



April 17, 2025

Michael A. Fitts
Office of the President
Tulane University
Gibson Hall 218
6823 St. Charles Avenue
New Orleans, Louisiana 70118

URGENT

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

Dear President Fitts:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Tulane University's investigations of and pursuit of disciplinary sanctions against Preston Seligman, Rory Macdonald, Cameron McLaren, Adelaide Ritzman, and three other students for attending an off-campus protest simply because the group that organized the protest is "not in good standing with the university." Punishing students for associating off campus with an independent organization—merely because the organization previously held university affiliation—contravenes Tulane's express commitment to student expressive rights and compromises students' rights as citizens of the New Orleans community.² Accordingly, we urge Tulane to cease the ongoing investigations and drop all charges against students for attending the off-campus protest.

Students for a Democratic Society (SDS) was previously a recognized student group at Tulane known as Tulane SDS, but it was forced to reconstitute off-campus as Together United SDS after the university suspended the university chapter in April 2024 for its role in organizing an encampment on campus.³ Last month, the off-campus group organized a protest near the Tulane and Loyola University campuses, demanding the release of pro-Palestinian activist and former Columbia University student Mahmoud Khalil from Immigration and Customs Enforcement custody in Louisiana.⁴ On March 11, about 40 protesters gathered on Freret

¹ For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at thefire.org.

² *Freedom of Expression: Philosophy*, TULANE UNIV., <https://studentaffairs.tulane.edu/sites/default/files/Philosophy.pdf> [<https://perma.cc/MHE7-TJPD>].

³ Lindsay Ruhl, *Seven Tulane students allegedly under investigation for participation in off-campus protest*, THE TULANE HULLABALOO (Mar. 26, 2025), <https://tulanehullabaloo.com/69150/news/seven-tulane-students-under-investigation-participation-off-campus-protest/>. The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information and invite you to share it with us. To that end, please find enclosed executed privacy waivers authorizing you to do so.

⁴ Together United Students for a Democratic Society (@_tusds), INSTAGRAM (Mar. 10, 2025), <https://www.instagram.com/p/DHCZCcqRCzO/> [<https://perma.cc/69Z8-Z3NR>].

Street for the SDS protest, marching peacefully on public streets and sidewalks to Calhoun Street and ending in front of Loyola on St. Charles Avenue.⁵

On March 19 and 20, Tulane’s Office of Student Conduct charged Seligman, Macdonald, McLaren, and Ritzman with violations of the Student Code of Conduct for allegedly attending the off-campus SDS protest because SDS is “not in good standing with the University and is prohibited from operating on campus.”⁶ According to the letters, students associated with SDS were “on notice of the suspension” and “warned that failure to comply ... would result in formal charges.”⁷ For the alleged “continued operation of [the] suspended student organization,” Seligman, Macdonald, and McLaren are subject to a “major matter investigation” and charged with (1) failure to comply with the directions of university officials, (2) disruptive/disorderly conduct, and (3) joint responsibility (acting in collusion to violate the Code of Conduct).⁸ According to the university, the alleged conduct is not protected by its Freedom of Expression Policy because it “constitute[s] the continued operation of [a] suspended student organization, which violates the Student Code of Conduct.”⁹ Ritzman was charged only with failure to comply,¹⁰ for which the university found them responsible on April 7 and sanctioned them to disciplinary probation through May 2026 and twenty hours of community service.¹¹ The other students’ charges have not yet been adjudicated.

⁵ Ruhl, *supra* note 3; Arielle Robinson, *Tulane accuses students who participated in peaceful, off-campus protest of conduct violations*, LOUISIANA ILLUMINATOR (Mar. 31, 2025, 6:54 AM), <https://lailluminator.com/2025/03/31/tulane-protest/>.

⁶ Notice of Procedural Review Meeting from Margaret E. Martin, Director of Student Conduct, to Preston Seligman, student (Mar. 19, 2025) (on file with author); Notice of Procedural Review Meeting from Martin to Rory Macdonald, student (Mar. 19, 2025) (on file with author); Notice of Procedural Review Meeting from Martin to Cameron McLaren, student (Mar. 19, 2025) (on file with author); Notice of Meeting from Eren Hayes, Student Conduct Investigator, to Adelaide Ritzman, student (Mar. 20, 2025) (on file with author). Please note, the Notice of Meeting to Ritzman incorrectly identified Adelaide as Nathan Ritzman. Other communications from the Office of Student Conduct regarding this matter also failed to use Adelaide’s chosen name registered in the student directory. Oddly, this occurred even though prior communications from the Office of Student Conduct had been correctly addressed to Adelaide, *see* Warning Letter from Martin to Ritzman (Jan. 1, 2025) (on file with author), and despite a faculty advisor’s intervention with the investigator to request that future communications be correctly addressed to Adelaide, *see* Email from Adam Feibelman, law professor, to Hayes (Mar. 26, 2025, 9:03 AM) (on file with author).

