



Young America's Foundation

Memo Re: Protecting the Right to Free Expression on College Campuses

Prepared by Emily Jashinsky, Program Officer for Public Relations, Young America's Foundation

April 12, 2016

Young America's Foundation would like to thank the Way & Means Subcommittee on Oversight for investigating the critically important issue of censorship on college campuses.

The Foundation serves as the principal outreach organization of the Conservative Movement. We are committed to ensuring that increasing numbers of young Americans understand and are inspired by the ideas of individual freedom, a strong national defense, free enterprise, and traditional values. We accomplish our mission by providing essential conferences, seminars, educational materials, internships, and speakers to young people across the country.

For years, our organization has worked on a daily basis with conservative students around the country whose ability to speak freely on their campuses is regularly curtailed. The situation has escalated to the point of violence in recent months.

Due to the efforts of politically correct professors and administrators, ideologically fair and balanced conversations rarely occur at many, if not most, of our nation's colleges and universities. To make matters worse, students who express conservative viewpoints have literally been confronted by violent protests, threats, and organized censorship initiatives recently.

The Foundation understands and appreciates the Subcommittee's particular focus on the problem of public universities wielding their tax exempt statuses in an effort to censor ideological expression.

We would like to offer a few key examples of the broader pattern of general censorship to demonstrate the overall severity of the situation.

*California State University Los Angeles, public, IRC Section 501(c)(3)**

Last month, the Young Americans for Freedom chapter at California State University Los Angeles attempted to host a lecture by Ben Shapiro on the culture of political correctness. Unfortunately, however, a mob of violent students and professors blocked the entrance to the event, physically assaulted the conservative students trying to hear the lecture, and forced police to escort attendees into the lecture in small groups due to the fear of physical harm.

Robert Weide, a professor of sociology, called the YAF students "white supremacists" and threatened to wrestle them. Another professor, Melina Abdullah, largely organized the dangerous protest against the YAF chapter. University president William Covino attempted to cancel the event the day before it was scheduled to occur, claiming he would only let Shapiro speak if a liberal speaker were also present at the event in order to provide balance, all in the interest of "diversity." Not surprisingly, CSULA has never applied this standard when liberals have spoken on campus.

In the aftermath of the protests, students demanded Covino step down, not because he attempted to stifle free speech, but because he allowed the lecture to happen. The YAF chapter has since been targeted by campaigns labeling them "Young AmeriKKKans for Freedom."

Virginia Tech University, public, IRC Section 115



When the YAF chapter at Virginia Tech attempted to host a lecture on illegal immigration by Bay Buchanan, radical elements of university community erupted in outrage. Professors and students targeted the chapter chair aggressively. One faculty member even referred to her as a racist in front of his class. The school funding board defunded the YAF chapter, effectively stripping conservatives of their voice on campus by revoking their ability to exist as a student group. This decision was ultimately reversed after intense pressure applied by YAF and media outlets like Fox News.

George Washington University, private, IRC Section 501(c)(3)

When the student government at George Washington University passed a resolution asking the school to implement mandatory sensitivity training focused on transgender issues, the chair of GW's YAF chapter told the student newspaper they would potentially seek a religious exemption. The school's LGBT student group immediately lashed out, asking for the YAF chapter to be defunded by the university, calling them a hate group, and claiming they had "committed an act of violence" against transgender people by speaking out against the training. The chapter was subjected to weeks of harassment from liberal students who called them "cancerous" and compared them to ISIS.

Pennsylvania State University, public, IRC Section 115

At Pennsylvania State University, the YAF chapter was targeted by administrators for handing out copies of the United States Constitution in a free speech zone. On Constitution Day, the chapter gathered in the free speech zone to hand out copies of the Constitution, but administrators told them they were violating university policy and asked them to stop distributing the Constitutions. The entire exchange was caught on camera and exposed to the public. To be clear, on Constitution Day, a public university attempted to curtail the free speech rights of students simply trying to hand out the Constitution in a free speech zone.

University of Michigan, public, IRC Section 501(c)(3)

At the University of Michigan, a group of progressive students urged the school not to screen the movie *American Sniper* due to its alleged "Islamophobia." The school obliged and canceled its scheduled event. Instead of showing *American Sniper*, the school announced it would be showing *Paddington Bear*, a children's movie. This is symbolic of larger issues with the culture of political correctness on our nation's campuses. The school coddled its students to the point of canceling a screening of an Oscar-nominated movie about a decorated American hero and replaced it with a children's movie, all in the name of political correctness. Michigan YAF organized an effort to fight the school's absurd adherence to the doctrines of political correctness and was subjected to a number of attacks from their liberal peers. With the support of Michigan football coach Jim Harbaugh, the YAF chapter won and persuaded the school to screen the film.

Thank you again for all of your efforts to address the increasingly severe problem of political correctness and censorship on this nation's college campuses. Our students are in desperate need of support. If we intend to save this generation from the grips of ideological monopoly and political correctness, both of which undercut the principles this country was founded upon, we must dedicate significant energy to addressing these issues.

Please let us know how we can assist in your important mission. We are eager to offer our resources and support.

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March 16, 2016

VIA EMAIL

The Honorable Peter Roskam
Ranking Member John Lewis
Chairman, Subcommittee on Oversight
House Committee on Ways and Means
1102 Longworth HOB
Washington, DC 20515
waysandmeans.submissions@mail.house.gov

**Re: Written submission for the record for the Oversight Subcommittee’s Hearing on
“Protecting the Free Exchange of Ideas on College Campuses” on March 2, 2016**

Dear Chairman Roskam and Ranking Member Lewis:

Thank you for holding a hearing on protecting the free exchange of ideas on college campuses. As Director of the Alliance Defending Freedom Center for Academic Freedom, I have worked for over a decade to ensure that religious and conservative students and faculty on college campuses may exercise their rights to speak, associate, and learn on an equal basis with all other students and faculty.

Founded in 1994, Alliance Defending Freedom (“ADF”) is a non-profit, public interest legal organization that provides strategic planning, training, funding, and direct litigation services to protect our first constitutional liberty—religious freedom. ADF’s Center for Academic Freedom has litigated many groundbreaking student and faculty speech cases.¹ In fact, since ADF launched the Center for Academic Freedom in 2006, we have litigated and won over sixty-four cases and successfully resolved over 200 legal matters involving students and faculty from all fifty states. While anti-speech policies have been used to violate the rights of students and student groups from a wide variety of views, pro-life student speech is increasingly singled out for discrimination and censorship.

University speech codes – policies that prohibit speech the Constitution clearly protects – enable administrators to silence political and religious speech based on the subjective reaction of listeners. In April and May 2014, Abolitionists4Life, a registered student organization at Boise

¹ See, e.g., *OSU Student Alliance v. Ray*, 699 F.3d 1053 (9th Cir. 2012) (invalidating prior restraint on student speech); *Adams v. Trs. of Univ. of N.C.-Wilmington*, 640 F.3d 550 (4th Cir. 2011) (finding retaliation against professor for his speech); *Badger Catholic v. Walsh*, 620 F.3d 775 (7th Cir. 2010) (finding student activity fees discrimination); *DeJohn v. Temple Univ.*, 537 F.3d 301 (3d Cir. 2008) (enjoining campus speech code).

State University hosted two events in the main quadrangle of campus. The events included flyers and signs advocating a pro-life message. But university administrators decided that some of the material was controversial, and so they required Abolitionists4Life to place “warning signs” around the events to prevent them from triggering negative emotive responses in students. Driving the administrators’ decision was a Boise State policy that authorized the Vice President of Student Affairs “to require a student organization or individual to utilize reasonable methods to allow the public a choice about viewpoint [sic] or receiving certain materials that may not be suitable for a general audience.”² The university eventually settled the case out of court and removed the policy that enabled the administrators’ actions.

In addition to regulating what students and faculty may say through unconstitutional speech codes, many universities also regulate where students may speak on campus, limiting their expression to incredibly small zones. For example, during the 2013–2014 academic year, Students for Life USA, a student organization at the University of South Alabama, sought to temporarily place a “cemetery of innocents” on campus to memorialize children lost to abortion.³ Although similar displays by other groups were permitted, the university refused to allow Students for Life to hold the event in its desired location, a park-like area of campus, and instead directed it to use the official speech zone. Administrators did this because university policy closed most of the outdoor areas of campus to free expression, except for the speech zone, which consisted of less than 0.1% of campus. While the group’s case is ongoing, university speech zones are a common problem throughout the country, despite the fact that they are regularly struck down as unconstitutional.⁴

Universities also impose excessive fees on student speech deemed “controversial.” In 2013, UB Students for Life, a registered student organization at the University at Buffalo, held a debate on the morality of abortion. Because some students opposed the event and posted negative commentary on social media, the university required security guards for the event. Even though the debate was a success and the security guards were unnecessary, after the event the

² *Abolitionists4Life v. Kustra*, No. 14-cv-257 (D. Idaho), Complaint Ex. 5 at 050, *available at* <http://www.adfmedia.org/files/Abolitionists4LifeSuit.pdf>.

³ *Univ. of South Alabama restricts ‘controversial speech,’* ADF, Aug. 25, 2014, *at* <http://www.adfmedia.org/News/PRDetail/9281>.

⁴ *See, e.g., Hays Cnty. Guardian v. Supple*, 969 F.2d 111, 117 (5th Cir. 1992) (“The [Southwest Texas State University] campus’s function as the site of a community of full-time residents . . . suggests an intended role more akin to a public street or park than a non-public forum.”); *Roberts v. Haragan*, 346 F. Supp. 2d 853, 861 (N.D. Tex. 2004) (finding “park areas, sidewalks, streets, or other similar common areas” of Texas Tech University to be public forums irrespective of whether the University has so designated them or not.”); *Pro-Life Cougars v. Univ. of Hous.*, 259 F. Supp. 2d 575, 582 (S.D. Tex. 2003) (finding university grounds are public fora designated for student speech); *Khademi v. S. Orange Cnty. Cmty. Coll. Dist.*, 194 F. Supp. 2d 1011, 1024 (C.D. Cal. 2002) (finding “no doubt” that the “generally available” areas of a community college campus are public fora as they are open to the public); *Univ. of Cincinnati Chapter of Young Am. for Liberty v. Williams*, No. 1:12-cv-155, 2012 WL 2160969, at *5 (S.D. Ohio June 12, 2012) (holding university “interior sidewalks and public exterior spaces” are designated public fora for students).

university required the group to pay nearly \$650 in security fees.⁵ University policy enabled these fees for any event deemed subjectively “controversial” by university staff. The students sued the university in federal court, alleging that the imposition of security fees was viewpoint discrimination, and the case settled with the university refunding the security fees and removing the unconstitutional portion of the security fee policy.

University-imposed financial burdens stifle student expression in another way too. Despite the fact that the United States Supreme Court ruled twice that mandatory student activity fees must be allocated to student group activities on a viewpoint neutral basis,⁶ student groups continue to suffer discrimination for religious or politically-conservative speech.⁷ In February 2013, Eastern Michigan University denied student fee funding to a Students for Life group that sought to bring a display about abortion to campus.⁸ University officials made the decision based on the group’s “political or ideological” views, and despite the fact that the university previously funded events discussing welfare programs, women’s and abortion rights, student activist training, and race-conscious issues among other things. After Students for Life filed a federal lawsuit, the university settled by funding the group’s event and changing the offending policy.

Finally, pro-life student groups are not the only recipients of discriminatory treatment and censorship on college campuses. ADF has represented many types of students and student groups advocating religious and political ideas. In fact, ten years ago today, ADF filed a federal lawsuit on behalf of two Georgia Institute of Technology students, Ruth Malhotra and Orit Kwasman (Sklar).⁹ Their experience at Georgia Tech was marred by censorship of their conservative political views, discriminatory exclusion from the Institute’s mandatory student fee funding programs, restriction of their speech to one small amphitheatre on campus, and explicit hostility to their Christian and Jewish beliefs about marriage and sexuality.

Mss. Malhotra and Kwasman eventually won their case against Georgia Tech and have gone on to become active members in our nation’s political dialogue. But in the ten years since their case was filed, ADF has seen an increase in the hostility to free expression on campus. Look no further than the student-led requests for censorship at Yale and University of Missouri last fall. It is our fear that far too many students will not bravely stand up for their free speech rights as Students for Life and Mss. Malhotra and Kwasman have done. And our nation will

⁵ Joshua Rhett Miller, *University at Buffalo charged pro-life student group \$650 in 'unconstitutional fees,' lawsuit alleges*, Fox News, July 2, 2013, at <http://www.foxnews.com/us/2013/07/02/university-buffalo-charged-pro-life-student-group-650-in-unconstitutional-fees.html>.

⁶ *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217 (2000); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995).

⁷ *Badger Catholic v. Walsh*, 620 F.3d 775 (7th Cir. 2010).

⁸ Katrease Stafford, *EMU settles lawsuit with student group after funding denial for anti-abortion exhibit*, MLive, Nov. 21, 2013, at http://www.mlive.com/news/ann-arbor/index.ssf/2013/11/emu_settles_lawsuit_with_stude.html.

⁹ Robert Shibley, *Georgia Tech Ordered to Pay \$203,734.14 for Violating Students' Rights*, FIRE, Dec. 30, 2008.

