

# THE RUTHERFORD INSTITUTE

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INTERNATIONAL OFFICE  
CENTRAL AND EASTERN EUROPE  
Budapest, Hungary

October 28, 2011

Via Certified Mail

Mr. Jack Becherer, President  
Rock Valley College  
3301 North Mulford Road  
Rockford, Illinois 61114

**Re: Dominic Celletti / Restrictions on Speech on Campus**

Dear Mr. Becherer:

The Rutherford Institute has been contacted by Dominic Celletti, a student at Rock Valley College (RVC), with serious concerns regarding the constitutionality of RVC's Information Posting Policies.

On September 2, 2011, Mr. Celletti went to the Student Life Center and inquired about his ability to post flyers around campus urging students to become involved in civil rights issues. According to Mr. Celletti, he was told by Aaron Lamping that he was not allowed to post on campus bulletin boards because he was not a member of any campus club. Mr. Celletti decided to post his materials on a bulletin board down the hall from the Student Life office, but he discovered that his flyers were removed from the board within three days.

Mr. Celletti subsequently met with the Manager of Student Life, Quiana Preston, on September 13 to ask if she would approve his flyers for posting on campus bulletin boards. Ms. Preston denied his request and told him that he was relegated to posting his flyers on a single "free" board in a more remote area of campus. Mr. Celletti also raised this matter with the RVC Board of Trustees on September 27, 2011, but has received no response to his complaint.

Copies of the flyers Mr. Celletti asked to post when he met with Ms. Preston are enclosed. As you can see, the flyers are not offensive or inflammatory and simply urge people to stand up for their civil liberties and become knowledgeable about their constitutional rights.

The RVC policies that resulted in the denial of Mr. Celletti's request are clearly inconsistent with his right and the right of other students to freedom of speech guaranteed by the First Amendment. The "Distribution policy" (which is set forth at page 78 of the RVC 2011-12 Student Handbook) provides that only "officially recognized" RVC organizations may distribute or post materials on-campus. And even then the materials distributed are still "subject to restrictions" otherwise in the policy.

By opening the campus for distribution and posting, RVC has clearly created a public forum for college-related individuals and organizations under the First Amendment. In such a forum, if certain persons are excluded from engaging in expression who are of a similar character to those allowed, then that exclusion is subject to strict scrutiny and must be justified by some compelling reason. *A.C.L.U. v. Mote*, 423 F.3d 438, 444-45 (4<sup>th</sup> Cir. 2003). While there may be some basis for excluding persons who are not members of the RVC community from using RVC facilities for their expression, there certainly is no basis for distinguishing between individual students and student clubs. Absent a compelling justification, this limitation is offensive to the First Amendment.

Additionally, the RVC regulations as a whole offend the First Amendment because they grant unfettered discretion to RVC officials in determining who may and may not engage in speech. For example, one part of the policy (at page 78 of the RVC Student Handbook) provides that "[a]pproval for distribution outside the confines of campus buildings by any group must be obtained from the Manager, Student Life[.]" The policy goes on to provide that "[t]here shall be no posting of signs or written information on the campus grounds except as permitted by RVC policies/procedures, or as approved by the Manager, Student Life." Additionally, it is provided that unless permission is granted by the Manager, Student Life, no sign may be posted on campus (RVC Student Handbook, p. 80). Nowhere do the regulations set forth any standard or criteria that the Manager, Student Life, is to apply in deciding whether to grant permission.

A fundamental principle of the First Amendment is that any scheme which allows a public official to determine whether expression may occur in a public forum must not delegate overly broad discretion to that official. A law subjecting the exercise of First Amendment freedoms to the prior restraint of government approval must contain narrow, objective, and definite standards to guide the government official. *Forsyth County, Ga. v. Nationalist Movement*, 505 U.S. 123, 131 (1992). Thus, courts have struck down university regulations on expression where officials are empowered to exercise arbitrary authority in deciding who may and may not engage in speech on campus. *Pro-Life Cougars v. Univ. of Houston*, 259 F. Supp. 2d 575, 583-84 (S.D. Tex. 2003).

