FIRE
Foundation for Individual Rights and Expression

January 30, 2026

Jakiyah Dudley
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Clayton State University
2000 Clayton State Boulevard
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Sent via U.S. Mail and Electronic Mail (jakiyahdudley@clayton.edu)

Dear Ms. Dudley,

FIRE,[1] a nonpartisan nonprofit that defends free speech, is concerned to learn that Clayton State University's official Instagram account has blocked student Jaden Dorsey after he commented with concerns about an alleged cockroach infestation at CSU. When a public institution like CSU opens an online forum for commentary (which includes official social media accounts), excluding disfavored views or speakers violates the First Amendment. Accordingly, CSU must unblock Dorsey from all its official social media accounts and provide the account operators with clear, constitutional standards governing their interactions with the public on those accounts.

The official Instagram account for CSU, @claytonstateuniv, provides the public with announcements regarding campus closures, university-sponsored events, and other official CSU business.[2] Users can like or repost posts, respond directly to posts, and/or tag the account in their own posts.

[1] FIRE is a nonpartisan nonprofit that defends free speech and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

[2] Clayton State University (@claytonstateuniv), INSTAGRAM, https://www.instagram.com/claytonstateuniv/ [https://perma.cc/27NA-WRK6]. This reflects our understanding of the pertinent facts. 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.

On January 13, Dorsey posted multiple comments to a since-deleted CSU Instagram post regarding an on-campus ribbon-cutting. Dorsey's comments dealt with an alleged cockroach infestation in a campus residence hall.[3] The comments were as follows:[4]

- "Why [President] George [sic] cuttin that ribbon knowing good and well it shouldn't be open yet"
- "tell [Director of Housing Operations] Devvon Horn to lock in and do something useful"
- "how dat work"
- "yoohoo"
- "y'all wanna delete my comment but not the roaches"

Shortly after commenting, Dorsey noticed that the CSU Instagram account had blocked him.

When a government entity, such as a public university, creates a space for discussion—whether in-person or online—it establishes a public forum subject to the limitations of the First Amendment,[5] by which CSU must abide.[6] Among the most foundational of these limitations is the prohibition on viewpoint discrimination, as established by longstanding legal precedent.[7]

For example, in *Davison v. Randall*, the U.S. Court of Appeals for the Fourth Circuit held that interactive aspects of a Facebook page maintained by a government official bore "the hallmarks of a public forum," since the page's comment section was compatible with expressive activity and the government official had opened it to public discourse.[8] The court thus found the act of restricting a constituent's ability to interact with the page based on the constituent's views to be unconstitutional viewpoint discrimination, which is "prohibited in all [public] forums."[9] As with the politician in *Davison* and her Facebook page, CSU administrators post content on the

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[3] Screenshot of comments on file with author.

[4] *Id.*

[5] *See Pleasant Grove City v. Summum*, 555 U.S. 460, 469–70 (2009). The First Amendment governs speech within both physical and online forums. *Knight First Amendment Inst. at Columbia Univ. v. Trump,* 928 F.3d 226, 237 (2d Cir. 2019) ("[S]ocial media is entitled to the same First Amendment protections as other forms of media."); *see also Rodriguez v. Maricopa Cty, Cmty. Coll. Dist*., 605 F.3d 703, 710 (9th Cir. 2009) (characterizing professor's emails to a list maintained by a public college as "pure speech; they were the effective equivalent of standing on a soap box in a campus quadrangle and speaking to all within earshot"); *Biedermann v. Ehrhart*, 2023 WL 2394557, at *6 (N.D. Ga. March 7, 2023).

[6] *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he 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, '[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'" (internal citation omitted)).

[7] *Rosenberger v. Rector and Visitors of Univ. of Va*., 515 U. S. 819, 829–830 (1995); *accord Rodriguez*, 605 F.3d at 710 (even assuming public college's "email list and servers were limited or nonpublic forums … state actors may not suppress speech because of its point of view").

[8] 912 F.3d 666, 682 (4th Cir. 2019). Additionally, in *Biedermann*, *supra* note 5 at *6, the Northern District of Georgia—whose jurisdiction includes CSU—relied on this holding and others like it in making the same public forum determination.

[9] *Id.* at 687–88 (citation omitted).

university's Instagram page and allow users to like and comment on its posts. It thus operates as a public forum.[10] That CSU blocked Dorsey so soon after his critical comments about a cockroach infestation strongly suggests it did so only *because* of their critical nature, a clear sign of viewpoint discrimination in violation of the law.[11]

Even if the decision to block Dorsey was not based on viewpoint, government actors may not arbitrarily deprive an individual of access to a public forum.[12] To do so violates basic principles of due process, which require the state to operate by clearly defined standards.[13] Lack of such standards leaves government officials unbridled discretion to act and invites the danger of arbitrary, subjective, and discriminatory action.[14]

Whoever was managing CSU's Instagram account at the time may not have put much thought into his or her decision to block Dorsey's account. Nevertheless, doing so is clearly a deprivation of a First Amendment liberty,[15] and CSU may not deprive its students of such liberties before providing appropriate notice and an opportunity to be heard. Such requirements are among the most basic aspects of due process.[16] Put simply, while Dorsey's limited interaction with CSU's Instagram account provides ample evidence of the viewpoint-based reasoning behind the school's decision to block him, there is no justification for CSU to leave Dorsey, outside observers, or anyone else at CSU guessing as to what he or she might have done wrong.

We thus request a substantive response to this letter no later than the close of business on February 13, 2026, confirming CSU will unblock Dorsey on its official Instagram account and provide to those operating the accounts clear, constitutional standards governing interaction with the public on its social media pages.

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[10] As this Instagram page is a public forum, blocking a citizen from accessing it is constitutionally similar to banishing them from a town square or public park. *See Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45–46 (1983) (streets and parks are identified as "quintessential public forums," while facilities operated for public expressive use are held to the same standards).

[11] *Knight*, 928 F.3d at 238 n.8 (a government actor is "not permitted to 'amplify' favored speech by banning or *burdening* viewpoints with which it disagrees") (emphasis added). *See also Rosenberger*, 515 U. S. at 828 ("Discrimination against speech because of its message is presumed to be unconstitutional.").

[12] *Cinevision Corp. v. City of Burbank*, 745 F.2d 560, 573 (9th Cir. 1984).

[13] *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).

[14] *Id.*

[15] *See Police Dep't of City of Chicago v. Mosley*, 408 U.S. 92, 96 (1972) ("[U]nder ... the First Amendment itself, government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views. And it may not select which issues are worth discussing or debating in public [facilities]. There is an 'equality of status in the field of ideas,' and government must afford all points of view an equal opportunity to be heard. Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say. Selective exclusions from a public forum may not be based on content alone, and may not be justified by reference to content alone.").

[16] *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) ("An essential principle of due process is that a deprivation of life, liberty, or property 'be preceded by notice and opportunity for hearing appropriate to the nature of the case.'") (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)).

Sincerely,

Garrett Gravley
Program Counsel, Campus Rights Advocacy

Cc: Georj L. Lewis, University President

Encl.