

## PREFACE

Students should know their rights and liberties, and they need to be better informed and better equipped about how to assert and defend these precious things. The protectors of students' rights and liberties—those faculty, administrators, parents, alumni, friends, citizens, advisers, and attorneys who care about such vital matters—should understand the threats to freedom and legal equality on our campuses, the moral and legal means of combating those threats, and the acquired experience of recent years. To that end, the Foundation for Individual Rights in Education (FIRE) offers this *Guide to Religious Liberty on Campus*, part of a series of such guides designed to restore individual rights and the values of a free society to our nation's colleges and universities. These guides also should remind those who write, revise, and enforce campus policies of the legal and moral con-

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straints that restrict their authority. The sooner that colleges and universities understand their legal and moral obligations to a free and decent society, the less need there will be for guides such as these.

# INTRODUCTION

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Consider Tufts University, Grinnell College, Williams College, Ball State University, Whitman College, Middlebury College, Randolph-Macon Women's College, the State University of New York at Oswego, Wichita State University, Castleton State College, and Purdue University. This roll call of colleges and universities is merely a partial list of schools that have sought to either ban outright or heavily regulate the activities of religious students or religious student groups. These institutions have charged students and student groups with, among other things, violating school policies on the inclusion of gays and lesbians, violating school regulations of speech, and, ironically, "discriminating" on the basis of religion. In the modern university, it is now considered improper for religious groups to use religious

principles to make religious decisions about their religious missions.

Many students accustomed to being in an active religious majority in their high schools and communities will find an almost complete reversal of their circumstances when they enter the world of American higher education. Just as religious majorities should respect—morally and legally—the rights of unbelievers or dissenters back in their home communities, so should colleges and universities respect the rights of religious students on America's campuses. The tragedy of power is that we usually see the abuses of others, but we too rarely see our own.

In many ways, religious liberty is now center stage in the battle for freedom on campus. For too many administrators, religious students are particularly convenient targets. After all, they think and behave in ways that many other students don't understand; they tend to be very small minorities on most campuses; and—by religious conviction—they often resist even the most heavy-handed repression. For all the talk about diversity and tolerance, too few students and faculty care when people of faith are given fewer rights than other groups, and such believers enjoy scant support when they engage in religious practices deemed “regressive” by their more “progressive” peers. In the eyes of the modern academic community, the fewer “fanatics”—of the “wrong” kind—the better.

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All friends of liberty must stand against this kind of oppression, and doubly so when it is selective. Selective repression is particularly dangerous, of course, because when repression is applied across the board and equally to all groups, everyone recognizes and begins to work against it. When repression is selective, too many just stand by. The free marketplace of ideas—where individuals and groups may peacefully and without coercion follow their own consciences—nurtures a true civil society capable of peaceful change.

Universities, as we shall see in the pages that follow, have a moral—and often legal—obligation to their students' freedom of conscience and freedom of thought. Religious liberty—including the freedom to disbelieve—is a fundamental freedom. Universities are places where ideas should be exchanged, discussed, analyzed, and debated. They should not be centers of a one true, politically acceptable agenda, let alone of such an agenda enforced by secret tribunals. Universities that promise academic freedom and pluralism may not in good conscience banish this or that orthodoxy or heterodoxy from their public arenas.

This guide is a major step in the battle for religious freedom and the rights of conscience on campus. Its purpose is to educate students, faculty, administrators, and the public on the origins and nature of religious liberty in our society and, more particularly, on our campuses. The first section of this guide defines the scope of

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religious liberty generally. The second section explains religious liberty and the rights of conscience in the public and private university. The final section outlines the most common threats to basic religious liberty and provides basic guidance for those who seek to respond to such threats.