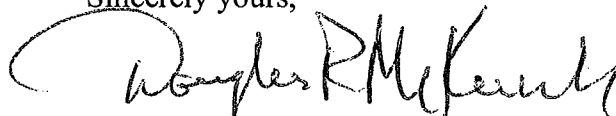
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RVC's policies on student speech suffer from precisely the same vice. With this policy, RVC has apparently institutionalized an arbitrary and capricious "standard" for the regulation and/or suppression of political expression.

Mr. Celletti earnestly desires to engage in non-disruptive political expression on the RVC campus yet has been denied this right. It is clear that the policies under which he has been denied the right to post materials and express his beliefs violate fundamental First Amendment principles and must be rescinded.

On Mr. Celletti's behalf, we ask that immediate steps be taken to cure the restrictions on his fundamental constitutional right. We will need a response to this letter by November 11, 2011, so that we may advise Mr. Celletti about his legal options in protecting his rights.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Douglas R. McKusick". The signature is written in a cursive style with a large, looping initial "D".

Douglas R. McKusick  
Staff Attorney

THE RUTHERFORD INSTITUTE

Enclosures

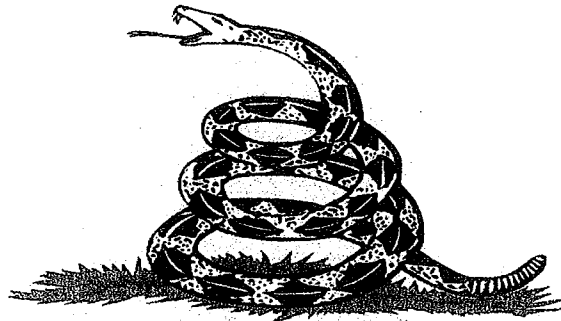
cc: Mr. Dominic Celletti

*Join Freedom Talkers! Speak  
Your Mind Freely!!!*

*We Believe in Standing up  
Against Government Intrusion in  
Everyday Life!*

*BY IGNORING YOUR RIGHTS  
THEY WILL GO AWAY!*

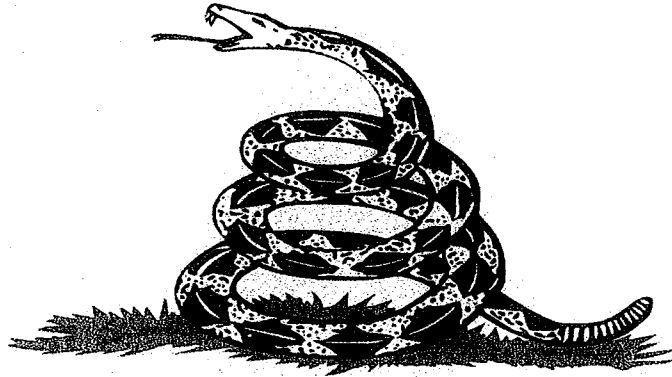
**READ THE CONSTITUTION!**



DONT TREAD ON ME

*Want more Info Contact Dom at (315-882-0044)*

**IGNORE YOUR RIGHTS**  
**AND THEY WILL GO AWAY!**  
**READ THE CONSTITUTION!**  
**STAND UP FOR WHAT'S RIGHT!**



DONT TREAD ON ME

**RVC ENFORCES**

**CENSORSHIP!!!!**

*Pg 76 Policy 18: Signs No person shall post any sign, poster, handbill or advertisement on the campus or any property the college may own or lease except as permitted by THE PRESIDENT OR APPOINTED DESIGNEE.*

*Pg 79 Posting. A. There shall be no posting of signs or written information on the campus grounds except as permitted by RVC policies/procedures, or as approved by the Manager, Student Life.*

*C. Recognized RVC departments and organizations may post written materials on campus bulletin boards as permitted by the Bulletin Board Regulations. (pg79)*