

Valley Courier

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ACLU files suit on behalf of Ledonne

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DENVER - The ACLU of Colorado filed suit Wednesday morning on behalf of Danny Ledonne, a former professor who was banned by school officials from the Adams State University campus in Alamosa.

From May 2011 to June 2015, Ledonne taught in the Mass Communications program and performed video production work for Adams State University. In September 2015, after his employment at the university had ended, he launched WatchingAdams.org, a website that "provides ongoing coverage of critical news and information about Adams State University, a public institution of higher education in southern Colorado." The website includes public compensation data and interviews with former students, faculty, and staff.



Danny Ledonne

On October 12th, Ledonne posted a series of articles criticizing the pay disparity between faculty and the administration and alleging that the university had violated the Colorado Wage Act by not making timely payments to adjunct professors. Two days later, University President Beverlee McClure issued a "No Trespass Order" to Ledonne, delivered at his residence by campus police chief Paul Grohowski. The order declared that for "an indefinite period of time," Ledonne was prohibited from being on Adams State University property and that his presence on campus "would result in his immediate arrest for trespass."

"Not only were Danny Ledonne's First Amendment rights violated when university officials retaliated against him for operating a website criticizing their policies, the ban was issued without notice or an explanation of the evidence being used to support it, which violated his constitutional right to due process," said ACLU of Colorado Legal Director Mark Silverstein.

The ACLU complaint, filed February 10 in Federal District Court, cites a 1973 Colorado Supreme Court decision finding that "a non-student's right to access Colorado public university functions and facilities which are otherwise open to the public-at-large, is a valuable property or liberty interest entitled to constitutional protection." According to the court, access to a public university cannot be denied without first providing adequate notice of charges, reasonable opportunity to prepare to meet the charges, an orderly hearing, and a fair and impartial decision.

"We bring this lawsuit to protect the rights of not just Mr. Ledonne, but all Coloradoans," said ACLU of Colorado cooperating attorney N. Reid Neureiter of Wheeler, Trigg, O'Donnell LLP. "As the Colorado Supreme Court has recognized, public universities are important public resources. Members of the public should not be barred from otherwise public college campuses without being given notice of what they have supposedly done, and being given an opportunity to challenge the allegations."

Ledonne operates a video production business, Emberwilde Productions, and many of his professional obligations require him to attend and film events on the Adams State campus, which is open to the public. For instance, he has served as the director of the Southern Colorado Film Festival at Adams State. He was unable to attend the 2015 Festival because of the campus ban, which was issued just one day before the festival began.

"Adams State is the hub of artistic and cultural engagement in Alamosa. If I cannot go on to campus for fear of being arrested, my personal reputation and ability to earn a living in this community are severely hindered," said Ledonne. "The climate of fear this creates for others who might also wish to speak up is a broad chilling effect that cannot go unchallenged."

The ACLU has asked the court to immediately stop Adams State University from enforcing the campus ban, as well as to rule that Ledonne's constitutional right to free speech and due process were violated.

ASU responds to ACLU suit

ALAMOSA Adams State University issued the following statement regarding the ACLU suit filed on Wednesday:

"The legal action taken against Adams State today [Wednesday] is based on a wholly false premise that we have been eager to completely refute, but have lacked the legal ability to do, until now.

" We look forward to making the case that the university's actions were based solely on evidence and the belief that Mr. Ledonne's longstanding pattern of inappropriate actions and threatening statements required us to act in an abundance of caution to protect our students, faculty and staff. We will aggressively contest any accusation that our safety-based decisions were in any way related to constitutionally protected freedom of expression.

"As part of the legal process , we will now be able to share a substantial amount of information behind our decisions that we have legally been unable to share. Mr. Ledonne has declined our request to release this information publicly, and we have had to honor that request. This lawsuit will remove that prohibition.

"Moreover, he has made a series of open records requests to the university that we have, and will continue to fully comply with.

"The safety and security of the entire Adams State community is the fundamental responsibility of all of us in the administration. We take that seriously on a daily basis, and we want our entire community to know that we will not compromise that commitment because of threats from any source."