

February 25, 2025

Stacy Anderson  
Executive Dean  
Lincoln Memorial University, College of Veterinary Medicine  
6965 Cumberland Gap Parkway  
Harrogate, Tennessee 37752

*Sent via U.S. Mail and Electronic Mail (Stacy.Anderson@LMUnet.edu)*

Dear Dean Anderson:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by Lincoln Memorial University College of Veterinary Medicine's sanction of student Erin Lintag over objections to her political Instagram posts. LMU-CVM's commitment to free speech bars it from punishing protected political expression. To abide by its commitment to respect student expressive rights, LMU-CVM must promptly remove any record of Lintag's sanction from her file.

On January 20, Lintag posted two Instagram stories to her private account. One read: "If you are my classmate and you voted for trump or support his ideals unfollow me. We will still be civil because we have to be, but you dont need me as a friend and I don't need you."<sup>2</sup> The other read: "Another reminder: Trump, Musk, RFK, & etc supporters will get the cold shoulder but if we have to fake it for our grade then we will. But otherwise, UNFOLLOW ME. QUICKLYYYYYYYYYY[.]"<sup>3</sup>

On January 28, LMU-CVM Student Affairs Office notified Lintag she may have violated the Ethics and Honor Code of Conduct for a "Political social media post where 'classmates' were called out[.]"<sup>4</sup> At a January 31 meeting, Associate Dean for Student Affairs and Admissions Elizabeth Devine charged Lintag with "Posting Instagram posts that were targeted at her 'classmates'" and gave her just 48 hours to accept or refuse responsibility.<sup>5</sup> Lintag recalls the

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<sup>1</sup> For more than 20 years, FIRE has defended freedom of expression, conscience, and other individual rights on America's college campuses. You can learn more about our mission and activities at [thefire.org](http://thefire.org).

<sup>2</sup> Screenshot of post on file with author (as written). The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

<sup>3</sup> Screenshot of post on file with author (as written).

<sup>4</sup> Notification of Misconduct Allegation from Elizabeth Devine, Associate Dean for Student Affairs and Admissions, to Erin Lintag, student (Jan. 28, 2025) (on file with author).

<sup>5</sup> Ethics & Honor Code Charge and Process Letter to Lintag (on file with author). Due to the meeting being on a Friday, Lintag had until the following Tuesday at 8am to decide.

meeting being quite hostile with Devine raising her voice, slamming her palm on the table, interrupting Lintag, saying she would not hire or recommend Lintag if she was in the position to do so, and saying the posts made Lintag look like a close minded jerk. Overall, Lintag felt the meeting was a reprimand rather than the discussion it was purported to be and felt that she was already presumed guilty.

Devine informed Lintag that accepting responsibility would trigger an Administrative Decision—a sanction requiring Lintag to write a two page paper “on the dangers of social media and how it poses risks of cyberbullying, privacy issues and mental health effects on others.”<sup>6</sup> Refusing to accept responsibility would trigger an investigation and a hearing before the Student Progress Committee, which could impose a far harsher penalty.<sup>7</sup>

With only 48 hours to make this high-stakes decision, Lintag reluctantly accepted responsibility on February 4, despite believing she had not violated college policy. As a result, Lintag’s file now includes the Administrative Decision.

The high-pressure tactics employed by LMU-CVM raise serious due process concerns. Lintag’s decision to accept responsibility resulted from undue pressure imposed by Devine’s allegedly hostile behavior during the January 31 meeting and the rapid 48-hour deadline. LMU-CVM gave Lintag no meaningful opportunity to weigh her options and make an informed decision, such as by consulting with an attorney or advocate.<sup>8</sup> Nor did LMU-CVM have a legitimate reason to impose such a short deadline, and apparently only intended to compel Lintag to accept responsibility.

That the charges against Lintag also violate LMU-CVM’s expressive policies only heightens our concerns about its coercive actions. Indeed, according to LMU-CVM’s Academic Freedom policy:<sup>9</sup>

[S]tudents are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech ... that other citizens within the University mission enjoy ... administration officials should ensure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

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<sup>6</sup> *Id.*; email from Devine to Lintag (Feb. 1, 2025) (on file with author).

<sup>7</sup> Ethics & Honor Code Charge and Process Letter, *supra* note 5.

<sup>8</sup> We also understand the 48 hours did not include the weekend, but as many businesses, including law firms, are closed on weekends, Lintag was still unable to get the assistance she needed. Like legal guidance during a plea agreement, having guidance when deciding to accept or refuse responsibility of a violation of college policy is crucial. Guidance ensures that one fully understands the implications of a decision allowing for an informed decision, protects one’s rights including against coercion, and analyzes any potential penalties, strength of evidence, and long-term consequences.

<sup>9</sup> *Catalog 2024-2025, Conduct and Professional Policies, Academic Freedom, Lincoln Memorial Univ. Richard A. Gillespie Coll. of Veterinary Med.*, 48 (updated June 2024), [https://cvmcatalog.lmunet.edu/sites/default/files/pdf/pdf\\_generator/richard-a-gillespie-college-of-veterinary-medicine.pdf?1719594270](https://cvmcatalog.lmunet.edu/sites/default/files/pdf/pdf_generator/richard-a-gillespie-college-of-veterinary-medicine.pdf?1719594270) (also on file with author).

This laudable written commitment would lead any student to reasonably believe they have expressive rights commensurate with those enjoyed by “other citizens” — namely, those rights guaranteed by the First Amendment. Therefore, while LMU-CVM is a private institution not directly bound by the First Amendment, First Amendment jurisprudence necessarily informs LMU-CVM’s commitment to free speech.

