



April 23, 2025

Christina H. Paxson
Office of the President
Brown University
1 Prospect Street
Box 1860
Providence, Rhode Island 02912

URGENT

Sent via U.S. Mail and Electronic Mail (president@brown.edu)

Dear President Paxson:

FIRE's¹ Student Press Freedom Initiative² writes to urge Brown University to uphold its free expression guarantees regarding student Alex Shieh's recent "DOGE-style" emails to administrators and publication of an interactive organizational chart.³ While Shieh's reporting may have annoyed some Brown employees, it is protected by the university's strong and laudable free expression promises and cannot be the subject of an investigation. Further, any investigation into alleged conduct not protected by Brown's speech guarantees must still abide by the university's due process commitments. We urge Brown to uphold its promises by dropping any investigation into Shieh's protected speech or into unsubstantiated allegations of unprotected conduct.

On March 17, 2025, *The Brown Spectator* student newspaper published Bloat@Brown, an interactive version of Brown's organizational chart listing employees' names, titles, and

¹ The Foundation for Individual Rights and Expression (FIRE) is a nonpartisan, nonprofit defending freedom of expression and other individual rights on America's college campuses. You can learn more about our mission and activities at thefire.org.

² FIRE's Student Press Freedom Initiative (SPFI) defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

³ Alex Shieh, *I Emailed 3,805 Administrators to Find Out Why a Year at Brown Costs \$93,064*, BLOAT@BROWN <https://bloat.brownspectator.com/about> (last accessed Apr. 2, 2025). The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information to offer 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.

reporting relationships, with AI-generated ratings about each position.⁴ The following morning, *Spectator* reporter Alex Shieh, identifying himself as a reporter for the outlet, emailed 3,800 administrators asking them to explain what they did the prior week,⁵ in the vein of the now-famous weekly emails sent to government employees by the federal Department of Government Efficiency (DOGE).⁶ Administrators told employees not to respond to these emails.⁷

Associate Director of Student Conduct & Community Standards Kirsten Wolfe summoned Shieh to a March 20 meeting, where she notified him of an investigation into his reporting for allegedly “access[ing] a proprietary University data system which maintains confidential ... information” and using confidential information to build a public website.⁸ She also alleged Shieh “misrepresented” himself as a reporter for the *Spectator*, citing the publication’s lack of university recognition.⁹ In a later statement to Fox News, the university falsely claimed “no news article resulted” from Shieh’s inquiry.¹⁰

On April 6, Russell Carey, executive vice president for policy and planning, threatened further Code of Conduct proceedings if Shieh did not retract a claim on the *Spectator* website stating that Brown had lost \$510 million in federal funding, asserting this statement was false.¹¹ Yet, three days prior, the *New York Times* had published news that the Trump administration planned to cut \$510 million from Brown, citing two White House officials familiar with the administration’s efforts.¹²

On April 7, Wolfe wrote Shieh that Brown would resolve the investigation in an Administrative Review meeting.¹³ That notice listed only two charges: Misrepresentation and Violation of Operational Rules.¹⁴ Attached to that communication was the university’s evidence: a series of

⁴ The ratings were AI-generated and flagged a position’s “Legality,” “Redundancy,” and propensity to be a “Bullshit Job.” BLOAT@BROWN, <http://bloat.brownspectator.com> (last visited Apr. 2, 2025).

⁵ *Id.*

⁶ See Hannah Natanson, et al., *Feds must answer email on what they did last week — or lose jobs, Musk says*, THE WASH. POST (Feb. 23, 2025), <https://www.washingtonpost.com/nation/2025/02/22/musk-email-federal-workers/>.

⁷ Elena Jiang, *University investigating student who sent DOGE-style emails to administrators*, BROWN DAILY HERALD (Apr. 4, 2025, 1:17 AM), <https://www.browndailyherald.com/article/2025/04/university-investigating-student-who-sent-doge-style-emails-to-administrators>.

⁸ This presumably refers to the Bloat@Brown website. Preliminary Review Notification from Kristen Wolfe, Associate Dean, to Alex Shieh, student (Mar. 20, 2025) (on file with author).

⁹ *Id.*

¹⁰ Rachel del Guidice, *Ivy League student accused of causing ‘emotional harm’ to non-faculty staff for sending DOGE-like emails*, FOX NEWS (Apr. 1, 2025, 8:00 PM), <https://www.foxnews.com/media/ivy-league-student-accused-causing-emotional-harm-non-faculty-staff-sending-doge-like-email>.

