

December 22, 2025

Lee Fisher  
Office of the President  
Baldwin Wallace University  
275 Eastland Road  
Berea, Ohio 44017

*Sent via U.S. Mail and Electronic Mail (lfisher@bw.edu)*

Dear President Fisher:

FIRE, a nonpartisan nonprofit dedicated to defending free speech,<sup>1</sup> is concerned by the state of freedom of expression and freedom of association at Baldwin Wallace University following the Student Senate's November 11, 2025 denial of prospective student group Turning Point USA's application for official club recognition.<sup>2</sup> The Senate's decision came after alleged hostility on campus to the group's formation, suggesting that the Senate's vote was influenced by outside factors, such as bias against TPUSA or other students opposed to the club.<sup>3</sup> While some on campus may disagree with TPUSA's mission, this viewpoint-based rejection is a form of censorship that violates BW's commitments to its students' freedom of expression and association. We call on BW's Senate to rectify this issue by using viewpoint-neutral criteria to determine whether to recognize TPUSA and other student groups.

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<sup>1</sup> For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at [thefire.org](https://thefire.org).

<sup>2</sup> Rachel del Guidice, *Baldwin Wallace student government votes down Turning Point USA chapter after campus hostility*, Fox News (Dec. 10, 2025, 6:00 PM), <https://www.foxnews.com/media/baldwin-wallace-student-government-votes-down-turning-point-usa-chapter-after-campus-hostility> [<https://perma.cc/8WAN-FXD5>]. The recitation of facts here is based on publicly available information and reflects our understanding of the situation. We appreciate that you may have additional information to offer and invite you to share it with us.

<sup>3</sup> *Id.* The Senate did not provide any justification for denying TPUSA's application. While working to get TPUSA's charter approved, a student member reported that she had been met with substantial hostility from other students on campus, including the tearing down of posters.

BW has made explicit promises to recognize and protect its students' freedom of expression. Thus, BW is morally and legally bound to adhere to the promises it has made.<sup>4</sup> BW's Freedom of Expression Policy reads in pertinent part:<sup>5</sup>

As an institution of higher education founded on the value of inclusion and believing that our diversity is an enduring strength of BW, we value the vibrant exchange of ideas among all members of our community. [...] Meaningful dialogue regarding issues and concerns raised by members of the University community is a vehicle to help us better celebrate what we hold in common and to respect and understand our difference. Respecting the right of each individual to express his or her beliefs and ideas, we expect that this dialogue will occur peacefully and in non-violent ways. To this end, freedom of speech and expression is valued throughout the community.

As the organization tasked with recognizing student groups on behalf of BW,<sup>6</sup> the Senate's determinations must be consistent with BW's commitment to free expression. Thus, the Senate's decision to deny recognition to TPUSA over potential or perceived opposition on campus violates the group's free speech rights under BW policies.<sup>7</sup> That the Student Senate, rather than BW itself, used its authority to make such decisions does not absolve the college of its responsibility to act when the Senate violates those principles, as the Senate is BW's agent in such matters.<sup>8</sup>

The possibility that students might disagree with one another, even vehemently so, is precisely the risk that BW undertakes to bear when it promises its students freedom of expression. Accordingly, in keeping with BW's commitment to free expression, the Senate must employ only content- and viewpoint-neutral criteria in recognizing and funding student

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<sup>4</sup> *Danckaert v. Cuyahoga Comm. Coll. Found.*, 87 N.E.3d 872, 876 (Ohio Ct. App. 2017) (“[W]hen a student enrolls in a college or university, pays his or her tuition and fees, and attends such school, the resulting relationship may reasonably be construed as being contractual in nature.”) (internal quotations omitted).

<sup>5</sup> *Student Handbook 2025–2026*, University Policies, Freedom of Expression Policy, BALDWIN WALLACE UNIV. 40, [https://www.bw.edu/student-life/conduct/\\_files/handbook.pdf](https://www.bw.edu/student-life/conduct/_files/handbook.pdf) [<https://perma.cc/TFN3-QQWY>] (last visited Dec. 18, 2025). This commitment is laudable and would lead any student to reasonably believe they have expressive rights commensurate with those guaranteed by the First Amendment. Therefore, First Amendment jurisprudence necessarily informs BW's commitments to free expression.

