



Michigan State University Student Faces Suspension for E-mailing Letter to Professors

Friday , December 05, 2008

By Jennifer Lawinski

FOX NEWS

A student government leader at Michigan State University could be facing suspension for sending a mass e-mail to professors about a proposed change to the school calendar — an e-mail that the university is labeling spam.

On Sept. 15, Kara Spencer, a senior and the associated students director at MSU, sent a letter to 391 university professors speaking out against a proposal from the Provost to shorten the fall semester by two days and to shorten Fall Welcome, reducing the amount of time new students would have to adjust to college living.

[Click here to read Kara Spencer's e-mail to faculty.](#)

Spencer also criticized the school's request to have all comments in by Sept. 30, a period she and others in student government said was too short to allow enough discussion.

"There's no question in my mind that this is protected speech. Lively discussion on a college campus is important to the health of the university as well," Spencer told FOXNews.com.

"The issue that was being proposed at the provost's office was a cause of common concern," she said. "Everyone should have had a voice in developing this policy because it was going to have an effect on the community in which we operate as well."

After receiving Spencer's e-mail, Katherine Gross, biology professor at Michigan State, sent the mass e-mail to Information Technology Director Randall Hall asking him if Spencer had accessed a university listserv, Spencer said.

Hall wrote Spencer an e-mail on Sept. 16 telling her about the complaint and asking to discuss the matter. He filed a Disciplinary Allegation Form with the school's Judicial Affairs Office the next day.

In that form he alleged Spencer had refused to comply with school policies on sending bulk e-mail and said she would continue to do so. He charged her with violating three school policies on sending un-solicited e-mails.

[Click here to read Hall's allegations.](#)

[Click here to see the university's policies on bulk e-mail.](#)

A disciplinary hearing was held on Dec. 2, and the verdict is expected next week.

"I am the only student to ever be charged or brought to the judiciary and charged with violating the university's Network Acceptable Use Policy, and that raises questions for me. I can't imagine that this is the test case for the university given the vast amount of file sharing and hacking that goes on around campus," Spencer said.

"It's at their discretion what sanctions they want to impose. They can do any number of things from putting me on probation to suspending me and anything in between, including restricting my access to the university's network."

ADVERTISEMENT

Get 20
FREE
KODAK
Prints*

Get Prints

* Restrictions apply

Kodak Gallery

MSU spokesman Kent Cassella told FOXNews.com that that the Family Educational Rights and Privacy Act (FERPA) precludes the university from commenting on the specifics of the case.

To help her handle defending herself, Spencer contacted the Foundation for Individual Rights in Education (FIRE), a Philadelphia-based nonprofit educational foundation, Adam Kissel, director of FIRE's individual rights defense program, told FOXNews.com.

Kissel met Spencer when giving a talk on the First Amendment at Penn State over the summer. FIRE investigated the allegations and wrote a letter in support of Spencer to MSU president Lou Anna K. Simon.

FIRE considers the school's actions against Spencer violation of her First Amendment right of free speech.

"FIRE is deeply concerned about the threat to free expression posed by Michigan State University's (MSU's) charges against student Kara Spencer for her e-mails to faculty members regarding proposed changes to MSU's Academic Calendar and Fall Welcome schedule," the letter says.

"The fact that MSU is considering punishment of Spencer simply for exercising her right to contact selected faculty members by e-mail shows a disturbing disregard for students' freedom of expression."

In the letter FIRE also calls the situation "both legally and morally unacceptable."

"Threatening a member of the student government with suspension for sending relevant, timely e-mails to faculty members is outrageous," Kissel told FOXNews.com.

"If MSU tries to hide behind its existing unconstitutional policy, that policy will be challenged and will lose in court. It shouldn't have to be a legal matter; it's an obvious free speech matter," he said.

The University, however, said it believes in the rights to the freedom of speech and due process and has defended those rights.

"This is a process issue. It's not a free speech issue," Cassella said, adding that the school's policies are content-neutral.

But David Hudson, a scholar with the First Amendment Center in Nashville, Tenn., echoed Kissel in calling the school's position "outrageous."

"The First Amendment was designed to protect this type of speech. It is particularly disturbing that that is happening at a public university, which is supposed to be a locus of intellectual freedom and inquiry and even provocative speech," Hudson said.

Spencer said she's prepared for anything.

"I don't know what to anticipate. My hope would be that there were no findings, but I'm prepared for them to impose sanctions," she said. "I, in turn, will be appealing in that case."

SEARCH

GO

[Click here for FOX News RSS Feeds](#)

Advertise on FOX News Channel, FOXNews.com and FOX News Radio

Jobs at FOX News Channel.

Internships At Fox News (Summer Application Deadline is March 15, 2007)
Terms of use. Privacy Statement. For FOXNews.com comments write to
foxnews@foxnews.com; For FOX News Channel comments write to
comments@foxnews.com

© Associated Press. All rights reserved.

This material may not be published, broadcast, rewritten, or redistributed.

Copyright 2008 FOX News Network, LLC. All rights reserved.
All market data delayed 20 minutes.