



July 18, 2018

Adriana Wilding  
University of Rhode Island Student Senate  
Memorial Union, Room 201  
50 Lower College Road  
Kingston, Rhode Island 02881

*Sent via U.S. Mail and Electronic Mail (president@rhodysenate.org)*

Dear President Wilding:

As you may recall, the Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

I write in response to your letter dated May 22, 2018, addressed to my colleague Brynne Madway. We appreciate your consideration of the concerns raised in our May 4, 2018 letter regarding the University of Rhode Island (URI) Student Senate policies on the funding of religious and political student organizations. We write again to provide additional resources to aid in your bylaw, policy, and practice review, and to seek further clarity with respect to student organizations that will be participating in the Senate's recognition and funding process this coming semester.

Enclosed here are copies of FIRE's *Policy Statement on Political Speech on Campus* and our *Frequently Asked Questions on Political Speech on Campus*. We hope that they will provide background and guiding principles for your recommendations to the Student Senate on reforming your student organization funding policies.

While we understand that the Senate's review and reform process must follow the institution's prescribed process, we are also mindful of the rights of those student organizations who have already been unconstitutionally denied student activity fee funding in the past and may be denied again without immediate action by Senate leaders. Among these are groups such as the URI College Democrats and College Republicans, who will surely be active on campus this fall with upcoming midterm elections in November. They are forced to proceed this semester without access to funding made available to their peers, and they must

be assured that their next application for funding will not be denied again for impermissible reasons.

Although you wrote that student organization funding will be decided without regard to an organization's viewpoint, we emphasize again that denying funding because an organization is perceived as religious or political is the very definition of viewpoint discrimination forbidden under the First Amendment. *Rosenberger v. Rector & Visitors of the University of Virginia*, 515 U.S. 819, 835–37 (1995). Moreover, as the Supreme Court of the United States ruled just last month, a regulation impacting “political” speech violates the First Amendment if the rule’s definition of “political” does not have “objective, workable standards” to guide a decision-maker’s discretion. *Minnesota Voters Alliance v. Mansky*, 138 S. Ct. \_\_\_, slip. op. at 18 (2018) (striking down state law prohibiting “political” apparel inside a polling place on an election day).

We request, therefore, that you confirm to us that all student organizations participating in the Student Senate’s recognition or re-recognition process this fall and going forward will be considered for the status of funded organizations without regard to whether they have a religious or political purpose, message, or activities. This must be the case even if an organization plans to engage in partisan political expression or endorse candidates; such activity on the part of a student organization will not endanger the Student Senate’s status as a tax-exempt organization, as explained in our previous letter and the enclosed materials.

We also request that you provide us a realistic timeframe in the fall semester when the Senate’s bylaws and Finance Handbook will be amended to address the concerns raised by FIRE and the coalition of student organizations on whose behalf we write (BridgeUSA, URI Students for Sensible Drug Policy, the URI College Democrats, and the URI College Republicans).

Absent the requested assurances and a concrete timeframe, we will be forced to intervene to protect the student organizations from further injury to their constitutional rights.

We respectfully request a response to this letter by August 8, 2018.

Sincerely,



Marieke Tuthill Beck-Coon  
Director of Litigation  
Foundation for Individual Rights in Education

Encls.

Cc:  
Abdulwhab Alquirtas, Vice President, Student Senate  
David M. Dooley, President, University of Rhode Island

Louis Saccoccio, General Counsel, University of Rhode Island

Daniel Graney, Dean of Students

Kathy M. Collins, Vice President, Student Affairs

Carl Stiles, Director of the Memorial Student Union, Student Involvement, and the Center for Student Leadership Development