



August 12, 2011

Chancellor Nicholas Zeppos
Vanderbilt University
211 Kirkland Hall
Nashville, Tennessee 37240

By email (chancellor@vanderbilt.edu) and fax (615.322.6060)

RE: The Vanderbilt University Policy Regarding Religious Student Organizations

Dear Chancellor Zeppos:

We respectfully write to urge the Vanderbilt University administration to nurture a campus environment that welcomes religious groups of all faiths and is hostile to none, that encourages free speech for all student organizations and does not suppress unpopular or minority religious viewpoints, that protects all religious groups' right to exist and express their religious beliefs despite some administrators' disagreement with their religious beliefs.

This past April, several religious organizations that have long been registered groups at Vanderbilt, including the Christian Legal Society (CLS) student chapter at Vanderbilt Law School, had their approval to register as student organizations "deferred" for this coming academic year. The deferral was based on their practice, common to many religious groups, of requiring their leaders to affirm that they share the groups' core religious beliefs. Just as the Democratic Students Association wants its leaders to agree with the Democratic Party's platform, and the Animal Rights Club wants its leaders to commit to vegetarianism, many religious groups believe that it is essential for expression of their religious identities that their officers agree with their religious beliefs. In other words, the right of religious groups to be religious depends on their ability to have leaders who are committed to their religious beliefs.

Hoping to gain approval, the deferred groups resubmitted their constitutions on June 1st; however, on August 10th, the Interim Director of Religious Life informed the CLS student chapter that its registration was deferred again because its constitution provided that "[e]ach officer is expected to lead Bible studies, prayer, and worship at Chapter meetings." According to the Interim Director, "This would seem to indicate that officers are expected to hold certain beliefs. Again, Vanderbilt policies do not allow this expectation/qualification for officers." (Please see the attached email from the Interim Director to the CLS chapter president.)

A University cannot aspire to promote religious diversity on campus while instituting a policy that religious groups cannot expect their leaders to lead religious studies, prayer, and worship. How can religious diversity exist if the Catholic group must allow Baptist students to lead its worship, or a Jewish group must allow Christian students to lead its study of the Torah?

Is the University really insisting that a Muslim student group accept a pantheist as its prayer leader?

The Interim Director also criticized CLS's requirement that its leaders agree with its basic statement of faith. According to the Interim Director, "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." Of course, it is wrong for nonreligious groups to consider a person's faith in their leadership decisions. For example, the Astronomy Club should not exclude a Christian from being its president because of her religious beliefs. But a religious group, by definition, forms around specific religious beliefs, and for that reason must take into account its leaders' commitment to those religious beliefs if the group is to maintain its distinctive religious identity. It is good for a "Universalists' Religious Group" to meet on the Vanderbilt campus, but it is not good for the University to require every religious group to be a "Universalists Religious Group." If the University truly has such a policy, it stifles religious diversity on campus.

We trust that the University seeks to be sensitive to the importance many religious groups place on their ability to choose leaders who share their core tenets of faith. A religious group's leaders necessarily lead the group's core religious practices, including worship, prayer, study of scripture, and service to others. The leaders are the group's primary voice, both internally to its members and externally to the University community. A committed leader can determine whether a group thrives or withers. We are confident that the University recognizes the essential role that leaders play and will reaffirm its past practice of protecting religious student groups' basic ability to choose leaders according to the groups' sincerely held religious beliefs.

Such a policy furthers the basic goals of the University's nondiscrimination policy — a policy that includes religious persons among the persons it protects. Indeed, the University explicitly recognizes this important principle when it states in its sexual orientation nondiscrimination policy that "*[i]n affirming its commitment to this principle, the University does not limit freedom of religious association.*" Faculty Manual Vanderbilt University at 68-69 (emphasis added).

The University's commitment to freedom of religious association is simply a common sense application of its nondiscrimination policy. A nondiscrimination policy that expressly aims at protecting religious persons should not become an instrument for banishing them from campus. Indeed, the University violates its own nondiscrimination policy if it prohibits religious student organizations from having leadership requirements that reflect their religious viewpoints, while it allows nonreligious student groups to have leadership requirements that reflect their nonreligious viewpoints.

Allowing religious student groups to maintain their unique religious identities promotes a healthy religious diversity on campus. The deferred groups represent a distinct segment of the

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religious spectrum at the University. We are confident that the University rejects the notion that religious groups are fungible and these groups will not be missed. We hope that the University does not intend to play favorites among religious groups by singling out for deferral evangelical Christian groups who traditionally require their leaders to affirm their core religious beliefs.

We are optimistic that the denial of approval was an aberration in the University's traditional openness to all religious groups. We trust that the University will move quickly to reaffirm religious groups' right to exist undisturbed on campus by granting approval to the deferred groups. Because the academic year is about to begin, the groups need prompt approval in order to reserve rooms for meetings, be listed on the University's website for student organizations, and participate in the student organizations fair for incoming students.

We have shared this letter with Dr. Charles Haynes, Senior Scholar at the Freedom Forum First Amendment Center. He strongly supports our position and joins us in asking the University to approve the deferred religious organizations.

The University is a leader in the nation and world. In an increasingly uncivil society, its campus can serve as a model of respect for differing viewpoints. The University's constant interaction with other nations' governments, some of whom brutally repress their own people's religious expression, makes it essential that the University's own campus be a model of tolerance for all faiths.

We look forward to hearing that the CLS chapter has been approved as quickly as possible. If a meeting or call to discuss the issue would be helpful, please contact me at (703) 894-1087 or by email at kcolby@clsnet.org. I look forward to hearing from you soon.

Yours truly,

s/ Kim Colby

Kim Colby
Senior Counsel

cc: Dean Mark Bandas, Dean of Students (deanofstudents@vanderbilt.edu/615.343.3702)
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