Chairman Roskam and Ranking Member Lewis
March 16, 2016

suffer as a result, for what happens on campus does not stay on campus. Students who matriculate under policies of censorship today will import those ideas into our society tomorrow.

Free expression is in danger on America's college campuses. It is time to restore the "marketplace of ideas" and remove barriers to free political and religious expression. Thank you for holding this important hearing.

Very truly yours,

David J. Hacker
Senior Counsel
Director of Center for Academic Freedom
ALLIANCE DEFENDING FREEDOM



Seeking Justice with the Love of God

March 16, 2016

The Honorable Peter Roskam
Chairman, Subcommittee on Oversight
The Honorable John Lewis
Ranking Member, Subcommittee on Oversight
House Committee on Ways and Means
1102 Longworth HOB
Washington D.C. 20515

Re: Written statement of the Christian Legal Society for the printed record for the Oversight Subcommittee's Hearing on "Protecting the Free Exchange of Ideas on College Campuses," held on March 2, 2016

Dear Chairman Roskam and Ranking Member Lewis:

Thank you for holding a hearing on this most important topic regarding the need to protect the free exchange of ideas on college campuses. The Christian Legal Society submits this written statement for the printed record of the hearing. As Director of the Center for Law & Religious Freedom of the Christian Legal Society, I have worked to protect students' right to meet for religious speech on college campuses for nearly thirty-five years. During that time religious student groups have been the subject of ongoing discrimination by college officials who oppose the free flow of religious ideas on campus.

The Christian Legal Society (CLS) has long believed that pluralism is essential to a free society and prospers only when the First Amendment rights of all Americans are protected, regardless of the current popularity of their speech or religious beliefs. For that reason, CLS was instrumental in the bipartisan passage of the Equal Access Act of 1984, 20 U.S.C. §§ 4071-4074, that protects the right of all students to meet for "religious, political, philosophical or other" speech on public secondary school campuses. *See, e.g., Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (EAA protects religious students); *Straights and Gays for Equality v. Osseo Sch. No. 279*, 540 F.3d 911 (8th Cir. 2008) (EAA protects LGBT students).

CLS is an association of Christian attorneys, law students, and law professors, with student chapters at approximately 90 public and private law schools. CLS law student chapters typically are small groups of students who meet for weekly prayer, Bible study, and worship at a time and place convenient to the students. All students are welcome at CLS meetings. As Christian groups have done for nearly two millennia, CLS requires its leaders to agree with a statement of faith, signifying agreement with the traditional Christian beliefs that define CLS. For that reason, for two decades, CLS student chapters have frequently been threatened with exclusion from campus because they require their leaders to be Christians.

Brief overview of the problem: From the 1970s to the mid-1990s, the Establishment Clause was used by some university administrators to justify discriminatory treatment of religious student groups. But after the Supreme Court removed the Establishment Clause as a credible justification for excluding religious groups in *Widmar v. Vincent*, 454 U.S. 263 (1981), and *Rosenberger v. University of Virginia*, 515 U.S. 819 (1995), some university administrators turned to university nondiscrimination policies as the new tool for opposing religious groups on campus. Beginning in the early 1990s, religious student groups, including CLS student chapters, began to encounter some university administrators who *misused* nondiscrimination policies to exclude religious student groups from campus, simply because they required their leaders to agree with their religious beliefs.

It is common sense and basic religious liberty – not discrimination – for religious groups to expect their leaders to share their religious beliefs. Nondiscrimination policies are good and essential. Nondiscrimination policies are intended to *protect* religious students, not *prohibit* them from campus. The problem is not with the nondiscrimination policies. The problem is that colleges *misinterpret* and *misuse* these policies to exclude religious student groups from campus. In the name of “tolerance,” college administrators institutionalize religious intolerance. In the name of “inclusion,” college administrators exclude religious student groups from campus.

Basic religious liberty encompasses the right of religious groups to choose leaders who agree with their religious beliefs and religious standards of conduct. Indeed, it should be common ground, particularly among those who advocate strong separation of church and state, that government officials, including public college officials, should not interfere with religious groups’ internal selection of their leaders.

The leadership of any organization affects its ability to carry out its mission. This is particularly true for religious groups because leaders conduct the Bible studies, lead the prayers, and facilitate the worship at their meetings. To expect the person conducting the Bible study to believe that the Bible reflects truth seems obvious. To expect the person leading prayer to believe in the God to whom she is praying seems reasonable. Both are a far cry from any meaningful sense of discrimination. Yet some university administrators woodenly characterize these common sense expectations and basic religious liberty principles as “religious discrimination.”

An important purpose of college nondiscrimination policies is to protect religious students on campus. When universities misuse nondiscrimination policies to exclude religious student groups, they actually undermine nondiscrimination policies’ purposes and the good they serve. Such misuse of nondiscrimination policies is unnecessary. Reflecting an appropriate sensitivity to religious liberty, most nondiscrimination laws, such as Title VII of the federal Civil Rights Act of 1964, simultaneously prohibit discrimination while protecting religious groups’ ability to maintain their religious identities. In interpreting their policies, college administrators should show a similar tolerance and respect for religious groups and their basic religious liberty to be led by persons who share their religious beliefs.

Nondiscrimination policies and students’ religious liberty are eminently compatible. As a commendable best practice, many universities embed robust protection for religious liberty within their nondiscrimination policies, thereby creating a sustainable environment in which

nondiscrimination principles and religious liberty harmoniously thrive.¹ Because it is possible to have strong nondiscrimination policies *and* religious liberty, the better approach is to facilitate both, rather than demand that religious liberty lose.

Two specific examples at University of Montana School of Law and Boise State University:

In 2008, the Boise State University student government threatened to exclude several religious organizations from campus, claiming their religious leadership requirements were discriminatory. The BSU student government informed one religious group that its requirement that its leaders “be in good moral standing, exhibiting a lifestyle that is worthy of a Christian as outlined in the Bible” violated the student government’s policy. The student government also found that the group’s citation of Matthew 18:15-17, in which Jesus is quoted, also violated the policy. The student government informed another religious group that “not allowing members to serve as officers due to their religious beliefs” conflicted with the student government’s policy. In 2009, to settle a lawsuit, BSU reversed course and agreed to allow religious organizations to maintain religious criteria for leaders. In June 2012, however, BSU informed the religious organizations that it intended to adopt a new policy, which would effectively exclude religious organizations with religious leadership requirements. In March 2013, the Idaho Legislature enacted legislation to protect religious organizations from exclusion. Idaho Code § 33-107D.

Two former Boise State University students have described their religious organizations’ struggles to be recognized in letters that are attached to this statement, along with a letter from a former student describing the problem as it arose for one CLS student chapter at the University of Montana School of Law.

Religious liberty on college campuses is at a critical tipping point: That this is an ongoing national problem is demonstrated by the Supreme Court’s decision in 2009 to hear *Christian Legal Society v. Martinez*, 561 U.S. 661 (2010). By a narrow 5-4 majority, the Court declined to address the issue of nondiscrimination policies. All nine justices agreed that the Court was *not* deciding the nondiscrimination policy issue. *Id.* at 678 & n.10; *id.* at 698 (Stevens, J., concurring); *id.* at 704 (Kennedy, J., concurring); *id.* at 728-29 (Alito, J., dissenting) (joined by Roberts, C.J., Scalia, J., and Thomas, J.).

Instead, the Court confined its decision to a quirky policy, unique to Hastings College of the Law, which required *all* student groups to allow any student to be a member and leader of the group, regardless of whether the student agreed with – or actively opposed – the values, beliefs, or speech of the group. Under this “all-comers” policy, no student group at Hastings had any associational rights whatsoever. According to Hastings administrators, the Democratic student group must allow a Republican to be president, just as CLS must allow any student to be its president, regardless of whether the student agreed with CLS’s religious beliefs.

Five justices upheld this novel policy that wiped out all student groups’ First Amendment rights. But in doing so, the majority was unequivocal that if a university allows *any* exemption to its “all-comers policy,” it cannot deny an exemption to a religious group. *Id.* at 694, 698-99; *id.*

¹ Many universities have policies that protect religious groups’ religious leadership criteria. The University of Florida has a model nondiscrimination policy that strikes the appropriate balance between nondiscrimination policies and religious liberty, which reads: “A student organization whose primary purpose is religious will not be denied registration as a Registered Student Organization on the ground that it limits membership or leadership positions to students who share the religious beliefs of the organization. The University has determined that this accommodation of religious belief does not violate its nondiscrimination policy.”

at 704 (Kennedy, J., concurring). The four dissenting justices, Chief Justice Roberts and Justices Alito, Scalia, and Thomas, would have held that nondiscrimination policies cannot be used to prevent religious groups from choosing their leaders according to their religious beliefs. And in 2012, the Supreme Court ruled unanimously, in the context of the “ministerial exception,” that nondiscrimination laws cannot be used to prohibit religious organizations, such as a church or synagogue, from deciding who its leaders will be. *Hosanna-Tabor Lutheran Church and School v. EEOC*, 132 S. Ct. 694, 710 (2012).

Conclusion: Our nation’s colleges are at a crossroads. They can choose to respect students’ freedoms of speech, association, and religion. Or they can misuse nondiscrimination policies to exercise intolerance toward religious student groups who refuse to abandon their basic religious liberty. The road colleges choose is important not only for the students threatened with exclusion -- and not only to preserve a diversity of ideas on college campuses -- but also because the lessons taught on college campuses inevitably spill over into our broader civil society.

The genius of the First Amendment is that it protects everyone’s speech, no matter how unpopular, and everyone’s religious beliefs, no matter how unfashionable. When that is no longer true—and we seem dangerously close to the tipping point – when nondiscrimination policies are misused as instruments for the intolerant suppression of religious speech and traditional religious beliefs, then the pluralism so vital to sustaining our political and religious freedoms will no longer exist.

Respectfully submitted,
/s/ Kimberlee Wood Colby
Kimberlee Wood Colby
Director, Center for Law & Religious Freedom
Christian Legal Society

October 13, 2016

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of the United States
House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks:

My name is Justin Ranger. I have lived in Idaho since 2001. I graduated from Boise State University in the Spring of 2009 with a major in Philosophy and a minor in Mathematics. While I was a student, I was the President of the student club, Cornerstone Ministry.

During my involvement with Cornerstone Ministry, I desired to create an environment that would engage students, and would contribute to campus life in general. The purpose of Cornerstone Ministry was to hold Bible studies, book discussions, prayer meetings, and to distribute free literature to students on campus. The focus of the club was to engage students academically and intellectually on matters that related to our religious views. This we believed added to diversity and contributed to campus life.

At the end of my sophomore year at Boise State, some other students and myself began the process of starting a new religious club on campus, The Veritas Forum. We used as a template the constitution of Cornerstone Ministry which was a fully recognized student club. The new constitution was rejected based on BSU's interpretation of the non-discrimination clause. In our dialogue with BSU staff and student Judiciary members we pointed out that the new constitution was modeled on a constitution of a club which had already received full recognition. The constitution for Cornerstone Ministry was reviewed by BSU and declared to be discriminatory as well. After submitting several revisions of our constitution in an attempt to be fully compliant with BSU's non-discrimination clause, it became apparent that the club would not be recognized simply because we required its officers to agree to the beliefs and purpose of the club. Eventually the Cornerstone Ministry club was de-recognized as an official club on campus.

After Cornerstone Ministry was de-recognized we lost all of the rights and benefits of being an officially recognized club, e.g., reserving meeting rooms on campus for free, submitting flyers to be posted on bulletin boards, receiving discounts on catered food for events, being able to recruit students at orientations, etc. Furthermore, while our constitution was under review, the time of the few students that were still involved with the club was consumed in dealing with this issue, rather than fulfilling the purpose of the club. Not only did the size and vitality of the club diminish, but the club's ability to benefit student life was severely limited during this time.

Cornerstone Ministry could not withhold the statement of belief from our constitution since it is what determines our identity and the purpose of the club. Although, we were assured that it was unlikely that anyone who did not agree with our beliefs or the purposes of the club would attempt to run for an office in our club, it was a matter of honesty, integrity, and transparency to be upfront with the criteria by which officers would be considered. Since BSU would not accept our criteria for officers before the settlement agreement, we were forced to be de-recognized.

Thank you for caring about this issue, and hearing about the plight of the club that I served.

June 11, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of the United States
House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks:

My name is Jesse Barnum, and I graduated from Boise State University in 2009 with a B.A. in Philosophy and minors in German, Latin, and History. I was a member of the Cornerstone, a religious student organization, from 2006 until I graduated in 2009. I was also one of the organizing members of the Veritas Forum from 2007 through 2009. The Veritas Forum was a religious student organization who applied for official recognition as a student organization, but was denied that status.

As a student, religious organizations helped meet my need for community, and they provided me encouragement and support. They were an integral part of my success as a student, and without them I would not have engaged in the broader campus community to the extent that I did.

Religious student organizations have a vital role in university life. Not only do they support those students who are part of a particular religion, they increase the cross-section of ideas present on campus. Without the presence and articulate expression of these ideas on campus, the quality and success of a university education diminishes. The story of the Veritas Forum at Boise State University illustrates this well.

In 2007, I and a group of students began the process of organizing The Veritas Forum at Boise State University. Our goal was to create university events that explored life's hardest questions; questions like what is morality, and why is there suffering and pain in our lives and in the world. We wanted our own professors and other leading minds around the world to come to Boise State to discuss these issues with us, the students, without the constraints of the classroom, and to engage in these issues in a way that was relevant to us in our everyday lives. In this way, the ideas and purpose of The Veritas Forum fit perfectly with the purposes of the university and organized student groups.

