

# Valley Courier

2205 State Ave., Alamosa, CO 81101 • Ph: 719-589-2553 • Fax: 719-589-6573

## ASU, Ledonne resolve lawsuit

Tuesday, July 26th, 2016

By RUTH HEIDE *Courier editor*

ALAMOSA In what both the ACLU of Colorado and Adams State University are representing as a victory in their respective responses to the case, a suit involving former ASU adjunct professor Danny Ledonne has been resolved.

The ACLU (American Civil Liberties Union) of Colorado in a Monday press release stated that Adams State agreed "to rescind a 'No Trespass Order' banning Ledonne from its Alamosa campus and to pay \$100,000 to settle a lawsuit filed by the ACLU of Colorado based on claims that the university violated Ledonne's free speech and due process rights."

In its response on Monday, ASU stated, "Adams State University was found to have no wrongdoing in a case brought forward by an unsuccessful job applicant."

ACLU of Colorado Legal Director Mark Silverstein said, "The university had no legitimate basis for banning Mr. Ledonne from campus, nor did university officials have any factual basis for the stigmatizing and derogatory characterizations of Mr. Ledonne that they communicated to the university community and the public."

University administration issued a persona non grata order against Ledonne last October prohibiting him from physically going onto the campus grounds based on what ASU President Dr. Beverlee McClure said was "a list of events and behaviors that added up to a picture of a dangerous individual who represented a safety threat to the campus community."

The ACLU of Colorado filed suit in February challenging the campus ban. Last week the parties finalized a settlement agreement following mediation before Retired Judge William F. Downes.

ASU on Monday stated the judge in the case vindicated the university of wrongdoing, the ACLU did not "win" the case, and Danny Ledonne was not compensated by the university. "William F. Downes, a retired judge, oversaw the mediation and ultimately decided in favor of Adams State, after nearly a year of controversy," the Adams State response stated on Monday.

The university's insurance company paid the ACLU attorney fees, with the only cost to Adams State being a \$2,500 deductible, according to Julie Waechter, Adams State assistant to the president for communications.

Silverstein said although the university was not writing a check to Ledonne personally, he would receive about \$65,000 out of the \$100,000 ASU would be remitting to the ACLU.

"The \$100,000 settlement resolves Mr. Ledonne's claim for damages and attorneys fees," Silverstein said. "We keep only one-third for the attorneys fees. The rest of it goes to Mr. Ledonne. He will get about \$65,000."

The attorney said ASU's insurance company would write a check to ACLU for \$100,000, which ACLU would put into a client trust account. Out of that account, ACLU will reimburse a cooperating attorney for some expenses and write a check from the client trust account to Ledonne.

As its part in the settlement, the ACLU will drop its suit against Adams State, Silverstein added. He said there was no judicial ruling, findings or order in this case, but it was resolved during mediation proceedings before the judge, with nobody admitting wrongdoing.

"There's no findings one's right, one's wrong," he said. "There's a judge trying to get two sides to agree what will it take so we can dismiss the case in court and everybody goes home."

Another outcome of the mediation agreement, Silverstein said, was the lifting of the prohibition against Ledonne to go onto the university campus.

"He is free to appear on the campus and attend a play or a concert just as any member of the public is," he said.

The ACLU maintained that ASU had banned Ledonne from the campus after he criticized alleged wage disparities on a new web site, [WatchingAdams.org](http://WatchingAdams.org). He had previously worked in the mass communications and video production programs at ASU from 2011-2015 but was not hired for a subsequent opening.

The persona non grata order came shortly after Ledonne launched the web site.

University administration denied the allegation that the order prohibiting Ledonne from returning to the campus was the result of his web site criticism.

"The persona non grata ban was not, as Ledonne claimed, in response to his criticism," Waechter stated on Monday. "The ban was in response to concerns expressed by faculty, staff, and students. No fault was found against Adams State University or the administration. In fact, the university continued to comply with all his requests for information after the ban."

McClure said during an earlier interview, "This was an issue about safety. The persona non grata is not about the website."

She said the university had a list of instances, events, and behaviors by Ledonne that demonstrated he was a potential threat to campus safety. While declarations of persona non grata were not yet part of university policy, the institution was well within its rights to take the action it did, McClure stated in a 2015 interview.

"The pattern of behavior and threats and safety does give us the right to say he is a threat to our staff and students, and we acted in accordance with that," she said.

Silverstein stated in Monday's release that the ACLU of Colorado took up Ledonne's case "to vindicate Danny Ledonne's First Amendment rights and his right to due process of law. By summarily banning Danny from a public campus and falsely labeling him a security threat, without providing any opportunity to rebut the false allegations, the university deprived him of due process and unjustifiably retaliated against him for his constitutionally-protected criticism of university practices." Silverstein maintained that Adams State was not able to produce evidence Ledonne ever engaged in any threats of violence toward anyone at the university.

"We hope that, as a result of this lawsuit, Adams State University recognizes that the public areas of its campus are a valuable cultural and educational resource not just for ASU faculty, staff, and students, but also to the residents of the greater San Luis Valley," said ACLU cooperating attorney Reid Neureiter of Wheeler Trigg O'Donnell LLP, who represented Ledonne on a pro bono basis. "We also expect that Adams State will take appropriate steps in the future to ensure that any person subject to being barred from campus will receive fair notice and a reasonable opportunity to challenge the decision before an impartial decision-maker ."

Ledonne thanked his legal counsel and said, "I sought this legal action to challenge the university's heavy-handed attempt to discourage me and others who disagree with the administration from speaking out " I am very satisfied with the settlement and look forward to continuing my work in this community."

Adams State concluded that the university prides itself on being a leader in the Colorado community, particularly in the southern and western regions of the state; is a strong supporter of a diverse on-campus community and the Hispanic population of Colorado as a Federal HSI (Hispanic Serving Institution ), with an enrollment of roughly 35 percent Hispanic students; and serves "as a vital engine of education and economic prosperity."

ASU added, "As one of the single largest employers in the region, Adams State will continue to provide jobs and a high-quality education to people locally. Adams State University is committed to providing a high-achievement and high altitude learning environment to people from all over the world."