

Greg Lukianoff
PRESIDENT

October 28, 2011

President Karen S. Haynes
California State University–San Marcos
Office of the President
333 S. Twin Oaks Valley Road
San Marcos, California 92096

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Dear President Haynes:

speech, legal equality, due process, the right of conscience, and academic freedom on America’s college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE is deeply concerned about the threat to freedom of expression presented by California State University–San Marcos’ (CSUSM’s) decision to investigate at least one student on charges of “harassment” and “[d]isorderly, lewd, indecent, or obscene behavior” due to the protected content of an explicitly satirical periodical at CSUSM. CSUSM, a public university, is morally and legally bound to uphold the promises of free speech in the United States and California constitutions. By pursuing this investigation, CSUSM betrays these promises, violates the First Amendment rights of those being investigated, chills expression, and inhibits the marketplace of ideas on campus.

This is our understanding of the facts. Please inform us if you believe we are in error.

On September 27, 2011, Volume 2, Issue 1 of humor magazine [redacted] was published and distributed on CSUSM’s campus. On the cover page of the issue, the magazine describes itself as “Crushing Your Hopes And Dreams With Comedy.” The magazine uses humor to address a wide variety of topics including animal rights, sex, and the scandals of public figures, such as former Governor Arnold Schwarzenegger’s breakup with Maria Shriver.

On or about October 20, 2011, student [redacted] and several other students who may be affiliated with [redacted] were sent disciplinary letters from Associate Dean of Students Gregory T [redacted] notified him that [redacted]

he was charged with two student conduct code violations because of unspecified conduct on September 27: “Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community,” and “Conduct that threatens or endangers the health or safety of any person ... including physical abuse, threats, intimidation, harassment, or sexual misconduct.” was required to schedule a disciplinary appointment on pain of further discipline, including a hold on his student record that would limit his access to registration and could effectively end his academic career at CSUSM.

Any disciplinary investigation related to the content and peaceful distribution of ● is morally and legally unacceptable. The speech involved is not harassment or sexual misconduct, nor is the peaceful distribution of protected expression punishable as “conduct.”

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Encl.

cc:

Eloise Stiglitz, Vice President for Student Affairs, California State University–San Marcos

Gregory Toya, Associate Dean of Students, California State University–San Marcos

Bridget Blanshan, Dean of Students & Associate Vice President for Student Development
Services, California State University–San Marcos