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## Vanderbilt University nondiscrimination policy called unfair to religious groups

Some student groups, including religious ones, told they must come into compliance; school says it wants to be a 'welcoming environment for all of our students'

*By Michael Cass and Jennifer Brooks | The Tennessean*

Vanderbilt University's review of student organizations' obedience to its nondiscrimination policy has some students, professors and outside advocates saying the university itself is the one doing the discriminating.

Vanderbilt has asked "a dozen or so" student groups, including five religious ones, to come into compliance with the policy, which says the Nashville school doesn't discriminate against individuals based on sexual orientation, gender identity or gender expression. Those groups, which the university declined to identify, have been given provisional status for the time being but could ultimately lose access to Vanderbilt funding and facilities if they don't comply.

"We are committed to making our campus a welcoming environment for all of our students," Vanderbilt said in a statement after declining to make administrators available for interviews Monday.

But members and advisers of some of the groups said they were being unfairly singled out for expecting their officers to hold certain beliefs. The Vanderbilt chapter of the Christian Legal Society has rewritten its bylaws to include language that supports the university's diversity policies. But when Vanderbilt asked the club to remove a requirement that the group president lead Bible studies, the club drew the line.

"Our group will no longer be able to exist," said law student Justin Gunter, one of the chapter's leaders.

"Vanderbilt has launched an assault on religious groups on campus," said Vanderbilt College Republicans President Stephen Siao, adding that the school is trying to distance itself from its past as a "Southern, white, rich and religious" enclave.

## National attention

The controversy, which has started to draw national attention, comes about a year after a gay Vanderbilt student complained about being dismissed from Beta Upsilon Chi, a Christian fraternity. Vanderbilt said it then worked to ensure that more than 300 student organizations were complying with the nondiscrimination policy.

"As a higher education institution, Vanderbilt encourages and supports diversity of thought and opinion among our students, faculty and staff — this is one of the cornerstones of an academic environment," the statement said. "We also recognize that student organizations help enrich the out-of-classroom experience for our campus community and want to be certain that all of our students have an opportunity to participate in the student organizations that interest them."

The Christian Legal Society's bylaws require its officers to "lead Bible studies, prayer and worship at chapter meetings." The university's Office of Religious Life pointed out that the requirement means officers are expected to hold certain beliefs — contrary to Vanderbilt policy.

In a letter last week to Vanderbilt Chancellor Nicholas Zeppos, the Philadelphia-based Foundation for Individual Rights in Education said the university's Office of Religious Life had objected to "the Biblical passage of Romans 1:21-32" in the Christian Legal Society's constitution. That passage says, in part, that God punished men and women by "(giving) them over to shameful lusts" as punishment for worshipping false idols and failing to glorify God.

"Even their women exchanged natural sexual relations for unnatural ones," one part of the passage reads in the New International Version of the Bible. "In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error."

The foundation, which supports the Christian Legal Society's cause, wrote to Zeppos that the group had submitted a new constitution but was still running into resistance from the administration.

"The message here is clear: Vanderbilt believes that its institutional ideological beliefs should take precedence over students' own beliefs or consciences, particularly when it comes to its students' attitudes towards sexual activity," wrote Robert L. Shibley, FIRE's senior vice president.

The legal society's "community life statement" lists several behaviors that members promise not to engage in, including "sexual relations other than within a marriage between one man and one woman."

## Compromise is wanted

InterVarsity, a 70-year-old campus ministry group, confirmed that it also is in talks with Vanderbilt and that several of its chapters have lost their sanctioned status elsewhere in the country. A spokesman for the group, which operates on 550 campuses, declined to say which university chapters had lost their official recognition in the past year.

The organization was put on probation by Marquette University in Wisconsin last month after being accused of asking an officer to step down because of his sexual orientation, according to *The Marquette Tribune*, a student newspaper. But the InterVarsity chapter maintained that the student was punished for having sex, not for his sexual orientation.

<http://www.tennessean.com/article/20100629/NEWS03/109270001>">The U.S. Supreme Court ruled 5-4 in 2010 that the University of California's law school didn't violate the First Amendment when it refused to officially recognize the Christian Legal Society unless the group allowed all students to join, regardless of beliefs.

Vanderbilt has even more legal latitude than a public university, and Chris Sanders of the Tennessee Equality Project, a gay rights advocacy group, said it would be sensible for the school to deny official recognition and funding to a group that discriminates based on sexual orientation.

Gunter said the Christian Legal Society wants its officers to uphold the group's core beliefs. Otherwise, he and others said, being a group is pointless.

"We welcome everybody to be a member," Gunter said. But "we only have 20, 25 members. All it would take is 26 people (with different beliefs) to join and undermine our purpose."

Charles Haynes, senior scholar at the First Amendment Center, which has offices on Vanderbilt's campus and in Washington, D.C., said he agrees with the legal society's position. Haynes said

competing principles are at play — barring discrimination versus supporting the freedoms of religion and association — and that a fair compromise would require religious groups to open their meetings to everyone while permitting restrictions on who can serve in leadership positions.

“They want to maintain their Christian identity by having leaders who make a faith commitment,” said Haynes, who also directs the Religious Freedom Education Project at the Newseum. “It would be absurd to say a Jewish group can be led by a Christian.”

Now on provisional status, and unsure how long their group will remain sanctioned, members of the Christian Legal Society said they hope a compromise with Vanderbilt is possible.

“Vanderbilt is a great university, we have a lot of smart people here,” Gunter said. “I’m sure we can figure this out.”

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