



August 23, 2024

Via email

Dominic Coletti, Program Officer, Campus Rights Advocacy
Foundation for Individual Rights and Expression
510 Walnut Street, Suite 900
Philadelphia, PA 19106
Email: dominic.coletti@thefire.org

Dear Mr. Coletti:

This letter is in response to your letter dated August 15, 2024, regarding the University of Dayton's approach to students as they interacted with University police officers when they were arresting a suspect in September 2023.

We appreciate your advocacy on behalf of students. Unfortunately, much of your letter applies First Amendment principles to the community standards a private institution such as the University of Dayton can establish as part of its living and learning environment. You even acknowledge that the University of Dayton is private. As a private institution, the University of Dayton can and does set high expectations of conduct for its students when their conduct affects the University community. Moreover, this conduct occurred in a University-owned house, making its code of conduct directly applicable to the conduct at issue.

To the extent your letter relies on a "freedom of expression policy" you found on the University's website, that is *not* a current policy distributed to students. Rather, it is obsolete text that was only available online because of a clerical error, and the University's website has now been corrected by removing it.

Finally, because of FERPA, the University cannot state whether it did or did not address the students' conduct through University disciplinary proceedings. However, in all of its proceedings, the University follows concepts of fundamental fairness; thus, if these students were subjected to University discipline, they would have been afforded such fairness.

Regards,

Thomas U. Weckesser
Executive Director,
Office of the President

Savalas Kidd
Assistant Vice President &
Chief of Police