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July 22, 2011

ATTN: Ari Kohn, Legal Fellow
Foundation for Individual
Rights in Education
601 Walnut Street, Ste. 510
Philadelphia, PA 19106

RE: Michigan Technological University - your letter of June 21, 2011

Dear Mr. Kohn:

I am responding to your letter on behalf of MTU. As I pointed out in my earlier correspondence, you are interpreting information and explanations contained in handbooks and general guidance material as "policy." What you refer to as "affirmative programs office policy" has never been adopted as University policy. You then take a second gigantic leap in noting that a chilling effect may have been the University's intention "in enacting the regulations." Again, a review of what are clearly and unambiguously published as University "regulations 'or' ordinances" reveals that the items referred to have never been enacted or adopted by the Board of Control of the University nor has it approved them as regulations.

Last, as I indicated previously, the sections of the one Administrator's guidance which you have referred to were in the process of being reviewed and changed. That is nearly complete, the Administrator has now retired and we would hope that within the next couple of months the items which you address will be removed from all University related publications. The actual Policy of the University as clearly published and enforced has never impermissibly chilled or prevented speech nor has protected expression ever been investigated or punished at MTU. I thank you for your interest and concern in protecting free speech but request a little more understanding on your part of the actual facts and the University's long history of assuring and protecting free speech for all in the University Community.

Sincerely,

VAIRO, MECHLIN & TOMASI, PLLC

BY: 
Paul J. Tomasi

PJT/elp