



Foundation for Individual Rights in Education

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October 10, 2005

Interim Chancellor Vicki Lord Larson
University of Wisconsin–Eau Claire
Park and Garfield Avenue
Eau Claire, Wisconsin 54702-4004

Sent by U.S. Mail and Facsimile (715-836-2902)

Dear Chancellor Larson:

It is with continued disappointment that FIRE writes to the University of Wisconsin-Eau Claire for the third time in a year concerning issues of student freedom on your campus. Our last two letters to you and former chancellor Donald Mash dealt with issues of student expression and religious freedom in regard to the university's service learning requirement and the student senate's refusal to fund a student newspaper because the newspaper had an ideological viewpoint. Unfortunately, the apparent hostility of the UWEC community to the freedoms of religion and expression does not seem to have abated, forcing FIRE to once again come to the aid of UWEC students.

FIRE has learned that a UWEC administrator has issued an unconstitutional order barring resident assistants from holding religious study groups in their dormitories. UWEC has threatened that any RA who leads such a meeting in his or her own dorm room or anywhere else in his or her own dorm would be subject to "disciplinary action." This prohibition on private student religious activity is an immoral restriction of religious liberty and, at a state-supported institution such as UWEC, is an unlawful infringement on students' First Amendment rights to freedom of religion and freedom of association.

This is our understanding of the facts, taken from university documents, e-mails, and student media accounts of the situation. Please inform us if you believe we are in error. UWEC senior Lance Steiger and several other members of Student Impact, UWEC's chapter of Campus Crusade for Christ, serve as RAs in several dormitories on campus. One of the religious activities in which these students engage is leading Bible study groups for interested students in their dormitories. Some of these Bible study groups are held in the dorm rooms of the study leaders, while others are held in various other places in the dormitories and on campus in general.

On July 26, 2005, Deborah Newman, UWEC's associate director of housing and residence life, mailed a letter to several RAs who were leading Bible study groups in their dorm rooms. In her letter (attached), Associate Director Newman stated that "we specifically explained to RAs that we do not want this to occur" and forbade the students from leading any more Bible study groups in their rooms. (Steiger and other RAs involved deny that any such thing was explained to them, and no such restriction appears in UWEC's Resident Assistant Position Description.)

Newman explained that non-Christian students and Christian students whose doctrine differs from that of the RAs might not "feel that they can turn to [the Bible study-leading RAs] in a crisis, for information, or for support and hopefully they would not feel judged or pushed in a direction that does not work for them." According to Newman, the office's decision was supposedly intended "to make sure RAs are accessible to all residents." Newman also states that since Bible study leaders would naturally "contact and solicit people for [Bible study]," RAs must not lead such studies because they should "not be involved in such behaviors in their role" as RAs. She does give permission for RAs to attend (but not lead) Bible studies in their own residence halls in places other than their own rooms, or to lead Bible studies outside of their halls. Newman concludes by stating, "If this activity were to occur again this year, you would force us to institute disciplinary action, so please contact me if you have any additional questions."

Lance Steiger contacted Office of Housing and Residence Life Director Charles Major by e-mail on September 20, 2005, for a clarification of the policy. Major referred him back to Newman, who in a September 22, 2005, e-mail reiterated the ban and stated that as a "state employee," Steiger and other RAs had a "responsibility to make sure [they are] providing an environment that does not put undue pressure on any member of our halls in terms of religion, political parties, etc. As an RA you need to be available to your residents both in reality and from their perspective."

UWEC's insistence that RAs not be permitted to lead Bible studies in their dorm rooms or anywhere else in the dorms cannot withstand legal or moral scrutiny. First of all, the policy engages in unconstitutional viewpoint discrimination against students who wish to express religious viewpoints rather than secular ones. The Supreme Court has considered several cases in which universities sought to proscribe religious expression or activities while allowing or even encouraging similar secular expression or activities. See *Widmar v. Vincent*, 454 U.S. 263 (1981), *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995), *Board of Regents of the University of Wisconsin System v. Southworth*, 529 U.S. 217 (2000). In each case, the Court held that discrimination by universities against those with religious viewpoints was unconstitutional.

UWEC has actively engaged in unconstitutional viewpoint discrimination by banning RAs from leading Bible study groups in their dorms while allowing RAs to engage in other controversial forms of expression. The April 29, 2004, edition of *The Spectator*, the main student newspaper at UWEC, featured an article about an RA named Dusty Huebner who organized a performance of *The Vagina Monologues* as an official residence hall activity at UWEC. The article reports that "assistant director of Housing and Residence Life Jodi Thesing-Ritter," whom we believe to be Deborah Newman's predecessor, "said Huebner's work to improve the program each year has

been impressive. [Thesing-Ritter] said it has been a pleasure to see the empowerment of the students as a result of Huebner's hard work and dedication.”

