

## 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 Student Fees, Funding, and Legal Equality 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

# INTRODUCTION

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Many students attending public colleges and universities are surprised and sometimes outraged to learn that school rules require them to fund groups that advocate ideas they find morally or politically unacceptable, across the spectrum of student organizations. Mandatory fees, the funding of student groups, and the often arbitrary standards by which such funding occurs raise issues of the highest constitutional and moral importance. Students, faculty, and administrators should understand the principles involved in these issues. Students who believe themselves the victims of unlawful behaviors and double standards should understand their rights, the limits of those rights, and the means to seek a more just campus.

Students on many campuses understand that the fees they must pay are often used to fund groups that advocate a wide array of beliefs and causes. Most campuses have some combination of groups composed of evangel-

ical Christians; gay, lesbian, bisexual, and transgendered students; environmentalists; Latin mass Catholics; vegetarians; Muslims; atheists; feminists; anarchists; communists; or conservatives (in addition, indeed, to bagpipers and chess players). Many students ask, "How can the school force me, as a condition of my getting an education here, to fund groups with which I don't agree?" Starting in the 1970s, students at public colleges and universities have brought numerous lawsuits that asserted, on First Amendment grounds, the right of individual students to opt out of having to fund groups that they find objectionable. The results of such suits are finally becoming clear.

More recently, student fee controversies have generated another category of lawsuit. These suits have focused on the issue of whether or not a state university—or its student government—may *deny* funding to a campus organization because it advocates a controversial point of view, such as salvation in Jesus Christ alone, absolute tolerance toward homosexuals, or either side of the affirmative action debate. Again, the courts are now speaking with a clearer voice.