



# FIRE

Foundation for Individual  
Rights and Expression

August 16, 2022

Abigail Crouse  
General Counsel and Secretary  
University of St. Thomas  
2115 Summit Ave.  
St. Paul, Minnesota 55105

*Sent via U.S. and Electronic Mail (rkvischer@stthomas.edu)*

Dear Ms. Crouse:

FIRE appreciates your July 13 response to our June 28 letter discussing the University of St. Thomas's viewpoint-based rejection of the College Republicans' request to host political commentator Michael Knowles. We understand that St. Thomas is a private, Catholic university that seeks to foster a religious campus community—however, St. Thomas's policies clearly commit the university to protecting students' free speech rights consistent with the First Amendment. We thus call on the university to follow through on this guarantee by allowing the College Republicans to host Knowles.

You assert that St. Thomas's promise to uphold students' free speech rights should be understood in the context of the university's religious purpose, a mission that allegedly tempers this promise by allowing the university to provide lesser expressive rights. Yet this interpretation is belied by the unequivocal and unqualified promises St. Thomas makes to uphold students' free speech rights. Further, any purported tension between St. Thomas's commitment to free speech and religious character is alleviated by the university's policies and mission statement, which plainly values expressive freedom as concordant with its Catholic intellectual tradition.<sup>1</sup>

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<sup>1</sup> As an institution dedicated to Thomas Aquinas, there is no doubt that the university's dedication to free speech is informed by the scholastic tradition of free inquiry that defined Aquinas's canonization as the patron saint of learning, scholars, schools, and students. UNIV. OF ST. THOMAS, *The Charism of the University of St. Thomas* (last visited Aug. 11, 2022), <https://www.stthomas.edu/media/campusministry/Office-for-Mission-Charism-Brochure-final.pdf>. [<https://perma.cc/2MY5-5JUC>] (“Archbishop Ireland chose to name the new college after St. Thomas, the most influential scholar in Church history. In doing so, Ireland gave direction to the school based on St. Thomas' work, notably his belief in the unity of faith and reason, his commitment to ‘inquiry into the reasons and principles of things,’ and his innovative thinking. That is to say, Archbishop Ireland wanted to train students in the rigors of intellectual life. St. Thomas' methodology sought dialogue to move past polarized extremes. For him, all forms of knowledge are to be explored for all corners of creation contain the imprint of God. Truth is found in the examination and synthesis of competing ideas.”).

For example, St. Thomas’s Student Bill of Rights unambiguously promises to protect students’ free speech rights:

The University of St. Thomas recognizes that free inquiry and free expression are indispensable elements for the achievement of the goals of an academic community. **Students have the right to freedom of expression**, including the right to dissent, protest and/or take reasoned exception to the information and views offered in any course.<sup>2</sup>

The esteem St. Thomas holds for free speech is also demonstrated by its Student Policy Regarding Expression, Demonstrations, and Sponsorship of Speakers and Organizations:

As an academic community, St. Thomas is committed to fostering an educational environment that **promotes open dialogue and discussion; promotes the development, expression, exploration and evaluation of ideas; subjects ideas to critical thinking and rigorous analysis reflecting a diversity of perspectives**; values expertise and originality; and promotes continuous reflection and awareness of self and others.<sup>3</sup>

Any reasonable student reading these policies would understandably believe St. Thomas will protect their free speech rights consistent with the First Amendment, which prohibits viewpoint-based restrictions on speech.<sup>4</sup>

Additionally, your suggestion that St. Thomas’s free speech commitment conflicts with its religious mission squarely contradicts its Conviction statements—a series of institutional canons explaining how the open discussion of ideas furthers its core Catholic teaching:

As a community we are committed to:

#### 1. Pursuit of Truth

We value intellectual inquiry as a lifelong habit, the unfettered and impartial pursuit of truth in all its forms, the integration of knowledge across disciplines, and the imaginative and creative exploration of new ideas

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<sup>2</sup> UNIV. OF ST. THOMAS, *Student Bill of Rights* (last visited Aug. 11, 2022), <https://www.stthomas.edu/deanofstudents/studentpolicies/studentbillofrights> [<https://perma.cc/G47X-ZN2U>] (italics removed, emphasis added).

<sup>3</sup> UNIV. OF ST. THOMAS, *Student Policy Regarding Expression, Demonstrations, and Sponsorship of Speakers and Organizations* (last visited Aug. 11, 2022), <https://www.stthomas.edu/media/officeofgeneralcounsel/policies/602StudentPolicyRegardingExpressionDemonstrationsSpeakersandSponsorship.pdf> [<https://perma.cc/S3H8-29D8>] (emphasis added).

<sup>4</sup> *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995) (“Viewpoint discrimination is . . . an egregious form” of censorship, and authorities “must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”).

2. **Academic Excellence**

We create a culture among faculty, students and staff that recognizes the power of ideas and rewards rigorous thinking

3. **Faith and Reason**

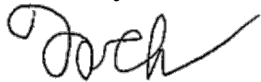
We actively engage Catholic intellectual tradition, which values the fundamental compatibility of faith and reason and fosters meaningful dialogue directed toward the flourishing of human culture<sup>5</sup>

Critically, these policies reflect what St. Thomas attests to its accreditor, the Higher Learning Commission (HLC), which requires all accredited institutions to maintain and enforce a “commit[ment] to freedom of expression and the pursuit of truth in teaching and learning.”<sup>6</sup> Considering that the HLC will conduct a “Comprehensive Evaluation” of St. Thomas’s adherence to its accreditation promises in 2023, the university should take immediate corrective action to avoid official complaints to the HLC from students, student groups, civil liberties organizations, and higher education watchdogs about how St. Thomas flouts its free speech commitment by violating students’ expressive rights.<sup>7</sup>

If St. Thomas wishes to elevate its religious mission above a commitment to free speech, it may do so as a private institution with its own First Amendment rights to express its values. But if it does so, it must fashion its policies to clearly reflect this decision and inform prospective students of the limited expressive freedom they will experience if they choose to enroll. What the university may not do is promise students free speech in its official, public, written policies, then break that promise when controversy arises. We hope you agree that St. Thomas has a moral and legal obligation to keep the promises it makes, even when doing so is difficult or unpopular.

In sum, St. Thomas laudably embraces free speech as harmonious with its Catholic mission. We thus urge the university to adhere to this commitment by allowing the College Republicans to host Knowles, and by making clear that it will not reject student group speaker requests based on viewpoint.

Sincerely,



Zachary Greenberg  
Senior Program Officer, Individual Rights Defense Program

Cc: Rob Vischer, President

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<sup>5</sup> UNIV. OF ST. THOMAS, *Convictions* (last visited Aug. 11, 2022), <https://www.stthomas.edu/mission> [<https://perma.cc/L7VA-CB5P>] (italics removed, bold in original).

<sup>6</sup> HIGHER LEARNING COMM’N, *Policy Book* (revised Feb. 2022), [https://download.hlcommission.org/policy/HLCPolicyBook\\_POL.pdf](https://download.hlcommission.org/policy/HLCPolicyBook_POL.pdf) [<https://perma.cc/ATE4-TT96>].

<sup>7</sup> HIGHER LEARNING COMM’N, *Statement of Accreditation Status* (updated Aug. 11, 2022), <https://www.hlcommission.org/component/directory/?Itemid=192&Action=ShowBasic&instid=1385> [<https://perma.cc/5SN5-RFA9>].