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It's Raining Spam at Michigan State U

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Imagine you're an energetic leader of student government at a major state school. You've been in extensive discussion with students and professors about the administration's decision to cut short the semester. Students feel ripped off and professors feel that two fewer days of instruction would seriously impinge on their academic goals. Working in collaboration with a group of professors and students, you put together a thoughtful memo opposing the university's decision and e-mail it to all the professors you think might be most helpful in getting the decision reversed. Next thing you know, however, you've been charged with "spamming" and you're facing a possible suspension -- all for the e-mail equivalent of a responsible letter-writing campaign.

Well, this is exactly what has actually happened at Michigan State University. And by tomorrow, the country will find out if MSU prefers bullying students with an unconstitutional anti-spam policy to complying with the First Amendment.

In early September, MSU's administration notified the faculty that next year's fall semester and freshman orientation each would be shortened by two days, and gave the campus community only until September 30 to comment. Given the short time frame offered for discussion, the sense was that this was all but a done deal. But because of the controversial nature of the changes, the University Committee on Student Affairs (UCSA), which included students, faculty members, and administrators, held an emergency meeting to discuss a response.

Following the emergency meeting, junior Kara Spencer notified the group that she would be sending her own version of the group's response as "an informational email" to faculty members she believed would be concerned about this issue. None of the administrators involved in the discussion complained about this plan. Spencer then carefully selected 391 faculty members out of MSU's approximately 4,500 faculty and e-mailed them her version of the committee's letter.

The letter was just what you might expect from a responsible student government member and university citizen. It stated concerns about the short amount of time given to the MSU community to consider the changes, and called for "an inclusive dialogue among members of the University community." Nevertheless, one faculty member who got Spencer's letter was concerned that Spencer had accessed a private e-mail list, and complained to MSU Network Administrator Randall J. Hall.

Hall investigated -- and although that concern turned out to be unwarranted, Hall kept the investigation alive anyway. On September 17, Hall alleged that Spencer had violated three MSU policies by sending what he called unauthorized "spam." Amazingly, Hall suggested that a single unsolicited e-mail counts as "a disruption of the activities of the person receiving the email."

Now it's December, and Spencer's ordeal has continued for almost three months. After Spencer requested a hearing before MSU's Student-Faculty Judiciary, my organization, the Foundation for Individual Rights in Education (FIRE) wrote MSU President Lou Anna K. Simon. We called on President Simon to end the unconstitutional investigation immediately. After all, we're talking about a student leader who was just trying to galvanize support on campus for an extended discussion of a fairly major campus policy change. It's not like Spencer was carpet-bombing faculty inboxes with information about where to score discount Viagra online.

But the judiciary proceeded with the hearing last Tuesday anyway, and is set to release its decision tomorrow.

After FIRE broke the story, national media outlets had a few questions for MSU: namely, how exactly is MSU's anti-spam policy consistent with the university's legal obligation to protect the First Amendment rights of its students and faculty? University spokesman Kent Cassella responded that [MSU's anti-spam policy](#), which limits unsolicited e-mail of all kinds to about 20-30 e-mails over two days -- unless, of course, MSU grants prior approval-- is "not a free speech issue." Cassella argued that a viewpoint-neutral policy is inherently constitutional.

This is absurd. It's not just that requiring prior approval is a prior restraint. It's not just that you can bet your bottom dollar that prior approval is based on content. The crowning absurdity here is that MSU thinks that there is nothing wrong with placing a completely arbitrary limit on the number of people you can e-mail about a serious issue of public concern at a public university. So much for the right to petition government for redress of grievances. Apparently, MSU's IT department has overruled the Bill of Rights.

I am inclined to agree with one online critic who wrote, "MSU should be ashamed." Not only has MSU threatened to punish a student for being engaged in the politics of her school, but MSU should never have investigated such obviously protected speech in the first place.

I hope that free speech and common sense will prevail at MSU. If MSU finds against Spencer, it will be a black mark on the institution's reputation.



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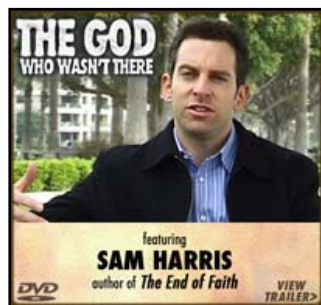
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Hey, for those of us who live in the South, think up a new term for junk mail. I have never eaten Spam, and vow never to. I hadn't had a half a cup of coffee when I read this title. ARRGH!

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Why do universities resort to these sorts of strong-arm tactics to deal with dissent? Dumb management; what would have been a fairly painless complaint process now blows up in MSU's face. As a former student government official, I sympathize with Spencer. Greg, keep the FIRE on MSU and all poorly managed colleges everywhere!

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If MSU finds against Spencer, I hope that the ACLU shows them the errors of their ways. Better yet, to the tune of a few million bucks, and a chunk taken out of Randall J. Halls hide.

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hmmmm.... let me see if I understand this. MSU sends out a ton of stuff they like... that's NOT spam... someone sends something they don't like... that's SPAM.

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- lisakaz2 [See Profile](#) I'm a Fan of lisakaz2 [permalink](#)

Isn't this a misuse of "anti-spam"? I mean, none of us wants oodles of messages about getting viagra or a longer "member" but this is ridiculous.

And what's with the 2 days. Didn't student pay for a full semester. No wonder why I can't get a job right now...

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