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Griffith Teens' Facebook Speech is Protected Says ACLU of Indiana

Indianapolis – A northern Indiana school that expelled three students for a Facebook conversation is the defendant in a lawsuit filed today by the American Civil Liberties Union of Indiana.

The students' Facebook comments, which took place after school on their personal electronic devices, were clearly meant to be humorous, as evidenced by their repeated use of emoticons such as ;) and abbreviations such as LOL and LMFAO, and caused no disruption at school.

Nevertheless in January, Griffith Middle School near Highland in Lake County suspended and ultimately expelled the students because it determined their Facebook postings had violated a provision of the student handbook dealing with bullying, harassment and intimidation.

"Any reasonable person could see the conversation was purely in jest and could not be interpreted seriously," said ACLU of Indiana Staff Attorney Gavin M. Rose. "Free speech rights under the First Amendment, even when it's speech we don't like or agree with, must still be protected, and schools do not possess infinite reach into the private lives of their students."

ACLU of Indiana Interim Executive Director Frank Young said schools are educational institutions that need to focus on their mission: "Our children would be better served if schools modeled the values embodied in the Constitution. When schools behave in ways that oppose these values, they fail to teach students an important part of their American heritage.

The case, *S.M., et al. v. Griffith Public Schools* was filed in the United States District Court Northern District of Indiana, Hammond Division, under cause number 2:12-cv-00160-JD-APR.

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