However, The Veritas Forum was also a religious student organization and we believed that Jesus, who he was and what he did, was important to any discussion and understanding of these questions. And in spite of Jesus' undeniable prominence and significance in the history of the world, He was conspicuously lacking from most campus dialogue on these issues. Given our stated goal and belief, it was necessary that to be successful and preserve the integrity of our organization we needed to establish qualifications for leadership that were consistent both with that goal and our religious beliefs. These two elements were inextricably linked.

We submitted our application for recognition as a student group in the Fall of 2007. It was rejected because of the qualifications we required to hold office. In spite of the setback, we continued to organize an event under another recognized student organization, The Cornerstone. Our first event discussed suffering and pain: its meaning, why does it exist, and is there an answer to it. Professor Scott Yenor of Boise State University, whose own daughter had recently undergone treatment for cancer, was the presenter. We advertised the event on campus and scheduled it for a Friday night during the spring semester of 2008. Given the day and time of year, our expectations were that maybe 40 people would attend. Instead of 40 people, about 240 students and faculty attended. The 200 person capacity room was filled well past its limitations. The event was a huge success, and was well received by numerous campus organizations and departments, many of them regardless of their own opinions and beliefs.

But the university continued to pursue its policy of not allowing student religious organizations to identify qualifications for leadership, and Cornerstone was derecognized as a club for the same reasons. The Veritas Forum was denied recognition.

Again, in spite of this additional setback, we began work on hosting another event because the desire and interest in what we were doing was so clearly demonstrated by the success of the first event. In order to hold the event, we worked with another student religious organization that had yet to be derecognized. The second event was held in the spring of 2009 and was attended by more than 100 students and faculty. The topic discussed this time was the trend of removing "faith" and "religion" from public dialogue and discourse.

I and some other key students in the Veritas forum graduated in the spring of 2009. We were very proud of the work that had been accomplished and we were excited about the interest that was shown by the campus community in what we were doing. We were also disappointed that we had been unable to organize The Veritas Forum in such a way that it would have enabled it to continue past our graduation. The interest and the need for open and honest dialogue were clearly demonstrated, but the legal and institutional obstacles we faced prevented us from ever having The Veritas Forum formally recognized. There is no Veritas Forum at Boise State today.

Religious student organizations like the Veritas Forum benefit the university, but their inability to maintain officer qualifications will mean that they can no longer fully participate in the university community. Not only will individual students suffer, but the quality of our state universities will suffer as well.

Emily Jones

June 10, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of the United States
House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks:

I am writing to you out of concern for the protection of religious freedom on public college and university campuses. I attended the University of Montana (“UM”) School of Law from 2005 through 2008. During my law school tenure, I and several other students attempted to form a local chapter of the Christian Legal Society (“CLS”), a national organization of Christian lawyers, judges, law students and others that seeks to “proclaim, love and serve Jesus Christ through all we do and say in the practice of law, advocating biblical conflict resolution, legal assistance for the poor and needy, religious freedom and the sanctity of human life.” The aspiration of the local UM chapter of CLS is to “maintain a vibrant Christian Law fellowship on The University of Montana campus which enables its members, individually and as a group, to fulfill the Christian mandate to love God and to love their neighbors as themselves.” During my time at the law school, our group was denied status as a recognized student group at UM by the student body and by its governing Board.

In 2007 CLS-UM sought recognition and an allocation of student activity fees from the Student Bar Association (“SBA”) Executive Board. The Board determines whether a student organization at UM School of Law is eligible for recognition and student activity fee funding and then allocates student activity fees to these recognized student groups. This budget is then submitted to the general student body for a vote. No guidance is given to the students in determining which student groups may receive funding, and no instruction is given regarding maintaining a viewpoint-neutral vote. Thus, the student body can decide to fund or de-fund groups based on those they like or agree with, and those they do not.

In order to ensure that it maintains its distinctive Christian voice – a right conferred on its members by the Constitution’s canons regarding freedom of association and freedom of religious expression – CLS-UM limits those who control that voice, the voting members and officers, to those who affirm its Christian views and endeavor to live a life of integrity conforming to those beliefs. CLS-UM invites anyone, however, to attend and participate in its meetings and events. With full knowledge of CLS-UM’s voting membership and leadership policies, the SBA Board voted to recognize CLS-UM and allocate student activity funds to it in the SBA budget. However, when the Board submitted these allocations to the student body for a vote, they were narrowly rejected amid opposition to CLS-UM.

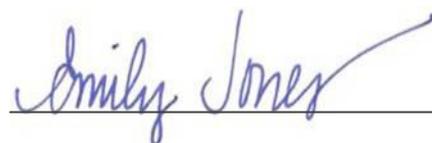
Following the rejection of the proposed budget, which included funding for CLS-UM, the SBA Board revoked CLS-UM's recognition. The Board then re-submitted the budget to the student body with the funding allocation for CLS-UM excluded. The student body approved this budget. No other student group included in the first budget was excluded from the second budget. As a result, CLS-UM was substantially hindered in its ability to carry out its activities and advocate for its views during the 2007-2008 academic year.

Eventually, the CLS-UM students decided they would, reluctantly and unfortunately, have to go to court to protect their First Amendment rights. They primarily challenged the SBA's method of allocating student activity fees as viewpoint discriminatory and, therefore, a violation of students' freedom of speech. They also challenged the denial of recognition to CLS-UM because of its leadership and voting membership requirements. After the district court ruled against them, they appealed to the Ninth Circuit. *CLS v. Eck*, 625 F. Supp.2d 1026 (D. Mont. 2009), *appeal voluntarily dismissed*, No. 09-35581 (9th Cir. Aug. 10, 2011). The appeal was stayed pending the Supreme Court's decision in *CLS v. Martinez*.

Eventually, UM and CLS reached a settlement agreement by which officials of the UM School of Law agreed to impose new rules upon the SBA student activity fee funding system in order to ensure that student fees were allocated among student groups in a viewpoint- neutral manner. In total, officials at the UM School of Law agreed to approximately 23 new rules for the allocation of student activity fee funding. Law school officials also agreed to recognize CLS as an independent student organization with the same access to law school facilities and channels of communication as enjoyed by other recognized student groups. In return, CLS acknowledged that it was ineligible for SBA funding under the SBA's current interpretation of its bylaws, but law school officials agreed that CLS was eligible to apply for funding through the community grants program administered by the law school.

Please take immediate action to ensure that others do not experience the same disparate treatment that the members of CLS-UM experienced. Religious liberty is the foundation for freedom in America, and sets us apart from much of the rest of world. Please protect our longstanding heritage and constitutional rights of college and university students to express their religious beliefs, to associate with others who share those beliefs, and to receive the same treatment as other student groups receive. Thank you very much for your consideration.

Sincerely,



CHARLES MICHELSEN
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charliemichels@yahoo.com

March 8, 2015
House Committee on Ways and Means
Honorable Kevin Brady, Chairman

Re : The Committee's March 2, 2016 Public Hearing re Systematic, Agenda-driven, Suppression of Free Speech on America's Private & Public College Campuses

Dear Committee,

Thank you for holding a long overdue hearing on this very important matter on March 2nd of this year. During that hearing Chairman Brady requested additional input from the public in the form of letters that could be added to the official Congressional Record. Here you are, Sir ...

On April 10th of 2015 I was wrongfully "academically dismissed" from the Hunter College School of Education (Hunter). I began the spring 2015 semester at Hunter having already completed 80% of my MA in Teaching English to Adolescents program, and despite some unfair grading, this teacher trainee was holding a very respectable 3.61 GPA. Indeed, my April 9 letter of dismissal from Hunter dean Matt Caballero cites "repeated misconduct," not poor academics as the reason for my immediate dismissal. It should be observed that dean Caballero's vague charges of misconduct were made more than two months AFTER I had filed very specific charges of professional misconduct against three Hunter faculty members, charges that were blithely ignored by all responsible Hunter authorities.

As my April 16 email to Hunter School of Ed boss dean David Steiner observed, CUNY, i.e., Hunter, has specific, legally-binding procedures for handling charges of misconduct against its students, procedures that dean Steiner's grad school had no right to ignore, or improve on. But my deans at Hunter were desperate to find a way--any way--to give themselves immediate and permanent relief from an unwanted conservative critic. To accomplish that goal, they made a strategic decision to do an "end-run" around CUNY's legally-binding but cumbersome and time-consuming disciplinary procedures. The deans at the Hunter School of Ed were also well aware that they could not rely on CUNY disciplinary procedures to get rid of me; the "repeated misconduct" dean Caballero alleged always involved Constitutionally-protected speech. That is why these cynics chose the expedient of an immediate "academic dismissal." But as you may remember, academic dismissal always follows academic probation, and I had never been put on academic probation, or in any way previously warned about my poor academic performance. It seems extremely unlikely that anyone in the 168 year-long history of the City University of

New York who was holding a 3.61 GPA has ever been "academically dismissed" before me!

In short, mine is about as blatant a case of viewpoint discrimination/intimidation as you are likely to see. If you or your committee has any interest in discouraging these sorts of outrages, you or your committee will find a way to come to the aid of college students like myself.

On its face, my case would appear to be a "slam-dunk." The facts indicate strongly that in a determined effort to be forever rid of an extremely annoying, conservative student critic, the Hunter College School of Ed took several actions it had no legal right to take. The entire business stinks to high heaven; a friend of mine has compared what happened to me at Hunter College with what happened to Putin critic Boris Nemtsov on a Moscow bridge some months previous. But the administration and lead counsel at Hunter is gambling that virtually ALL members of her profession are motivated solely by money, and that students without financial resources possess only theoretical legal rights. We shall soon see if Hunter's was a good gamble.

(For additional information re the ongoing case of Charles Michelsen v. Hunter College School of Ed, the City University of New York [NYS Supreme Court Index # 101450-2015], please go here: <http://iapps.courts.state.ny.us/iscroll/>)

March 16, 2016

The Honorable Peter Roskam
Chairman, Subcommittee on Oversight
The Honorable John Lewis
Ranking Member, Subcommittee on Oversight
House Committee on Ways and Means
1102 Longworth HOB
Washington D.C. 20515
waysandmeans.submissions@mail.house.gov

Re: Written submission for the record for the Oversight Subcommittee's Hearing on "Protecting the Free Exchange of Ideas on College Campuses" on March 2, 2016

Dear Chairman Roskam and Ranking Member Lewis:

Thank you for holding a hearing on this most important topic regarding the need to protect the free exchange of ideas on college campuses. The Navigators is an international, interdenominational Christian organization that has served as a registered student organization on various American campuses for over sixty years. Currently, the Navigators students have registered organizations on over two hundred campuses.

We appreciate the chance to share one recent story of a campus challenge to the free speech rights of a student involved in The Navigators. Her story was originally submitted to the House Subcommittee on the Constitution and Civil Justice on June 10, 2015.

Sincerely,

Doug Weber
The Navigators
2511 Buckelew Drive
Falls Church, VA 22046
607-351-4668

(June 10, 2015)

Dear Chairman Franks,

My name is Emily Abraham and I was a freshman this year at Minnesota State University, Mankato.

Until just two months ago, Mankato had a residential life policy that said, "During community standards discussions at floor and building meetings, each area votes to determine if religious solicitation is allowed." I still remember our first floor meeting when we had to vote about this. I was so mad and had a bunch of thoughts going through my mind. Something about this vote we had didn't seem right.

In January of this year, I wanted to invite some neighbors in my dorm to eat pizza and discuss theirs and my opinions about the Bible. My CA told me that to do so was a direct violation of the campus religious solicitation policy. I was then reminded of the vote we had taken at the beginning of the year prohibiting any "religious solicitation" on the floor. I thought this policy was dumb and I still didn't understand. What was so wrong with me wanting to share about Jesus on the floor? In the Bible we are told to make disciples... that's hard to do when we are prohibited to talk about religion on the floors. Though I couldn't talk about religion it was 100% okay to invite someone to a fraternity party, a concert, a non-religious movie, or most anything else. Just not to a religious event. It didn't make sense.

When some others and I asked a residential life administrator about the policy, we were told that the policy had been applied by the university for at least as long as he had been at the campus (which is well over ten years), and that, in his eyes, the policy didn't have any negative ramifications or opposition. The message to me was clear: the policy is not the problem; you are the problem.

This policy had made me angry throughout the whole year and I finally built up enough courage to meet with some of the faculty members. I refused to allow my free speech to be quieted, and after persisting with my questions through a number of discussions, Minnesota State University, Mankato wisely agreed to repeal their policy. Many others and I trust that they will remove this policy from next year's handbook as they have promised.

But who knows how many other campuses implement this type of speech policing, and how many students have opted, and continue to opt, for quiet obedience rather than standing up to intimidation and even ridicule from various administrators?

