



September 7, 2018

President David M. Dooley
President's Office, Green Hall
35 Campus Ave.
Kingston, RI 02881

Director Carl Stiles
Memorial Union
50 Lower College Road
Kingston, RI 02881

Sent via U.S. Mail and Electronic Mail (davedooley@uri.edu; cgstiles@uri.edu)

Dear President Dooley and Director Stiles:

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.

We write to express our concerns regarding several funding policies and practices of the University of Rhode Island's Student Senate (the "Senate") that impermissibly interfere with the expressive rights of political and religious student organizations. We have corresponded several times with Senate President Adriana Wilding since this past May and still have significant concerns that must be immediately addressed. Specifically, we write on behalf of several student organizations that were denied funding in previous semesters and that intend to re-apply for funding this fall. We have received no clarity from the Senate as to what these organizations can or should expect this fall and ask that you assist in providing such clarity.

I enclose here copies of our complete correspondence with the Senate. As you will read, in a letter dated May 4, 2018, we raised significant First Amendment concerns with several written Senate policies barring student activity fee funding to organizations with a religious mission¹ and prohibiting funding to be used for "campaigning or supporting a particular

¹ UNIV. R.I., BYLAWS, Art. IX § A(4)(a), <https://web.uri.edu/studentsenate/files/Bylaws-4-16-18-w-table-of-contents.pdf> (last visited Apr. 30, 2018); *accord id.* at Art. IX§ B(3).

political candidate.”² We also raised significant First Amendment concerns with the Senate’s apparent implementation of these policies, by which Senate members exercise unbridled discretion to deny funding to those organizations they decide are “religious” or “political.” Our letter explains in detail the nature of our constitutional concerns and our understanding of the Senate’s funding practices and decisions based on publicly available materials.

Ms. Wilding responded by letter on May 22, 2018, stating that—while the Senate will undertake a review of its bylaws and financing handbook with an eye toward the concerns FIRE raised—the reform process will “take time, education of the membership, and time for implementation,” and will continue over the coming academic year.

While we appreciate the Senate’s consideration of the issues raised, and understand it has procedures to implement policy reform, Ms. Wilding’s response failed to assure us that the First Amendment rights of student organizations applying for funding this year will not be violated. We therefore wrote a second letter dated July 18, 2018, asking the Senate to confirm that all student organizations participating in the Senate’s recognition or re-recognition process this fall and going forward will not be denied funding on the basis that they have a religious or political purpose, message, or activities. The Senate failed to respond to our July 18 letter.

The Senate has been delegated the authority to administer mandatory student activity fees collected by the university.³ The university administration, therefore, has a responsibility to ensure that Senate exercises such authority in a manner consistent with its own First Amendment obligation not to engage in viewpoint discrimination in the distribution of student activity fees. *See Board of Regents of the University of Wisconsin System v. Southworth*, 529 U.S. 217 (2000) (assuming that student government was a state actor bound by viewpoint neutrality in distributing mandatory student activity fees).

We ask, therefore, that you intervene with the Senate and provide written assurance to us and to the university’s student organizations that the Senate will immediately cease the practice of denying funding on the grounds that an organization has a political or religious mission, message, or purpose, or engages in political or religious expressive activities. This moratorium is necessary to protect student organizations’ rights in the immediate future, while allowing Senate to continue its institutional policy reform process.

² UNIV. R.I., STUDENT SENATE FINANCE HANDBOOK 11 (2017), <https://web.uri.edu/student senate/files/Final-Finance-Handbook.pdf> (last visited Apr 30, 2018). As of today’s date, it appears the Senate has removed the finance handbook from its website.

³ *See* UNIV. R.I., *2018-2019 URI Undergraduate & Graduate Catalog, Tuition and Fees*, <https://web.uri.edu/catalog/tuition-and-fees> (last visited September 6, 2018) (stating the “student services fee” is “mandatory for all full-time undergraduate students admitted to a Kingston degree program, and all full-time graduate students” and “[t]he undergraduate fee supports funds that are distributed to the Student Senate for a wide variety of student programs and activities”).

As we informed the Senate in our most recent letter, absent the requested assurance, we will be forced to intervene to protect student organizations from further constitutional injury.

We respectfully request a response to this letter by September 21, 2018.

Sincerely,



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

Encls.

Cc:

Adriana Wilding, President, Student Senate
Abdulwhab Alquirtas, Vice President, Student Senate
Louis Saccoccio, General Counsel, University of Rhode Island
Daniel Graney, Dean of Students
Tim DelGiudice, Chair, Rhode Island Council on Postsecondary Education