<sup>6</sup> See *Student Clubs and Organizations*, Student Government, BALDWIN WALLACE UNIV., <https://www.bw.edu/student-life/organizations/> [<https://perma.cc/VW3K-LJP5>] (“Student Senate appropriates funds, passes legislation and serves as the voice of the student body.”) (last visited Dec. 18, 2025).

<sup>7</sup> See *Bd. of Regents of the Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217, 233 (2000) (“When a university requires its students to pay fees to support the extracurricular speech of other students, all in the interest of open discussion, it may not prefer some viewpoints to others.”).

<sup>8</sup> See *Koala v. Khosla*, 931 F.3d 887, 893 (9th Cir. 2019); see also *Healy v. James*, 408 U.S. 169, 184 (1972) (holding that once the proposed group had completed all the procedural requirements for recognition, the First Amendment placed a “heavy burden” on the college to demonstrate a viewpoint-neutral justification for denial).

organizations.<sup>9</sup> Failure to do so is viewpoint discrimination, “an egregious form” of censorship.<sup>10</sup>

Historically, prohibitions against viewpoint discrimination have protected groups across the political spectrum when they have held dissenting or unpopular views, including groups with views now widely held today.<sup>11</sup> If student governments or university administrators could deny recognition or funding because of a group’s views, the rights of *all* these groups would be imperiled. And because the Student Senate is an elected body, giving it unfettered discretion to determine whether groups may be recognized would mean that every group’s ability to organize and speak on campus would be subjected to what amounts to a popularity contest based on the ideological and political preferences of the day.

University recognition of a student organization is not an endorsement of that group, its speakers, events, or ideology. No reasonable person would impose such a standard on BW, considering the more than 100 diverse groups the Senate recognizes, many with mission statements and purposes likely to conflict with those of other groups.<sup>12</sup> Rather, recognition is merely an acknowledgment that the group has met the stated criteria to receive university recognition. If recognition became contingent upon groups engaging only in expression palatable to those Senate members most sensitive to public opinion, there would be precious few clubs left for BW students to join, as virtually every viewpoint is offensive to *someone*.

Furthermore, if the Senate were to consider every application in light of potential student opposition to the organization’s beliefs, as it appears happened with TPUSA, BW would likely see the number of its registered student organizations dwindle. Surely, BW and the Senate understand that any religious or political stance taken by a recognized group on campus could be considered offensive or unwelcome to those who disagree with that group’s beliefs.<sup>13</sup>

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<sup>9</sup> See *Southworth*, 529 U.S. at 233; *Rosenberger v. Rectors of the Univ. of Va.*, 515 U.S. 819, 836 (1995) (“For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital centers for the Nation’s intellectual life, its college and university campuses.”).

<sup>10</sup> *Rosenberger*, 515 U.S. at 829 (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.”); see also *Southworth*, 529 U.S. at 233 (holding that universities must grant expressive student organizations recognition on a content- and viewpoint-neutral basis).

<sup>11</sup> For example, the principle of viewpoint neutrality protected chapters of LGBTQ organizations in Arkansas and New Hampshire in the 1970s and ’80s when student senates and university trustees, supported by state lawmakers, refused to “support a homosexual group” or their expression, which was, at the time, considered “shocking and offensive” by many. *Gay Students Org. of Univ. of N.H. v. Bonner*, 509 F.2d 652, 661–62 (1st Cir. 1974); *Gay & Lesbian Students Ass’n v. Gohn*, 850 F.2d 361, 362–63 (8th Cir. 1988).

<sup>12</sup> See *Student Clubs and Organizations*, *supra* note 6 (to name a few student groups: Black Student Alliance, Catholic Jackets, Pride Hive, Electric Ministry, Fellowship of Christian Athletes, Hillel, Muslim Student Association, Orthodox Christian Fellowship, Porch Ministry, BW Women for STEM, Students for Justice in Palestine, and Fraternity Sorority Programming Board).

<sup>13</sup> *Id.*

Given the ongoing violation of TPUSA's expressive rights, we request a substantive response to this letter no later than the close of business on January 8, 2026, confirming that BW will provide this group an opportunity to seek recognition via viewpoint-neutral criteria.

Sincerely,

A handwritten signature in black ink that reads "Charlotte Arneson". The script is cursive and fluid.

Charlotte Arneson  
Program Officer, Campus Rights Advocacy

Cc: Dr. Léna Crain, Dean of Students  
Office of Student Engagement and Leadership, Student Life Center