

December 8, 2008

Dear Mr. Roland Daniels, University of Florida Board of Trustees:

Gator Christian Life, a student group in good standing with the University for 17+ years has been de-recognized this semester because it has not adopted University of Florida policies and beliefs about non-discrimination as its own. The University of Florida and the Center for Involvement have instituted a policy requiring student groups have the below verbatim quote of the University-approved non-discrimination statement in their constitutions in order to be a registered student group:

Non-Discrimination Clause (Article IV): "In compliance with the University of Florida Non-Discrimination Policy (Regulation 6C1-1.006), the <name of organization> will not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations, and veteran status as protected under the Vietnam Era Veteran's Readjustment Assistance Act."

As Christians, our group cannot accept forced inclusion of the University-approved statement as it violates principles set forth in the Bible, the foundation for our beliefs. The ramifications of forced adoption of this statement go far beyond our status as a registered student group. They touch areas First Amendment issues such as free assembly, free speech, leadership selection, and more. Since June of this year, we have brought our concerns repeatedly to the Center for Student Involvement, then to Vice President Patricia Telles-Irvin (see Attachment 1) and also to the Student Body President Kevin Reilly and President Bernie Machen in a series of personal letters (October 12-17) from over 50 members of Gator Christian Life negatively affected by the de-registration of their group.

Consider what Vice President for Student Affairs Dr. Patricia Telles-Irvin wrote in response to Gator Christian Life member's appeals (see Attachment 2):

*"The University registers and makes its limited educational resources—funding and priority use of certain facilities—available to registered groups **that agree with UF's non-discrimination policy.**"*

Should a student group need to agree with non-discrimination values and adopt the University sanctioned non-discrimination policies just to exist on campus? In the May 22, 2008 meeting of the Committee on Educational Policy & Strategy, the Board of Trustees approved a regulation change on Student Leader Eligibility that clarified that non-registered student organizations could use campus facilities just as non-university organizations could. We believe the application of this policy change is that the University is making it exceedingly difficult on groups that do not share its value of 'diversity' and discriminating against those groups by de-registering them or forcing them to adopt statements like the above which they would not do otherwise. Please reconsider the outcome of your decision and assist us in addressing how this policy you are asking students to adopt will affect our group.

Below are a number of serious ramifications we face in freely exercising our religious convictions if the current interpretation of this policy stands:

Free Assembly

- Groups that refuse to adopt the University-approved language verbatim become deregistered, making meeting and event venues harder to acquire. This is a current reality that Gator Christian Life has been experiencing this semester.

- Non-compliant groups, now and in the future, wishing to organize around a religious belief will have greater difficulties forming, recruiting, publicizing, fellowshiping and socializing on campus.
- Groups could be prevented from using Biblical standards or religious standards in making decisions about membership and leadership. These policies could leave a group dedicated to a particular belief system subject to the will of students dedicated to an opposing belief system or no belief system at all.

Leadership

- Though we have been repeatedly assured that Gator Christian life can ‘select leaders’ generally, the University has refused to comment on whether or not our specific standards of leadership are discriminatory.
- Could leadership standards that are based on a Biblical view of sexuality be deemed discriminatory?
- Could the selection of officers based on their religious beliefs be interpreted as discriminatory?
- Is the removal process for any leader based on Biblical standards of belief and practice an instance of discrimination? If the University is silent on this issue, could those whose character disqualifies them from leadership seek sanctions against our organization?

Evangelism and Teaching

- Will Free Speech Be Limited? – Could exclusionary statements by organizations and their members such as “Jesus is the only way to salvation” become discriminatory and are thus prohibited?
- Will teaching, preaching, and speaking Biblical truth on sinful practices becomes discriminatory or limited?
- Will Evangelistic efforts at spreading the Gospel and conversion of the unsaved be deemed discriminatory and thus prohibited?
- By asking members or leaders to adhere to a standard of moral conduct or affirm a creed based on religion, are we labeled discriminatory?

