



March 22, 2017

Father John P. Fitzgibbons, S.J.  
Office of the President  
Regis University  
3333 Regis Boulevard B-4  
Denver, Colorado 80221-1099

*Sent via U.S. Mail and Electronic Mail ([president@regis.edu](mailto:president@regis.edu))*

Dear President Fitzgibbons:

The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

FIRE is concerned about the state of freedom of speech at Regis University after a student was warned that he could not continue tabling on campus—despite being granted prior permission to do so—because his event was called a “demonstration.” These actions contradict Regis University's promises of freedom of expression and must be rectified in order to protect students' rights.

The following is our understanding of the facts; please inform us if you believe we are in error.

On March 15, Regis University student Alexander Beck emailed Event Coordinator Chelsie Bowmar for permission to use a table in front of Regis' Student Center the next day from 9:30–3:00 p.m. Bowmar approved his request via email.

On March 16, Beck and another student from his prospective Young Americans for Liberty chapter set up a table in response to Regis' “Social Justice Week” events. Beck's table held a “Social Justice Bake Sale.” Beck's table offered different prices for baked goods depending on students' gender, race, sexuality, or religion and invited students to discuss the prices if they had a problem with them.<sup>1</sup> The bake sale was intended to raise money for Milo

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<sup>1</sup> Alexander Beck (@realAlexBeck) TWITTER (Mar. 16, 2017 1:12 PM), <https://twitter.com/realAlexBeck/status/842423406813429766>.

Yiannopoulos' "Privilege Grant," a college scholarship designed specifically for white men. Beck engaged in discussion with other students about the table and the reasoning for the prices.

Approximately one hour after Beck began his expressive activity, Dean of Students Diane McSheehy approached the table and asked Beck to meet with her for a conversation. McSheehy rejected Beck's request to record the conversation on his phone.

According to Beck, McSheehy claimed Beck's table constituted a "demonstration," and then explained that, because the event was in protest of Social Justice Week, Beck needed to obtain permission from the university 48 hours in advance, and that he had to shut down his event.

That day, Beck emailed your office and McSheehy to ask for clarification regarding their conversation about his table. Beck wrote:

Hello,

This is Alexander Beck, a Freshman here at Regis. My table that I received approval for from Event Services (for my Young Americans for Liberty chapter) was shut down by Diane McSheehy, citing it was a "demonstration"

I have a couple questions;

1. How does two students behind a table constitute a "Demonstration"?
2. What are my rights in this situation?

McSheehy replied:

Thanks for your email. Your table was not "shut down". I thought in our conversation I was very clear about that. I simply wanted to connect with you about the correct process and procedures that need to be followed in order to have a recognized organization and to table as such. When I first came down to talk with you, you were the one that stated you were "protesting" that is why we also had the conversation about the correct procedures for having a demonstration. I thought we had a good conversation and I am happy to answer any questions or concerns that you may still have. I also have you and Nick on my calendar for next Tuesday for a follow-up conversation as we agreed to today. Looking forward to continuing our conversation on Tuesday.

While Regis is a private university and thus not legally bound by the First Amendment, it is both morally and contractually bound to honor the promises it has made to its students. For example, Regis' "Student Conduct Expectations" states:<sup>2</sup>

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<sup>2</sup> *Community Standards of Conduct*, REGIS UNIVERSITY, <http://www.regis.edu/About-Regis-University/University-Offices-and-Services/Student-Activities/Judicial-Affairs/Community-Standards-of-Conduct.aspx> (last visited Mar. 20, 2017).

Within the traditions of its mission and Catholic, Jesuit heritage, Regis University expects its students to develop a high standard of behavior and personal values. Among these expectations are included:

[ . . . ]

- Respect for the University’s academic traditions of honesty, freedom of expression and open inquiry;

Additionally, Regis’ Student Handbook states that “the Regis community seeks to live the Jesuit mission by . . . providing opportunities for self-expression and growth in the Regis community” and that “[i]ntentionally and substantially interfering with the freedom of expression of others in or on University Property or at University sponsored activities” constitutes prohibited conduct.<sup>3</sup>

McSheehy’s claim that Beck’s tabling event constituted a demonstration because it was meant to dissent from the messages of Social Justice Week and therefore requires special permission is at odds with Regis’ stated commitments to freedom of expression. To uphold the promises that it made to its students, Regis must reaffirm to Beck and the campus community that Regis will not arbitrarily silence student speech.

Beck’s speech may have been considered controversial by some members of campus—in a video provided by Beck to FIRE, a group of students debated the table’s merits with Beck—but it is nevertheless entitled to the same protection as uncontroversial expression. The principle of freedom of speech does not exist to protect only non-controversial expression; it exists precisely to protect speech that some members of a community may find offensive. The Supreme Court of the United States stated in *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949), that speech “may indeed best serve its high purpose when it induces a condition of unrest . . . or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea.” The Court has explicitly held, in rulings spanning decades, that speech cannot be restricted simply because it may be controversial. See *Papish v. Board of Curators of the University of Missouri*, 410 U.S. 667, 670 (1973) (“[T]he mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of ‘conventions of decency.’”). Again, although Regis is a private institution and not bound by the First Amendment, it touts the university’s “traditions of . . . freedom of expression and open inquiry.”

Regis’ administration cannot simply shut down an approved student event by calling it a “demonstration” and claiming that approval from the university’s Event Services is not sufficient permission, due to the message conveyed. Under this practice, any speech that is disfavored by administrators could be censored on the basis that it could be seen as a “demonstration” against something. While Beck’s expression was certainly intended to be a “protest” of events going on at Regis University, that does not mean it can be unduly burdened by further restrictions intended to apply to protests in the form of marches or rallies that may incur additional logistical

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<sup>3</sup> *STUDENT HANDBOOK 2016 - 2017*, REGIS UNIVERSITY, [http://www.regis.edu/~media/Files/University/Student%20Activities/Student\\_Handbook\\_2016\\_17\\_final\\_October\\_10\\_2016\\_LO.ashx](http://www.regis.edu/~media/Files/University/Student%20Activities/Student_Handbook_2016_17_final_October_10_2016_LO.ashx) (last visited Mar. 15, 2017).

considerations. Many students feel compelled to make their voices heard specifically because they encounter speech they believe deserves a response, or a “protest.” Indeed, even students who wish to host a tabling event in *support* of Regis’ Social Justice Week are arguably “protesting” injustice. Surely Regis would not claim that those students could not continue their event as well, even if they only gained approval from Regis’ Event Services? While Regis may place certain limits on protests—that is, large assemblies of people gathered to collectively express a view—it cannot characterize any dissent as a “demonstration” and thereby burden it with the requirements imposed on marches and large assemblies.

If administrators can stymie students’ free speech rights by simply labeling their expression “protests” or “demonstrations,” then student speech at Regis is no longer free. To honor its numerous stated commitments to free expression, Regis University must clarify to students that their speech will not be limited simply because it could be interpreted as a “demonstration.”

FIRE is committed to using all of the resources at our disposal to see this matter through to a just conclusion. We request a response to this letter by April 5, 2017.

Sincerely,



Sarah McLaughlin  
Program Officer, Individual Rights Defense Program

cc:

Diane McSheehy, Dean of Students