Thank you,

Emily Abraham
2765 Laurel Street South Cambridge MN 55008
[763-377-0658](tel:763-377-0658)

March 15, 2016

The Honorable Peter Roskam
Chairman, Subcommittee on Oversight
The Honorable John Lewis
Ranking Member, Subcommittee on Oversight
House Committee on Ways and Means
1102 Longworth HOB
Washington D.C. 20515
waysandmeans.submissions@mail.house.gov

Re: Written submission for the record for the Oversight Subcommittee's Hearing on
"Protecting the Free Exchange of Ideas on College Campuses" on March 2, 2016

Dear Chairman Roskam and Ranking Member Lewis:

I write to you as the former President of the Christian Legal Society (CLS), The Ohio State University (OSU) Moritz College of Law student chapter. Founded in 1961 CLS is a non-profit organization that exists to educate, train, and equip Christian legal professionals and law students to practice Christian principles in the legal profession. Student chapters are part of CLS' Law Student Ministries. I was privileged to serve as the chapter President during the 2003-2004 academic year, which was my second year of law school. We were a chapter of modest size, with a membership of approximately ten law students, and one faculty sponsor. Membership in CLS requires affirmation of a Statement of Faith, and adherence to a code of conduct that follows a biblical approach to inter- and intrapersonal conduct. Membership in CLS confers several privileges, including the right to vote for the chapter's officers. In order to maintain good standing with CLS' national organization, student chapters must adopt a constitution, bylaws, and codes of conduct that are consistent with those of the national organization.

Of the literally hundreds of student organizations available at a large, public university such as Ohio State, I chose to devote my time and energy to serving with CLS. CLS' stated mission is to "inspire, encourage, and equip Christian lawyers and law students both individually and in community to proclaim, love and serve Jesus Christ through the study and practice of law, the provision of legal assistance to the poor and needy, and the defense of the inalienable rights to life and religious freedom." Upon learning of CLS, I instantly knew I had found an organization with whom I would find purpose and meaning during my law school tenure. Little did I know that groups who sought to impose their notions of "liberty" upon us would challenge CLS' continued existence.

In the fall of 2003—only weeks into my tenure as chapter President—some fellow students asked me whether non-CLS members could attend CLS chapter meetings approached me. I responded that non-members were not only permitted, but were welcomed and encouraged to attend our meetings. Several days later, those same students asked whether non-members could become voting members or officers. I responded that I would need to review the chapter constitution and bylaws. After review and consultation with other chapter officers, we determined that only those who are able to affirm CLS' Statement of Faith, and adhere to our bylaws and code of conduct, were eligible for voting membership and officership.

As a result of our candid response, the students filed a formal complaint with the law school administration. The Law School Dean requested a meeting with me, whereupon she explained the nature of the complaint and asked for my response. I explained that, as a student chapter, we had no choice but to maintain consistency with CLS' national organization, or we would no longer be permitted to affiliate ourselves with them. In essence, to change our constitution and bylaws would be to change the very nature of our organization. We would cease to be a Christian Legal Society.

Several days later, The Ohio State University initiated an investigation into our chapter for allegedly violating the University's non-discrimination policy. The University threatened to void our status as a recognized group, thereby rescinding our ability to use University facilities, receive funding from our student fees, and possibly requiring repayment of past funds received. The consequences of such action would have been devastating. Without the ability to meet on campus, to receive financial assistance, or to even exist as a recognized organization, I am certain CLS would have ceased to continue its ministry at The Ohio State University. Those of us for whom CLS provided a meaningful and important vehicle through which we could use our legal education for the greater good would be relegated to second-class citizens simply because of our sincerely held beliefs.

I agreed to undergo mediation with a leader from the complaining organization, in the hopes that we could achieve reconciliation. I also hoped to demonstrate that our organization was open and welcoming to all, but that we simply could not compromise our core principles and beliefs. At the next chapter meeting—we met weekly—I apprised the attendees of the situation, and asked that we all make every effort to maintain a friendly and welcoming environment. I recall specifically inviting the very students who complained to CLS meetings, so they could observe for themselves our desire for friendship and collegiality. Unfortunately, our attempts were to no avail.

Once informed of the University's decision to investigate us, I convened an emergency session with our chapter's members and officers. We decided that the appropriate action was to contact the CLS national organization to inform them of the situation. I soon learned that CLS sued The Ohio State University in federal court for religious discrimination. After doing so, my involvement and role diminished significantly, so that I could maintain my focus on my legal studies. I provided some assistance with the preparation of legal documents on our student chapter's behalf, but my involvement primarily consisted of signing documents and providing statements. It also helped to receive affirmation and encouragement that we had not violated the law, and that we did the right thing.

Several acrimonious months later, we were informed that the University reached a settlement with CLS, and agreed to amend its non-discrimination policy with an exception for student organizations that hold "sincerely held beliefs." My understanding is that the exception was a stop-gap measure, and I do not know if the University continues to provide such an exception today. My hope is that it does; there are many faith-based organizations with sincerely held religious beliefs who would be unfairly and unlawfully penalized were the University to rescind this hard-won exception.

To summarize, from October 2003 through November 2004, the CLS student chapter at The Ohio State University Moritz College of Law was threatened with exclusion because

of its religious leadership requirements. After months of discussions with University administrators, a lawsuit was filed, which was dismissed after the University revised its policy “to allow student organizations formed to foster or affirm sincerely held religious beliefs to adopt a nondiscrimination statement consistent with those beliefs in lieu of adopting the University’s nondiscrimination policy.” CLS then met without problems from 2005-2010.

In September 2010, the university asked the student government whether the university should change its policy to no longer allow religious groups to have religious leadership and membership requirements. On November 10, 2010, the OSU Council of Graduate Students unanimously adopted a resolution urging the University to drop its protection of religious student groups. The OSU Undergraduate Student Government passed a similar resolution. On January 18, 2011, the OSU Council on Student Affairs voted to remove the protection for religious student groups and “endorse[d] the position that every student, regardless of religious belief, should have the opportunity . . . to apply or run for a leadership position within those organizations.”¹ But in June 2012, the Ohio Legislature passed a law prohibiting public universities from denying recognition to religious student organizations.²

Unfortunately, despite these new protections afforded by the law, there will inevitably be human consequences as a result of religious hostility and discrimination. I was often the subject of name-calling, gossip, and rumor-mongering. The Law School “advised” that I undergo mediation with those whom I had “offended.” In short, the law school—*my* law school—created a hostile environment for me. I was warned by upperclassmen not to take courses by certain professors who were not likely to give me fair evaluations. Some of my classmates verbally admonished me for my sincerely held religious beliefs. And I was only in my second year of law school. I would have to endure this treatment and hostility for more than another year.

Mr. Chairman, thank you for the opportunity to share my experience. I am happy to provide additional details if necessary.

Sincerely,



Michael Berry

¹ The student government resolutions are attached.

² Ohio Rev. Code § 3345.023.

The Ohio State University Council of Graduate Students

Resolution 1011-AU-006

Supporting the Repeal of the Registered Student Organization Exemption

Author: Jonathan Nutt(.19), President

Sponsor: The Executive Committee

Introduced: November 12, 2010

WHEREAS, new legal precedence set by the U.S. Supreme Court case *Christian Legal Society Chapter of the University of California, Hastings College of Law v. Martinez* Et al. brings reason to review the current Registered Student Organization exemption that enables "a student organization formed to foster or affirm the sincerely held religious beliefs of its members may adopt a nondiscrimination statement that is consistent with those beliefs;" and

WHEREAS, the President of the United States of America recently committed to a nationwide effort ending discrimination in all its forms in schools and communities; and

WHEREAS, the University has fostered a culture of inclusion for over 40-years and the exemption is in direct conflict with the vision and goals of the University set forth in the Academic Plan, Diversity Action Plan and motto *disciplina in civitatem* (education for citizenship); and

WHEREAS, the exemption is counterintuitive to the Philosophies and Guiding Principles outlined in the Registration Guidelines for Student Organizations at Ohio State and without intelligible principle and therefore difficult to interpret, enforce, and adjudicate; and

WHEREAS, the Council of Graduate Students has previously taken positions affirming mutual respect and fair treatment of all individuals at The Ohio State University to support an environment of diversity that enriches the community and enhances the educational process; and

THEREFORE LET IT BE RESOLVED, that the Council of Graduate Students urges The Ohio State University to repeal the exemption outlined in the Registration Guidelines for Student Organizations at Ohio State that states "A student organization formed to foster or affirm the sincerely held religious beliefs of its members may adopt a nondiscrimination statement that is consistent with those beliefs;" and

LET IT BE FURTHER RESOLVED, that the Council of Graduate Students charges its Graduate Student Representatives in University committees to vote in accordance with this resolutions; and

LET IT BE FURTHER RESOLVED, that the Council of Graduate Students charges its President to communicate to the Ohio State University President, the Executive Vice President and Provost, the Vice Provost and Chief Diversity Officer, the Vice President of Student Life, the Dean of the Graduate School, the Undergraduate Student Government, the Inter-Professional Council and all other appropriate groups the Council's position as established by this resolution.

Date Approved: November 12, 2010 (Unanimously)

A handwritten signature in blue ink, appearing to read "Robert J. Hill", is written over a horizontal line.

President | Council of Graduate Students

Council on Student Affairs Recommendation
Religious Student Organization Carve-Out

January 18th, 2011

Submitted by Bryan Ashton
On behalf of The Council on Student Affairs

CHARGE:

Recommend a course of action in regards to the religious student organization carve-out to the non discrimination clause in the Student Organization Registration guidelines at The Ohio State University.

RESEARCH:

The Council began the process of reviewing the carve-out in the beginning of November through an Ad-Hoc committee. This committee finished their work at the end of November and produced a recommendation in favor of a blanket removal of the carve-out (attached). On November 30th, CSA hosted an open forum, in which we heard opinions from student organization leaders and university community members about the issue. During the quarter both Undergraduate Student Government and the Council of Graduate Students passed resolutions in favor of the removal of the Carve Out (attached). Voting CSA members were also provided with numerous reading materials and encouraged to engage in constituency outreach.

FINDINGS:

The Council voted (12-1) in favor of accepting the Ad-Hoc committee's recommendation of a blanket removal of the carve-out. The Council recommends that this change be placed into effect for the next student organization registration year and that appropriate University resources be allocated to help organizations transition and maintain their compliance and registration status.

The Council, in accepting this recommendation, endorses the position that every student, regardless of religious belief, should have the opportunity to participate in student organizations as well as have the opportunity to apply or run for a leadership position within those organizations. The Council believes that the Office of Student Life in conjunction with the Office of Legal Affairs should address acceptable officer selection procedures with groups who request such assistance.

Attached to this recommendation is the report of the Ad-Hoc committee as well as the Student Government resolutions that were introduced. Much debate and strong feelings were drawn from these resolutions and reports, so they are included in the recommendation.

Council on Student Affairs Recommendation
Religious Student Organization Carve-Out

Submitted by Bryan Ashton
On behalf of Student Organization Carve Out Ad-Hoc

November 29, 2010

CHARGE: Recommendation a course of action in regards to the religious student organization carve-out to the non discrimination clause in the Student Organization Registration guidelines.

MAKE UP: The Ad-Hoc Committee consisted of representatives from Residence Life, the Law School, IPC, USG, CGS, Muslim Student Association, Staff, and Faculty. Ex-Officio members included representatives from Legal Affairs and Student Activities.

RESEARCH:

The group heard from Michael Layish of Legal Affairs, as well as Kerry Hodak from Student Activities in regards to their experiences with the carve-out and the history of its implementation. The group also discussed the implications of the removal of the carve-out or continuing with the carve-out in place for religious student organizations. Each student government was asked to do constituency outreach and in the process CGS passed a resolution regarding the issue. The committee then spent three meetings debating the merit of the removal of the carve-out, upholding the carve-out, and the examination of a leadership exemption.

FINDINGS:

The Ad-Hoc Committee voted unanimously (8-0) in favor of recommending that the carve-out, in relation to its application to general members, be removed. There was discussion and dissent to the idea of a blanket removal, with three members of the committee voting in favor of adopting a carve-out, similar to current carve-out, however applied only to leadership positions in the organization. The recommendation of the Ad-Hoc Committee was (5-3) in favor of a blanket removal of the current carve-out. Below are opinions in favor of a blanket carve-out (Brandon Edwards) and opinions in favor of a leadership position carve-out (Maria Ahmad).

OPINIONS:

Blanket Removal

Put simply, the debate placed before the Council on Student Affairs regarding carve out language for religious-based Student Organizations requires a choice of the lesser of two evils. By removing the carve-out for religious-based Student Organizations, Ohio State runs the risk of diminishing the voice of student organizations built upon a sincerely held religious belief. By denying these organizations the privileges associated with registration, we threaten discrimination against those groups that are organized around a certain interpretation of religious doctrine. However, by keeping the religious Student Organization exemption currently in place,

Council on Student Affairs Recommendation Religious Student Organization Carve-Out

Ohio State's Office of Student Activities leaves open the option of groups discriminating against members of the student body interested in membership. Keeping the carve out institutionalizes the ability of Student Organization members to openly discriminate against students with opinions and behaviors different than their own. The question is: should we potentially discriminate against Student Organizations or should we allow those Student Organizations to discriminate against individual students. It is my opinion, and the unanimous opinion of the CSA Student Organization Guideline Review Ad-Hoc Committee, that the former is a preferred action in lieu of the potential ramifications of the latter. We must protect the rights of students to join the organizations of their choosing instead of tolerating the discriminatory tendencies of individual Student Organizations.

