



December 22, 2025

Joseph R. Reilly
Office of the President
Seton Hall University
Presidents Hall
South Orange, New Jersey 07079

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

Dear Monsignor Reilly:

FIRE, a nonpartisan nonprofit dedicated to defending free speech,¹ is concerned by the state of freedom of expression and association at Seton Hall University following the Student Government Association's vote in early December 2025 to deny prospective student group Turning Point USA's application for official club recognition.² The SGA cited "[c]oncerns [about] the materials associated with the organization at the national level [which] include statements and activities that do not align with the rubric"—suggesting that outside factors, such as bias against TPUSA, influenced SGA's decision.³ While some on campus may disagree with TPUSA's mission, this viewpoint-based rejection is a form of censorship that violates SHU's commitments to its students' freedom of expression and association. We call on SHU'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 Megan Pitt, *Rubric concerns lead student government to deny Turning Point USA's recognition request*, THE SETONIAN (Dec. 9, 2025, 1:00 PM), <https://www.thesetonian.com/article/2025/12/turning-point-denied-recognition-by-sga>. 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 *Id.* Around the same time that the SGA considered and voted on TPUSA's application, the SGA voted to approve the SHU Democrats Club.

SHU has made explicit promises to recognize and protect its students' freedom of expression. Thus, SHU is morally and legally bound to adhere to the promises it has made.⁴ SHU's Statement on Academic Freedom reads in pertinent part:⁵

Seton Hall encourages freedom of discussion and the bold exploration of new ideas. [...] [SHU] ardently affirms its commitment to robust and vigorous debate and discussion, and to the free exchange of ideas. For the university is rightly understood as a forum where ideas and artistic expressions, including novel, unpopular, and controversial ones, may be freely examined by all in the quest for truth. [...] In a distinct way, student activity settings are also often scholastic in nature. [...] Discussion, dialogue and debate belong to the very essence of a university which, by its nature, seeks to cultivate a lively and robust awareness of different ideas.

As the organization tasked with recognizing student groups on behalf of SHU, the SGA's determinations must be consistent with SHU'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 SHU policies.⁷ That the SGA, rather than SHU 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 SHU's agent in such matters.⁸

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

⁴ *Moe v. Seton Hall Univ.*, 2010 WL 1609680, at *5 (D. N.J. 2010) (holding that courts may resolve questions of whether a university followed its own policy and look to sources like student handbooks to determine the scope of a contractual relationship).

⁵ *Statement on Academic Freedom Beyond the Classroom*, SETON HALL UNIV., https://www.shu.edu/provost/afbc-statement.html#:~:text=Seton%20Hall%20University%20has%20a%20statement%20on,virtues%20of%20justice%2C%20charity%2C%20and%20scholarly%20humility** [https://perma.cc/REJ2-D5Z2] (last visited Dec. 22, 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 SHU's commitments to free expression.

⁶ *The Constitution of the Student Government Association*, SETON HALL UNIV., <https://www.shu.edu/documents/SGA-Constitution.pdf> [https://perma.cc/D6PU-KZKZ] ("We, the students of Seton Hall University, in order to promote the interests and opinions of the student body in matters that affect the University community [...] to ensure and strengthen the rights of students; to cultivate student organizations and activities and provide a means for their execution within the University community[.]") (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 SHU'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 SHU, considering the more than 220 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 SHU 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, SHU would likely see the number of its registered student organizations dwindle. Surely, SHU 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 Organizations*, List of Organizations, SETON HALL UNIV., <https://www.shu.edu/student-organizations/> (last visited Dec. 22, 2025) (to name a few student groups: Black Caucus, Girl Up Seton Hall, Pirates for Life, PRIDE, Seton Hall Hillel, and Seton Hall Inclusion Alliance).

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 SHU 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, with the first name "Charlotte" and last name "Arneson" clearly legible.

Charlotte Arneson
Program Officer, Campus Rights Advocacy

Cc: Arlin Vieira, Executive Assistant, Office of the President and Chief of Staff
Karen Van Norman, Associate Vice President and Dean of Students
Nicole Giglia, Associate Dean of Students