The Supreme Court has long reaffirmed that free speech includes expression others may deem offensive or uncivil.<sup>10</sup> In upholding the right of protesters to carry insulting signs outside of soldiers’ funerals with remarks including “Thank God for Dead Soldiers” and “God Hates Fags,” the Court reiterated this fundamental principle: “[a]s a Nation we have chosen ... to protect even hurtful speech on public issues to ensure that we do not stifle public debate.”<sup>11</sup> This is especially true of political speech—such as that at issue here—which lies at the core of the First Amendment’s protections.<sup>12</sup> Given American’s freedom to carry inflammatory signs outside a soldier’s funeral, Lintag certainly has the right to suggest she will give her political opponents the “cold shoulder.”

Furthermore, LMU-CVM may not use a charge of violating the Ethics and Honor Code of Conduct,<sup>13</sup> nor any other vague civility or professionalism policy to make an end run around its free speech promises to punish students.<sup>14</sup> Such policies are filled with free speech deficiencies, as they prohibit “the kind of communication that it is necessary to use to convey the full emotional power with which a speaker embraces her ideas or the intensity and richness of the feelings that attach her to her cause” and “deprive speakers of the tools they most need to connect emotionally with their audience, to move their audience to share their passion.”<sup>15</sup> If LMU-CVM truly wants to foster students’ “intellectual and personal development,” as it promises in writing to do, then it may not punish students merely for expressing political views.

Nor may LMU-CVM punish Lintag for harassment, a category of unprotected speech defined by the Supreme Court as: (1) unwelcome, (2) discriminatory on the basis of a protected class, and (3) “so severe, pervasive, and objectively offensive that it can be said to deprive the victim[]

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<sup>10</sup> See *Texas v. Johnson*, 491 U.S. 397, 414 (1989); see also *Cox v. Louisiana*, 379 U.S. 536, 557 (1965) (fears that “muttering” and “grumbling” white onlookers might resort to violence did not justify dispersal of civil rights marchers); *Cohen v. California*, 403 U.S. 15, 25 (1971).

<sup>11</sup> *Snyder v. Phelps*, 562 U.S. 443, 448, 461 (2011).

<sup>12</sup> As the Supreme Court has said, “[w]hatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of government affairs.” *Mills v. Alabama*, 384 U.S. 214, 218 (1966).

<sup>13</sup> LMU-CVM did not cite any specific policy when charging Lintag with a violation of the Code of Conduct, and nowhere in the catalog is there a policy that even mentions “targeting” or “calling out” others.

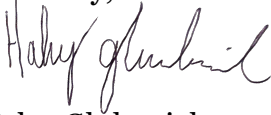
<sup>14</sup> The United States Court of Appeals for the Sixth Circuit recently held that public institutions cannot use “professionalism” standards to punish students for their protected off-campus social media posts that are unrelated to their field of study and cause no disruptive effect. *Diei v. Boyd*, 116 F.4th 637 (6th Cir. 2024). Doing so may end up costing institutions large sums of money. *Her grad school tried to expel her for a tweet about Cardi B. Now they’ll pay a \$250k lawsuit settlement*, FIRE (Jan. 29, 2025), <https://www.thefire.org/news/her-grad-school-tried-expel-her-tweet-about-cardi-b-now-theyll-pay-250k-lawsuit-settlement>.

<sup>15</sup> *Coll. Republicans at San Francisco State Univ. v. Reed*, 523 F. Supp. 2d 1005, 1018-20 (N.D. Cal. 2007).

of access to the educational opportunities or benefits provided by the school.”<sup>16</sup> Lintag’s posts fail to meet every prong of this standard.<sup>17</sup>

We understand that Lintag accepted responsibility. But that must be ignored given basic due process principles and LMU-CVM’s commitment to free speech. LMU-CVM improperly wielded its authority to influence Lintag into waiving her free speech rights to avoid potentially more severe discipline. To correct this wrong and stand by its commitment to free speech, LMU-CVM must remove any record of Lintag’s sanction from her file, along with any reference to the alleged violation. LMU-CVM must also ensure that, moving forward, it does not discipline students for their protected speech. FIRE requests a substantive response to this letter no later than the close of business on March 8, 2025, confirming Lintag’s record will be cleared.

Sincerely,



Haley Gluhanich  
Senior Program Officer, Campus Rights Advocacy

Cc: Elizabeth Devine, Associate Dean of Student Affairs and Admissions

Encl.

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<sup>16</sup> *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 651 (1999).

<sup>17</sup> As an example, Lintag’s posts have not deprived any individual of opportunities provided by LMU-CVM. *See Davis*, 526 U.S. at 654 (“petitioner contends that the harassment had a *concrete*, negative effect on her daughter’s ability to receive an education”) (emphasis added). Examples of concrete, negative effects include: a drop in grades, a change in study habits, missing school, being forced to transfer schools, becoming homebound or hospitalized, being diagnosed with a behavioral or anxiety disorder, physical violence, or mental health issues requiring therapy or medicine. *See Nungesser v. Columbia Univ.*, 169 F. Supp. 3d 353, 368 (S.D.N.Y. 2016); *Mandel v. Bd. of Trustees of Cal. State Univ.*, 2018 U.S. Dist. WL 1242067, at \*20 (N.D. Cal. Mar. 9, 2018); *Roe ex rel. Callahan v. Gustine Unified Sch. Dist.*, 678 F.Supp.2d 1008, 1028 (N.D. Cal. 2009).