



Foundation for Individual Rights in Education

601 Walnut Street, Suite 510 • Philadelphia, Pennsylvania 19106
T 215-717-3473 • F 215-717-3440 • fire@thefire.org • www.thefire.org

Greg Lukianoff
PRESIDENT

Robert L. Shibley
VICE PRESIDENT OF
OPERATIONS

Samantha K. Harris
DIRECTOR OF LEGAL AND
PUBLIC ADVOCACY

Alan Charles Kors
CO-FOUNDER AND
CHAIRMAN EMERITUS

BOARD OF DIRECTORS

Harvey A. Silverglate
CO-FOUNDER AND
CHAIRMAN

William J. Hume
Joseph M. Maline
Marlene Mieske
Daphne Patai
Virginia Postrel
James E. Wiggins

BOARD OF ADVISORS

Lloyd Buchanan
T. Kenneth Cribb, Jr.
Candace de Russy
William A. Dunn
Benjamin F. Hammond
Nat Hentoff
Roy Innis
Wendy Kaminer
Woody Kaplan
Leonard Liggio
Herbert London
Peter L. Malkin
Milton Rosenberg
John R. Searle
Ricky Silberman
Christina Hoff Sommers

October 27, 2006

President Ruth J. Simmons
Office of the President
Brown University
One Prospect Street
Campus Box 1860
Providence, Rhode Island 02912

Sent via U.S. Mail and Facsimile (401-863-7737)

Dear President Simmons:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites civil rights and civil liberties leaders, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, due process, legal equality, voluntary association, freedom of speech, and religious liberty on America's college campuses. Our website, www.thefire.org, will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to freedom of association posed by Brown University's recent suspension of the Reformed University Fellowship (RUF), a Christian student organization. While such a suspension is a serious matter demanding careful explanation, the university has so far proffered only a vague and poorly documented account of RUF's alleged transgressions. Unless Brown sufficiently explains its reasons for suspending the RUF, the university's actions are an affront to religious liberty and freedom of association on campus.

This is our understanding of the facts. Please inform us if you believe we are in error. This fall, Brown's Office of the Chaplains and Religious Life (OCRL) suspended the RUF for the 2006-2007 academic year. On September 13, 2006, OCRL Director Reverend Janet Cooper Nelson explained in an e-mail to RUF President Ethan Wingfield that the suspension was the result of "non-compliance with University policy and procedure as outlined in The Standards and Conditions Governing the Appointment of Religious Life Affiliates and their Sponsoring Religious Agencies at Brown University."

Based upon communications from the OCRL to the RUF, the reasons for RUF's non-compliance with those standards are threefold. First, Cooper Nelson claimed in the September 13 e-mail that Trinity Presbyterian Church, the local sponsoring body for RUF, "ha[d] withdrawn its sponsorship of RUF, effective immediately, for the 2006-07 academic year." Second, Associate Protestant University Chaplain Reverend Allen Callahan explained to Cooper Nelson in an e-mail on September 13 that RUF "had not been a 'recognized student organization' since the fall of last year," because RUF's then-adviser, Eric Molicki, failed to submit the required paperwork on time to renew his status as RUF's Religious Life Affiliate. Third, Callahan wrote in that same e-mail that:

...the irresponsibility of RUF's leadership last year and this year has led OCRL to refuse to renew RUF Religious Life Status again this year. ...[U]nder the leadership of Rev. Molicki and last year's and now this year's student president Ethan Wingfield, RUF has (*sic*) become possessed of a leadership culture of contempt and dishonesty that has rendered all collegial relations with my office impossible.

While Brown is a private institution and therefore not directly bound by the First Amendment, the university does promise its students "the rights of peaceful assembly, free exchange of ideas and orderly protest, and the right to attend, make use of or enjoy the facilities and functions of the University subject to prescribed rules." Denial of those rights is a serious matter requiring a reasonable explanation.

OCRL's explanations for suspending RUF are questionable at best. First, Cooper Nelson was mistaken in stating that Trinity Presbyterian Church had withdrawn its support of RUF. Within the same day that Cooper Nelson notified RUF of its suspension, Trinity Pastor David Sherwood sent an e-mail to Cooper Nelson saying that "Trinity Presbyterian Church has not, in any sense, withdrawn its sponsorship of RUF. In fact, the governing body of the church has not taken any action of any kind with respect to RUF." Trinity's supposed withdrawal of support should therefore not have been a consideration in suspending RUF.

Second, RUF was not aware of any suspension supposedly in place since last year. The group continued to function as a recognized student group throughout the 2005-2006 academic year, retaining its right to reserve rooms for meetings. Moreover, Eric Molicki has been replaced as RUF's Religious Life Affiliate by Edward Park, who submitted the necessary renewal paperwork this year well before the deadline. Neither the failure to submit a form on time last year, nor a supposed punishment of which the group was unaware, should have any bearing on RUF's status for this academic year.

RUF's suspension therefore seems to rest solely upon OCRL's final explanation, which relies upon vague accusations. To what does a "leadership culture of contempt and dishonesty" refer? The record shows no proof of a pattern of hostility on the part of RUF toward the OCRL, but rather a good-faith effort to mend any possible discord. In an e-mail dated March 13, Wingfield apologized to Callahan for any previous animosity relating to RUF's difficulty in securing rooms for meetings, stating, "I beg your forgiveness for my haste and disrespect." In a letter dated September 28, RUF's leadership asked the OCRL to explain the ways in which RUF has

cultivated a “culture of contempt and dishonesty” and requested to know the terms of the group’s reinstatement. As of the date of this letter, RUF has not received a reply.

In an office that “works to ensure that all beliefs can find a home on campus” and attempts to “promote communication and understanding among all religious groups,” freedom of association should not be at the mercy of administrative caprice. While the “Standards and Conditions Governing the Appointment of Religious Life Affiliates and Sponsoring Religious Agencies at Brown University” grants the OCRL the power to suspend a group’s right to exist, the office should never abuse that power. The OCRL’s reasons for suspending a student group should at all times be objective, clear, and legitimate. Those very basic standards have not been met in this case, making RUF’s suspension unjust.

FIRE is committed to seeing this situation through to a just and moral conclusion. To this end, we request that Brown University either offer a reasonable explanation for the RUF’s suspension or revoke the suspension, allowing the RUF to recommence meeting. We further request that you reexamine the manner in which the Office of the Chaplains and Religious Life treats the student groups under its purview to ensure that all students and all organizations are treated equitably.

We request a response on this matter by November 10, 2006.

Sincerely,

Tara E. Sweeney
Senior Program Officer

cc:

Rev. Janet Cooper Nelson, University Chaplain and Director of the Office of the Chaplains and Religious Life, Brown University

Rev. Allen Callahan, Interim Associate Protestant University Chaplain, Brown University

Russell Carey, Interim Vice President for Campus Life and Student Services, Brown University

Margaret Klawunn, Associate Vice President for Campus Life and Dean for Student Life, Brown University

Marylou McMillan, Executive Officer for Campus Life and Student Services, Brown University