

September 26, 2025

Roberta Cordano  
Office of the President  
Gallaudet University  
College Hall 208  
800 Florida Avenue NE  
Washington, D.C. 20002

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

Dear President Cordano:

FIRE<sup>1</sup> is concerned by Gallaudet University's restrictions on the expressive activity of fraternity and sorority members. While Gallaudet promises students freedom of expression, its restrictions on social events, terminology, and clothing choices violate this commitment to its students. We urge Gallaudet to ensure Greek Life students enjoy the same expressive rights as other students by rescinding these restrictions.

On July 7, Gallaudet imposed "Greek Reform Guidelines" providing the following restrictions on fraternities and sororities:<sup>2</sup>

- Recruitment events:
  - Activities must conclude at 11:00 PM on weekdays and 3:00 AM on weekends.
- Marches:
  - The Greek Presidents Council must approve of the march.
  - The entire organization must participate in the march.
  - There must be no difference between new and current members (i.e. pins, attire, marching order).
  - All members must wear weather-appropriate clothes.
- Language & Traditional Guidelines:
  - Use of "old" Greek life language must be changed. "Pledge," "rush," and similar terms must not be used.
- Membership Rules:
  - New members may bid groups only in spring 2026 semester.
  - Only students with 24 credits or more are able to join.
- Activities for New Membership Program:

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<sup>1</sup>As you may recall from recent correspondence, FIRE is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at [thefire.org](http://thefire.org).

<sup>2</sup> *Greek Reform Guidelines*, GALLAUDET UNIV. (July 11, 2025) (summarizing restrictions) (on file with author). The following 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.

- Up to three activity days per week are permitted.
- Mandated outfits can be set; all members must be in similar dress. There must be 48 hours between mandated dress days.
- Activities must conclude at 11:00 PM on weekdays and 3:00 AM on weekends.

Gallaudet's wide-ranging restrictions on student expression violate the university's commitment to "freedom of expression" and subject Greek Life members to policies that do not apply to other students.<sup>3</sup> While Gallaudet is not bound by the First Amendment, court decisions interpreting and applying its guarantee of freedom of expression provide guidance as to what the university's own promises of that freedom entail. Any reasonable conception of free speech protects students' fundamental right to choose their clothing, terminology, events, and to join groups—even if distasteful to university administrators.

Freedom of expression "does not end at the spoken or written word."<sup>4</sup> To the contrary, conduct is also considered expressive when it falls within a traditionally protected genre—such as apparel and parades—even if it does not convey a "narrow, succinctly articulable message."<sup>5</sup> This principle is what protects acts such as saluting or refusing to salute a flag,<sup>6</sup> wearing black armbands to protest war,<sup>7</sup> picketing or leafletting,<sup>8</sup> and participating in sit-ins.<sup>9</sup>

Likewise, freedom of association "has, for centuries, been at the heart of the American system of government and individual rights"<sup>10</sup> by protecting the "right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends," including Greek organizations.<sup>11</sup> As the Supreme Court has recognized, "the right to speak is often exercised most effectively by combining one's voice with the voices of others."<sup>12</sup> This right "shields against laws that make group membership less attractive" and protects university students' right to host recruitment, social, and other expressive events.<sup>13</sup>

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<sup>3</sup> *Expressive Activities and Assembly*, GALLAUDET UNIV., <https://gallaudet.edu/operations/administration-and-operation-manual/125-expressive-activities-and-assembly> [https://perma.cc/N7Z9-ZFCW] ("Gallaudet University has an obligation to maintain conditions under which the work of the University can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, with full recognition by all concerned of the rights and privileges, as well as responsibilities, of those who comprise the University community." ).

<sup>4</sup> *Texas v. Johnson*, 491 U.S. 397, 404 (1989).

<sup>5</sup> *Hurley v. Irish-American Gay, Lesbian & Bisexual Grp.*, 515 U.S. 557, 569 (1995).

<sup>6</sup> *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 633–34 (1943).

<sup>7</sup> *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 505-06 (1969).

<sup>8</sup> *United States. v. Grace*, 461 U.S. 171, 176 (1983).

<sup>9</sup> *Brown v. Louisiana*, 383 U.S. 131, 383 (1966).

<sup>10</sup> *6th Cong. Dist. Republican Comm. v. Alcorn*, 913 F.3d 393, 401 (4th Cir. 2019).

