free to reason and speak on behalf of their own conclusions and beliefs, and to demonstrate a meaningful commitment to both vigorous dissent and journalistic inquiry.

I look forward to your response and to a satisfying resolution to this matter.

Sincerely,

Greg Lukianoff
Director of Legal and Public Advocacy

cc:

Salvatore J. La Lima, President, Suffolk County Community College
James F. Canniff, Vice President for Academic and Campus Affairs, Suffolk County Community College
Michael Weissberg, Vice President for Student Affairs, Suffolk County Community College
Steven F. Schrier, Vice President for Legal, Planning and Information Services, Suffolk County Community College
Ilene S. Kreitzer, Legal Affairs Compliance Officer, Suffolk County Community College
Joanne E. Braxton, Executive Dean, Western Campus, Suffolk County Community College
Meryl S. Rogers, Associate Dean of Student Services, Western Campus, Suffolk County Community College
Michael V. Hollander, Chairperson, Board of Trustees, Suffolk County Community College
M. Vicky Wacksman, Vice Chairperson, Board of Trustees, Suffolk County Community College
William Moore, Secretary, Board of Trustees, Suffolk County Community College
Walter C. Hazlitt, Board of Trustees, Suffolk County Community College
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Nadine Strossen, President, American Civil Liberties Union
Ursula Monaco
Kathryn Benjamin

Encl. (4)