¹¹ Email from Russell Carey, Executive Vice President, to Shieh, student (Apr. 6, 2025, 2:24 PM) (on file with author).

¹² Anemona Hartocollis, et al., *Trump Administration Set to Pause \$510 Million for Brown University*, THE N.Y. TIMES, (Apr. 3, 2025), <https://www.nytimes.com/2025/04/03/us/trump-administration-brown-university-funding-pause.html>.

¹³ Letter from Wolfe to Shieh (Apr. 7, 2025) (on file with author).

¹⁴ *Id.* at 1.

logs from a university system called Workday showing Shieh had accessed it and statements from the Office of Information Technology and the Student Activities Office.¹⁵

While Brown is a private institution, it explicitly “affirms that members of the community shall enjoy full freedom in their teaching, learning, and research ... includ[ing] freedom of ... speech; [and] of press[.]”¹⁶ It is also bound by the Rhode Island New Voices Act, which requires it to protect student journalists’ speech and press freedom.¹⁷ Brown’s commitment to protecting expression represents not just a moral obligation but a contractual one,¹⁸ and both it and the New Voices Act provide student journalists with expressive rights commensurate with those guaranteed by the First Amendment.

Executive Vice President Carey’s email objecting to Shieh’s statement that Brown had lost \$510 million in federal funding took Shieh to task solely because of speech squarely protected by Brown’s expressive promises. As evidenced by the *New York Times* coverage, Shieh’s statements were substantially true.¹⁹ Even if they had not been, however, free speech principles protect a great deal of speech that is mistaken and even flatly false.²⁰ Under its own policies, not only may Brown not punish substantially true reporting, but it may not punish false speech that falls short of unprotected categories of speech such as defamation or fraud.²¹

Yet Brown continues to impermissibly investigate Shieh for misrepresentation. Shieh identified himself as a reporter for *The Brown Spectator*, a publication he and others were trying to relaunch, and under whose auspices Bloat@Brown is published. Brown’s only argument that this amounts to “misrepresentation” is that *The Spectator* is not a registered student organization. This argument is nonsensical. A student writing for *The Providence Journal* would similarly represent themselves as a writer for the publication, which (like the *Spectator*) is not a registered student organization. That the *Spectator* is effectively in “startup” mode does nothing to lessen its reporters’ right to freedom of the press.

¹⁵ *Id.* at 4–18, 26.

¹⁶ *University Code of Conduct*, 3.1 We Respect Academic Freedom and the Freedom of Expression and Inquiry, BROWN UNIV., <https://policy.brown.edu/policy/code-conduct> [<https://perma.cc/6QAD-TVXB>] (“Brown University ... affirms that members of the community shall enjoy full freedom in their teaching, learning, and research. This includes freedom of religious belief; of speech; of press; of association and assembly; of political activity inside and outside the University; the right to petition the authorities, the public and the University; to invite speakers of their choice to the campus; and that students and faculty members as such should not be required to take any oath not required of other citizens.”).

¹⁷ R.I. GEN. LAW. ANN. §16-109-1 to -3 (“[A] student journalist has the right to exercise freedom of speech and of the press in both school-sponsored media and non-school-sponsored media, regardless of whether the media is supported financially by the school, local education agency ... or uses the facilities of the school.”).

¹⁸ *See Doe v. Brown Univ.*, 209 F. Supp. 3d 460, 472 (D.R.I. 2016) (universities create binding contractual terms with its students in their rules and regulations).

¹⁹ *See Air Wisc. Airlines Corp. v. Hoeper*, 571 U.S. 237, 254 (2014) (airline’s statement that an employee “was terminated today” was substantially true even though the airline had not formally terminated the employee).

²⁰ *United States v. Alvarez*, 567 U.S. 709, 723 (2012) (“Were the Court to hold that the interest in truthful discourse alone is sufficient to sustain a ban on speech, absent any evidence that the speech was used to gain a material advantage, it would give government a broad censorial power unprecedented in this Court’s cases or in our constitutional tradition.”).

²¹ *See id.*; *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964).