⁷ Notice of Procedural Review Meeting from Martin to Seligman, *supra* note 6; Notice of Procedural Review Meeting from Martin to Macdonald, *supra* note 6; Notice of Procedural Review Meeting from Martin to McLaren, *supra* note 6; Notice of Meeting from Hayes to Ritzman, *supra* note 6.

⁸ Notice of Procedural Review Meeting from Martin to Seligman, *supra* note 6; Notice of Procedural Review Meeting from Martin to Macdonald, *supra* note 6; Notice of Procedural Review Meeting from Martin to McLaren, *supra* note 6. Two other students were also charged with failure to comply, disruptive/disorderly conduct, and joint responsibility. In addition to the three charges listed above, McLaren was also charged with initiating or causing a fire or emergency and discrimination or harassment, purportedly based on an alleged incident in which she left her backpack unattended in a university facility.

⁹ Notice of Procedural Review Meeting from Martin to Seligman, *supra* note 6; Notice of Procedural Review Meeting from Martin to Macdonald, *supra* note 6; Notice of Procedural Review Meeting from Martin to McLaren, *supra* note 6; Notice of Meeting from Hayes to Ritzman, *supra* note 6.

¹⁰ Notice of Meeting from Hayes to Ritzman, *supra* note 6. In addition to Ritzman, one other student was charged only with failure to comply.

¹¹ Notice of Outcome from Hayes to Ritzman (Apr. 7, 2025) (on file with author). The Notice of Outcome once again incorrectly identified Adelaide as Nathan.

Tulane’s investigation and pursuit of disciplinary sanctions against Seligman, Macdonald, McLaren, Ritzman, and three other students for their alleged participation in SDS’s off-campus protest violates Tulane’s stated commitment to protecting student expressive rights. As Tulane’s Freedom of Expression Policy explains, the university “recognizes ... the essential role freedom of expression, thought, inquiry, speech, and lawful assembly serve in protecting and upholding our University purpose.”¹² The university’s Demonstration and Disturbance Protocols¹³ “are intended to protect freedom of expression, protest, and demonstration, as well as promote the safety of all members and operations of the university community from disruption to learning, teaching, research, administrative procedures, and other activities.”¹⁴

These commitments are not only moral and contractual obligations to Tulane students,¹⁵ but are fundamental to the university’s accreditation.¹⁶ And students reading these commitments would naturally look to First Amendment jurisprudence to understand the nature and scope of their expressive rights—including their right to expressive association.¹⁷

Implicit in the freedom of expression Tulane promises students is “a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”¹⁸ Students reasonably understand this right to extend not only to their participation in recognized student groups, but also participation in unrecognized and off-campus groups.¹⁹ Tulane’s commitment to free expression is no more consistent with

¹² *Freedom of Expression: Philosophy*, *supra* note 2.

¹³ See *Freedom to Demonstrate: Campus Demonstration Protocol*, TULANE UNIV., <https://studentaffairs.tulane.edu/sites/default/files/Campus-Demonstration.pdf> [<https://perma.cc/4DPB-C4CZ>]; *Freedom from Disruption: Campus Disruption Protocol*, TULANE UNIV., <https://studentaffairs.tulane.edu/sites/default/files/Campus-Disruption.pdf> [<https://perma.cc/N7ME-E58F>].

¹⁴ *Freedom of Expression: Philosophy*, *supra* note 2.

¹⁵ *I.F. v. Adm’rs of Tulane Educ. Fund*, 131 So. 3d 491 (La. Ct. App. 2013) (when a school makes promises, “[i]t impose[s] upon itself the duty by its own policies and procedures and it is obligated contractually to follow through completely, meaningfully, and in good faith”); *Babcock v. New Orleans Baptist Theological Seminary*, 554 So. 2d 90 (La. Ct. App. 1989) (students have a right to rely on the institution’s publications to define the terms of the contract that exists between the student and the university).

¹⁶ The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), which accredits Tulane, recognizes “the right of students to access opportunities for learning and for the open expression and exchange of ideas.” *The Principles of Accreditation*, Philosophy of Accreditation, SACSCOC 4 (2024 ed.), <https://sacscoc.org/app/uploads/2024/01/2024PrinciplesOfAccreditation.pdf> [<https://perma.cc/3WT8-H756>].

