

Community College**of Allegheny County**

Byers Hall
808 Ridge Avenue
Pittsburgh, PA 15212-6097

Office of the President

June 1, 2009

VIA TELEFAX: (215) 717-3440 AND U.S. MAIL

Mr. Adam Kissel
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education (FIRE)
601 Walnut Street, Suite 510
Philadelphia, PA 19106

Re: Community College of Allegheny County – Ms. Christine Brashier

Dear Mr. Kissel:

Please be advised that I serve as the Solicitor for the Community College of Allegheny County (CCAC) in Pittsburgh.

As the Solicitor for CCAC, I have received correspondence from the Foundation for Individual Rights in Education (FIRE) concerning one of CCAC's current students, Christine Brashier. More particularly, FIRE's letter addresses Ms. Brashier's campus-wide distribution of a brochure concerning the organization Students for Concealed Carry on Campus (SCCC) as well as Ms. Brashier's intent to obtain official recognition of a local chapter of SCCC at CCAC. Please accept this correspondence as CCAC's response to FIRE's correspondence dated April 29, 2009, and an effort to state CCAC's position regarding Ms. Brashier's prior actions related to SCCC.

On April 17, 2009, Anthony Wieckowski from CCAC's Allegheny Campus Career Services Department observed brochures on various tables throughout the campus' cafeteria and Student Service Center regarding SCCC. Mr. Wieckowski was not certain who was distributing the brochures and brought the matter to the attention of Jean Snider, CCAC's Student Development Specialist, Allegheny Campus. Ms. Snider then contacted Gaina Miklusko at CCAC's Student Life Office to inquire if anyone had spoken to her about distribution of the brochures and to determine if there was any CCAC-recognized club or organization related to the same. Ms. Miklusko informed Ms. Snider that no one had contacted her regarding distributing the brochures and that there

was no recognized SCCC organization on campus. Also, since Ms. Snider saw Ms. Brashier's name and photograph on the brochure and had Ms. Brashier as a student in one of her classes, Ms. Snider contacted Ms. Brashier to meet and discuss the brochure with her and Yvonne Burns, CCAC's Dean of Student Development, Allegheny Campus, which is standard protocol.

It must be stated from the outset that Ms. Snider's and Dean Burns' intention for meeting with Ms. Brashier was to address CCAC's serious and legitimate concerns regarding references to CCAC throughout the brochure and how such references potentially and in actuality imply CCAC's endorsement of the materials being distributed.

As you may recall, Ms. Brashier's brochure mentions "Students for Concealed Carry on Campus, Community College of Allegheny County", directs the reader to "Local CCAC Info" and refers to Ms. Brashier as a "Campus Leader". Such references to CCAC and "Campus Leader" throughout the brochure are particularly misleading to the reader given the fact that SCCC is not a recognized organization at CCAC. Also, a provision indicating that SCCC is not affiliated with "the NRA, political party, or any other organization" does not negate the clear implication of CCAC endorsement.

Contrary to FIRE's assertions, CCAC's decision to prohibit reference to CCAC on literature expressing a position in opposition to school policy is not unconstitutional. "A school must also retain the authority to refuse to sponsor student speech that might reasonably be perceived . . . to associate the school *with any position other than neutrality* on matters of political controversy." Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 260, 272 (1988) (emphasis added). The Supreme Court of the United States has clearly drawn a distinction between speech which is sponsored by a school and speech which is not. "Educators are entitled to exercise greater control over this second form of student expression to assure that . . . the views of the individual speaker are not erroneously attributed to the school." Id. at 271.

Due to Ms. Brashier's unauthorized reference to CCAC and her self-designation as a "campus leader" of an organization that has not been officially recognized by the CCAC student government and administration, Ms. Brashier was informed by Ms. Snider and Dean Burns that her distribution of the brochures in question did not follow college procedure. It is for these valid reasons that CCAC indicates that students must seek proper administrative approval prior to the distribution of material on campus.

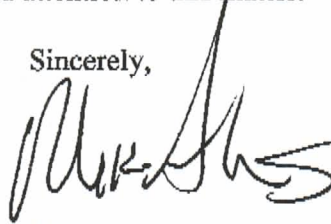
CCAC has not and will not restrict Ms. Brashier's speech in contravention of the protections guaranteed to her by the Constitution. CCAC has not placed and will not place any unlawful restrictions on Ms. Brashier's freedom of association. At this point in time, Ms. Brashier has not taken any steps to attempt to obtain recognition of a local chapter of SCCC at CCAC. If she chooses to do so, Ms. Brashier will simply be required to follow the appropriate CCAC policy and procedures like other students.

The only action taken in this instance is that Dean Burns has placed the subject brochure in a file at her office in order to document her discussions with Ms. Brashier. This action is in no way disciplinary in nature. Ms. Brashier continues to be a student in good standing who has a record of high academic achievement.

Please inform Ms. Brashier that CCAC welcomes her to follow the appropriate procedures to get SCCC considered as a student organization. Until then, Ms. Brashier must refrain from associating CCAC with SCCC in any manner and abide by all other college rules and policies. CCAC simply wants to protect itself from unauthorized association with an organization that has not been recognized by the school administration.

Thank you for your time and attention to this matter.

Sincerely,



Mike Adams
Solicitor

MA/raj

cc: Kurt Mueller, Esq.
Students for Concealed Carry on Campus
Via Telefax: (330) 247-3266 and U.S. Mail

FAX

FROM



COMMUNITY
COLLEGE OF
ALLEGHENY
COUNTY

Bonita L. Richardson
Assistant to the President, Board Relations and Policy

Office of the President
Byers Hall ste.109
808 Ridge Avenue
Pittsburgh, PA 15212

Telephone: 412.237.4413
Fax: 412.237.4420

DATE: June 1, 2009

TO: Mr. Adam Kissel (215) 717-3440 (fax)

LOCATION: Foundation for Individual rights in Education

COMMENTS:
Attached Letter.

Bonita

PAGE 1 OF 4

This is a communication solely for the named recipient shown above. If you are not such person or such person's agent, you are hereby requested to telephone us immediately and return this communication to us by mail. Any review, dissemination, copy, or distribution of this communication by an unintended recipient is prohibited.