

Office of the Vice President and General Counsel

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May 26, 2006

By Facsimile and US Mail

Mr. Robert L. Shibley
Vice President
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, PA 19106

Re: The Carrollton Record

Dear Mr. Shibley:

I am writing on behalf of President William Brody in response to your letter of May 19, 2006. At the outset, let me assure you that The Johns Hopkins University ("JHU") remains committed to maintaining an academic community where the free expression and exchange of ideas is fostered and thrives. JHU fully recognizes the critical importance of free speech to our academic excellence and mission.

With respect to your concerns about the May issue of the Carrollton Record ("TCR"), JHU never censored the issue nor did it ban its distribution on campus. To the contrary, copies of the May issue were placed for distribution at several campus locations where students typically pick up publications, including Levering Hall, the Eisenhower Library and the athletic center. It is my understanding that copies continue to be available at various locations around the Homewood campus. Moreover, the May issue is available on TCR's website, which can be accessed via a web link found on the JHU website. In sum, any concern that JHU has engaged in censorship or banned the TCR publication from campus is completely without merit.

As noted in your letter, copies of the May issue were removed from the student residence halls. This was done pursuant to a long-standing residence hall policy. The policy is set forth in the "Living at Hopkins Guidebook" at page 49. The policy requires that the Office of Residential life must approve materials before they are posted in specified areas of the residence halls. It also states that "inappropriate and unapproved signs" will be removed. Further, there is a Postering Guide that is distributed by the housing office which reiterates this policy. Although it is not explicitly stated in the policy, by long standing practice the Office of Residential Life has applied the policy to student publications that are left for distribution in student housing. The intent of the policy is to protect student residents from being bombarded with commercial and other materials in their campus home and to maintain a reasonably clutter-free environment in the common areas of the residence halls. The policy is a reasonable "time, place and manner" limitation, and it in no way prohibits students from distributing publications at locations throughout campus -- including publications that express unpopular views or views that many members of the JHU community might find offensive or in poor taste.

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Apparently, TCR was not aware of the policy, and it claims to have distributed its publication in the student residence halls without incident in the past. However, the posting policy has been applied in the past, including in circumstances where a student publication was removed from the residence halls because its distribution/placement had not been approved in advance. Also, it is possible and perhaps likely that past issues of TCR could have been left for distribution in violation of the policy without it coming to the attention of the Residence Life staff. Unless a member of the Residence Life staff observes a violation of the policy or there is a student complaint about the distribution of a publication, the violation is likely to go unnoticed. In the case of the May issue of TCR, the director of Residence Life, Ms. Shelly Fickau, received a complaint from more than one student about the TCR. As a result, she became aware that the TCR had been distributed in the residence halls without prior approval, and she authorized removal of all copies of the May issue. However, she specifically advised the complaining students not to remove them from other locations on campus. None of the copies removed from the dorms were destroyed, and, as you note, all copies were retrieved by a TCR representative from Dean Susan Boswell's offices, where they were temporarily held after being removed.

You also expressed concern about Ms. Fickau's decision on May 18 to deny approval to place or post advertisements for TCR's website in the dormitories. That decision was made on the grounds that all posters were to be removed from the residence halls on May 19 - - coincident with the end of the semester.

With regard to the concerns about an alleged theft of copies of the May issue, a representative from Campus Security has met with TCR representatives regarding their concerns about a theft of newspapers. Moreover, I understand that TCR was given advice as to how to provide the information that would be necessary for filing a security report. Also, Associate Dean Ralph Johnson has said consistently that he would proceed on such allegations if he were to receive a security report. It is my understanding that at various times TCR representatives have not been able to state with reasonable precision how many copies of the May issue were left at various locations or the basis for their concern that a theft or thefts occurred. Indeed, I have seen differing reports as to the numbers of copies that were left for distribution at campus locations. Your letter suggests that 600 copies were taken from the library. Of course, in view of the fact that the publication is free of charge and there is no limitation on the number of copies one can take, any charge of theft would be difficult to sustain. Nonetheless, I reiterate that TCR representatives have been advised about how to pursue a theft claim, and Campus Security at JHU continues to stand ready to receive information about this matter.

You also express distress about how JHU has handled concerns raised by students about the May issue of TCR. A few students whose photos appeared on the cover of the May issue raised a variety of concerns, including: the photos were published without the consent of the person photographed; the photos implied that those photographed endorsed or were in some way involved in pornography and/or sponsored a student event on campus where a pornographic film director spoke; the photos, in connection with the reference to DSAGA, implicitly made a statement about the sexual orientation of the students and/or were intended to harass students on that basis; and/or the photos were obtained from "Face Book" and used in violation of Face Book protocol. In this regard, it is my understanding that at least one individual whose photo appears on the cover has no association with DSAGA nor had any involvement whatsoever in the event where the pornography director spoke. Another student pictured, although a

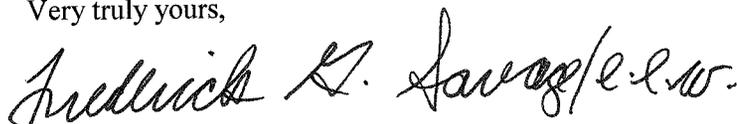
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member of DSAGA, opposed DSAGA's decision to sponsor the event. In sum, my understanding is that the nature of the complaints largely involve concerns raised by the students whom TCR chose to place on the cover of the May issue. They do not concern the "controversial" topic discussed in the article.

The University, of course, has policies that set forth requirements pertaining to student conduct. The student conduct code can be accessed through the JHU website: http://www.jhu.edu/advising/academic_manual/conduct.html. At this time, it is my understanding that no students have pressed charges against TCR or its student members under the student conduct code. JHU also has a policy that prohibits discrimination and harassment on the basis of gender and sexual orientation, among other grounds. The University's Office of Equal Opportunity and Affirmative Action Programs has received a complaint that the TCR's publication of the cover photos amounted to harassment. In keeping with standard practice, that office is investigating the complaint. I cannot comment on that investigation.

In sum, JHU has not banned or censored the May issue of TCR. Moreover, within the parameters of the policies referenced above, JHU has and will continue to fully support and promote free speech on campus, including the expression of viewpoints, popular or otherwise, contained in student publications.

Very truly yours,



Frederick G. Savage
Deputy General Counsel

cc: Dr. William R. Brody
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