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Greg Lukianoff  
Director of Legal and Public Advocacy  
Foundation for Individual Rights in Education  
210 West Washington Square, Suite 303  
Philadelphia, PA 19106

Re: Indian River Community College

Dear Mr. Lukianoff:

We represent Indian River Community College and they have asked us to respond to your letter of December 16, 2004 in connection with the above.

In your letter you have asked us to correct factual errors. The following will be recitation of the facts which are in conflict with you suppositions.

The faculty sponsor of the Christian Student Fellowship Club, Mr. Dan Strumas, consistent with college policy that no R-rated movies be shown on campus, did not support the viewing of *The Passion of the Christ* on campus and cancelled the viewing as a club activity on November 15, 2004.

There was no meeting on November 15, 2004 between Dr. Johnny Moore and Mr. Stumas to ask him to cancel the showing of *The Passion of the Christ*. Dr. Moore had subsequent meetings with Mr. Stumas regarding CSF activity and IRCC procedures.

The flyers were not "confiscated." The president of CSF brought the flyer advertising, for a student activity to show *The Passion of the Christ* to the Student Affairs Office. He was informed by a staff member that as per college policy, his Request for Student Activity Form must be completed in order for the event to be considered for approval to publicize. It was not appropriate to publicize an event that had not been processed for scheduling and approval. As far as the College knows, a completed Request for Student Activity Form was never submitted to the Student Affairs/Activities Office. The student was informed that the faculty sponsor, Dan Stumas, would be contacted to complete all necessary forms in order to process the request. The procedure for completing a Request

for Student Activity Form is as follows: A Request for Student Activity Form is completed and signed by the faculty sponsor then submitted to the Student Affairs/Activities Office. Dr. LaCivita contacted Mr. Stumas and informed him that there had not been a Request for Student Activity Form submitted for this event. She also mentioned that the movie was R-rated, to which Dan Stumas stated he was unaware of the movie being R-rated and in view of the rating would not support the activity nor would he approve the request to show it. No comment was ever made by Dr. LaCivita or anyone else to the College's knowledge stating that the movie was "controversial". The fliers were not confiscated. The fliers were left with student affairs pending approval of the activity. The approval of the fliers was never in question.

You have cited a couple of cases in your letter that stand for the proposition that revolting and disgusting speech may be constitutionally protected.

Indian River Community College is an institution that prides itself on looking out for the best interest of its students. It is also important to note that as a community college, it has numerous dual enrollment students on campus. For these reasons, the College has made a determination that it is inappropriate to have R-rated movies shown on campus. You may disagree with this policy and certainly many people think it is acceptable to allow high school students to wander into R-rated movies that they normally would not be able to see. The College has a responsibility to the students and in some cases to their parents and has made decisions with these responsibilities in mind.

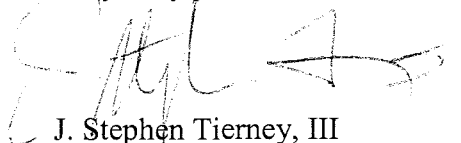
If you have any cases that indicate that colleges are not authorized to restrict the type of movies shown on campus, I would be most happy to review those cases.

I don't think you mean to suggest that just because certain speech or acts are constitutionally protected, that a college is required to license them on its campus. One could only imagine the bizarre clubs and activities that would be formed if that were the case.

It is perhaps unfortunate *The Passion of the Christ* is R-rated. The College, however, does not want to be in a position of setting a precedent that would allow R-rated movies to be shown.

Again, however, if you can cite to a case that prohibits what the College is doing, I would be very much interested in reviewing it.

Very truly yours,



J. Stephen Tierney, III

JST/jg