

# Valley Courier



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## Pending ASU policy draws attention, fire

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*This article is the second in a series.*

By DAVID GILBERT Courier staff writer

ALAMOSA - Objections are mounting against the decision to prohibit former Adams State University instructor Danny Ledonne from the ASU campus, but university officials are sticking to their guns.

Ledonne, who taught a variety of filmmaking classes at ASU from 2011 to 2015, was issued a persona non grata order on October 14. The order prohibits him from setting foot on university property.

Ledonne alleges that the order is retaliation for his persistence in contesting the decision not to hire him for a full-time faculty position, a process he asserts was flawed, as well as for a website he operates - WatchingAdams.org, which posts publicly-available salary data and articles critical of university administration. Ledonne was barred from campus three days after WatchingAdams.org posted its first articles.

University officials say the order had nothing to do with the website or Ledonne's objection to not being hired, but rather a "two-year pattern of behavior" that they say adds up to a picture of a dangerous and unpredictable individual who represents a threat to campus safety.

A campus-wide email sent out by ASU police chief Paul Grohowski lists a variety of grievances against Ledonne, starting with the fact that Ledonne is the creator of Super Columbine Massacre RPG!, a video game that Ledonne says explores the moral and philosophical issues around the 1999 Columbine High School shooting. ASU president Beverlee McClure says the game is reprehensible and awards points for shooting students.

The row has drawn media attention, with articles critical of the university's decision appearing in the Denver newspaper Westword, as well as a blog operated by the Foundation for Individual Rights in Education, or FIRE, and several other college-focused news and opinion sites.

Concern has arisen among ASU faculty as well, much of it focused not only on the decision to prohibit Ledonne, but on the wording and function of the persona non grata policy itself, which is yet to be finalized.

Sociology professor and Faculty Senate Vice President Ben Waddell spoke on behalf of Faculty Senate last week, expressing the opinion of the body that the policy should be tabled by the President's Cabinet until there has been adequate time to address what he characterized as vague wording in the proposed policy.

Waddell said the policy as it read last week did not include a clear appeals process, and could make the university vulnerable to negative legal ramifications. He added that the appeals process is problematic because it requires recipients of persona non grata orders to appeal to the Vice President of Administration and Finance, "who reports directly to the president, who is the person who gives out the persona non grata in the first place," Waddell said.

Waddell said he was also troubled by the decision to issue such an order against Ledonne before the policy was finalized.

"It's ex post facto," Waddell said. "We as employees should take this very seriously. It's an instance in which, because of the nature in which it has been applied thus far, we could find ourselves walking into difficult terrain."

Ledonne said the order is unreasonable because the university has not cited any specific laws or policies he has broken. He cites a 1973 Colorado Supreme Court case, Watson vs. Board of Regents of University of Colorado, as saying that the decision to prohibit him from campus is a violation of his 14th amendment right to due process, as he was not given a chance to review the charges against him or appeal the decision until after the order had been handed down.

The Watson decision, however, does include a provision that allows institutions to prohibit non-students and non-employees "when a genuine emergency appears to exist and it is impractical for University officials to grant a prior hearing."

Numerous other institutions in Colorado have similar policies. All the colleges reached by the Courier at press time - the University of Colorado, Colorado State University, Western State University, and Fort Lewis College - have policies on the books that allow them to prohibit individuals from campus without prior notice. The policies also allow the barring of individuals without specifying specific laws or policies broken, and all but one require appeals to be submitted to a vice president - CU Boulder's process has recipients appeal to the Office of Student Conduct.

Still, the appearance that the order may have been in retaliation for Ledonne's website doesn't sit well with Carol Smith, director of ASU's Nielsen Library. Smith spoke at Faculty Senate last Wednesday, saying that Ledonne's persona non grata status is a threat to expression and dissent.

"Librarians are at the vanguard of the protection of freedom of information – the freedom to access it, the freedom to create it, the freedom to communicate it, and the freedom to dissent," Smith's remarks read in part. "Indeed, it is the role of the entire academy and all faculty to support these core principles of academic freedom. I would [be] remiss if, as library director, I didn't express my deepest personal concern about the recent attacks on a respected colleague's scholarly work and organizational activism... You don't have to like someone, agree with someone, or approve of their methods to defend their right to express themselves."

In a campus-wide email signed by the ASU Board of Trustees on Monday, the university said their decision was no threat to free speech.

"What began as an unsuccessful application for a faculty position has been distorted," the email read in part. "Mr. Ledonne's freedom of speech is in no way threatened. He has been given every document that he is entitled to under the law, and he continues to freely communicate his concerns through blogs and newspapers."

ASU officials did not return repeated phone calls for comment on this story.

**CLARIFICATION:** The first story in this series quoted Ledonne as saying former Office of Equal Opportunity Joel Korngut had agreed that there were "multiple problems [and] flaws" with the decision not to hire Ledonne for a faculty position, and that Korngut had encouraged Ledonne to "be persistent" with his appeals. Korngut said that the hiring process was flawed, but felt the characterization of his words was too strong. He also said that he meant Ledonne should "be persistent" by doing a good job to prove his worth to the university, not to be persistent with appeals of the decision.