

December 22, 2025

Dr. Xavier Cole
Office of the President
Loyola University New Orleans
6363 St. Charles Avenue
Campus Box 9
New Orleans, Louisiana 70118

Sent via U.S. Mail and Electronic Mail (pres@loyno.edu)

Dear Dr. Cole:

FIRE, a nonpartisan nonprofit dedicated to defending free speech,¹ is concerned by the state of freedom of expression and association at Loyola University New Orleans following the Student Government Association's December 3, 2025 vote to deny prospective student group Turning Point USA's appealed application for official club recognition.² The SGA's decision came after alleged hostility on campus to the group's formation—including student protests at the SGA meeting space where the vote took place—suggesting that the SGA's decision was influenced by outside factors, such as bias against TPUSA or other students opposed to the club.³ While some on campus may disagree with TPUSA's mission, this viewpoint-based rejection is a form of censorship that violates Loyola's commitments to its students' freedom of expression and association. We call on Loyola's SGA to rectify this issue by using viewpoint-neutral criteria to determine whether to recognize TPUSA and other student groups.

¹ 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.

² Alana Frank, *Loyola's SGA rejects Turning Point charter for a second time*, THE MAROON (Dec. 4, 2025), <https://loyolamaroon.com/10046036/news/loyolas-sga-rejects-turning-point-charter-for-a-second-time/>. The SGA initially denied TPUSA's charter on October 15; TPUSA submitted their appeal on November 5. 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.

³ Peter D'Abrosca, *Loyola New Orleans TPUSA chapter denied again after 'absolutely appalling' student government meeting: student*, FOX NEWS (Dec. 4, 2025, 1:32 PM), <https://www.foxnews.com/us/loyola-new-orleans-tpusa-chapter-denied-again-after-absolutely-appalling-student-government-meeting-student>. While Loyola's court of review accepted TPUSA's appeal, the SGA did not provide any justification for denying TPUSA's application for a second time.

Loyola has made explicit promises to recognize and protect its students' freedom of expression. Thus, Loyola is morally and legally bound to adhere to the promises it has made.⁴ Loyola's Student Rights and Freedoms policy reads in pertinent part:⁵

In keeping with the University's commitment to promoting free speech and expression, Loyola University New Orleans respects the right of all members of the academic community to explore, discuss, and express opinions, and debate issues publicly in a civil, orderly, and safe manner. [...] Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. Freedom of speech and freedom of assembly are principles which Loyola has traditionally upheld and reaffirms. [...] Loyola University New Orleans is committed to the expression of diverse ideas and opinions and to the discussion and critique of each.

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

The possibility that students might disagree with one another, even vehemently so, is precisely the risk that Loyola undertakes to bear when it promises its students freedom of expression.

⁴ *Guidry v. Our Lady of the Lake Nurse Anesthesia Program Through Our Lady of the Lake Coll.*, 170 So. 3d 209, 213 (La. Ct. App. 2015) (the legal relationship between a student and a private university "is contractual in nature," and "regulations of the university ... become part of the contract") (internal citations omitted).

⁵ *Student Code of Conduct*, Section IV Student Rights and Freedoms, Freedom of Expression & Inquiry, LOYOLA UNIV. NEW ORLEANS, 1–3, https://studentaffairs.loyno.edu/sites/default/files/2025-08/6_2025-2026_Code_Section_VI_Student_Rights_and_Freedoms.pdf [<https://perma.cc/8DWT-MQA9>] (last revised Aug. 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 Loyola's commitments to free expression.

⁶ See *Student Life & Ministry*, Student Government Association, LOYOLA UNIV. NEW ORLEANS, <https://studentaffairs.loyno.edu/student-life-ministry/student-life/student-government-association> [<https://perma.cc/LQY7-75TG>] ("[Loyola SGA] is an autonomous entity and operates in the form and standing of a university department. It is the principle representative voice of the student body that protect student rights, articulate student responsibilities, assist in the establishment, formation, and application of institutional policy and procedure, aid in the academic and social development, grant charter recognition to student organizations[.]") (last visited Dec. 22, 2025).

⁷ 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.").

⁸ 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).

Accordingly, in keeping with Loyola's commitment to free expression, the SGA must employ only content- and viewpoint-neutral criteria in recognizing and funding student organizations.⁹ Failure to do so is viewpoint discrimination, "an egregious form" of censorship.¹⁰

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.¹¹ 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 SGA is an elected body, giving it unfettered discretion to determine group recognition 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 Loyola, considering the more than 150 diverse groups the SGA recognizes, many with mission statements and purposes likely to conflict with those of other groups.¹² 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 palatable expression to SGA members most sensitive to public opinion, there would be few clubs left for Loyola students to join, as virtually every viewpoint is offensive to *someone*.

Furthermore, if the SGA were to consider every application in light of potential student opposition to the organization's beliefs, as it appears happened with TPUSA, Loyola would likely see the number of its registered student organizations dwindle. Surely, Loyola and the SGA 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.¹³

⁹ 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.").

¹⁰ *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).

¹¹ 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).

¹² See *Student Life & Ministry*, Student Organizations, HowIConnect, LOYOLA UNIV. NEW ORLEANS, <https://loyno.campuslabs.com/engage/organizations> [<https://perma.cc/Z9EL-GXWW>] (to name a few student groups: If/When/How: Lawyering for Reproductive Justice, Abolition Book Club, Cannabis Law Student Association, Federalist Society, and Feminist Fridays) (last visited Dec. 22, 2025).

¹³ *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 Loyola 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: Tea Teamer, Assistant Director of Student Life