¹⁷ Tulane’s Freedom of Expression Policy also tracks First Amendment principles, adopting terms echoing both First Amendment jurisprudence and legal terms of art: “Tulane Protocols are intended to protect freedom of expression, protest, and demonstration, as well as promote the safety of all members and operations of the university community from disruption to learning, teaching, research, administrative procedures, and other activities. In order to create this environment, Tulane’s framework explicitly restricts expression that is unlawful, defamatory, or threatening, and includes reasonable regulations of time, place, and manner of expression.” *Freedom of Expression: Philosophy*, *supra* note 2 (internal links omitted).

¹⁸ *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648 (2000) (quoting *Roberts v. United States Jaycees*, 468 U.S. 609, 622 (1984)); *Healy v. James*, 408 U.S. 169, 181 (1972) (noting that freedom of association has long been understood to be “implicit in the freedoms of speech, assembly, and petition”).

¹⁹ See *Healy*, 408 U.S. at 183 (establishing that students at public universities have associational freedoms); *Evans v. Newton*, 382 U.S. 296, 298 (1966) (discussing “the right of the individual to pick his own associates so

restricting students' participation in local political causes than it would be with telling students where to go to church, or whether they may join the campus chess club or frisbee golf team.²⁰

A university has a strong interest in maintaining a safe learning environment on campus free from substantial disruption and lawless action, and may enforce reasonable regulations on students and student organizations for that purpose.²¹ But it is difficult to imagine how punishing individual students for lawfully associating *off-campus* with a disfavored group—a group no longer affiliated with the university—is tailored in any way toward furthering Tulane's interests, let alone so strongly tailored that it justifies dictating that they may not participate in an off-campus political community.²² When university-affiliated groups violate Tulane's rules, the university may choose to take disciplinary action, which may sometimes include revoking the privileges granted to affiliated groups. Tulane did exactly that last year when it suspended SDS for organizing an encampment on campus.²³ Tulane may likewise punish individual students for engaging in violent or unlawful conduct in violation of university rules.

But Tulane's authority to regulate SDS and students' participation in it only extends to SDS's campus operations. Once an organization is no longer affiliated with the university, Tulane has no further interest in prohibiting students from associating with the group off campus, just as it has no interest in barring membership in any other local political organization, sports league, or theater ensemble.²⁴

Furthermore, Tulane offered the charged students, with the exception of Ritzman,²⁵ no advanced notice that attending an off-campus protest organized by SDS or mere off-campus association would violate SDS's suspension and constitute "continuing to operate the organization." This lack of prior notice raises serious due process concerns, given that students

as to express his preferences and dislikes, and to fashion his private life by joining such clubs and groups as he chooses"); *Griswold v. Connecticut*, 381 U.S. 479, 483 (1965) ("[W]e have protected forms of 'association' that are not political in the customary sense but pertain to the social, legal, and economic benefit of the members.").

²⁰ Tulane's commitment to expressive rights prohibits it from imposing "liability on an individual solely because of his association with another." *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 888 (1982).

²¹ Student groups at Tulane voluntarily agree to comply with these university policies in exchange for the benefits of affiliating with the university, such as access to campus resources and university funds. See *Recognized Student Organization (RSO) Overview*, Benefits of Being an RSO, TULANE UNIV., <https://lbc.tulane.edu/recognized-student-organization-rso-overview> [<https://perma.cc/7ZNS-2TPU>].

²² See, e.g., *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 451 (2008) (restrictions on freedom of association are "subject to strict scrutiny" and are only upheld "if they are narrowly tailored to serve a compelling state interest") (internal quotations omitted).

²³ See Ruhl, *supra* note 3.

²⁴ *Hartman v. Bethany Coll.*, 778 F. Supp. 286, 291 (N.D. W.Va. 1991) ("It would not be consistent with the caselaw in this area to impose a duty upon colleges to supervise their students when they leave the college campus for non-curricular activities. It would also not be consistent with the settled expectations of students, parents or colleges.").

²⁵ See Warning Letter from Martin to Ritzman, *supra* note 6.

would have no more reason to assume that Tulane would punish them for their association in the local off-campus community than it would for their activities in their own hometowns.

We request a substantive response to this letter no later than April 24, confirming that Tulane will lift the sanctions on Ritzman and drop all pending charges against Seligman, Macdonald, McLaren, and other students for their alleged participation in SDS's off-campus peaceful protest.

Sincerely,



Jessie Appleby
Program Counsel, Campus Rights Advocacy

Cc: Victoria D. Johnson, General Counsel
Margaret E. Martin, Director of Student Conduct
Erica Woodley, Associate Vice President for Student Affairs and Dean of Students

Encl.