



April 26, 2012

President Dana Mohler-Faria
Bridgewater State University
Boyden Hall
131 Summer Street
Bridgewater, MA 02325
VIA ELECTRONIC MAIL AND U.S. MAIL

Dear President Mohler-Faria,

I am writing to express concern about an imminent threat to the editorial independence of the student newspaper at Bridgewater State University, *The Comment*, and its editorial adviser, Mr. David Copeland.

My organization, the Student Press Law Center, advocates for the rights of student journalists. We do not “represent” *The Comment* newspaper, its editors or its adviser as counsel. We are writing in our preferred role as an advocate and intermediary, in hopes that you and your administration can be dissuaded from a course of action that invariably will result in significant financial and legal damage to the University.

As we understand the fact, you and two other Bridgewater State administrators summoned Mr. Copeland and the student editor-in-chief of *The Comment*, Mary Polleys, to a meeting on Wednesday, April 26, at which you sharply criticized two articles appearing in the April 12 edition of the newspaper. One of the articles was a news story about a speaker’s remarks at a “Take Back the Night” sexual assault awareness rally held on campus, and the other was a commentary about an impending increase in student fees questioning the necessity for a fee increase in light of the University’s budget situation. We do not understand that you contend that either article is factually false or defamatory, but rather, that you disagree with the editors’ judgment as to how certain facts were used. As the events of the meeting have been relayed to us, you raised the possibility of shutting down the newspaper entirely, and then – after asking Ms. Polleys to leave the meeting – told Mr. Copeland that you would be asking the Board of Trustees on Friday to approve a resolution making part-time faculty members ineligible to serve as advisers to student organizations. Mr. Copeland is the only University adviser who would be disqualified by such a policy. We hope that if any of these descriptions are incorrect, you will correct them.

Taking punitive action to remove Mr. Copeland, an experienced and skilled journalist who is popular with his students, after only one year in the adviser position would be both legally and educationally unsound. It would invite years of costly and embarrassing litigation far more detrimental to the reputation of Bridgewater State than any article published in *The Comment*.

As should go without saying, the First Amendment offers a significant level of protection to student journalists at the college level. Colleges may neither censor directly (by removing editorial content from student publications) nor indirectly, by withdrawing support in the form of reduced or revoked funding, removal of editors or advisers, or any other retaliatory action causally linked to lawful editorial content decisions. While reasonable people may debate the merits of the articles appearing in the April 12 edition of *The Comment*, there can be no debate that the articles were within the range of lawful editorial discretion with which a public university may not lawfully interfere.

You should be aware of a very recent ruling from a U.S. district court in Illinois addressing a factual scenario similar to what is taking place at Bridgewater State. In *Moore v. Watson*, No. 09 0701 (N.D. Ill. March 13, 2012), a federal district judge granted reinstatement to an adviser removed because of his students' decision to publish editorial content unflattering to the college. The court found that the evidence – which included a memo from a college administrator blaming the adviser for “the negative tenor of the student newspaper” – was sufficient to support the conclusion that the adviser was unlawfully terminated. *See also Coppola v. Larson*, No. Civ. 06-2138 (D. N.J. July 26, 2006) (finding that removal of college newspaper adviser because of displeasure over news coverage was actionable as a violation of the student editors' First Amendment rights).

To be clear, if the Board of Trustees enacts a regulation with the purpose and effect of disqualifying Mr. Copeland from his adviser position, it is an inevitability that Bridgewater State University, its trustees, and you personally will be sued for violating the First Amendment and that you will lose. It would be self-destructive and pointless to pursue such a course.

We understand that there is inherent tension in the relationship between a college administration and the staff of a campus news organization, as there always is between the news media and government actors. There will be times when, perhaps justifiably, you believe that you have been unfairly criticized or inaccurately portrayed in the media. In that event, it is entirely appropriate for you or any other aggrieved Bridgewater State employee to “vent” your displeasure. But venting may never cross the line into punitive action against the newspaper or those affiliated with it.

The role of a journalist, like that of a doctor or lawyer or accountant or other “professional,” is to give the public his or her best independent account of the facts, no matter how unpleasant they may be to hear. You undoubtedly pay professional auditors to give you reports that are at times unflattering, embarrassing and uncomfortable to read. But it is their ability to render an independent judgment that gives their work value – an auditor (or doctor or lawyer or accountant) who gave only “good news” that the client wanted to hear would be worthless. Just as you value and respect the independence of the input that you receive from your auditors and your counsel, we

must all protect the independence of journalistic voices to give us an unvarnished portrayal reflecting their best professional judgment.

Those who work on the staff of *The Comment* are your students – tuition-paying customers of Bridgewater State – and will soon be your alumni. Educators should never regard students who are doing nothing more than their job as “the enemy.” If you believe that the student editors of *The Comment* have fallen short of professional standards, then the solution is to provide them with enhanced educational opportunities, perhaps through organizations such as the Society of Professional Journalists, the College Media Association and the Society of Collegiate Journalists, all of which provide outstanding training programs. The solution certainly is not to remove a skilled adviser, as no comparably skilled person will risk accepting the position knowing the fate of his predecessor.

It is obvious that these news articles (in particular, the “Take Back the Night” article) have stirred strong emotions on the Bridgewater State campus. This provides a leadership opportunity for you and your administration – rather than taking destructive action that will set back journalism and the students you are preparing for careers – to bring about a campus-wide dialogue about sensitive issues such as the portrayal of sexual assault in the media.

I am hopeful that this matter can be resolved without rancor in a way that preserves the independence and editorial integrity of *The Comment* without the need for confrontation. If you are interested in a constructive solution that involves a healthy dialogue about the First Amendment and the role of the news media in the life of the campus, please consider the Student Press Law Center to be a resource and a partner as you move forward.

Yours truly,



Frank D. LoMonte, Esq.
Executive Director
Student Press Law Center