April 26, 2012

University of Memphis
President Shirley C. Raines
341 Administration Building
Memphis, TN 38152
VIA ELECTRONIC MAIL AND U.S. MAIL

Dear President Raines,

I am writing to express concern about a series of events that give the appearance of an attempt to intimidate an outstanding student journalist, Chelsea Boozer of The Daily Helmsman, in response to journalistic work reflecting critically on members of your administration.

My organization, the Student Press Law Center, advocates for the rights of student journalists. We do not “represent” Ms. Boozer or The Helmsman newspaper as counsel. We are writing out of concern for the right of Ms. Boozer and her publication to be free from retaliatory harassment by the University or its employees for their journalistic speech. The accounts and descriptions set forth in this letter are based on conversations related to us, of which we claim no first-hand knowledge.

We understand that three members of your administration – attorneys Sheri Lipman and Melanie Murry of the University’s Office of Legal Counsel, and Associate Vice President of Marketing and Communications Linda Bonnin – have disseminated unfounded accusations of misconduct against Ms. Boozer and attempted to instigate disciplinary action against her. These allegations have no basis in fact, and would have been easily dispelled by a good-faith inquiry.

Specifically, the stories being spread by members of your administration about Ms. Boozer are that: (1) she trespassed at the headquarters of the University Police Department by belligerently causing a disturbance and refusing to leave the office at closing time, after being refused an interview with a police official for a news story, and (2) she forced her way into one or more residences of sorority members at the Carpenter Complex campus housing complex while pursuing information for a news story and refused their demands to leave. These allegations were made both to Ms. Boozer’s academic department and to the Division of Student Affairs.

From the available facts, it does not appear that there was any good-faith basis on which to believe that Ms. Boozer committed these infractions. Had anyone taken the common-sense step of speaking with her, she could have, for example, provided confirmation from multiple witnesses that, at the time she was alleged to have been “trespassing” around closing hours in the University Police Department building, she was in fact in the Helmsman newsroom. When she was at the Police Department on the
date in question, she was there no longer than ten minutes and she was never asked to leave, facts that should be easily confirmed through security camera footage. She has never been to sorority housing at Carpenter Complex. Neither Ms. Bonnin, Ms. Lipman nor Ms. Murry, however, spoke with Ms. Boozer; she was forced to find out third-hand from others in her academic department to whom accounts of her purported wrongdoing had been relayed.

I think you will readily recognize that this is a highly unorthodox way in which to handle a campus disciplinary case. It is implausible that, in the ordinary course of the University’s disciplinary system, two attorneys from the Office of Legal Counsel and the head of campus public relations would personally involve themselves in disseminating allegations against an accused student. This departure from normal and expected practices is strong circumstantial evidence that the allegations against Ms. Boozer may have been exaggerated, or wholly fabricated, by those with a grudge against her.

The timing of these events closely follows a series of events in which Ms. Boozer and her newspaper publicized unflattering information about the University that reflected negatively on – and involved direct dealing with – the Office of Legal Counsel and the University Police Department.

During February and March, Ms. Boozer and the Helmsman found themselves in a dispute with the Office of Legal Counsel over access to a police incident report concerning a complaint of sexual assault on campus that occurred in November 2011. At Ms. Boozer’s request, I wrote to Ms. Lipman on March 6 to explain that the college’s purported justification for withholding the report (the Family Educational Rights and Privacy Act) was illegitimate. Shortly thereafter, the report was provided to the newspaper, which published a story about it on March 28.

On March 29, the Helmsman published an “open letter” from Ms. Boozer to Bruce Harber, Director of Police Services, rebuking the Police Department for its failure to issue a campus-wide security alert after being notified of a sexual assault.

It seems remarkably coincidental that Ms. Boozer, a high-achieving student leader with no prior disciplinary history, would suddenly embark upon a “crime wave” beginning on the very same day as the publication of this column.

The aforesaid course of events has, as you would expect, caused Ms. Boozer considerable worry about her safety. If those with authority over University Police are seeking to neutralize her ability to function as a journalist, and/or to punish her for her reporting and commentary, it is not farfetched that the harassment campaign could include an arrest on trumped-up charges. No student should have to attend college wondering whether the next knock on her door will bring with it a false arrest.

We hope that you will reassure Ms. Boozer that her record is clear of any misconduct allegation that might hamper her in future educational or career pursuits,
and that you will remind those in your administration that scores are not to be settled by resort to rumor-mongering or through the campus judicial or legal systems.

Because our overriding interest is Ms. Boozer's safety, we are refraining from publicizing these events or forwarding this complaint to any outside investigative authority, so as to give the University an opportunity to respond appropriately. Due to the appearance of animus on the part of high-ranking University officials, the SPLC will be very closely monitoring the well-being of the Helmsman newspaper and its staff. As you can well appreciate, any action taken to the detriment of the newspaper or its staff under these circumstances will carry the taint of unlawful retaliation, and will result in substantial legal and reputational damage to the University and those in its employ.

I thank you for giving this troubling matter your personal attention.

Yours truly,

Frank D. LoMonte, Esq.
Executive Director
Student Press Law Center