As a public University entrusted with the stewardship of taxpayers dollars, we must not allow Student Organizations to discriminate against federally mandated protected classes. Additionally, we must consider where the funding comes from for the benefits bestowed to Registered Student Organizations. Each student pays a \$25 Student Activity Fee, and this money allows Registered Student Organizations access to a number of benefits. It is irresponsible to require this fund of every student but not allow individual students the right to join any Student Organization of their choosing due to discriminatory rules put in place by those groups.

It is the opinion of some that carve out language still be included in governing the selection of Student Organization Officers. In response to that, I advocate that we allow democracy to run its course. It is entirely rational to impose voting membership requirements relating to attendance at meetings and fulfillment of other membership characteristics. By restricting membership to those dedicated to its mission through demonstrated participation, each Student Organization has the ability to create an electorate as devoted to the organization as possible. It is in that spirit that we should allow voting members to install the leadership of their choosing, free from institutionalized guidelines precluding certain members the privilege of seeking officer status. We must trust the capacity of each Student Organization member to vote for the candidate most in line with his or her values and goals for the organization. Democracy should decide that someone is unfit for officership rather than guidelines that allow precautionary discrimination.

Justice Anthony Kennedy summed up the spirit of the need for carveout removal in his concurring opinion on *CLS v. Martinez*: "a vibrant dialogue is not possible if students wall themselves off from opposing points of view."

--Brandon N. Edwards, November 28, 2010

Leadership Position Carve Out

Student Life is made up of students for students. Student groups are run by students. Any student is able to create a new group on campus with any mission or purpose that they desire. But once the group is started, it is crucial for the group to have some rights that will keep them stable and active. Religious student groups are created for two main purposes. The first purpose is to foster the beliefs and maintain the identity of those who follow that faith on campus. The second purpose is to let others on campus know about the faith through various means. Seeing the second purpose, it is obvious that groups that want to affiliate their self as an official OSU group, will plan events that would be open to all students and fulfilling their purpose, and using the student's activity fee.

Council on Student Affairs Recommendation
Religious Student Organization Carve-Out

However the first purpose cannot be fulfilled without having a leader who shares the basic beliefs and concepts of the religious thought that the group was founded upon. One cannot help instill faith in another unless the former also believes. To have a leader who does not believe in the basics of that faith become the face of the group, and that religion, is deceitful and unfair to those who join. This partiality can be more readily applied to religious groups over others such as ethnic ones because religion is something one can choose to follow, not something one is born with. We do not even have to look at the degrees of religiosity but to have someone who claims and seems to be believing in and following the group's mission is not only ideal but necessary.

It may be true that groups should use their own wisdom in choosing their leaders through having a criteria and elections. However, student groups come in all sizes and to do this may be difficult for smaller and new groups. These student groups should have some rights as to who can and cannot be the representative of their group. If a group sees it necessary to not let that individual become the leader, the latter has the ability to start his or her own group which is simple to do at this University. This will also foster more diversity and give scope to larger group of students who may not have wanted to be part of another group's mission. Having a carve out for leadership does not have to be used by those who do not want to, but it should be there for those groups who want it. If about 23 of 900 student groups are using the carve out presently, and need to, then they should be able to.

-Maria Ahmad

Justin P. Gunter

660 Ralph McGill Blvd. NE, Apt. 2509, Atlanta, GA 30312

March 16, 2016

The Honorable Peter Roskam
Chairman, Subcommittee on Oversight
The Honorable John Lewis
Ranking Member, Subcommittee on Oversight
House Committee on Ways and Means
1102 Longworth HOB
Washington D.C. 20515
waysandmeans.submissions@mail.house.gov

Re: Written submission for the record for the Oversight Subcommittee's Hearing on
"Protecting the Free Exchange of Ideas on College Campuses" on March 2, 2016

Dear Chairman Roskam and Ranking Member Lewis,

Thank you for the opportunity to provide this letter for the record in the Subcommittee's hearing "Protecting the Free Exchange of Ideas on College Campuses." Thank you also for your, and the Subcommittee's, attention to the threats to the First Amendment taking place on college and university campuses across our nation.

As a brief introduction, from 2011–2012 I served as President of the Vanderbilt Student Chapter of the Christian Legal Society while studying at the Vanderbilt University Law School. This letter briefly summarizes my experiences during this time. The Christian Legal Society is a national organization that facilitates student chapters at law schools across our nation. Our particular chapter at Vanderbilt focused primarily on promoting student spiritual well-being and encouraging the discussion of diverse viewpoints. For many students, law school is an intense and stressful experience. In this environment, our Christian Legal Society Chapter promoted students' spiritual well-being by providing group prayer meetings, Bible studies, and a safe-place for students to discuss the difficulties of law school with their peers. Additionally, the law school education is designed not only to teach students legal principles, but also to expose them to a diverse group of people and ideas—exposure which serves future lawyers well when they must represent diverse clients or create policies that take into account the needs of diverse communities. At Vanderbilt, this task was filled in large part by student groups, whether they be groups dedicated to environmental concerns, business policy, animal rights, or political views (both Republican and Democrat). In this eclectic mix, our Christian Legal Society Chapter sought to encourage discussion of Christian viewpoints. To do so, we regularly invited speakers to come to Vanderbilt and speak on topics of special importance to Christians in our nation.

For years our chapter of the Christian Legal Society was recognized as a student group at Vanderbilt—all the while supporting student’s spiritual needs and promoting discussions of diverse viewpoints on campus. However, in summer 2012, the leadership of our chapter was informed that we would not be allowed to continue in the following school year. After engaging Vanderbilt administrators to ascertain the rationale for this sudden change, we were told that Vanderbilt had denied recognition to our Christian Legal Society chapter because our group expected its leaders to lead Bible studies, prayer, and worship along with affirming the group’s core religious beliefs.¹ Another group was told that its recognition was denied because of five words in its leadership requirements: “personal commitment to Jesus Christ.”² In short, Vanderbilt’s policy stated that a Christian group could not ask that a leader believe in Christianity—even if the group (like the Christian Legal Society) welcomed all students to be members and attend its events regardless of their religious beliefs. The leadership of our Christian Legal Society Chapter, and many other religious groups on campus, tried to reason and work with the Vanderbilt administrators. However, ultimately our chapter, along with thirteen other religious groups, were forced to leave campus for refusing to recant our religious beliefs.

For many college students, the activities and time they spend on their college or university campus constitutes the vast majority of their college experience. A student group that is removed from campus loses many abilities to support and engage students. At Vanderbilt specifically, our removal meant that we could no longer promote our events on campus except by word of mouth, were not allowed to participate in Vanderbilt events (such as student organizational fairs), were deprived of funding to sponsor speakers, and were allowed space to meet at Vanderbilt only at the lowest priority. Similarly situated groups at public universities face even more severe sanctions—including being banned altogether.

The idea that a group could be banned at colleges and universities in the United States of America for nothing more than seeking to express a specific viewpoint is contrary to both the text and the principles enshrined in the First Amendment to our Constitution. Policies, like those implemented by Vanderbilt, contradict the American ideal of a pluralistic society—where individuals and associations may express their opinions and beliefs freely without being censored by a university administrator or government executive. As the drafters of the First Amendment recognized, this basic freedom is essential to a free society. I thank the subcommittee for its attention to this important issue and once again thank the subcommittee for allowing me to submit this letter.

Respectfully Submitted,

/s/ Justin P. Gunter, Esq.

Enclosure

¹ See Attachment A at 1 (enclosed).

² See Attachment A at 2 (enclosed).

ATTACHMENT A

----- Forwarded message -----

From: [redacted]

Date: Tue, Aug 9, 2011 at 10:40 PM

Subject: RE: Christian Legal Society status

To: [redacted]

Cc: [redacted]

Dear [redacted],

Thank you for submitting your new Constitution for the Christian Legal Society. In reviewing it, there are some parts of it that are in violation of Vanderbilt University's policies regarding student organizations; they will need to be addressed before the Office of Religious Life can endorse CLS's approval.

Article III states that, "All officers of this Chapter must subscribe to the Christian Legal Society Statement of Faith." Vanderbilt's policies do not allow any student organization to preclude someone from a leadership position based on religious belief. Only performance-based criteria may be used. This section will need to be rewritten reflecting this policy.

The last paragraph of Section 5.2 states that "Each officer is expected to lead Bible studies, prayer and worship at Chapter meetings as tasked by the President." This would seem to indicate that officers are expected to hold certain beliefs. Again, Vanderbilt policies do not allow this expectation/qualification for officers.

Section 9.1 regarding Amendments to the Constitution should include language stating that any amendment must also be in keeping with Vanderbilt University's policies on student organizations and must be approved by the University before taking effect.

Please make these few changes and submit a copy of the amended Constitution to me so we can proceed with the approval process.

Also, we do not have in hand a copy of the revised Officer and Advisor Affirmation Form, as requested in the initial deferral. Specifically, we need a clean document without the handwritten text that seems to be an exclusionary clause advocating for partial exemption from the University's non-discrimination policy. Please forward us a copy of this as well.

Thank you. Please let me know of any questions you may have.

Best,

[redacted]

[redacted]

----- Forwarded message -----

From: vanderbiltcollegiatelink

<noreply@collegiatelink.net<mailto:noreply@collegiatelink.net><mailto:noreply@collegiatelink.net<mailto:noreply@collegiatelink.net>>>

Date: Tue, Apr 17, 2012 at 11:53 AM

Subject: Registration Status Update: [redacted name of Christian student group]

To: [redacted name of student]

The registration application that you submitted on behalf of [redacted name of Christian student group] <[https://vanderbilt.collegiatelink.net/organization/\[redacted\]](https://vanderbilt.collegiatelink.net/organization/[redacted])> has not been approved and may require further action on your part. Please see the reviewer's comments below or access your submission now <[https://vanderbilt.collegiatelink.net/organization/\[redacted\]/register/Review/650475](https://vanderbilt.collegiatelink.net/organization/[redacted]/register/Review/650475)>.

Thank you for submitting your registration application. Vanderbilt appreciates the value of its student organizations. Your submission was incomplete or requires changes, thus we are not able to approve your application at this time. Please re-submit your application including the following items or changes: - Please change the following statement in your constitution:

"Article IV. OFFICERS

Officers will be Vanderbilt students selected from among active participants in [redacted name of Christian student group]. Criteria for officer selection will include level and quality of past involvement, **personal commitment to Jesus Christ**, commitment to the organization, and demonstrated leadership ability."

CHANGE TO:

Officers will be Vanderbilt students selected from among active participants in [redacted name of Christian student group]. Criteria for officer selection will include level and quality of past involvement, commitment to the organization, and demonstrated leadership ability.

We are committed to a timely review of every complete application received and to letting you know the status of your application as soon as possible.



March 16, 2016

The Honorable Peter Roskam
Chairman, Subcommittee on Oversight
The Honorable John Lewis
Ranking Member, Subcommittee on Oversight
House Committee on Ways and Means
1102 Longworth HOB
Washington D.C. 20515
waysandmeans.submissions@mail.house.gov

Re: Written submission for the record for the Oversight Subcommittee's Hearing on "Protecting the Free Exchange of Ideas on College Campuses" on March 2, 2016

Dear Chairman Roskam and Ranking Member Lewis:

Thank you for holding a hearing to discuss the important topic of protecting the free exchange of ideas on college campuses. As an associate legal counsel for Cru, I write today to offer Cru's perspective as an organization with many religious student chapters all over the country, a number of which are facing challenges to preserving their religious speech. Many of these challenges arise due to university policies that prevent Cru student chapters from selecting leaders based upon religious qualifications. As the Supreme Court noted in *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694, 706 (2012), a religious group has a "right to shape its own faith and mission through its appointments" to leadership. The Court indicated that this principle invokes the Free Exercise clause, as identifying those who will teach the faith is a central tenet of religious practice. A group's leaders are those who must authentically communicate and preserve its religious messages. Cru has faced such challenges on numerous campuses, and a growing number of campuses continue to adopt such problematic policies.

Cru (previously named Campus Crusade for Christ) has had student chapters on college campuses since the 1950s, and has long respected and enjoyed the campus environment precisely because it is a place where students can have robust discussion and are able to hear and dialogue about diverse opinions and perspectives on life and learning. The free exchange of ideas on such campuses must include topics such as religion, a crucial element for many (both individually and corporately) in their identity formation and motivation to serve society. Cru wants to relate in a positive manner with universities. It has always desired to serve the campus communities where its chapters exist in order to meet students' spiritual needs and to help campuses and their student

bodies flourish. Cru embraces principles of nondiscrimination for membership, and has always welcomed any student to participate in the chapters and to explore Christianity.

I. Cru desires to engage in expressive activity as student organizations on college campuses.

a. In order for a group of students to engage effectively in expressive activity on a college campus, it must become an officially recognized organization.

The benefits a university grants to recognized student organizations are many and varied, ranging from room reservations to advertising to funding requests. Some of the benefits that directly involve aspects of expression by the groups include tabling, handing out fliers, advertising and promoting activities and events, having access to websites that students at that campus regularly access, and being able to apply for funding that enables the group to hold events that engage the broader campus community.

If a group remains unregistered, it loses all of these privileges, and becomes essentially a second class group. The lack of ability to obtain classroom space for meetings and the inability to access students to let them know about the group's activities severely damages the ability of the group to function. Many students have told us that they consider unregistered clubs as lacking in legitimacy and they are accordingly less willing to consider participating in such clubs. Such isolation and lack of credibility will inevitably result in a group shrinking and losing its voice in the campus community. Although some campuses claim that groups can continue to function without being fully recognized, it remains a significant hindrance and a monumental disadvantage to be denied access to such status merely because a group wishes to preserve its mission and messages.

b. Student Leadership is crucial to preserve speech and expression

Group identity and expression are very closely tied up with the First Amendment concepts of free speech and free association.

