

Michael E. Baughman



November 3, 2020

VIA E-MAIL

Adam Steinbaugh
Director, Individual Rights Defense Program
Foundation for Individual Rights in Education
510 Walnut Street
Suite 1250
Philadelphia, PA 19106

Re: Susquehanna University

Dear Mr. Steinbaugh:

I represent Susquehanna University, and I write in response to your letter dated October 30, 2020 addressed to Vice President Susan L. Lantz. Susquehanna University is committed to its students' rights to free expression, including their ability to express individually held political views. Students have the right to express those views in many ways. However, consistent with guidance from the Internal Revenue Service, they are not permitted to post political signs on University property in a way that might suggest endorsement by the University of a particular candidate or party. The University's policy barring posting of political signs in windows of University owned residence halls is consistent with this policy, and is a reasonable and appropriate restriction on the time, place and manner of student speech.

You cite to the University's policy on political activity on campus, but I disagree that you have properly summarized that policy. While the policy reaffirms the University's commitment to "the free expression of political views by members of the campus community and to the value of discourse and debate in the educational process," it also recognizes that certain activities are not permissible where they reasonably could be construed as reflecting a direct or indirect endorsement by the University of a particular political party or candidate. This includes posting signs or other materials on University property in a way that might be construed as representing the University's views. The policy, therefore, clearly permits the University to bar use of its residence halls – which are owned by the University and part of its charitable mission – from containing outward expressions of an endorsement for a particular candidate. While students are free to display signs in the privacy of their own rooms, placing political signs in the windows of University owned property might reasonably be construed as the University directly or indirectly supporting a particular political candidate. Thus, even if the policy constitutes a contract as you say, the University has followed it.

The University agrees with you that political speech is at the core of the values protected by the First Amendment. And while the First Amendment does not apply to the University as a private institution, the University nonetheless provides a rich environment for students to express those personal political beliefs. Students are permitted to carry political signs on campus, they are entitled to hold and attend political rallies, they are entitled to wear political clothing and buttons. But the University draws the line at use of University owned buildings to display a partisan political message, which may put at risk its tax exempt status. As you know, even where the First Amendment applies, government actors are entitled to place reasonable time, place and manner restrictions on speech so long as they are content neutral. The University's policy applies to all political signs posted in windows, not just to those of a particular candidate for office. Thus, even if the First Amendment were applicable here (and it is not), the University's policies are consistent with First Amendment principles. None of the authorities that you cite suggest otherwise.

The University encourages its students to be politically active, to voice their viewpoints and to vote. Students are given multiple platforms to express their personal beliefs, so long as those activities cannot be construed as representing the views of the University. Because the placing of signs in the windows of residence halls might be so construed, the policy is reasonable and the University does not intend to change it.

Thank you for reaching out to the University about your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Baughman". The signature is stylized and cursive.

Michael E. Baughman

MEB/pak