



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

December 7, 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:

Thank you for your response of December 1, 2004, and the opportunity to provide further clarification in an effort to address the concerns you articulated on behalf of the MSA.

I will first respond to the concerns mentioned in the first part of your letter.

As you accurately quoted, I had said that the MSA "may also use facilities under the same guidelines as a group that is not registered with the University might." This statement is correct and was in response to your assertion that "The MSA may not use on-campus facilities..." Should MSA wish to use facilities while not registered, we will assist them in utilizing that process.

You took issue with my statement that "several other religious organizations have complied with the University's nondiscrimination policy." Actually, that statement was in direct response to your assertion that "MSA leaders have contacted other registered organizations and several Christian organizations who stated that they were not asked to make this change."

You state "The MSA should not be forced to emphasize its beliefs regarding sexual orientation and practice." We don't disagree. We have not suggested that they be "forced" to do so. You seem to base this characterization on my statement 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." They are "free" to do so. They are not expected to do so. I was simply illustrating that the members of MSA can freely exercise their beliefs within the context of the University's existing policy.

You state that LSU's policy does not "explicitly guarantee the right of religious organizations to choose their leaders and/or members according to the tenets of their faith." As we state in our *Student Handbook*, "In addition to these rights, students retain

all the basic rights and freedoms guaranteed to all citizens." There is no need to explicitly restate every right that exist. Our policy does not deny that right, nor has there been any instance in which we have applied our policy in a manner that denied a religious organization the right to choose their leaders and/or members. As we stated in our November 23, 2004, letter: "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."

Contrary to what you imply, LSU does grant religious organizations equal access to campus facilities and student fee funding on a "viewpoint neutral basis." Further, LSU does not "compel the MSA to include members who would contradict the expressive purpose of the group." In fact, to my knowledge there has not even been so much as an allegation that we have ever done so. You state "[t]he issue is not 'status'—it is conduct and belief." As we stated in our letter of November 22, 2004:

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.

Our position is not at odds with the basic principles you assert. Nor is our policy at odds with the Constitution. In fact, LSU's policy is significantly different than those existing at the institutions you have referenced at which an actual case in controversy has occurred.

You suggest that we either adopt your preferred language or mimic the language of Ohio State University. What you fail to recognize in your letters to date, however, is that we already address the right of students "to unite with individuals who share a common cause and purpose" through language that specifically addresses that most relevant issue. As stated in our November 23, 2004, letter, our policy already clearly states:

*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)*

The first question is not the status of the individual, but rather, does that person subscribe to the purpose and basic policies of the organization. If he or she does not, then that person would not meet the "other criteria for membership," and would not be entitled to membership. Our language is simple and to the basic point. In your November 11, 2004, letter you omitted almost all of the italicized wording when quoting our policy. You also chose to not address this language in your December 1, 2004, letter. We suggest that one

could consider using *our* statement as a model for other institutions to follow. In short, while we understand your basic position, we believe that our language addresses the key issue far more directly and succinctly than the alternative language you suggest. We do not believe a genuine conflict with the key principles of FIRE exists.

We hope you will recognize that while we have chosen specific language that may differ from that which you suggest, our policy clearly supports any organization's right to choose members in full support of "the expressive purpose of the group."

Sincerely,



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

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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  
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