



**Foundation for Individual Rights in Education**

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PRESIDENT

September 27, 2006

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Alan Charles Kors  
CO-FOUNDER AND  
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*Sent via U.S. Mail and Facsimile (212-854-9973)*

Dear President Bollinger:

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It is with deep regret that FIRE writes to you for the second time in one month regarding the free expression of students at Columbia University. FIRE is gravely concerned about the threat to free speech posed by the Columbia University Athletics Department's disciplinary action against the Columbia Men's Ice Hockey Club. We believe the Athletics Department's decision to suspend the team until January 16, 2007, to place the team on a two-year probation, and to require a formal apology to the Columbia community because of language the club used on a recruitment flyer constitutes an egregious violation of the rights of the students involved. Such a punishment makes a mockery of Columbia's commitment to free expression on campus.

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This is our understanding of the facts. Please inform us if you believe we are in error. During Columbia's orientation week, the Men's Ice Hockey Club posted recruitment flyers around campus in an attempt to increase interest in the team. The flyers contained the phrase "Stop being a pussy"—an obvious play on the school's team name, the Columbia Lions.

On September 20, the presidents of Columbia's four undergraduate student councils delivered a joint letter to university administrators requesting that action be taken regarding the use of the word "pussy" on the flyers. (It should be noted that the objection to the word in question was raised despite the Student Council's distribution of T-shirts for the 2004 Homecoming Game against Princeton University which read "We eat PUSSYcats like you for breakfast." Apparently, the pussycat/lion pun is a fairly hackneyed joke for Columbia students.) M. Dianne Murphy, Director of Intercollegiate Athletics and Physical Education, released a statement on September 21 voicing disappointment in the team and indicating that a response would be forthcoming. That same day, the president and vice president of the club issued a statement apologizing for the

flyers, reading in part: “We made an error in judgment with regard to the Columbia campus.... We truly had no intentions to offend anyone or to make fun of women. We were merely trying to make a clever and humorous flyer.”

Despite the apology of team leadership and the removal of the flyers in question, on September 26, the Athletics Department announced its decision to suspend the team for the first semester of the 2006-2007 academic year. In addition, the department placed the team on probation until 2008 and is requiring the team to make a further formal apology to the Columbia community. The announcement indicated that the decision was made by the Club Sports Governing Board and Columbia College administrators. The team’s president has told the *Columbia Spectator* that he was not allowed to attend meetings about the decision and received no reply to requests for a meeting or information about the possibility of an appeal of the department’s ruling.

In a meeting with team leadership prior to the decision, Director of Club and Intramural Sports Brian Jines and Associate Athletics Director for Physical Education Ken Torrey informed the team that punishment would be based on the team’s failure to follow department guidelines which require flyers to be approved prior to posting. In announcing the decision, Murphy stated that “[t]his disciplinary action is not related to free speech but rather the abdication of leadership responsibilities by senior members of the Club.”

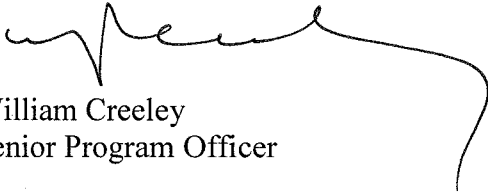
This explanation are simply not credible. Not only is the punishment a grossly disproportionate response to a simple procedural error, but the students were specifically required to apologize for “the offensive nature of the recruitment poster.” The procedural issue is merely being used as pretense to punish these students for their “offensive” speech—something Columbia knows it could not do outright without significant backlash from the students and those in the public who take Columbia’s commitment to free speech seriously. However the Athletics Department tries to spin it, the Men’s Ice Hockey Club is being punished for the content of its recruitment flyers, in clear violation of the right to free speech Columbia promises its students.

While Columbia is a private institution and therefore is not bound directly by the Bill of Rights, its policies reflect a strong commitment to free speech. In a statement you made on October 22, 2004, regarding “University Policy on Academic Integrity and Freedom of Expression,” you emphasized that “Columbia is fully committed to upholding academic integrity and freedom of expression,” allowing “students and faculty to explore the full range of ideas and perspectives that academic freedom fosters.” Further, in a letter to student leaders on March 1, 2004, you explained that “in order to maintain an atmosphere of free and spirited inquiry and discussion, we must choose to forego our natural instinct to punish those who are intemperate and even offensive. This is never easy, but it is part of our larger commitments to academic freedom and freedom of speech.” It is exceedingly difficult to reconcile such finely polished tributes to the necessity of free speech with the punishment meted out to the Men’s Ice Hockey Club.

FIRE urgently requests that Columbia overturn its decision to punish the Men’s Ice Hockey Club. We sincerely hope Columbia University will decide not to abandon the principles of fairness, openness, and free expression in favor of censorship and absurd overreaction.

We request a response by October 11, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Creeley', with a long, sweeping underline that extends to the right and then curves downwards.

William Creeley  
Senior Program Officer

cc:

Alan Brinkley, Provost, Columbia University

Robert Kasdin, Senior Executive Vice President, Columbia University

M. Dianne Murphy, Director of Intercollegiate Athletics and Physical Education, Columbia University

Brian Jines, Director of Club and Intramural Sports, Columbia University

Kenneth Torrey, Associate Athletics Director for Physical Education, Columbia University