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December 22, 2008

Samantha K. Harris
Foundation for Individual Rights in Education

Philadelphia, Pennsylvania 19106
Sent by U.S. Mail and Facsimile (215) 717-3440

Re: Free Speech

Dear Ms. Harris:

Your letter of December 8, 2008 has been referred to me for response. Please direct future correspondence regarding this matter to my attention.

In your letter you invite the University to correct your understanding of the facts concerning the University's free speech zone. I am assuming that you gleaned your information in large measure from policies, maps and other information on our website. I

Exhibit D

Plaintiff has failed to persuade us to depart from the *great weight of authority*, which has rejected the notion that open areas on a public university campus are traditional public fora. Accordingly, we find no error in the district court's determination that the subject open areas at Miami University represent limited

Gilles v. Garland, 281 Fed.Appx. 501, 511 (C.A.6 2008)(emphasis added) Your suggestion that the entire University should be considered a traditional public forum for all persons to talk about all topics at all times is not the law, and as a practical matter does not strike the appropriate balance between individual free speech on the one hand and the

University's obligations to its student body as a whole and the potential for disruption to the University's educational mission on the other