In short, requiring adoption and adherence to the University’s anti-discrimination statement forces recognized student organizations to abandon their sincerely held religious beliefs.

Please contact Anda Neiconi at [REDACTED] to discuss these issues further. We have attached additional information to this letter that may be of interest to you as you consider the First Amendment implications to this situation.

Attachments:

Letter to Vice-President Patricia Telles-Irvin detailing our concerns	Attachment 1
Letter to Gator Christian Life President Anda Neiconi from Vice-President Telles-Irvin	Attachment 2
Guidelines from other Universities that have been adjusted their Constitutions To better Protect Freedoms of Religious Student Organizations	Attachment 3
Summary of Universities who have had Anti-Discrimination Policies Challenged	Attachment 4

ATTACHMENT 1 – (2 pages)

To: Dr. Patricia Telles-Irvin
Vice President of Student Affairs
University of Florida

9/12/2008

From: Gator Christian Life Student Group

Subject: Written Grievances Regarding Change in Center for Student Involvement
Student Group Constitution Policy

Gator Christian Life, a student group at the University of Florida, is objecting to the change in Center for Student Involvement constitutional guidelines. The change in guidelines is associated to the following clause.

ARTICLE IV. NON-DISCRIMINATION [NOTE: Article IV (Non-Discrimination) must appear in the constitution verbatim as indicated below.]

In compliance with the University of Florida Non-Discrimination Policy (Regulation 6C1-1.006), [Name of organization] will not discriminate on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations, and veteran status as protected under the Vietnam Era Veterans' Readjustment Assistance Act.

Gator Christian Life objects to this new policy and the verbatim language for the following reasons:

Concern 1: Student Groups should have the Freedom of Speech based on the First Amendment of the Constitution of the United States to word their own constitution according to their beliefs and be accepted by UF. We see no reason to infringe on our Freedom of Speech in order to enforce this verbatim constitution policy.

Principle 1: The University Administration can give guidance but it cannot violate our rights as U.S. citizens.

Principle 2: Forcing student groups to include any language not mandated by federal, state, and local laws by UF Administration is violating freedom of speech clause of the First Amendment.

Concern 2: By using a non-discrimination policy to mandate that religious student groups are forced to identify members of other faiths with their group is a violation of our Freedom of Religion. Other Universities have non-discrimination clauses including religion and sexual orientation, yet provide an exemption for religious groups who would like to restrict membership or leadership based on their religious beliefs.

Concern 3: The current non-discrimination language required provides no legal means for student groups to make a distinction between Participation, Membership, and Leadership.

Principle 1: If a student group accepts the non-discrimination clause and then chooses to deny a participant for membership or leadership for reasons of religion sexual orientation, national origin, political opinions or affiliations, then the student group could be sued for discrimination. .

Principle 2: If this policy persists, the University should have a written guideline that helps students distinguish participation and leadership discrimination.

Concern 4: The University Administration non-discrimination policy unfairly denies student groups equal access to facilities based on their beliefs

Principle 1: The University states that Student Group registration is a choice. However, without being a registered student group, groups are at a significant disadvantage to assembling on campus.

Principle 2: All students have the right to assemble as a student group in a peaceful manner on campus freely even if their viewpoint differs from that of the administration.

Your responses today would be greatly appreciated. We look forward to an amicable resolution to this issue.

ATTACHMENT 2 - (1 Page)

Letter from Vice President of Student Affairs of the University of Florida Dr. Patricia Telles-Irvin to Gator Christian Life President Anda Neiconi on October 15th. This letter was received in response to several letters to UF President Bernie Machen about GCL being de-registered. Despite the suggestions inferred by the wording in this letter, the Vice-President's office is still unwilling to compromise on our wording of the anti-discrimination language.

Dear Anda:

Dr. Machen has asked that I write to you in response to your recent correspondence concerning the annual registration of Gator Christian Life. Student organizations of a wide variety, including religion-focused organizations, are welcome on the University of Florida's campus. In order to ensure that all registered student organizations fulfill registration requirements, the Center for Student Activities and Involvement asked all organizations interested in registered student organization status to submit their updated constitution this fall as part of the annual registration process.

