



Office of General Counsel

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VIA FACSIMILE AND U.S. MAIL

November 8, 2005

Robert L. Shibley
Program Manager
Foundation for Individual Rights in Education
601 Walnut Street, Suite 510
Philadelphia, PA 19106

Re: Resident Assistants at UW-Eau Claire

Dear Mr. Shibley:

Interim UW-Eau Claire Chancellor Vicki Lord Larson has asked that I reply to your letter of October 10, 2005, concerning the terms of employment for resident assistants (RAs) serving in the residence halls at the university. In your correspondence, you suggest that UW-Eau Claire has engaged in unconstitutional viewpoint discrimination by its practice of prohibiting RAs from leading or organizing certain student activities, including Bible studies, in their dormitories.

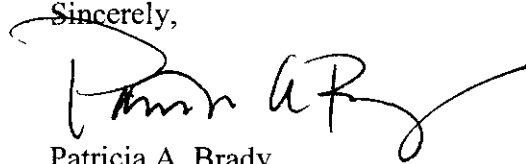
As university and state employees, RAs are responsible for providing a supportive and inclusive living environment for dormitory residents. Their dormitory rooms serve as their offices, and they are required to be "on call" for the students they serve when they are present in the dormitory. UW-Eau Claire has consistently followed a practice of prohibiting these employees from leading, organizing or recruiting students for student organizations or activities within the residence halls in which they work. This prohibition is not limited to those organizations or activities that have a religious viewpoint, but applies to all organization or activities, ranging from partisan political activities to "sales party" events. The reason for the practice is that RAs wield significant influence within the dormitory community, and exercise authority over other residents in terms of supervision and enforcement of rules within the halls. Organizing and leading student activities from their own rooms and residence halls could result in residents feeling undue pressure to participate, and tends to undermine the resident assistant's employment responsibility to provide a welcoming and supportive environment for all residents.

RAs are, however, free to participate in any organizations or activities of their choosing, including Bible studies, elsewhere on campus. The university is committed to following constitutional requirements in dealing with its employees and students. Consistent with the decision of the United States Supreme Court in *Widmar v. Vincent*, 454 U.S. 263 (1981), UW-Eau Claire and all UW System institutions have long made available campus facilities for use by student religious organizations, and all employees and students are free to exercise their religious beliefs consistent with First Amendment requirements.

UW-Eau Claire's practices with respect to RA employment appear to be viewpoint neutral and reasonable in terms of the duties and responsibilities of RA positions. In the coming academic year, however, UW-Eau Claire plans to further clarify its practices with regard to resident assistants' activities in their rooms, through the development of written policies on this subject.

I hope this information will be of assistance to you. Please feel free to contact me if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Brady", with a long, sweeping flourish extending to the right.

Patricia A. Brady
General Counsel

cc: UW System President Kevin Reilly
Interim Chancellor Vicki Lord Larson