As I am sure you are aware, *The Vagina Monologues* contains many words and ideas that a vast number of UWEC students—and Americans at large—would find extremely offensive. In addition, the play itself was written with a distinct ideological agenda in mind. It is inevitable that some students, when faced with an RA who organized such an event as an official hall activity, would feel very uncomfortable. Yet rather than receiving a letter from the housing office ordering her to cease her production of the play out of concern that she be “approachable” to all students, Huebner garnered very public praise in the college newspaper from a housing office official.

Moreover, while Huebner organized *The Vagina Monologues* as an official residence hall activity, Steiger and other RA members of Student Impact have no intention of making their Bible studies into official hall activities. They merely wish to be allowed to lead such studies in their own rooms or dormitories. Also, the RAs who wish to conduct Bible studies wish to do it on their own time without interfering with their duties as RAs. Contrastingly, the article on Huebner states, “Huebner admits with the *Vagina Monologues* this semester she has not had as much time as she would have liked for her wing,” although it stated that her wing had not been “neglected.”

FIRE would not and does not argue that Huebner should not have been allowed to organize *The Vagina Monologues* in her residence hall; in fact, the opposite is true. However, the fact that Huebner was praised for organizing an extremely ideological and potentially offensive event in her residence hall while Steiger and other RAs are forbidden from leading Bible study sessions that are not even official hall activities shines a spotlight on a conspicuous, embarrassing, and unconstitutional double standard in operation at UWEC.

UWEC's use of the requirement that students be comfortable with their RAs as a method of regulating their religious or ideological behavior raises its own very serious concerns. For instance, what if an RA decided to conduct a gay literature study group in his dorm room—an activity that would be likely to make students uncomfortable with homosexuality similarly uncomfortable with the RA? Would UWEC ban RAs from studying this type of literature in their rooms?

The list of Resident Assistant Duties given to every UWEC RA explicitly states that he or she has the responsibility to be “first of all a university student,” and as you know, every university student at a public university such as UWEC enjoys the full panoply of First Amendment rights, including freedom of religion and freedom of expression. As Associate Director Newman points out, an RA is also a state employee. Yet neither the courts nor the public would tolerate an agency of the state government telling its employees that they could not conduct religious study groups in their own homes or neighborhoods—the equivalent of what UWEC is demanding from those RAs who wish to lead Bible studies in their dorms. UWEC's demand to these RAs is legally and morally unjustifiable.

FIRE requests that UWEC immediately end its ban on RAs leading Bible studies in their rooms or residence halls, and that it take steps to inform all those students who were ordered to stop conducting Bible studies that this prohibition is no longer in effect and that they will face no disciplinary action if they continue to hold Bible study groups. FIRE hopes that we can resolve this situation thoroughly and swiftly; however, we are categorically committed to using all of our resources in support of your students' religious and expressive rights and to seeing this process through to a just and moral conclusion. Please spare the University of Wisconsin–Eau Claire the embarrassment of fighting against the Bill of Rights, by which it is legally and morally bound. Given the importance of this matter and the fundamental nature of the rights at stake, FIRE requests a response by 5 p.m. Eastern Time on October 28, 2005.

Sincerely,

A handwritten signature in blue ink that reads "Robert L. Shibley". The signature is written in a cursive style with a large initial "R".

Robert L. Shibley
Program Manager

cc:

Ronald Satz, Provost and Vice Chancellor, University of Wisconsin-Eau Claire

Patricia A. Brady, General Counsel, University of Wisconsin System

Dr. William Harms, Associate Vice Chancellor

Charles Major, Director of Housing and Residence Life

Deborah Newman, Associate Director of Housing and Residence Life

Encl.



University of Wisconsin-Eau Claire

Housing and Residence Life Office • PO Box 5025 • Eau Claire, WI 54702-5025

July 26, 2005

It was brought to my attention at the end of the last academic year that your name was listed as a bible study leader and your room was listed as the location for a bible study on the Impactgroups website. This concerns me because we specifically explained to RAs that we do not want this to occur.

Let me take a moment to explain the rationale for this concern. We have a fair number of students in each of our halls who do not practice Christianity, as well as some Christians who may follow a different doctrine than might be proposed at a bible study. It is very important to us that these students still feel that they can turn to you in a crisis, for information, or for support and hopefully that they would not feel judged or pushed in a direction that does not work for them. Since we provide your room for you and we have a strong desire to make sure RAs are accessible to all residents, we have developed this policy. As a leader of a bible study, it is also in the nature of that role to contact and solicit people for such opportunities. This is a problem since RAs should not be involved in such behaviors in their role either. I would have the same concern if an RA were holding studies of the Koran or Torah as well in their room.

I also want to clarify that I do not have a problem if you attend (not lead or organize) a bible study organized by a resident in your hall in other spaces, nor do I believe I have a right to tell you that you could not lead a bible study outside of your hall. However, when you are in your residence hall, you are always a staff member and as such, need to follow these policies so that all students are more likely to feel that you are approachable. If this activity were to occur again this year, you would force us to institute disciplinary action, so please contact me if you have any additional questions.

Sincerely,

Deborah Newman
Associate Director of Housing and Residence Life

Excellence. Our measure, our motto, our goal.

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