Gator Christian Life has been one of the more than 60 religious student organizations and, of these, one of the approximately 48 Christian student organizations that are registered at UF. The University registers and makes its limited educational resources—funding and priority use of certain facilities—available to registered groups that agree with UF's non-discrimination policy. Of course, it is important to note that a registered organization may take into account an individual's views in the selection of its leaders. This ensures that all students have access to the important educational opportunities afforded by UF through registered student organizations without being discriminated against, while also allowing groups that want to limit membership to exist as they wish on campus since space is available on campus for both registered and non-registered student groups.

As my staff and I have discussed with GCL's leadership over the last two months, if GCL decides not to accept UF's non-discrimination in membership policy, GCL is welcome on campus and may freely exist, recruit members, communicate and express views, use space, and hold activities on campus without becoming a registered student organization. I understand that GCL plays an important role in the experience of many UF students, you included, and we welcome GCL to continue to do so, whether as a registered or as a non-registered group.

If GCL would like to be registered the annual registration process is ongoing and my staff is willing to continue to advise the GCL leadership as they work to craft a constitution which fully complies with the registration requirements. Based on some of the expressions of intent in GCL's proposed amended constitution, I believe it would be worthwhile for GCL to continue to explore the process, and I encourage the GCL leadership to contact the Center for Student Activities and Involvement.

Sincerely,

Patricia Telles-Irvin, Vice President for Student Affairs

ATTACHMENT 3 - (1 Page)

Examples of Constitutional Guidelines Protecting Freedoms of Religious Student Organizations

University of North Carolina Constitutional Guidelines

<http://www.unc.edu/campus/policies/studentorgnondiscrim.html>

Accordingly, it is the policy of The University of North Carolina at Chapel Hill that:

To be eligible for official recognition from the University -- and the privileges that accompany official recognition -- a student co-curricular organization must abide by the following:

1. Membership and participation in the organization must be open to all students without regard to age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, or sexual orientation. Membership and participation in the organization must also be open without regard to gender, unless exempt under Title IX.
2. Student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the organization to students who, upon individual inquiry, affirm that they support the organization's goals and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of his or her age, race, color, national origin, disability, religious status or historic religious affiliation, veteran status, sexual orientation, or, unless exempt under Title IX, gender.

Ohio State University Constitutional Guidelines

http://ohiounion.osu.edu/posts/documents/Student%20Org%20Registration%20Guidelines_08-09.pdf

Constitution on file with the Office of Student Affairs must include:

- Organization purpose that is tied to the educational purpose of the University and supports the mission of Ohio State
- Membership selection criteria that does not violate non-discriminatory policies mentioned in these guidelines
- Statement of nondiscrimination prohibiting discrimination on the basis of age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation, or veteran status

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.

ATTACHMENT 4 – (2 Pages)

Universities who Changed Anti-Discrimination Policies Imposed on Student Organizations

University of North Carolina

http://www.thefire.org/pdfs/4811_2875.pdf

The university withdrew recognition of Alpha Chi Omega fraternity because the university perceived their membership requirements as discriminatory, excluding students on the basis of their status/identity rather than their beliefs. The fraternity argued that it should not have to agree to admit all applicants, regardless of their religion or sexual orientation, because persons of certain religions and certain sexual orientations hold beliefs, pursue goals, and maintain standards of conduct that necessarily conflict with its beliefs, goals, and standards of conduct. A court ruled in favor of the fraternity, stating its decision upholds the fraternity's right to "limit membership according to shared beliefs and common goals" but that the fraternity may not "pre-judge any applicant based on his reputation, status, appearance, or heritage."

InterVarsity Christian Fellowship (IVCF) was allowed to continue operating as an official recognized student organization. A UNC official had told InterVarsity it would be stripped of university funding unless the campus ministry allowed non-Christians to serve in leadership roles. But in a sudden about-face, UNC Chancellor James Moeser said he wanted to preserve the school's relationship with InterVarsity, and vowed to do all he can to support IVCF and its values.

