

MICHIGAN STATE
UNIVERSITY

December 23, 2008

Adam Kissel
Director
Individual Rights Defense Program
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, PA 19106

Dear Mr. Kissel:

I write in response to your open letter to President Simon dated December 17, 2008. Your letter contains several misunderstandings of the University's judicial process, as well as the University's computing policies.

You have encouraged President Simon to overturn the decision of the Student-Faculty Judiciary against Ms. Spencer. The University's judicial process does not provide for such a remedy. Rather, if Ms. Spencer feels that the decision or sanction issued by the hearing panel was inappropriate, the University's policy provides that she may appeal to the University Student Appeals Board. Decisions of the University Student Appeals Board are then subject to appeal to me as the Vice President for Student Affairs and Services rather than to the President. I note that Ms. Spencer's deadline to file an appeal has not yet expired.



DIVISION OF
**STUDENT
AFFAIRS
AND SERVICES**

Office of the
Vice President

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In addition to filing an appeal, Ms. Spencer has other avenues of relief available to her should she be sincere in her belief that the University's bulk email guidelines are inconsistent with the University's commitment to upholding the First Amendment rights of its members or her belief that the application of such guidelines were "egregiously wrongheaded" as you suggest. The University's Academic Freedom Report for Students ("AFR") provides that Ms. Spencer may request a hearing before the University Student Appeal Board to challenge a University regulation or an action by a faculty or staff member that she alleges is inconsistent with the guidelines established in the AFR. The option to file a request for such a hearing with the Office for Judicial Affairs is still available.

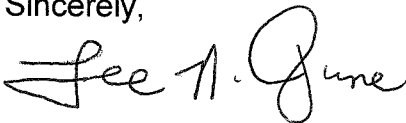
I also note that your letter mistakenly assumes that the email communication at issue in this matter was sent by Ms. Spencer in her role as a student government leader. If Ms. Spencer had requested approval to send an official email to faculty on behalf of ASMSU, the undergraduate student government at MSU, MSU would have worked with her to arrange a mechanism to meet her communication objectives that would have been permitted under the terms of the bulk-email guidelines. Ms. Spencer chose not to request such approval. Instead, she chose to send an unsolicited personal email to hundreds of users

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of the MSU network. Following receipt of a complaint from one of the recipients, Ms. Spencer met with network administrators who reminded her of the University's guidelines and requested that she obtain prior permission before sending any additional emails to groups of individuals. Ms. Spencer flatly refused to comply with the bulk email guidelines, stated that she would continue to send unsolicited emails to faculty on campus without approval, and demanded that the network administrator forward charges against her to the Office for Judicial Affairs. A hearing panel comprised of students and faculty members subsequently concluded that this action violated student regulations regarding the use of University facilities and equipment.

Finally, with respect to your request that the University review its computer use policies, I note that such a review had already been initiated prior to the case at hand. The University's academic governance system, including the University Committee on Student Affairs, will have an opportunity to provide input on the policies being reviewed.

Sincerely,

A handwritten signature in cursive script that reads "Lee N. June". The signature is written in black ink and is positioned below the word "Sincerely,".

Lee N. June, Ph.D.
Vice President for Student Affairs and Services

Cc: President Lou Anna K. Simon
Provost Kim Wilcox
Vice Provost David Gift
Deputy General Counsel Kristine Zayko