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May 24, 2022

Sent via email

Kurt P. McCamman, Principal
Miller Canfield
277 S. Rose Street
Suite 5000
Kalamazoo, Michigan 49007

Re: Dominick Dotson/Northern Michigan University

Mr. McCamman:

This letter is to formally accept, on Mr. Dotson's behalf, a resolution of his outstanding disciplinary matter that I understand to be as follows:

- He will agree to abide by the NMU "Acceptable Use policy" found at <https://it.nmu.edu/content/acceptable-use-policy>
- In exchange, NMU will dismiss the outstanding disciplinary matter and ensure that his student file does not contain any reference to having been subject to these proceedings

We are appreciative of the opportunity to resolve this matter quickly and amicably.

As I stated in our conversations, I also wanted to informally express some concerns about the policy that I believe warrant a closer look:

- Subjective use of term "not appropriate" in intro, and "inappropriate use" in the final paragraph "Disciplinary Actions Taken" may not be sufficiently clear standing alone. Read in context with the rest of the policy is more helpful.
- The non-exhaustive list of violations may not be sufficiently clear. I acknowledge that it is not possible to cover every conceivable violation, but this leaves open the possibility that some users may not be aware of violations until they are enforced.
- Unclear meaning of "invasion of privacy." Could this be interpreted to include merely sending an unsolicited email? Perhaps needs more clarity.

- The paragraph under “system integrity” seems overbroad and could possibly apply to any email to multiple persons – “To respect the shared nature of resources you shall avoid activities that unreasonably tax system resources or that, through frivolous use, goes beyond the intended use of the system. This includes sending “chain letters,” “spam,” or “broadcast” messages to lists or individuals, and other types of use which would cause network congestion or otherwise interfere with the work of others.”

Having said that, we certainly acknowledge that NMU has the right – if not the duty – to regulate use of its email and messaging systems, but terms like “frivolous” might open the door to enforcement of the policy only against viewpoints that NMU administration finds disagreeable.

- Finally, the bit about the “Law of the State of Michigan” with the penalties set forth seems to me that it might be intended to scare people or at least have a chilling effect. Perhaps stating that inappropriate use, or violation of the policy, may in certain circumstances violate state law, would strike a more appropriate tone.

Again, I offer the above for what it’s worth, from my point of view (assisted by my consultations with the Michigan ACLU and FIRE, but these are solely my own opinions). I do appreciate your willingness to listen and to work with us in coming up with a reasonable and fair resolution in Mr. Dotson’s case.

Thank you for your assistance in this matter. Should you have any further questions or concerns, do not hesitate to let me know.

Sincerely,

NACHT & ROUMEL, P.C.



Nicholas Roumel

Copy to: Dominick Dotson
 FIRE