



LOUISIANA STATE UNIVERSITY
AND AGRICULTURAL AND MECHANICAL COLLEGE
Office of the Dean of Students

November 22, 2004

David French
President
Foundation for Individual Rights in Education
210 West Washington Square, Suite 303
Philadelphia, PA 19106

Sent by U.S. Mail and Facsimile (215) 717-3440

Dear Mr. French:

President William L. Jenkins has requested that I respond to your letter dated November 11, 2004, regarding the Muslim Student Association (MSA) at Louisiana State University.

In that letter, you requested that we correct any factual misunderstandings that might exist.

First, your characterization of LSU's policy in regard to student organizations is inaccurate. Under University policy, all student organizations are free to determine their own mission and to select members who subscribe to that mission.

You state that as a result of the MSA refusing to adopt the anti-discrimination clause, the "university immediately derecognized [the MSA] and revoked all its privileges." In fact, the MSA allowed its registration with the University to lapse and sought to re-register as a student organization. At this point, MSA was provided with the same documentation requirements of any group seeking to register as a student organization. MSA was never singled out or treated differently. In fact, several other religious organizations have complied with the University's nondiscrimination policy. The University's update process is proceeding in a systematic way that does not single out any organization based on its purpose or affiliation.

To clarify another inaccuracy in your letter, registered groups do have certain privileges, but a non-registered entity may still distribute literature, speak publicly, and raise funds. They may also use facilities under the same guidelines as a group that is not registered with the University might.

The students seeking to re-register the MSA did object to the nondiscrimination clause and discussed the matter with Dr. K.C. White. They did not request a meeting with me until September of 2004. I met with them on September 21, 2004. Contrary to what is

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stated in your letter, I did not "merely reiterate" Dr. White's position, although I did support her position. In fact, we talked for over an hour as I tried to make sure we understood the concerns of MSA. We discussed alternatives that might address these concerns while also being consistent with University policy. Specifically, the only objection the group's representatives raised with me was not being able to discriminate based on sexual orientation. They stated they did not object to having non-Muslims as members. To the contrary, they indicated that they saw positive reasons for having non-Muslims.

In response to my question regarding the nature of their objection to including sexual orientation in the anti-discrimination clause, they indicated that they were specifically concerned someone might flaunt their homosexuality, and provided as an example the possibility that two women might kiss at a meeting. I asked if such a display of affection would be considered inappropriate at an MSA meeting and they indicated that it would be. I replied that MSA was free to prohibit such conduct that ran counter to the purpose and goals of the organization.

I also stated that MSA was free to state in its constitution the belief that homosexual conduct was counter to the teachings of Islam, and to even state its belief that such conduct was morally wrong. Clearly, MSA may express its views on sexual orientation, and MSA is free to espouse views and beliefs consistent with religious teachings and to act accordingly.

I believe that once you more closely consider LSU's policy, you will find significant differences that distinguish LSU's policies and practices from those at universities where FIRE has previously objected. In fact, LSU's approach is not inconsistent with key principles you have previously articulated.

The following is excerpted from the *Joint Statement of Rutgers University, Division of Student Affairs, and the Rutgers InterVarsity Multi-Ethnic Christian Fellowship*:

The Fellowship was concerned that the University nondiscrimination policy might limit the ability of its members to take into account their religious beliefs and those of leadership candidates when conducting elections.

The University assured the Fellowship that its voting members are permitted to take into account both their own religious beliefs and those of candidates when selecting and voting for their leaders under University policy. Accordingly, during continuing discussions, Rutgers and InterVarsity Multi-Ethnic Christian Fellowship were able to settle upon a leadership selection process that adheres to University policy and also assures the Fellowship's ability to select and maintain leaders compatible with the purposes of the group. The University has approved the organization's constitution.

We also readily recognize the right of students "to take into account both their own religious beliefs and those of candidates when selecting and voting for their leaders under University policy." Voters in any election are free to do this, and student organization elections are no different.

The Rutgers nondiscrimination policy deemed acceptable by FIRE with the above understanding is as follows:

Memberships:

Clubs and organizations may not deny membership to anyone on the basis of race, creed, color, religion, national origin, ancestry, age, sex, disability, marital status, familial status, affectional or sexual orientation, or veteran status; with the exception of social sororities or fraternities which are entitled by law to remain single-sex organizations if tax exempt under 504a of IRS code 1954.

Benefits:

Clubs and organizations shall not discriminate on the basis [of] race, creed, color, religion, national origin, ancestry, age, sex, disability, marital status, familial status, affectional or sexual orientation, or veteran status in providing aids, benefits or services

Rutgers Student Organization Handbook, 2004-2005, p. 28

The LSU policy, while certainly no more stringent than Rutgers's, also includes additional language consistent with key principles you have previously articulated:

Any individual who subscribes to the purpose and basic policies of the organization may become a member of this organization, subject only to compliance with the provisions of the constitution. No student who meets the other criteria for membership can be denied membership on the basis of race, color, religion, sex, national origin, age, disability, marital status, veteran's status, or sexual orientation. (italics added)

So while we prohibit discrimination based solely upon one's status, e.g. race, sex, sexual orientation, we fully recognize that an organization is free to limit membership to those who subscribe to the purpose and basic policies of the organization. This seems consistent with the position you recently took in your July 23, 2004, letter to Dr. James Moeser at the University of North Carolina at Chapel Hill:

FIRE would likewise oppose attempts to make the college ecology club admit members who despise environmentalism, or the College Democrats open the membership of their group to staunch Republicans. Surely UNC understands that **the primary reason that people join groups at all is to unite with individuals who share a common cause and purpose.** (emphasis added)

If a student sought to join the MSA who did not share its purpose, and sought to subvert that purpose, MSA would be within its rights to deny that person membership under LSU's policy, based on that person's conduct. What MSA cannot do is simply assume, based merely on that person's status, that he or she will not share its purpose. A person who wished to advance an agenda at odds with the MSA would be free to do so either as an individual or as a member of another organization with a contrary purpose, but would not be entitled to remain a member of a student organization, the purpose of which he or she did not share.

You also mention Tufts University in your November 11, 2004 letter. According to the FIRE website, "The Tufts evangelicals were punished for taking into account, for purposes of selecting leaders, the beliefs of a member whose views of Scripture and homosexuality were opposed to their own." As stated above, that concern is clearly not an issue at LSU.

As a practical matter, when I met with representatives from the MSA, they indicated the issue they were most concerned about had, in fact, never arisen. Further, we agreed that it was probably not very likely to arise. But under our policy, if a person, regardless of his or her sexual orientation, sought to join who did not subscribe "to the purpose and basic policies of the organization," MSA would be within its rights to refuse membership to that person.

We are charged with striking a proper balance between equal opportunity and the array of freedoms that we all constitutionally enjoy. I trust that when you reflect on LSU's policy, especially in light of FIRE's stance in regard to policies such as Rutgers, you will agree that LSU has struck an appropriate balance. Neither the Muslim Student Association, nor any other student organization, is required to admit members who do not "share a common cause and purpose."

Please let me know if we can provide additional information to ease the concerns of the MSA.

Sincerely,



Kevin S. Price
Dean of Students/
Assistant Vice Chancellor for Student Life
and Academic Services

c: William L. Jenkins, President and Interim Chancellor
Risa Palm, Executive Vice Chancellor and Provost
F. Neil Mathews, Vice Chancellor for Student Life and Academic Services
Kathleen C. White, Associate Dean of Students
Katrice Albert, Vice Provost
Mohammad Inamullah, General Secretary, Muslim Students Association