It is reasonable for student organizations to seek leaders who are qualified to lead their particular group. The beliefs and passions of a group are what define the group and characterize its unique voice in a community. Religion is about much more than a set of statements; it is something that is communicated and expressed in word and deed. It is not intellectual knowledge. That is why a leader who can authentically and effectively pursue a religious mission and speak on behalf of a religious community must believe in its mission and be motivated by authentic personal faith.

A group's ability to preserve its speech and maintain a consistent identity is dependent upon its leadership. In fact, most groups restrict their leadership to those who share a common vision; this principle is true whether or not a group specifically states it in its organizing documents. Religious groups tend to want to specifically articulate such expectations, however,

because religious beliefs are many and varied, and a particular religious community is defined and distinguished by the particulars of its doctrine and beliefs. Yet a religious group's goal is the same as that of any other group—it desires to preserve its speech, identity and credibility. Accordingly, when a campus prohibits religious groups from considering religious qualifications, just because they happen to be “religious” (a listed category in the nondiscrimination clause), instead of recognizing that the religious nature of a religious group requires religious consideration, that prohibition impacts and alters the speech of those groups.

All Cru chapters welcome any student to participate in and become a member of their chapters, but Cru expects its student leaders to meet a higher standard in order to ensure that its speech is not hypocritical. As groups formed for the religious purpose of building “movements of people who are transformed by Jesus Christ,” Cru needs leaders who will enable the groups to remain faithful representatives of the Christian faith, in both word and deed.

c. Religious groups should be given the same ability to preserve their missions and messages that other groups receive under nondiscrimination policies

Almost all student groups want leaders who embody a combination of knowledge, skill, values and beliefs that match up with those of the group or organization that they represent. Under a nondiscrimination clause, most groups can require that their leaders *believe* in the group's vision without violating the nondiscrimination clause. This is because requiring agreement with a group's mission does not involve any consideration of a status listed in the nondiscrimination clause. A person can hold almost any belief regardless of their status in the listed categories. The notable exception is religion, which is the one status that involves status *and* belief, inextricably tied together. A person is of a particular religious status *because* he holds certain beliefs.

For religious groups, therefore, the values and beliefs of the group that it wants its leaders to uphold are religious; a religious person will best embody them and is more qualified to articulate and express them to the campus community. A religious group, therefore, will have equal treatment *only if* it is allowed to consider the category of religion in its leadership selection. It does not create special treatment for religious groups to allow them to do so.

d. It is better for diversity and nondiscrimination to allow religious groups to be religious.

Nor does it compromise a university's goals of nondiscrimination and diversity to allow religious groups to be religious. In fact, it hinders that goal to disallow it, and may in fact result in religious discrimination on the part of the universities applying their nondiscrimination policies in such a manner.

To the contrary, allowing students and student organizations to engage in private student speech is a crucial part of maintaining a diverse campus. Diversity is best achieved when

students express diverse viewpoints with authenticity and conviction. Student organizations are a natural and appropriate place for students to organize around and express their common perspectives. Religious diversity in particular adds a great deal to a campus environment, building tolerance and respect for people different than oneself. Campuses should wish to foster it.

e. It does not result in entanglement to protect religious groups in this manner

No law requires universities to interpret their nondiscrimination policies in this manner. When they choose to do so, they end up isolating religious groups and making them into second class citizens.

Student groups and organizations may engage in expressive activity without it being considered as the speech of the university where they organize. On public universities, this is based upon the principle of limited open forums, where a university opens space for private speech. *See Widmar v. Vincent*, 454 U.S. 263 (1981); *Board of Regents of the University of Wisconsin System v. Southworth*, 529 U.S. 217 (2000). There is no Establishment Clause violation to allow a religious organization to remain and function as religious. In fact, it creates more entanglement when a university dictates how a religious group may or may not select its leaders than when it allows religious groups to function as religious and preserve their own doctrine. *See Hosanna-Tabor*, 132 S. Ct. 694.

In addition, these principles were not changed in *Christian Legal Society v. Martinez*, 130 S. Ct. 1971 (2010). In that case, the Supreme Court narrowly addressed a unique policy that they called an all comers policy, distinct from a regular nondiscrimination policy that details protected classes. *See id.* at 2995 (Stevens, J., concurring). The all comers policy was to apply “equally to all groups and views,” not just those involving protected classes. *See id.* at 2999 (Kennedy, J., concurring). In addition, the *Martinez* court did not require any such policy, but merely indicated that a true all comers policy was permissible. *See id.* at 2992.

Religious expression is particularly worthy of protection, as has been true since the founding of our country. Ensuring that people can authentically practice diverse religions is consistent with the U.S. Constitution, federal law and state laws across the country that recognize that religion is uniquely worthy of protection.

II. Cru continues to face challenges on specific campuses

In order to provide a concrete example of our pressing concern about the impact of nondiscrimination policies that are misapplied to prevent religious groups from selecting leaders based upon religious criteria, I will discuss a current issue that is still in process. Indiana University (IU) adjusted its nondiscrimination policy and sought to put language in that any interested student could “seek leadership positions...without regard to consideration of such characteristics as...” the listed nondiscrimination categories, including religion.

IU further clarified its intended meaning for such language when it issued an FAQ document in August of 2016 (see Attachment 1) that specifically stated “No” in answer to the question, “May SGSO’s require students seeking to serve in leadership positions to be members of a particular religion?” Many religious groups, including Cru, were alarmed by this response and began to express such concern to the administration. On September 20, through an email to religious group leaders, Cru became aware that IU had determined to suspend the implementation of the policy for a year, during which time the policy would be under review and IU would take comments on the policy. The link given was <http://policies.iu.edu/policies/categories/academic-faculty-students/academic-student-affairs/student-organizations.shtml> (See Attachment 2 for the first two pages of the proposed policy from that link).

For the remainder of the Fall of 2015, individual students and student organization leaders submitted comments expressing their concern about the impact the policy would have on religious groups. Many students described the positive impact a particular religious student group had had on their lives; many indicated that a student leader in their group had meaningfully impacted them precisely because he/she was more mature in his/her faith, emphasizing the importance of religious leadership qualifications for religious groups.

We are thankful that IU is going through the process of reevaluating the proposed language, but we remain concerned that such language remains in consideration for large university systems like IU. We appreciate the direct engagement that we have had with administrators, but we remain alarmed by the hesitation to ensure this simple protection for religious expression on the campus.

The policy at issue, if unchanged, will not merely hinder religious groups from advancing their beliefs, but will discriminate against religious groups. Religious groups will be forced to choose between preserving their religious missions and messages or being recognized student organizations. This would make religious students into second class citizens, separating their organizations out for different treatment simply because they select leaders who believe in their religious purposes as other groups select leaders who believe in their non-religious purposes. It is a significant burden to be unregistered and will lead to isolation for such groups.

The simple solution for such situations is for campuses to include an additional sentence to their nondiscrimination policies, such as “A religious student organization will not be denied recognition as a student organization because it requires its leaders to agree with its sincerely held religious beliefs and religious standards of conduct.” Unfortunately, instead of seeing that choice for what it is—a decision to move towards equality and diversity and to protect the expression of religious groups—many campuses persist in denying the inequality that these policies produce for religious groups.

The idea that some groups require language added to nondiscrimination policies in order to continue to function is not new; in fact, it is consistently done for fraternities and sororities. Universities regularly add a gender exception to nondiscrimination policies that allow fraternities and sororities to continue to select their members based upon gender.

This example of Indiana University's proposed policy is a symptom of a larger issue around the country. The misinterpretation of nondiscrimination policies in such a way that harms religious student organizations that are merely seeking to be religious, exemplified here, is unfortunately becoming more and more common. Ultimately, this dangerous perspective may lead to silencing religious viewpoints and hindering the free exchange of ideas in this country. It is therefore worthy of the attention of this subcommittee. Congress should take note and act to protect student religious expression from being marginalized and diluted.

Respectfully submitted,

/s/ Lori D. Kepner

Lori D. Kepner
Staff Attorney
Cru—General Counsel's Office

ATTACHMENT 1: this document was sent to religious workers at Indiana University on August 12, 2015. Question #6 raises particular concerns for student organizations formed for religious purposes.

Frequently Asked Questions about SGSOs and Indiana University's Non-Discrimination Policy:

- 1. What are the benefits of registering with the University as a Self-Governed Student Organization (SGSO)?**
The benefits of registering an organization as an SGSO include:

 - being able to reserve space on campus and often for free;
 - applying for a Student Organization Account;
 - applying for funding;
 - applying for office space in the IMU;
 - using the "SGSO at IU" trademark;
 - reserving a table for the Student Involvement Fair.
- 2. Can student groups who elect not to register as SGSOs still meet on campus?**
Yes, but they will not receive the benefits of being an SGSO. Non-registered groups of students are welcome to assemble and associate in areas of the campus that are open to them as students of Indiana University. Furthermore, they are welcome to reserve campus space for their events under the same terms and conditions as other third-party groups.
- 3. What non-discrimination requirements does the University have in place for SGSOs?**
The University requires all SGSOs to accept "all comers." SGSOs cannot reject students seeking to participate in, become members of, or serve as leaders of the organization because of their age, color, disability, ethnicity, gender, marital status, national origin, race, religion, sexual orientation, or veteran status. The University requires each SGSO to include the University's non-discrimination statement in its SGSO constitution.
- 4. May an SGSO establish eligibility requirements for membership or leadership positions that are not tied to an individual being a member of a protected class?**
Yes. SGSOs may impose eligibility requirements for membership and service in leadership positions as long as the requirements are not based on a student belonging to any of the protected classes listed above. Examples of acceptable requirements include:

 - requiring members to pay dues;
 - requiring members to attend group meetings consistently;
 - establishing that leadership positions within the group are open only to those members who have been in good standing with the group for a certain period of time;
 - honor societies establishing a minimum GPA threshold.
- 5. Are single-sex fraternities and sororities allowed under the University's non-discrimination statement?**
Yes. The University abides by Title IX of the Education Amendments Act of 1972, which recognizes that differentiated treatment based on sex for purposes of membership in a social fraternity or sorority is not unlawful. An organization in this category may remove "gender" from the non-discrimination statement in its SGSO constitution.
- 6. May SGSOs require students seeking to serve in leadership positions to be members of a particular religion?**
No. As mentioned above, eligibility for leadership in the SGSO cannot be based on any categories that are included in the University's non-discrimination statement. The requirement is that all students be eligible to join the SGSO and seek leadership positions within it. However, the SGSO is not required to elect or appoint any particular leadership candidate and may establish a process for electing or appointing leaders that does not exclude candidates based on their membership in a protected class. For example, a chapter of a religious student alliance would not be permitted to forbid someone of a different religion, or someone non-religious, from running for a leadership position within the SGSO.
- 7. What are the consequences of an SGSO failing to comply with the University's non-discrimination statement?**
If, after registering, an SGSO fails to comply with the statement by excluding a student due to his or her membership in one of the protected classes listed above, a complaint may be made under the IU Student Code of Rights, Responsibilities and Conduct and the campus judicial process for student organizations. If sanctions result from that process, they may include the SGSO losing SGSO status.

ATTACHMENT 2: This includes the first two pages of the proposed policy

NOTE: This policy will be in review for the 2015-16 academic year to enable wide discussion and feedback from all campuses. Please send questions or comment to: policies@iu.edu

PLEASE NOTE: This policy is currently under review.

Student Organizations

STU-01



About This Policy

Effective Date:

Last Updated:

08-20-2015

Responsible University Office:

Office of the Vice President & General Counsel Office of the Vice President & Chief Financial Officer

Responsible University Administrator:

Sr. Vice President & Chief Financial Officer Vice President & General Counsel

Policy Contact:

Campus Dean or Vice Chancellor for Student Affairs

Related Information

* [Code of Student Rights, Responsibilities, and Conduct](#)

- *
- *
- *

Related Forms

* [DRAFT SGSO Agreement for IU Bloomington](#)

[Scope](#)

[Policy Statement](#)

[Reason For Policy](#)

[Procedure](#)

[Definitions](#)

[Sanctions](#)

[Additional Contacts](#)

[History](#)

[Back to top ^](#)

[Scope](#)

Student organizations at Indiana University.

Policy Statement

Student organizations at Indiana University will be considered and/or administered in one of three ways:

1. Self-Governed Student Organization (SGSO)

Most student organizations at Indiana University will be considered Self-Governed Student Organizations (SGSOs). The SGSO is an independent entity or independent association of individual students. The University recognizes the important role played by the SGSO in engaging students, creating a diverse co-curricular environment, fostering the expression of students' ideas and interests, and adding to the unique identity of Indiana University. The relationship between the University and SGSOs is viewed as consistent with the University's philosophy of education and student self-governance. To this end, SGSO leaders and members shall assume the responsibility for the organization's activities and conduct. The University shall make available certain staff and resources in the campus student affairs office to answer questions regarding the relationship between the University and SGSOs and to provide education and services to support the effective functioning of SGSOs.