<sup>11</sup> *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984); *see Boy Scouts of Am. v. Dale*, 530 U.S. 640, 648 (2000) (freedom of association is "not reserved for advocacy groups" and protects even those groups that do not "associate for the purpose of disseminating a certain message"); *see also Iota Xi Chapter v. Patterson*, 538 F. Supp. 2d 915, 923 (E.D. Va. 2008) (a college fraternity that "adequately described its institutional mission to inculcate its members with certain leadership skills and community values" has expressive associational rights under the First Amendment), *aff'd on other grounds*, 566 F.3d 138, 146 (4th Cr. 2009).

<sup>12</sup> *Rumsfeld v. Forum for Acad. & Inst. Rts., Inc.*, 547 U.S. 47, 68 (2006); *see Dale*, 530 U.S. at 649–50 (recognizing expressive associational right of Boy Scout members because the group has a "general mission" of "instill[ing] values in young people" by "instructing and engaging them in activities like camping, archery, and fishing").

<sup>13</sup> *U.S. Citizens Ass'n v. Sebelius*, 705 F.3d 588, 600 (6th Cir. 2013). Courts have correctly invalidated even far less onerous restrictions as impermissible burdens on associational freedom. *Gay Students Org. of Univ. of N.H. v. Bonner*, 509 F.2d 652,

Yet, Gallaudet's restrictions on students' events, language, clothing, and membership severely burden these rights.<sup>14</sup> The university hasn't explained what interest it has in telling adult students how to dress, what Greek Life terminology to use, which groups to join, or when to host social events.<sup>15</sup> Cutting off these avenues of expression is particularly egregious for a university dedicated to serving deaf and hard-of-hearing students, who often rely on these forms of non-verbal speech to express themselves. Furthermore, Gallaudet has failed to explain why these restrictions should apply solely to Greek Life, especially when membership in Greek organizations is linked to increased student academic engagement, campus involvement, and satisfaction with university life.<sup>16</sup> Discriminating against student groups because of their mission, ideas, or values is "an egregious form" of censorship, fundamentally at odds with the principles of free expression.<sup>17</sup>

Gallaudet may encourage students to conform their expression to these guidelines, but it may not, consistent with its policies, compel them to do so. We respectfully request a substantive response to this letter no later than close of business on October 14, 2025, confirming that Gallaudet has restored the expressive rights of Greek life by rescinding these restrictions.

Sincerely,



Zach Greenberg  
Student Association Counsel, Campus Rights Advocacy

Cc: Michelle Gerson-Wagner, Director, Office of Student Engagement and Leadership  
Travis Imel, Chief Student Affairs Officer

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659-60 (1st Cir. 1974) (university's ban on a single student group's social events was "a substantial abridgment of associational rights" due to "the important role that social events can play in individuals' efforts to associate to further their common beliefs"); *see NAACP v. Ala. ex rel. Patterson*, 357 U.S. 449, 462-63 (1958) (compelling disclosure of membership lists was "a substantial restraint upon the exercise by [NAACP chapter] members of their right to freedom of association").

<sup>14</sup> By banning students from joining Greek groups until they attain 24 credits, Gadullet's deferred recruitment policy violates students' right to join the groups of their choosing. *See Zach Greenberg, Virginia Commonwealth University plans to violate the First Amendment rights of thousands of students with deferred recruitment policy*, FIRE (July 26, 2022), <https://www.thefire.org/news/virginia-commonwealth-university-plans-violate-first-amendment-rights-thousands-students> (explaining how restrictions on recruitment and association violate student expressive rights).

<sup>15</sup> Even if these restrictions are intended to further student health and safety, they are hopelessly overbroad considering that they ban a host of innocuous expressive activity that poses no danger to student wellbeing.

<sup>16</sup> *See Gary R. Pike, The Greek Experience Revisited: The Relationships between Fraternity/Sorority Membership and Student Engagement, Learning Outcomes, Grades, and Satisfaction with College*, N. AM. INTERFRATERNITY CONF. (Mar. 2020), <https://www.phigam.org/file/communications/Dr.-Pike-Report---The-Greek-Experience-Revisited.pdf> (survey demonstrating the positive effects on Greek group membership on learning outcomes, campus engagement, and satisfaction with college); Paul Kittle, *A Review of Deferred Recruitment*, AUBURN UNIV. DIV. OF STUDENT AFFS. (Jan. 28, 2011), [http://greeklife.auburn.edu/wp-content/uploads/2018/07/Deferred\\_Recruitment\\_Report\\_II.pdf](http://greeklife.auburn.edu/wp-content/uploads/2018/07/Deferred_Recruitment_Report_II.pdf) (recommending against Auburn University adopting a deferred recruitment policy because it would fail to address the underlying issues affecting Greek life).

<sup>17</sup> *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).