



## Foundation for Individual Rights in Education

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February 7, 2007

President William R. Harvey  
Hampton University  
100 East Queen Street  
Hampton, VA 23668

*Sent via U.S. Mail and Facsimile (757-727-5746)*

Dear President Harvey:

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](http://www.thefire.org), will give you a greater sense of our identity and activities.

FIRE is disappointed to write to Hampton University for the second time in less than two years to express our concern about the state of liberty on Hampton's campus. FIRE writes today because we are deeply troubled by Hampton's refusal to recognize Students Promoting Equality, Action and Knowledge (SPEAK), a proposed student group for gay, lesbian, bisexual, transgender, and questioning (GLBTQ) students.

This is our understanding of the facts; please inform us if you believe we are in error. Junior Sia Mensah submitted an "Application for Recognition of a New Student Organization" for SPEAK on September 11, 2006. SPEAK's proposed constitution outlined the group's purpose as "providing a safe place for students to meet, support each other, talk about issues related to sexual orientation, and work to end homophobia." Mensah presented the case for SPEAK's approval to the Decisions Committee and revised the group's constitution in accordance with administrators' recommendations. Mensah submitted the revised constitution for SPEAK on October 3.

On December 20, Mensah received a letter from Interim Director of Student Activities Petra Johnson stating that SPEAK had been denied official recognition. Johnson offered no explanation of this decision, writing simply, "[y]our organizations [sic] proposal was not selected at this time." According to a *Daily Press* article, a GLBTQ group was also denied recognition two

years ago, and Johnson indicated in her letter that SPEAK would not be eligible to apply for a charter for another two-year period.

While Hampton is a private university not bound by the First Amendment's guarantee of free association, a university that takes seriously the intellectual and social development of its students should certainly grant them the basic associative rights they would enjoy at a public university or in society at large.

Though FIRE generally believes that a liberal policy of free expression best serves the educational mission of any university, we also recognize and respect the right of private institutions to define their identities. However, SPEAK's mission fully accords with Hampton's Code of Conduct, part 4 of which is dedicated to "prohibit[ing] discrimination, while striving to learn from differences in people, ideas, and opinions." This section goes on to say, "[e]ach member of the Hampton Family will support equal rights and opportunities for all regardless of age, sex, race, religion, disability, ethnic heritage, socio-economic status, political, social, or other affiliation or disaffiliation, or sexual preference." If Hampton truly wishes to support the equal rights of all students, regardless of sexual preference, then why has the university twice denied a GLBTQ group the right to exist? The Code of Conduct's guarantee of equal treatment is not only a goal toward which the university should aspire, but a promise that Hampton has made to its students. In denying SPEAK recognition, Hampton has broken that promise.

Mensah reports to FIRE that Hampton administrators indicated that the university will approve only a limited number of student groups this year in order to curtail the number of inactive organizations on campus. But Mensah submitted to the Student Activities Office a list of ten students who would constitute the initial membership of SPEAK, and Mensah has told FIRE that 54 students have expressed interest in joining the group. Since no existing group on campus addresses the needs of a significant number of GLBTQ students at Hampton, it is unlikely that SPEAK would deteriorate into an inactive organization.

Hampton's continued denials raise concerns about what lies at the heart of the university's refusal to recognize a GLBTQ group. Students at Hampton associate around different religious beliefs, cultural categories, identity groups, and even geographical regions. An institution so committed to equality should not deny students wishing to associate on the basis of sexual orientation the same rights that other students enjoy.

We ask you to reconsider your decision and extend recognition to SPEAK. Please allow Hampton students to decide for themselves how to associate and which organizations should be welcome on campus. FIRE also strongly urges Hampton to take seriously its commitment to creating an environment of equality and respect for all students, regardless of sexual preference. Hampton students deserve nothing less.

We hope to hear from you soon about a resolution. FIRE is committed to supporting the rights of your students and, ultimately, to seeing this matter through to a just and moral conclusion.

I look forward to your response by Wednesday, February 21, 2007.

Sincerely,

Tara E. Sweeney  
Senior Program Officer

cc:

Petra Johnson, Interim Director of Student Activities, Hampton University  
Bennie G. McMorris, Jr., Vice President of Student Affairs, Hampton University  
Woodson H. Hopewell, Jr., Dean of Men, Hampton University  
Jewel B. Long, Dean of Women, Hampton University  
Yuri Rodgers Milligan, Director of University Relations, Hampton University  
Sia Mensah