



August 23, 2010

Jacqueline R. Morrow  
University Legal Counsel  
State System of Higher Education  
2986 North Second Street  
Harrisburg, PA 17110

**RE: Indiana University of Pennsylvania and Cheyney Speech Codes**

Dear Ms. Morrow:

I write in follow up to our conversations concerning policies affecting speech at I.U.P. and Cheyney. Recognizing that classes will begin in a week, I am hopeful that the necessary changes to those policies will soon be accomplished. I also wanted to make you aware of a recent decision from the Third Circuit in *McCauley v. University of the Virgin Islands*, \_\_\_ F.3d \_\_\_, No. 09-3735 (3d Cir., Aug. 18, 2010). This case reiterated the dangers with restrictions on speech at public universities, pointing out that public "universities have significantly less leeway in regulating student speech than public elementary or high schools." *See id.* at 31. It also found various prohibitions, including limitations on "offensive" or "unauthorized" signs, to be unconstitutional.

I know you are familiar with student speech rights and thank you for taking our concerns about IUP's and Cheyney's policies seriously. I look forward to resolving these issues.

Very truly yours,

A handwritten signature in black ink, appearing to read "RWenger".

Randall L. Wenger

cc: Alliance Defense Fund