Southern Illinois University

<http://www.thefire.org/index.php/article/7141.html>

A federal appeals court ordered Southern Illinois University's School of Law to grant a Christian student group the same rights as secular student groups on its campus. The court ordered a preliminary injunction requiring the school to recognize the group and sent the case back to the lower court for trial. SIU's chapter of the Christian Legal Society (CLS) filed suit after law school Dean Peter Alexander revoked the group's official recognition, asserting that the group's sexual morality requirements violated SIU's nondiscrimination policy. CLS policies ban voting members and leaders from engaging in or approving of premarital sex, adultery, or homosexual sex, although any person may attend the group's meetings and activities.

The Ohio State University

<http://www.clsnet.org/clrfPages/litigation/ohioStateU.php>

<http://www.osu.edu/news/newsitem927>

Ohio State University agreed on October of 2004 that it could not require the Christian Legal Society (CLS) chapter at its Michael E. Moritz College of Law and other campus religious groups to abide by the University's "non-discrimination policy." The policy would have forced the CLS chapter, and other campus religious groups, to accept members and officers who reject their Christian beliefs. William H. Hall, vice president for student affairs said that "in examining the guidelines, the issue that raised the most concern and discussion among religious groups in particular was the requirement that student organizations include in their constitutions a statement of nondiscrimination based on age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation or veteran status. Some argued that the prior policy infringed on the groups' rights of religious expression and/or free association, objecting particularly to the sexual orientation and gender identity clauses as being incompatible with their religious beliefs."

Rutgers University

Rutgers University lifted a ban on the InterVarsity Multi-Ethnic Christian Fellowship, a Christian student group. The Fellowship was banned from campus in September 2002 because of its rule that "leaders must seek to adhere to biblical standards and belief in all areas of their lives." Rutgers first ruled that allowing a religious student group to select its leadership on the basis of religion constituted discrimination. In April of 2003, Rutgers and the Fellowship released a joint statement announcing that they "have amicably resolved any and all issues regarding the status and governance of the fellowship." Rutgers now assures the Fellowship that its voting members are permitted to take into account both their own religious beliefs and those of candidates when selecting and voting for their leaders. In addition, Rutgers has formally approved the organization's constitution.

Tufts University

http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=17884

Tufts Christian Fellowship, after being officially ostracized for refusing to allow an admitted homosexual to hold a leadership position, was notified by university officials that the group's organization status and funding were fully restored. The TCUJ's decision was prompted by a complaint against the Christian club by Julie Catalano, who claimed she had been discriminated against because of her sexual orientation. Catalano sought a leadership position within TCF and asserted her belief that homosexual practice is a biblically acceptable lifestyle. Current leaders in the club, who choose leaders for the next academic year, did not consider Catalano, saying her beliefs do not reflect the "religious tradition" of the group.

Penn State University

http://www.thefire.org/pdfs/4397_2630.pdf

Penn State University president reversed the decision to ban a conservative student group. The ban affected the campus chapter of Young Americans for Freedom whose constitution and mission statement identifies human rights as "God-given." The prior decision was that those words demonstrated religious discrimination because the words reflect a "devotion to god (sic)."

University who Successfully Maintained Anti-Discrimination Policy

University of California Hastings College of Law

http://www.nclrights.org/site/PageServer?pagename=issue_caseDocket_christianlegal_v_kane

The University of California Hastings College of the Law denied recognition to a chapter of the Christian Legal Society after the group changed their recognition requirements to exclude students on the basis of their religion and sexual orientation. The court ruled that Hastings had the right to uphold their non-discrimination policy because "Hastings created a limited public forum and thus, the restrictions on access to this forum are permissible so long as they are viewpoint-neutral and reasonable." The court held that CLS was not being forbidden to expressively associate, but rather Hastings refused to subsidize its discriminatory activities out of public funds.