

July 14, 2025

Veronica Pettigrew  
Office of Student Rights & Responsibilities  
Central Washington University  
400 East University Way  
Ellensburg, Washington 98926

*Sent via U.S. Mail and Electronic Mail (Veronica.Pettigrew@cwu.edu)*

Dear Ms. Pettigrew:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by Central Washington University's apparent belief that it may apply its Student Conduct Code to speech that the university acknowledges does not break any law, as expressed in its recent correspondence to student Victor Unger regarding an email he sent to Financial Aid staff. The university has violated Unger's expressive rights by finding him responsible for speech-based Conduct Code violations and requiring him to take anger management assessment and apologize to Financial Aid staff. These actions indicate that CWU's administrators either grossly misunderstand their First Amendment obligations or are actively flouting them. Either way, we urge the university to reverse its decision to punish Unger for engaging in clearly protected speech.

Our concern arises out of a June 11 email Unger sent to the CWU Financial Aid Office in which he expressed frustration about what he saw as an erroneous denial of student loans that would imperil his ability to graduate. Unger wrote:<sup>2</sup>

No Way, not offered student loans in this a joke? I need to cover expenses associated with my internship. I cannot graduate without it. Why is it every year you guys drop the ball? Seriously I will come down and take care of this myself. The incompetence in your department is unbelievable. I will be there at 3:30pm today, have the whole staff gather for a meeting so I can take care of your job for you, and teach the rest how simple the job is. i shouldn't be finding out two weeks before I didn't get loans to cover my

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<sup>1</sup> For more than 25 years, FIRE has defended freedom of expression, conscience, and other individual rights on America's university campuses. You can learn more about our mission and activities at [thefire.org](http://thefire.org).

<sup>2</sup> Screenshot of email on file with author (as written). This recitation reflects our understanding of the pertinent facts. 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.

expenses. How incompetent are you? Did y'all mistype a button, do something weird, not file in time? What is going on?

Unger also allegedly yelled at a Financial Aid student worker as part of a heated phone call on this issue.<sup>3</sup>

On June 24, Unger met with you to discuss possible Student Conduct Code violations.<sup>4</sup> During this meeting, Unger asserted that his conduct “fell within [his] freedom of speech rights.”<sup>5</sup> Despite that, you found Unger responsible for Disruptive/Obstructive Conduct and Personal Offenses.<sup>6</sup> According to your letter, although Unger’s “behavior did not break any legal laws, [his] conduct was not protected by any law and it interfered [sic] and unreasonably hindered the daily administrative operations of the Financial Aid Office” and “incited staff members with the Financial Aid Office to be fearful for their safety with his verbal responses.”<sup>7</sup>

As punishment, CWU mandated Unger take an anger management assessment and write an apology to the Director of the Financial Aid Office describing his “remorse or regret in causing harm.”<sup>8</sup>

Yet Unger was correct in asserting that his expression “fell within [his] freedom of speech rights.” CWU is a public university bound by the First Amendment, meaning its policies and disciplinary actions cannot punish students for speech protected by the First Amendment.<sup>9</sup> As the Supreme Court explained, “the precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”<sup>10</sup> According to the First Amendment, student speech is presumptively protected unless it falls into one of the few narrow categories of unprotected speech, and CWU’s policies and disciplinary sanctions cannot supersede the Constitution.<sup>11</sup> The law is clearly contrary to your analysis.

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<sup>3</sup> Letter from Veronica Pettigrew, Students Rights & Responsibilities Coordinator, to Victor Unger, student (June 25, 2025) (on file with author). According to Unger, the phone call consisted of him asking to speak to someone and then insisting that he did not need to offer his name, student ID, and reason for calling.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* You mention that the decision to hold Unger responsible for these violations partially stem from Unger’s prior conduct history, including other instances of “disruptive behavior.” According to Unger, these instances all involve communications with other departments, including swearing during a phone call with the vending machine company and telling a staff member that sharing student names and emails in a professional capacity is not protected by FERPA. To the extent these instances are protected by the First Amendment, they cannot be used in a decision to find Unger responsible.

<sup>8</sup> *Id.*

<sup>9</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[S]tate colleges and universities are not enclaves immune from the sweep of the First Amendment.”).

<sup>10</sup> *Id.* (internal citation omitted).

<sup>11</sup> See *Carter v. Transp. Workers Union of Am., Local 556*, --- F. Supp. 3d ---, 2023 WL 5021787 (N.D. Tex. Aug. 7, 2023).

While the tone of Unger's responses in the email and the phone call may have upset some Financial Aid staff members, receiving unwanted messages rarely rises to the level of material and substantial disruption the Supreme Court made clear is required before a school can punish expression.<sup>12</sup> Considering that nearly 9,000 students attend CWU, the Financial Aid Office no doubt already receives a large number of emails and phone calls each day. It is therefore difficult to understand how a *single* email and a *single* phone call could have interfered with staff members' ability to do their job.

Nor may CWU punish Unger for causing staff members "to be fearful for their safety with his verbal responses" when his responses do not rise to the Supreme Court's definition of a true threat. A true threat is a statement through which "the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals[.]"<sup>13</sup> and requires that the speaker consciously disregarded a substantial risk that their speech would place another in fear of serious physical harm.<sup>14</sup> Neither "taking care of someone's job" nor "teaching someone how simple their job is" would be an act of violence, and thus cannot be the basis of finding Unger's expression of exasperation to be a punishable "true threat."

CWU's conduct here is a particularly stark illustration of a "reckless or callous indifference to the federally protected rights of others."<sup>15</sup> We therefore request a substantive response to this letter not later than the close of business July 16, 2025, confirming CWU will rescind the disciplinary sanction it has imposed on Unger and clear Unger's record of this matter.

Sincerely,



Haley Gluhanich  
Senior Program Counsel, Campus Rights Advocacy

Cc: Jim Wohlpart, President

Encl.

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<sup>12</sup> *Tinker v. Des Moines*, 393 U.S. 503, 512 (1969) (quoting *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967)). In the college context, the protections described by the Court in *Tinker* are the floor for student expressive rights, not the ceiling. Even under *Tinker*'s disruption standard, Unger's emails and "verbal responses" do not rise to the level of a punishable disruption.

<sup>13</sup> *Virginia v. Black*, 538 U.S. 343, 359 (2003).

<sup>14</sup> See *Counterman v. Colorado*, 600 U.S. 66, 74 (2023).

<sup>15</sup> *Smith v. Wade*, 461 U.S. 30, 56 (1983) (standard for punitive damages in constitutional cases, as applied in, e.g., *Ostrander v. Kosteck*, 2017 WL 4414263, at \*10 (W.D. Tex. Oct. 4, 2017)).