



Foundation for Individual Rights in Education

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February 16, 2011

Michael S. Roth, President
Wesleyan University
President's Office
South College
Wesleyan Station
Middletown, Connecticut 06459

Sent via U.S. Mail and Facsimile (860-685-3501)

Dear President Roth:

As you can see from the list of our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals from across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, academic freedom, due process, freedom of speech and, in this case, freedom of association on America's college campuses. Our website, thefire.org, will give you a greater sense of our identity and activities.

FIRE is gravely concerned about the threat to freedom of association posed by Wesleyan University's new policy banning students from "participating in social activities" on any property "owned, leased or operated by private societies that are not recognized by the University." This policy blatantly violates Wesleyan's moral and contractual promises of freedom of assembly in Wesleyan's Student Handbook. It has no place at an institution committed to fundamental rights.

This is our understanding of the facts. Please inform us if you believe we are in error. On or about February 14, 2011, Vice President for Student Affairs Michael J. Whaley e-mailed the Wesleyan student body about "a revision to Wesleyan's residency requirement designed to clarify the University's rules concerning off-campus housing." In fact, the new policy is much more severe than a clarification of previously existing rules. According to Wesleyan's online Student Handbook, Wesleyan's new "Campus Housing" policy adds a dramatic, extremely broad restriction on student association that is scheduled to take effect in August 2011:

Wesleyan students are prohibited from using houses or property owned, leased or operated by private societies that are not recognized by the University. This prohibition includes using such houses or property as residences, taking meals at such houses or property and participating in social activities at such houses or property.

This restriction violates the “Joint Statement on the Rights and Freedoms of Students” in Wesleyan’s Student Handbook—a statement by which Wesleyan has been morally and contractually bound since 1969:

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations that accrue to them by virtue of this membership. Faculty members and administrative officials should ensure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship *both on and off campus*. [Emphasis added.]

This restriction also violates Wesleyan’s promise in its “Responsibility of the University to Its Members” policy:

It is the responsibility of every member of the University to respect the rights and privileges of all others in the University as enumerated below.

1. Freedom of assembly, ...

According to Whaley’s e-mail, the new policy was added specifically to prevent freedom of association involving the Beta Theta Pi fraternity. Wesleyan is abusing its disciplinary authority and violating its promises in order to force the fraternity to seek official recognition. In particular, Whaley wrote:

We are continuing our discussions with the members of Beta and their alumni about joining program housing, and remain hopeful that they will choose to do so. Such a choice would result in University recognition and avoid the scenario of students being prohibited from residing in Beta or using it for social activities.

Likewise, in a February 15 article in *The Wesleyan Argus*, Whaley reportedly said, “What we’re doing is we’re setting up Beta to make an intentional decision.”

Yet, the plain wording of Wesleyan’s new policy goes far beyond targeting the fraternity and students who freely choose to associate with it—which is problematic enough. The new policy in fact prevents social interactions on the property of *all* private entities that are not officially recognized by Wesleyan. This includes a vast amount of off-campus property including houses of worship, the Middletown Elks Lodge, the Italian Society of Middletown, and a wide variety of private societies throughout Connecticut.

Please spare Wesleyan the embarrassment of fighting against freedom of association and the fundamental liberties that, until now, it has guaranteed to its students. We urge Wesleyan to undo this unjust policy and to reassert that freedom of association at Wesleyan is to be celebrated, honored, and broadened—not feared, restrained, and punished. Let your students exercise their basic legal, moral, and human rights; let them assemble as they choose.

We look forward to hearing from you. We request a response on this matter by March 9, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Kissel". The signature is fluid and cursive, with the first name "Adam" and last name "Kissel" clearly distinguishable.

Adam Kissel

Vice President of Programs

cc:

Michael J. Whaley, Vice President for Student Affairs, Wesleyan University

Richard T. Culliton, Assistant Vice President for Student Affairs, Wesleyan University

Ann M. Wightman, Chair of the Faculty, Wesleyan University

Gilbert L. Skillman, Vice-Chair of the Faculty, Wesleyan University

Ishita Mukerji, Faculty Member, Board of Trustees Campus Affairs Committee, Wesleyan
University

The Wesleyan Argus