



# FIRE

Foundation for Individual  
Rights and Expression

September 18, 2023

Carlos Campo  
Office of the President  
Ashland University  
401 College Avenue  
Ashland, Ohio 44805

*Sent via U.S. Mail and Electronic Mail (ccampo@ashland.edu)*

Dear President Campo:

FIRE's Student Press Freedom Initiative appreciates your quick response to our September 8 letter expressing concern about the state of press and academic freedom at Ashland.<sup>1</sup> It is difficult to take comfort, however, in promises that Ashland "welcome[s] objective, investigative journalism" given its new requirement for the editorially independent student paper, *The Collegian*, to submit print editions for official prior review, especially with that mandate coming as it does in the wake of Ashland's dismissal of Ted Daniels, the paper's erstwhile adviser.

First, there can be no place for prior review at a university committed to free expression. Prior review of independent student journalism and a culture of free speech simply cannot coexist. This holds true regardless of the motivation for review, whether it is concern with viewpoints the publication espouses or simply the grammatical matters you cited. If the Ashland administration lacks confidence in the ability of *The Collegian's* adviser to provide meaningful and educational feedback, the university may provide constructive criticism **post-publication** to assist the educational process. But the censorial practice of prior review and its implied need for a newspaper's contents to meet official approval is wholly incompatible with a free student press.<sup>2</sup>

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<sup>1</sup> As you know, FIRE is a nonpartisan nonprofit dedicated to defending freedom of speech and of the press on and off campus. You can learn more about our recently expanded mission and activities at [thefire.org](http://thefire.org). FIRE's Student Press Freedom Initiative (SPFI) defends free press on campus by advocating for the rights of student journalists at colleges and universities across the country.

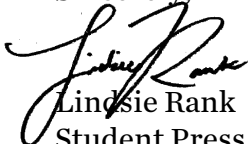
<sup>2</sup> See, e.g., *Burch v. Barker*, 861 F.2d 1149, 1159 (9th Cir. 1988); see also *Lovell v. Griffin*, 303 U.S. 444, 451 (1938) (striking down an ordinance requiring city manager review of literature before distribution). Even were such review limited to grammatical concerns and any required changes kept purely corrective, the requirement to submit to review is still constitutionally infirm as content-based regulation of speech. See, e.g., *Reed v. Town*

Second, with respect to professor Daniels, we appreciate that Ashland does not usually discuss personnel matters, presumably for privacy reasons. However, our letter enclosed a privacy waiver, signed by Daniels, granting Ashland permission to discuss with FIRE the circumstances surrounding his employment and dismissal. The allegations that Ashland dismissed Daniels because of his teaching and his work with *The Collegian* find support not only in multiple witness testimonies but also in an August 21 email from Dean Brown formally notifying Daniels that Ashland would not renew his contract because his “perspectives on the field of journalism” and his “approach” were “problematic for Ashland.”<sup>3</sup> If Ashland wishes to reassure stakeholders that Daniels’ dismissal did not, in fact, violate the academic freedom it promises its faculty and the expressive freedoms it promises its broader community, it must offer more than an unsubstantiated statement that “Mr. Daniels’ transition did not result from the Collegian’s reporting.”

All told, what we said in our prior letter remains true: “Ashland must publicly commit to refrain from any adverse action against *The Collegian*’s new adviser or student journalists, and should also publicly assure all faculty—including adjunct instructors—that they enjoy full academic freedom free from official retaliation.” To our knowledge, Ashland’s administration has yet to provide that reassurance, which will be a pivotal building block to reestablishing trust in the university’s commitment to principles of expressive freedom.<sup>4</sup> Respectfully, that Ashland has received accolades from FIRE and others for its commitment to expressive freedom is of no moment if Ashland does not stand ready to back those commitments with action.

We request a substantive response to this letter no later than close of business on September 21, 2023, confirming Ashland will allow *The Collegian* to publish without prior review and will publicly reassure the campus community that Ashland will respect freedom of the press and academic freedom going forward.

Sincerely,



Lindsay Rank  
Student Press Counsel

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*of Gilbert*, 576 U.S. 155, 156 (2015) (any restriction which necessitates reference to the speech itself is content-based). Such regulation must withstand strict scrutiny, yet Ashland’s asserted concern over grammar is hardly a compelling interest, nor is prior review — “the most serious and least tolerable infringement on First Amendment rights,” *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976) — the least restrictive means to satisfy that concern. While grammatical errors in student media are perhaps unfortunate, journalists have the right to make them in an environment that respects a free press, to use any mistakes to hone their editing and writing skills and, ultimately, to improve as writers and reporters. *See Schiff v. Williams*, 519 F.2d 257, 261 (5th Cir. 1975) (while grammatical mistakes in a student newspaper “could embarrass, and perhaps bring some element of disrepute to the school . . . these faults are clearly not the sort” that would justify administrative regulation of the student press under the First Amendment).

<sup>3</sup> Email from Katherine Brown to Ted Daniels, (Aug. 21, 2023, 7:34 PM) (on file with author).

<sup>4</sup> While we appreciate that you took the time to meet with journalism students for an on-air interview, one interview is not enough to offset the damage Ashland’s recent actions have inflicted upon its relationship with the student press and its faculty.