



## Foundation for Individual Rights in Education

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February 3, 2005

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### **URGENT**

*Sent by U.S. Mail and Facsimile (315-445-4691)*

Dear President Beirne:

As you can see from the list of our Directors and Board of Advisors, FIRE unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, due process, freedom of speech, and academic freedom on America's college campuses. Our web site, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and activities.

We are gravely concerned about a recent incident that threatens the freedom of expression and academic freedom of students at Le Moyne College. Earlier this month, Scott McConnell, a Master of Science for Teachers (M.S.T.) candidate, was dismissed from the Le Moyne College Graduate Education program for the personal beliefs he discussed in an academic assignment. To punish a student for the expression of his viewpoints is unbecoming of any college that claims to provide a liberal arts education and violates Le Moyne's own policies.

The following is our understanding of the facts based on documents provided by McConnell and an article in the *The Daily Orange*. Please correct any errors if they exist. On November 2, 2004, Scott McConnell submitted a paper entitled "Classroom Management Plan" to Professor Mark Trabucco for an assignment in his "Planning, Assessing, and Managing Inclusive Classrooms" course. In the paper, McConnell expressed his personal views on classroom management "based upon strong discipline and hard work" and discussed various ideas that he would like to implement to attain his ideal classroom environment. Professor Trabucco gave the paper a grade of "A-" and on the last page noted, "Interesting Ideas—I've shared these w/ Dr. Leogrande." McConnell ultimately received an "A" for his final grade in the course.

On January 13, 2005, McConnell received a letter (attached) from Dr. Cathy Leogrande, the chair of the Education Department and director of the Graduate Education program, stating that he was being dismissed from the M.S.T. Program and would not be allowed to register for courses for the upcoming semester. In the letter, Leogrande states that she had reviewed McConnell's grades for courses he took during the summer and fall semesters and had "discussed" his work with his professors. Leogrande wrote, "I have grave concerns regarding the mismatch between your personal beliefs regarding teaching and learning and the Le Moyne College program goals. Based on this data, I do not believe that you should continue in the Le Moyne M.S.T. Program."

McConnell's March 25, 2004, acceptance letter to the M.S.T. program, however, explains that his full matriculation into the program was based on the condition that he earn "a grade of 'B' or higher" in his initial four courses and complete "all admission requirements and/or course deficiencies." [Emphasis removed.] Nowhere does the letter mention that McConnell's personal beliefs would be a factor for acceptance or dismissal. In fact, McConnell's final grades for his course work indicate that he should now be fully matriculated, not dismissed: he received an "A", three "A-"s, and one "B+" for his courses and earned a grade-point average of 3.78 for the fall semester. Furthermore, McConnell has already completed over 64 hours of practicum work with a host teacher at Franklin Elementary School. The teacher rated McConnell as "excellent" in all of the evaluation criteria and wrote on his evaluation that "Scott has been a joy to have within a classroom. He has gone above and beyond the requirements and has established himself as a member of our classroom."

Allowing the chair of the department to dismiss a student with good grades and with an "excellent" review on a practical evaluation merely because she believes that the student's views are a "mismatch" with the program opens the door to extensive and arbitrary censorship. Further, it constitutes the most obvious and abhorrent kind of viewpoint discrimination and indicates a complete disregard for students' academic freedom—a freedom that Le Moyne College vows to protect.

Le Moyne's Student Handbook states, "[a]s a comprehensive college, accredited by the State of New York and the Middle States Association, Le Moyne **shares the ideals of academic freedom found in American institutions of higher education.**" [Emphasis added.] Furthermore, the Handbook states that any student who engages in the "intentional or reckless interference with the freedom of expression of others" shall be "subject to the maximum penalty of suspension or dismissal from the College." While this policy applies to students, it is rank and shameful hypocrisy for administrators and faculty members to do to McConnell what they prohibit students from doing. Arbitrarily expelling a student for ideological nonconformity certainly qualifies as interference with his freedom of expression. Le Moyne must surely be aware that to dismiss a student based on his or her expression undermines the college's own standards.

While Le Moyne College, as a private institution, is not directly bound by the U.S. Constitution to guarantee freedom of expression to its students, any college that claims to value freedom and the open exchange of ideas should not abandon the wise and moral principles enshrined in the First Amendment. Allowing dissent and candor to flourish is the only way to guarantee an open

atmosphere capable of innovative scholarship and intellectual diversity. Instead, Le Moyne has chosen to dismiss a student with differing personal beliefs simply because his views were deemed not to fit sufficiently with those of others at the college. This decision shows precious little faith in the process of intellectual discovery valued by free institutions in a free society.

Le Moyne administrators may wish to review the statement of the American Association of University Professors (AAUP) that professors have ethical obligations towards their students. Paragraph 2 of the AAUP's *Statement on Professional Ethics* states:

As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

The AAUP guidelines define academic freedom for nearly every institution of higher education in the country. By rejecting them, Le Moyne fails even to minimally fulfill its promise to its students to respect their academic freedom. McConnell's dismissal indicates a complete failure on the part of Le Moyne to fulfill its duty of providing students the opportunity to freely pursue learning, as it apparently cannot even cope with a student who holds personal views that may differ from those of other students or of faculty members and administrators. Are the beliefs of Le Moyne's education department so fragile that they will not survive dissent, or are they considered so inerrant that to question them is considered unacceptable? Colleges should welcome opposing points of view, not attempt to eliminate them.

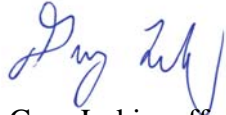
Le Moyne's infringement upon McConnell's academic freedom and freedom of conscience sends the message to the campus community that official censorship is acceptable and that those with controversial ideas should keep silent or risk being deemed a "mismatch" and summarily dismissed. If Le Moyne truly shares "the ideals of academic freedom found in American institutions of higher education," students who hold differing viewpoints should be welcome to share their ideas openly. To use personal belief as a reason to dismiss a student is a formula for oppression, dogmatism, and intellectual stagnation.

FIRE requests that Le Moyne College live up to its stated commitment to guard academic freedom and free expression by immediately: 1) reinstating Scott McConnell into the Master of Science for Teachers Program; 2) affirming his right to free expression; and 3) guaranteeing that neither McConnell nor any other student will endure any censorship or retaliation for expressing controversial personal beliefs now or in the future.

FIRE is resolutely committed to an academic world in which colleges honor both the letter and spirit of academic freedom. This issue will not go away, and we will submit it to the court of

national public opinion and to all other appropriate forums. We request a response to this letter by Wednesday, February 9, 2005. If we do not hear from you by then, we will assume that you are not interested in correcting this injustice, and we will use all of our resources to bring this case to a just conclusion.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Lukianoff".

Greg Lukianoff  
Director of Legal and Public Advocacy

cc:

Cathy Leogrande, Education Department Chair and Director of Graduate Education, Le Moyne College  
John Smarrelli, Academic Vice President, Le Moyne College  
Anne Herron, Associate Dean for Academic Affairs, Le Moyne College  
Linda LeMura, Dean of Arts and Science, Le Moyne College  
Shawn Ward, Vice President for Student Development, Le Moyne College  
Joanne T. Maren, Chair of the Board of Trustees, Le Moyne College  
Scott McConnell

Encl.