



June 24, 2019

Dr. Seamus Carey
Office of the President
Transylvania University
200 Old Morrison
300 North Broadway
Lexington, Kentucky 40508

Sent via U.S. Mail and Electronic Mail (president@transy.edu)

Dear President Carey:

This letter is in response to your May 21, 2019, response to FIRE’s concerns about Transylvania University’s policies on students’ freedom of expression. As explained in our previous letter, Transylvania’s illiberal free speech policies fail to ensure that all students may freely engage in peaceful expression on campus, and FIRE has received a report of inconsistent enforcement of these policies.

Transylvania’s cursory response suggests that the university does not take seriously its obligations to protect the freedom of expression purportedly extended to its students.

As an institution accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), Transylvania has a continuous obligation to uphold its students’ free speech rights.¹ SACSCOC requires accredited institutions to ensure “the right of students to access opportunities for learning and for *the open expression and exchange of ideas.*”²

Further, the SACSCOC Resource Manual states:

Implicit in every standard mandating a policy or procedure is the expectation that the policy or procedure is in writing and has been approved through appropriate institutional processes, published in appropriate institutional

¹ The public statement of “an institution’s accreditation status with SACSCOC . . . represents an affirmation of an institution’s continuing commitment to the Commission’s principles and philosophy of accreditation.” S. ASS’N OF COLLEGES AND SCH. COMM’N ON COLLEGES, THE PRINCIPLES OF ACCREDITATION: FOUNDATIONS FOR QUALITY ENHANCEMENT (2018), *available at* <http://www.sacscoc.org/pdf/2018PrinciplesOfAccreditation.pdf>.

² *Id.* at 5 (emphasis added).

documents accessible to those affected by the policy or procedure, and *implemented and enforced by the institution.*³

As explained in our previous letter, the Student Handbook currently requires students to comply with a set of onerous standards before they are allowed to speak their minds on campus. The vagueness of the guidelines further exacerbates the potential for viewpoint discrimination by administrators. Students with unpopular viewpoints are thus *de facto* disincentivized from engaging in public discourse, as the Young Americans for Freedom incident amply demonstrates. Transylvania's refusal to address or defend this unnecessary barrier to open expression cannot be squared with its obligations as an institution accredited by SACSCOC.

Transylvania must revise its policies to ensure that all students may freely engage in peaceful expression on campus without undue administrative regulation, and that these policies are implemented in a manner such that students of all viewpoints may engage in the "open expression and exchange of ideas." FIRE would be pleased to assist Transylvania in revising its policies to better protect student expressive rights in accordance with the institution's obligations.

We respectfully request receipt of a response to this letter by July 8, 2019.

Sincerely,



Will Creeley
Senior Vice President of Legal and Public Advocacy

WC/qx

³ S. ASS'N OF COLLEGES AND SCH. COMM'N ON COLLEGES, RESOURCE MANUAL FOR THE PRINCIPLES OF ACCREDITATION: FOUNDATIONS FOR QUALITY ENHANCEMENT (2018) (emphasis added), *available at* <http://www.sacscoc.org/pdf/2018%20POA%20Resource%20Manual.pdf>.