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July 29, 2008

Richard F. Celeste
Office of the President
14 E. Cache La Poudre St.
Armstrong Hall
Colorado Springs, Colorado 80903

Sent via U.S. Mail and Facsimile (719-389-6933)

Dear Mr. Celeste:

We write to you again with regard to the case of Christopher Robinson and [redacted], the two authors of the original "Monthly Bag" parody who have each had a disciplinary letter placed in their student files. Although we did not receive a response from you to our letter of March 21, 2008, you have responded to some of our concerns indirectly through your blog post of July 14, 2008. We wish to correct the record and ask you once again to remove the letters from the students' files in accordance with your own statements about the case.

First, your blog post notes that the appellate conduct committee said that the students "should not be punished or sanctioned," and you have argued likewise that the students have not been sanctioned or punished. The 2007–2008 *Pathfinder*, however, makes clear that having a disciplinary letter put in one's file is a sanction (see the enclosed page). How can this be?

We understand that Colorado College has no plans to release the disciplinary letter outside the college. But the cat is out of the bag. Consider this: a college's president has revealed that two students are guilty in a widely known case involving "violence" and "sexuality"—that their guilt was upheld by an appellate committee—and that their guilt is recorded at the school until graduation. It is one thing to recognize responsibility in the neutral sense of being the author of one's actions, such as posting a parody. It is quite another for a college president to publicly equate that form of responsibility with sexual violence–related guilt deserving of a disciplinary letter.

Second, please note that your blog post makes a chronological error. FIRE placed Colorado College on our Red Alert list on May 15, one day before writing to Skilling, and a full month before receiving the reply letter from Skilling. Your post states that Skilling's reply preceded our placement of Colorado College on the Red Alert list.

Being on this list means that FIRE actively discourages students and faculty from joining the Colorado College community because of the state of individual rights on your campus. The right to engage in culturally significant satire is central to American life and to the ideal of a college as a marketplace of ideas. By continuing to declare that the existence of the letters in the two students' files is appropriate, you have chilled speech on your campus and impoverished your school's discourse.

Does anyone on campus believe that your denunciation of the "demeaning content" of the "Monthly Bag" in a campus-wide email on February 28—calling it "categorically unacceptable in this community"—has improved rather than deeply depressed the state of free speech on campus? Does anyone believe that the entire case has been about a reference to a sniper rifle in the context of a completely recognizable parody, after you wrote to the entire campus of your "disgust" and urged the campus community to "find appropriate avenues to discuss how gender impacts our experience of the world and one another"?

Finally, we are concerned about the false information that was provided to the Colorado College Board of Trustees regarding this case. In a June 18 letter we received from the Board's Chair, David van Diest Skilling, he asserts that "Following the conclusion of the student conduct process, the students who authored the 'Monthly Bag' were free to post additional versions of their flyer—which in fact they did in April—once they identified themselves and requested permission to post in accordance with college guidelines." This statement is false. In fact, the April edition of the "Monthly Bag" was authored by four students who did so pseudonymously (as "The Coalition of Some Other Dudes") and without warning or permission.

Does anyone believe that the second "Monthly Bag," if it had been published first, would have escaped your administration's criticism, the marshalling of campus outrage by members of the Feminist and Gender Studies Program, the three-hour hearing, and the inevitable finding of guilt? No; even though your administration knew full well that the first issue was a parody and was intended as a parody, you chose to prosecute the students.

Your *post hoc* invocation of the truly horrific shootings on other campuses is an excuse and an appropriation of someone else's tragedy to justify your administration's shameful actions. Would a college president faced with a potential sniper send a campus-wide email asking the authors of a poster to come forward, or would that president truly aim to protect the campus by taking defensive action? Your administration's inaction in the case of the second "Monthly Bag" is in effect an admission of error in the prosecution of the authors of the first "Monthly Bag."

The final resolution of this error is simple: remove the disciplinary letters from the students' files. Doing so would be in accordance with your own statements subsequent to February 28, with the *Pathfinder*, and with the appellate committee's recommendation. It would be in accordance with Colorado College's best traditions of individual rights. And it would restore the good name of the college throughout Colorado and the country.

With our letter on March 21, we included signed waivers from both students with regard to their FERPA privacy rights. These waivers authorize you to discuss their case with us.

We would appreciate a direct response to this letter by Tuesday, August 19, 2008.

Sincerely,

Robert L. Shibley
Vice President

Encl.

cc:
Margaret S. Allon
Courtney Arnstein, Program Officer for Regional Networks, Colorado College
Susan A. Ashley, Dean of the College, Colorado College
Neal A. Baer
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