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RA files lawsuit against university

Alliance Defense Fund says legal action necessary to protect students' 'Constitutional rights'

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Issue date: 12/5/05 **Section:** [Campus News](#)

The controversy surrounding UW-Eau Claire prohibiting senior RA Lance Steiger from leading Bible studies in his room or residence hall now may reach the courtroom.

Steiger filed a lawsuit in U.S. District Court through the Alliance Defense Fund Wednesday, shortly before Interim Chancellor Vicki Lord Larson announced a suspension of the policy the suit challenges.

"This is a lawsuit to protect the free speech rights of RAs." -Kevin Theriot

Kevin Theriot, an attorney with ADF, said the suit is about protecting RAs' Constitutional rights. "This is a lawsuit to protect the free speech rights of RAs," he said. "The restrictions ... are clearly in violation of the Constitution."

Alliance Defense Fund attorney

Other tenets of the lawsuit include what Theriot said are a broadening of the policy since the controversy began and an uneven application of the policy from the beginning.

University officials have repeatedly said the policy is "long-standing" and always applied to political, religious and sales-related events.

The university had not received any official notification of a suit as of Friday, said Mike Rindo, executive director of communications, but will seek legal counsel if necessary.

"If a lawsuit is forthcoming, the university will refer it to legal counsel," he said, adding Eau Claire will confer with the UW System to determine how the suit will affect internal review of the policy.

The lawsuit is still necessary in spite of Eau Claire's decision to suspend the policy, Theriot said.

"I would be surprised if they're going to drop the policy as it stands," he said. "The purpose of the lawsuit is to make sure the policy isn't re-instituted at any time."

If Eau Claire were to re-enact the policy during the course of the suit, ADF attorneys would file an injunction to prohibit such action, he said.

Theriot said while there is always a possibility for out-of-court settlement, he expects the suit to reach the courtroom, probably in Madison.

An online statement posted Thursday by the Foundation for Individual Rights in Education announced the lawsuit, stating UW-Eau Claire's suspension of the policy came after the suit was filed.

Rindo said the university officially suspended the policy Tuesday, a day before the lawsuit.

"The decision to suspend the policy had been made Tuesday," he said, "so what they're saying is false."

Whether the decision came before or after the lawsuit still is debatable, said Robert Shibley, program manager of FIRE.

"We certainly don't have any evidence that the suspension was put out on Tuesday," he said, adding that the e-mail from the chancellor was sent shortly after the lawsuit was filed. "We think the chronological order speaks for itself."

Rindo said the chancellor spent Tuesday and Wednesday informing various administrators of the suspension and had felt it very important not to announce the decision until the Chancellor's Roundtable at 4 p.m. on Wednesday, where students would be the first to hear.

"(Larson) wanted to announce it at the roundtable, because it affects students," he said. "That was very important to her."

FIRE's statement was not declaring the suspension as a reaction to the lawsuit, said Charles Mitchell, program officer for FIRE. It was simply stating what appeared to be the order of events.

"I don't know why the policy was suspended," he said. "If they suspended it because they've been getting bad PR, that's fine. If they suspended it because of the lawsuit, that's fine, or if they suspended it because they realized they were wrong, that's fine."

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