Self-Governed Student Organizations must:

- a. Have a minimum of five members who are enrolled students at the IU campus;
- b. Have officers who are enrolled students at the IU campus;
- c. Have an advisor who is either an employed IU faculty or staff member (undergraduate students may not qualify as an advisor);
- d. Have a constitution that includes the following required anti-discrimination statement as well as any other language required by the campus student life office:

(Name of SGSO) allows any interested student to participate in, become a member of, and seek leadership positions in the organization without regard to consideration of such characteristics as age, color, disability, ethnicity, sex, gender identity, marital status, national origin, race, religion, sexual orientation, or veteran status.

**Under 20 U.S.C. 1681(a)(6)(A), social fraternities and sororities are exempt from Title IX discrimination prohibitions on the basis of sex with respect to their membership practices. The law recognizes that differentiated treatment based on sex for purposes of membership in a social fraternity or sorority is not arbitrary or unlawful. Organizations in this category may remove "gender" from the non-discrimination statement in their constitution.*

Self-Governed Student Organizations are considered separate organizations and must register annually and agree to and operate under the terms of the Self-Governed Student Organization Agreement ("SGSO Agreement"). SGSOs may receive a range of benefits by participating in the SGSO process and operating under the SGSO agreement, including eligibility to apply for and receive student activity fee funding; priority use of university facilities and services; an association with the Indiana University name through approved IU student organization branding elements; a network ID and email address; and the option of accounting management assistance where available. In part, the SGSO Agreement provides that:

- a. The SGSO is an independent entity or independent association of individual students, operates independently and is not an agent, servant, or employee of IU, and neither has the authority to act for the other or commit the other to any activity, transaction, or agreement;
- b. IU does not supervise, direct, or control the SGSO's activities;
- c. IU controls its facilities and services, which may be provided to the SGSO under certain conditions;
- d. The SGSO will comply with the terms of the campus student organization handbook;
- e. The SGSO's activities, whether or not sponsored or officially approved by the SGSO, do not and will not violate local, state, or federal laws;
- f. The SGSO's objectives are educational, charitable, cultural, social, or recreational and not for personal or private financial gain of any member;
- g. The SGSO and its members are subject to the Indiana University Code of Student Rights, Responsibilities, and Conduct;

Testimony of Mitchell Steffen
Submitted for the record February 29, 2016

Members of the House Committee on Ways and Means Subcommittee on Oversight,

Thank you for offering me this opportunity to testify today on my recent experience with censorship of free speech on campus.

My name is Mitchell Steffen and I am a freshman student at Macomb Community College located in Clinton Township of Macomb County, Michigan.

On Tuesday, February 16, 2016, I was registering students for Young Americans for Liberty, a student group with an active campus membership, with a friend inside the student life building located on the center campus during school hours. We were carrying clipboards; we had no table and posted no materials on the walls. We approached students passing by and elicited them to join our organization, which discusses and advocates on freedom issues on college campuses (including, ironically, freedom of speech on campus.)

We canvassed the area for about 20 minutes when we were approached by a school official who did not identify herself but insisted we stop and refrain from recruiting students without first obtaining permission from the administration. I asked her what would happen if we refused to do so. She replied by saying that campus police would make us stop by whatever means necessary.

We complied to avoid escalating the situation, but once the official left, we struck up conversations with students about what had just happened.

Subsequently, we reserved a table to canvass at the student life center at the South campus, again to recruit members for our organization. We were approached by the same woman, who asked whether we were petitioning. We informed her we were not. She explained that for our information, we could not petition without obtaining prior approval from the administration. She departed and allowed us to continue recruiting at our table, but returned shortly thereafter and presented us with a printed copy of the college's policy on "expressive activity," with handwritten contact information for Geany Maiuni, Dean of Student and Community Services. The policy is located on the Web at: <http://www.macomb.edu/about-macomb/college-policies/administrative/policy-expressive-activity.html> and is attached.

She departed and we concluded the event without further incident.

I have serious concerns about both the policy on "expressive activity" and the incidents. I will discuss the policy first.

Nowhere is any lawful authority cited for the university to demand students obtain prior permission to engage in "expressive activity," to prohibit "expressive activity" inside

College buildings, or to exempt labor unions from these rules. Nowhere is any explanation provided for the *need* to demand students obtain prior permission to engage in “expressive activity”: no record of any pattern of problems created by “expressive activity” was offered. No explanation for prohibiting “expressive activity” in College buildings was given.

While it might be unnecessary to cite the legal reasons for rules relating to, for example, signage size limits near roads, it is, or certainly should be, necessary to justify rules that clearly inhibit free speech. It is unreasonable to limit students' right to “expressive speech” to outdoor areas, where rain, snow, and bitter cold can discourage participation and even pose safety hazards.

There is no remedy provided for a Dean's failure to grant permission promptly, or for any failure on the part of the Dean or the College.

Finally, and perhaps most importantly, *there is no justifiable reason why my community college should be permitted to define activities it can regulate as “expressive speech” using such broad terms as “assemblies” and “campaigning” which do not carry any inherent risk to public health and safety. The College is not, or certainly should not be, permitted to limit the First Amendment rights of its students.*

Now, as to the incidents.

In the first, the campus official – perhaps the Dean herself – ordered us to cease and desist, under threat of possible academic sanctions or even arrest, without making even basic inquiries to determine whether we were actually in violation of any policy.

I do not believe my friend and I violated any campus policy, and we were wrongfully stopped from freely engaging in lawful activity.

I do not believe it would have been, or should have been, lawful for the College to have stopped us if we had been petitioning, demonstrating, or “assembling” if we were not doing so disruptively.

In the second incident, the campus official was more reserved, since this time she did not stop us from approaching our fellow students under threat of police action, when we were doing nothing different from the first incident. But because we were doing nothing different, and we were approached and delivered a printed copy of the “expressive activity” policy, we interpreted the intent of the agent of the Dean as to send a clear message that we were being closely watched and advised to obey the unconstitutional policy.

I strongly believe both the policy and the manner it is enforced are highly inappropriate, and a symptom of a more systemic problem of a lack of concern for the First Amendment in college administrative policy.

The policy was undoubtedly reviewed by College attorneys who apparently saw no problem with the issues I raise here. The conduct of the official who wrongly threatened me and my friend suggests that there is no policy for administrators' conduct to ensure they are aware of students' rights.

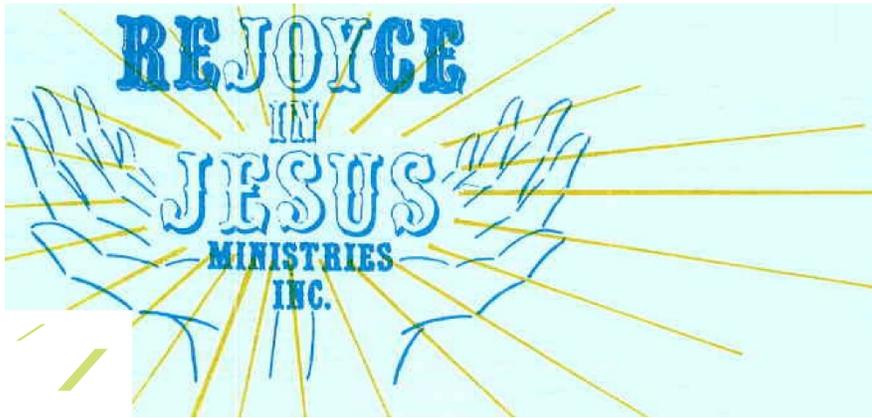
I believe we need stronger protection for the First Amendment rights of students on college campuses. While these matters are often appropriately handled at the state level, the Fourteenth Amendment grants Congress the authority to protect the First Amendment rights of citizens at the state level.

Thank you for taking the time to contemplate this important constitutional issue. The right of students to engage in free speech and political assembly on college campuses improves the quality of political discourse, which benefits our society as students graduate to become leaders.

I appreciate your consideration of my story, my situation, and my interpretation of what these facts mean.

Respectfully submitted,

Mitchell Steffen



DIAL R·E·J·O·Y·C·E
323 735·6923

March 16, 2016

The Honorable Peter Roskam
Chairman, Subcommittee on Oversight
The Honorable John Lewis
House Committee on Ways and Means
1102 Longworth HOB
Washington, D.C. 20515
waysandmeans.submissions@mail.house.gov

Re: Written statement of ReJOYce In Jesus Campus Fellowship
submitted for the written record for the Oversight Subcommittee's Hearing on
"Protecting the Free Exchange of Ideas on College Campuses" on March 2, 2016

Dear Chairman Roskam and Ranking Member Lewis:

Thank you for holding the hearing on March 2, 2016, regarding the free exchange of ideas on college campuses. As ReJOYce In Jesus Campus Fellowship ("RJCF") knows too well from its own experiences, the free exchange of ideas, including religious ideas, is under attack on college campuses nationwide. College administrators too often deny access to religious student organizations in order to penalize the religious organizations for their religious beliefs and conduct. This letter will describe a recent problem that RJCF had at California State University, as well as a problem at Texas A&M University in the past. RJCF has been a recognized student organization on many college campuses across the country for several decades. RJCF is a Christian student group that primarily, but not exclusively, draws its membership from the African-American Christian community and that-- unremarkably until recent years-- requires its leaders to believe in Jesus Christ as their Lord and Savior.

California State University: California State University is the largest public university in the country with 437,000 students on 23 campuses. Cal State recognizes thousands of student organizations and allows them to meet for free and have access to various channels of communication with other students and the broader campus community.

For over 40 years, RJCF had been a recognized student organization at Cal State's Northridge campus ("CSUN"). But in December 2011, former Chancellor Reed adopted Executive Order 1068 that, among other things, re-interpreted the university's nondiscrimination policy to prohibit religious student groups from maintaining religious leadership requirements. The order also purported to adopt an "all-comers" policy that would prohibit all student groups, including religious groups, from choosing their leaders according to the groups' beliefs. The executive order is at <http://www.calstate.edu/eo/E0-1068.pdf>.

P.O. BOX 47775 LOS ANGELES CALIFORNIA 90047

Cal State's new policy employed an unfair double standard: fraternities and sororities were given an exemption to select their leaders and members on the basis of sex, but religious organizations were denied an exemption to select their leaders on the basis of their religious beliefs.

In 2013, Cal State began to implement its new policy, notifying several religious student organizations, including RJCF, that they would no longer be recognized as student organizations unless they stopped requiring their leaders to agree with their religious beliefs. In August, Cal State granted religious student groups a one-year moratorium for the 2013-2014 academic year. The fact that the religious groups were the only ones seeking a moratorium demonstrates that other student groups could easily adapt to the new policy, whereas the religious groups could not.

During the moratorium, religious student groups urged Cal State to adopt a simple solution. All Cal State needed to do to respect religious liberty was to add a single sentence to its policy: "The prohibition on leadership policies that discriminate on the basis of religion does not apply to religious student organizations." The religious groups provided Cal State with several examples of other major universities' nondiscrimination policies that respected religious liberty. In December 2014, members of Congress sent a letter to California State University, expressing their disapproval of the religious student groups' exclusion.

Despite the letters from the Members of Congress and the religious student organizations, Cal State refused to extend the moratorium and began enforcement against the religious groups during the 2014-15 academic year. Cal State withdrew recognition from many religious student associations, including RJCF, InterVarsity Christian Fellowship, Cru (formerly Campus Crusade for Christ), The Navigators, Chi Alpha, and Ratio Christi. Some of these groups had met for over forty years on California State University campuses with religious leadership requirements. But under the new policy, as one Cal State administrator explained to the media, "What they cannot be is faith based where someone has to have a profession of faith to be that leader."

In January 2015, RJCF's student president received notice that Cal State was terminating RJCF's recognition as a student group. Cal State's letter, which is attached, explained:

This correspondence is to inform you that effective immediately, your student organization, ReJOYce In Jesus Campus Fellowship, will no longer be recognized by California State University, Northridge.

. . . . The ReJOYce In Jesus Campus Fellowship organization will no longer be recognized given failure to submit an organizational constitution that is in compliance with nondiscrimination and open membership requirements as outlined in California State University Executive Order 1068. In withdrawing University recognition, your organization is no longer afforded the privileges of University recognition (sic) Clubs and Organizations.

The attached letter then listed the penalties RJCF incurred for requiring its leaders to agree with its religious beliefs, which included:

- Ability to reserve two free meeting rooms per week;
- Recruiting CSUN students through official campus recruitment programs;
- Suspension of its university email and website accounts;
- Eligibility for student activity fee funding;
- Ability to receive mail at the University.

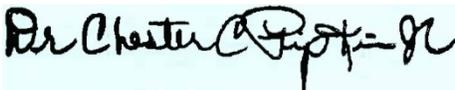
As a CSUN administrator subsequently explained, unrecognized student groups "will be charged the off-campus rate and will not be eligible to receive two free meetings per week in [university] rooms." The off-campus rental rate was \$120-\$200 per meeting, which RJCF students could not afford. As a result of being "de-recognized," some religious student groups paid thousands of dollars to rent meeting space and obtain insurance coverage-- both of which had been free for forty years and were still free to recognized student organizations.

Eventually, Cal State retreated from its position and provided a few religious groups with a letter stating that, under certain circumstances, their leadership selection processes could include questions about a candidate's religious beliefs. But the executive order has not been revised, and religious groups remain at the mercy of Cal State administrators on 23 campuses. While Cal State re-recognized the religious groups for the 2015-2016 academic year, the situation remains unsettled, and students' religious liberty and freedom of speech remain encumbered at Cal State.

