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January 30, 2012

Mr. Will Creeley
Director of Legal and Public Advocacy
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, PA 19106

Re: Letter dated January 6, 2012 to Chancellor Steve Ballard

Dear Mr. Creeley:

The University disagrees with your understanding of the facts as stated in your January 6, 2012 letter. East Carolina University upholds the principles of the First Amendment and fully supports its student journalists in that regard. ECU students write, edit, produce, and design each edition of *The East Carolinian*. As the cases you have cited indicate, protecting First Amendment rights is paramount on a college campus and is taken very seriously at East Carolina University.

The University has not sanctioned or penalized *The East Carolinian* for anything placed in the newspaper, nor have there been any plans to alter funding or interrupt the production of the paper. Further, no student has faced or been threatened with any sort of punishment or sanction for his or her editorial decisions. When Dr. Hardy met with student journalists and university administrators after the November 8, 2011 edition, she used the word "consequences" to inform the editorial staff to be prepared to face media scrutiny, as *The East Carolinian* became the story. She discussed other potential ramifications to *The East Carolinian* for running the photographs such as possible loss of advertising revenue, businesses no longer wanting delivery of *The East Carolinian* to their locations, and significant public criticism about the publication of the photographs. Sanctioning the students for exercising their First Amendment rights was not intended at the time of the meeting, nor is it intended in the future.

As for your assertion that Mr. Isom was fired in retaliation for the students' editorial decision, the University will not respond because that is a personnel matter subject to privacy obligations on its part.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna Gooden Payne', with a long horizontal flourish extending to the right.

Donna Gooden Payne
University Attorney