Further, the freedom to engage in newsgathering is an important part of the press freedom Brown promises its students.²² Brown’s investigation into Shieh’s purely protected newsgathering activity is improper, even if it resolves the investigation in Shieh’s favor. When considering such investigations, the question is not whether formal punishment is meted out, but whether the institution’s actions in response “would chill or silence a person of ordinary firmness from future First Amendment activities[.]”²³ Investigations into protected expression chill speech—and constitute censorship—because of the implicit threat of discipline.²⁴ This is the case especially where, as here, the possible sanctions for violating university policy are severe.²⁵ Not only will Brown’s investigation lead Shieh to censor himself going forward, but other Brown students—many of whom are aware of this situation and the investigation²⁶—will reasonably fear that engaging in similar speech will result in discipline and self-censor accordingly. Going forward, Brown must dismiss complaints consisting of wholly protected speech *before* launching an investigation.

Even Brown’s investigation into allegations that may be legitimately punishable, such as violations of a content-neutral operational rule, defies both its own written policies and the most basic principles of procedural due process. Basic fairness includes the right to be informed of the alleged wrongdoing, to be informed of evidence underlying a charge, and to refrain from providing self-incriminating information.²⁷ Yet Brown has not informed Shieh what aspect of the IT policy he allegedly violated, making it impossible for him to prepare a defense. Nor does the “evidence” provided do much to illuminate the situation, simply listing non-public information that might be accessed through Workday and showing that Shieh had accessed Workday—a system to which Brown’s Office for Information Technology acknowledges he had legitimate access.²⁸ Brown neither provides evidence that Shieh *actually* used materials from Workday in building the website,²⁹ nor explains how information like

²² See *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972) (“[W]ithout some protection for seeking out the news, freedom of the press could be eviscerated.”). Brown’s incorrect assertion that Shieh’s reporting did not result in a “news article” is immaterial. Bloat@Brown’s About page could only be described as an article explaining the project like that countless other outlets include on visual articles. Regardless, courts have applied the First Amendment’s press protections to various media, including broadcast and cable television and even bloggers. Shieh could have written this article for a personal blog and had the same protections as a journalist for the New York Times. Brown’s promises bar it from punishing Shieh for the article and the newsgathering that created it by pretending Shieh’s work is not real journalism.

²³ *Mendocino Env’tl Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

²⁴ *Levin v. Harleston*, 966 F.2d 85, 89 (2d Cir. 1992). This implicit threat would chill a person of ordinary firmness. *Speech First, Inc. v. Fenves*, 979 F.3d 319, 333 (5th Cir. 2020).

²⁵ *Conduct Process & Procedures, Outcomes*, BROWN UNIV., <https://studentconduct.brown.edu/conduct-process/outcomes> [<https://perma.cc/4TDG-NAAG>] (last accessed Apr. 16, 2025).

²⁶ See, e.g., Jiang, *supra* note 7.

²⁷ *Policies & Principles*, Student Rights and Responsibilities, BROWN UNIV., <https://studentconduct.brown.edu/policies-principles/student-rights-responsibilities> [<https://perma.cc/JTV5-VBLZ>].

²⁸ See *id.*, at 4–18.

²⁹ *Id.* at 4 (“To the best of our knowledge, Workday is the only system of record which includes the following non-public data: Workday ID, reporting structure, work location, and legal name. Some of this information may well have been used in the construction of the website, mainly reporting structure and work location.”).

employees' names and reporting structures can be "non-public" when Brown maintains a public directory and public organizational charts for various departments.³⁰

Brown's investigation into Alex Shieh betrays its expressive and due process promises. There is no basis for the misrepresentation charge or any investigation into his protected expression, and both should be dropped immediately. If Brown wishes to make a case against Shieh on other grounds, it must either provide him with the basic elements of due process it promises, producing actual evidence showing he violated a specific rule or aspect of university policy, or drop that charge as well.

Given the urgent nature of this matter, we request a substantive response to this letter no later than the close of business on April 30, 2025, or before Brown's next hearing with Shieh, confirming Brown will abide by its guarantees and cease any investigation into Shieh's protected newsgathering.

Sincerely,



Dominic Coletti
Program Officer, Campus Rights Advocacy.

Cc: Russell C. Carey, Executive Vice President for Planning and Policy
Kirsten Wolfe, Associate Director of Student Conduct & Community Standards

Encl.

³⁰ *Directory Search*, BROWN UNIV., <https://directory.brown.edu/> [<https://perma.cc/88HS-ZKDC>] (last accessed Apr. 17, 2025); *Organizational Chart – Tree View*, BROWN UNIV. OFFICE OF INFORMATION TECH., <https://orgchart.apps.brown.edu/tree.php?id=1> [<https://perma.cc/FT4Q-GAP3>] (last accessed Apr. 17, 2025).