Texas A&M University: For nearly 20 years, RJCF has been a recognized student group at TAMU. RJCF has always required that its leaders believe in Jesus Christ as their Lord and Savior. But in the fall of 2011, RJCF submitted the same constitution that had been approved in past years with its routine request for renewal of recognition as a registered religious student organization. The Office of Student Life, however, unexpectedly threatened to deny recognition unless RJCF changed its constitution to delete its requirement that its leaders share its core religious beliefs. Only after legal counsel sent a letter to TAMU's general counsel on behalf of RJCF did TAMU re-recognize RJCF as a student organization. The attached letter from Ms. Richardson details the situation.

This letter has addressed two situations in which RJCF has had its recognition as a student organization threatened because it requires its leaders to be religious. But there are many other such situations, as well as times when RJCF chapters have experienced restrictions by campus administrators on RJCF students' speech because it is religious or because RJCF is a religious organization. For this reason, we are deeply grateful for your attention to the problems religious students are encountering on college campuses across the country.

Respectfully submitted,

A handwritten signature in black ink that reads "Dr. Chester C. Pipkin, Jr." The signature is written in a cursive style and is placed on a light blue rectangular background.

Dr. Chester C. Pipkin, Jr. Pastor
and President,
ReJOYce In Jesus Ministries, Inc.

January 20, 2015

Cinnamon McCellen
Rejoyce in Jesus Campus Fellowship

Cc: Vicki Allen, Advisor

Dear Cinnamon:

This correspondence is to inform you that effective immediately your student organization, Rejoyce in Jesus Campus Fellowship, will no longer be recognized by California State University, Northridge.

Withdrawing or withholding of official recognition can occur when an organization has failed to meet the standards required for official recognition in a given year. The Rejoyce in Jesus Campus Fellowship organization will no longer be recognized given failure to submit an organizational constitution that is in compliance with non-discrimination and open membership requirements as outlined in California State University Executive Order 1068.

In withdrawing University recognition your organization is no longer afforded the privileges of University recognition Clubs and Organizations. Those include:

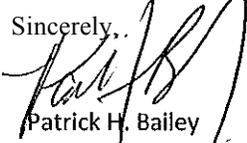
- Recruiting California State University, Northridge students through official campus recruitment programs (such as Meet the Clubs, Matafest, AS Fair, etc.).
- Utilizing the university name as a designation for your organization.
- Have a university issued email account and or website. If your club or organization has a current email or website, a request to suspend your email and website will be sent to the University's IT department and will be deactivated within a week.
- Eligibility for Associated Students, Inc. (A.S.) funding and utilization of AS financial and marketing resources and services.
- Eligibility for University Student Union (USU) facility use at a discounted rate. Only University recognized clubs or organizations are eligible for the discounted rates and fee waivers on room reservations in the USU. Groups of students not recognized by the university who reserve rooms through USU Reservations and Events Services will be charged the off-campus rate and will not be eligible to receive two free meetings per week in USU rooms. Rate information can be found at the following website: www.csun.edu/usu.
- Eligibility for USU co-sponsorship support. Any organization applying for co-sponsorship must be a University recognized club or organization, auxiliary or university department. Therefore, any group of students not officially recognized by the University would not be eligible to receive any USU Co-Sponsorship funding including, but not limited to, funding for costs of room reservations, event production costs, performer fees, food, or Performance Hall usage.
- Ability to have a mailbox and receive mail at the University. If you currently have a mailbox at the MIC it will be closed (all current contents if any, will be kept for you by the Club and Organization Advisor).

This loss of University recognition is effective immediately and notification has been sent to both the Associated Students and the University Student Union.

If your organization determines that it would again like to be officially recognized by the University, please contact the Matador Involvement Center (MIC) located on the first floor of the USU to discuss how your organization can come into compliance with non-discrimination and open membership guidelines as outlined in E01068. Assistant Director Vicki Allen or Activities Coordinator Jennifer Villarreal are both available to assist you and can be reached at 818-677-5111 or via email at micleadership@csun.edu.

If you have any questions or additional concerns please contact me at 818.677.2393 or via email at patrj4iley@csun.edu

Sincerely,



Patrick H. Bailey

Director, Office of Student Involvement and Development
California State University, Northridge

CC: Associated Students University
Student Union Matador
Involvement Center
University Advisor for Rejoice in Jesus Campus Fellowship

June 10, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Franks,

My name is Cinnamon McCellen. I was the student president of the ReJOYce in Jesus Campus Fellowship ("RJCF") at California State University Northridge ("CSUN") from 2013-15. RJCF has been a recognized student group at CSUN for over 40 years and always required that its leaders believe in Jesus Christ as their Lord and Savior. In January 2015, we were told that RJCF would "no longer be recognized given failure to submit an organizational constitution that is in compliance with nondiscrimination and open membership requirements as outlined in California State University Executive Order 1068." As students of faith, we feel our constitutional rights are being violated and we are no longer welcome at CSU.

As a group whose membership draws many students from the African American community, RJCF understands the critical importance of nondiscrimination policies and discrimination is not something we take lightly. We have painfully come to learn that nondiscrimination policies can be misused, as CSU is doing by recently reinterpreting and misinterpreting its nondiscrimination policy to exclude religious student organizations from campus for being religious.

RJCF meets weekly for Bible study, prayer, and mutual encouragement. We help one another, pray for one another, and encourage one another. Many RJCF members are away from home for the first time. RJCF's meetings provide a spiritual home during the challenging adjustment to college life. Because Christian views are not always welcome in the classroom or dormitories, it is refreshing to have a place where we can be open about our faith and learn what the Bible says about specific problems we face or contrary views we hear from professors and other students.

On February 20, 2013, we received an email stating that RJCF's ability to remain a recognized student organization was in jeopardy as a result of Executive Order 1068. Many other religious groups at CSU received similar notices. In the summer of 2013, the religious groups petitioned the new chancellor for a moratorium on implementation of Executive Order 1068. We were grateful when the CSU chancellor announced a one-year moratorium for the 2013-14 academic year. The fact that the moratorium was sought by, and applied solely to, religious student groups showed that Executive Order 1068 really affected only the religious groups that could not in good conscience renounce their religious requirements for leadership. As a result of the moratorium, RJCF remained a recognized student group at CSUN for the 2013-2014 academic year.

Despite RJCF's and other religious groups' requests that the moratorium be extended, CSU refused to extend it for the 2014-15 academic year. After making all the changes that we could in good conscience make, RJCF submitted its constitution and the required recognition forms with a statement that it signed the forms based on RJCF's belief that it is not religious discrimination for a religious group to have religious leadership requirements, as it has had for the 41 years that it has been a recognized student organization at CSU, and as it will continue to have.

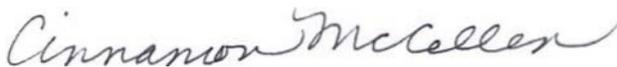
On January 22, 2015, I received a letter from the CSUN administration stating that RJCF "will no longer be recognized." RJCF could not pay the weekly rental fee of \$200 that CSU said we would have to pay to keep meeting in the room that we had held our weekly meetings in for free. We reluctantly moved our meetings off-campus.

Because we are no longer a recognized student group, we've lost numerous benefits. The most damaging consequences of CSUs discrimination are the inability to meet on campus, to advertise on campus and to participate in student organizational fairs. These are critical avenues for student groups to be accessible to new students and continue to grow and serve the campus community. Student groups that can't grow eventually can't function as members graduate.

Leaders are the life and future of any organization. Ask any corporation looking for a new CEO. To suggest that this is not the case seems extremely ignorant at best. How can someone lead you effectively in something which they do not believe? Just as it is understood that a fraternity by nature would be led by a male person and a sorority by a female person because of the nature and purpose of the organization, it should also be understood that a religious organization would best be led by a person of that religion. We are not asking a math club to require their leaders to be religious. The nature and purpose of our organization is religious and our leaders must be able to demonstrate and promote our beliefs in order to be effective. To call this discrimination is ridiculous.

We feel that CSU is engaging in religious discrimination by excluding religious student groups from campus solely because they exercise their basic religious liberty to choose their leaders according to their religious beliefs. But we see additional discrimination in the fact that CSU continues to allow fraternities and sororities to choose their leaders and members on the basis of sex, even though Executive Order 1068 prohibits sex discrimination. We deeply appreciate anything that you can do to restore our constitutional freedoms on CSU's campuses.

Sincerely,

A handwritten signature in cursive script that reads "Cinnamon McCellen".

Cinnamon McCellen

----- Forwarded message -----

From: [CSUN Administrator – name redacted]

Date: Mon, Nov 3, 2014 at 10:31 AM

Subject: RE: University Recognition - Important Message

To: [Rejoyce In Jesus Campus Fellowship Student President – name redacted]

Cc: [CSUN Administrator – name redacted]

Hi [RJCF Student President -- name redacted] —

USU Reservation and Event Services has provided me with current rates for off-campus organizations. Reservation are made for ½ day and or full day only, no hourly rates are available. I have asked for the rate of the current room used by RJCF and a room that is slightly smaller that could accommodate 20-30 people. These rates are for standard room set-up and do not include any special request (i.e. microphones, sound systems etc.)

Room Type	½ Day Rate	Full Day Rate
Balboa Room (Current RJCF Rm)	\$200	\$350
Reseda Room	\$120	\$200

[CSUN Administrator – name redacted]

June 10, 2015

The Honorable Trent Franks,
Chair Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the United States House of Representatives
2141Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Franks:

My name is Dr. Ra'sheedah Richardson, and it is an honor to submit this letter for your review on the behalf of ReJOVce in JESUS Campus Fellowship (RJCF) at Texas A&M University (TAMU). I was a member of RJCF at TAMU during graduate school from 2003-2012. RJCF has been a recognized student organization on the campus of TAMU since 1996. RJCF enjoyed this status uninterrupted for well over a decade, until the 2011-2012 school year when TAMU restricted our status as a campus group.

RJCF hosts a number of activities and services open to the Texas A&M community, such as a weekly Bible study, weekend fellowship events and prayer. RJCF typically has from 20-30 students who participate. Personally, RJCF not only supported me through spiritual development and in my relationship with the Lord Jesus, but the fellowship encouraged me to pursue academic excellence and to develop character traits like integrity, wisdom, composure and faithfulness that have been essential for a successful professional career. RJCF has helped me as well as countless other students make the adjustments needed to stand through the pressures and challenges faced in college life and beyond.

In October 2011, the TAMU Office of Student Organization Development and Administration (OSODA) within the Department of Student Activities sent us an email taking exception to RJCF's criteria for voting membership and/or leadership. RJCF seeks to preserve the intent of our organization through our voting member/leadership requirements. OSODA cited the University's statement on harassment and discrimination which states, "Texas A&M University in accordance with applicable federal and state law prohibits discrimination, including harassment on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status." The email went on to state that, "This statement extends to student organization membership and leadership, and since ReJOVce in Jesus has a religious component outlined for its voting membership and leadership eligibility, your criteria warrants further review."

Following a review process which included a face-to-face meeting with Office of Student Organization Development and Administration personnel, RJCF was asked to change its constitution in order to remain a recognized student organization at TAMU. I and others in our group were greatly troubled by what we felt was an attack on our rights as students of faith on campus and a misuse of TAMU's non-discrimination policy. We were informed that many other religious student groups at Texas A&M received similar notices and were forced to review and/or revise their constitutions.

For a Christian student organization having leadership that holds to the same beliefs and values is essential. Without it, we would not be able to preserve the integrity of our values, beliefs and purposes as a faith-based group. I would have personally felt very uncomfortable if the leadership of our organization had been someone who did not subscribe to the tenets of the Christian faith as it would have changed the direction of RJCF monumentally. RJCF would have ceased to have the same

meaning and purpose as a Christian organization if a non-Christian was an officer. This would have subsequently caused me to withdraw my membership. As a result I would not have received the support offered by RJCF through college.

Without student group recognition, we would not have been able to continue to meet freely on campus to encourage each other in our growth both spiritually and academically. According to TAMU policy non-recognized student groups are required to pay \$100 per instance for each room reservation. It would have cost our group up to \$7,600 per academic year to continue to operate on campus. This is far too great a hardship for a small student group like RJCF to maintain.

Additionally, non-recognized student groups have a much more difficult time advertising for the group on campus. Specifically, they are unable to post fliers, reserve other advertising media or reserve campus outdoor space. Non-recognized student groups are also not allowed to participate in the MSC Open House-the most significant campus-wide event that allows students to connect with and learn about organizations consistent with their interests, needs or beliefs and what they have to offer.

I have no doubt that had not we sought legal assistance clarifying the interpretation of federal law, RJCF would have ceased to exist on Texas A&M University's campus. After reviewing a letter received from our legal counsel, the University changed its position and acknowledged that RJCF "meets the criteria necessary for an exemption to the open membership requirement outlined in Texas A&M Student Rule 41.1.S which states that student organizations should 'be open in its membership unless otherwise permitted under applicable federal law.'" RJCF's recognized status was subsequently restored.

Sincerely,

A handwritten signature in cursive script that reads "Ra'sheedah Richardson". The signature is written in black ink on a light-colored background.

Ra'sheedah Richardson, Ph.D.