

Discrimination Against Christian Students on Campus

USCCB Fact Sheet

In its over-100-year history, the University of California Hastings College of Law (UC Hastings) had never denied student organization status to any group. That is, until the law school decided in 2004 to strip the campus chapter of the Christian Legal Society (CLS) of recognition.

The UC Hastings student CLS chapter welcomed all members of the university community to participate in its activities but required officers and voting members—who spoke on its behalf, voted on policies and programs, and led Bible studies—to share the group’s core beliefs. These beliefs included being Christian and abstaining from sexual activity outside of marriage. UC Hastings decided at the beginning of the 2004 school year that CLS’s voting membership and office-holder requirements violated the religion and “sexual orientation” provisions of its Policy on Nondiscrimination. UC Hastings then denied CLS “Registered Student Organization” (RSO) status.

That same year, approximately sixty RSOs—organized around diverse interests in politics, religion, culture, race, ethnicity, and human sexuality—existed on campus. However, the CLS student chapter became the only group ever denied RSO status at UC Hastings.

CLS sued, claiming that UC Hastings violated constitutionally protected rights of free speech, expressive association, free exercise of religion, and equal protection of the laws. Unfortunately, CLS was denied

relief by the federal courts, including the U.S. Supreme Court, because of the specific nature of the policy at UC Hastings, which allegedly required student groups to accept all students, regardless of their status or beliefs. The Court in *CLS v. Martinez*, 561 U.S. 661 (2010) concluded that public universities may override a religious student group’s right to determine its leadership only if the university denies that right to all student groups.

In the aftermath of the Court’s decision, we have seen other universities adopt policies that do not treat faith-based student groups equally but that target them because of their religious beliefs. Legislation called the Equal Campus Access Act of 2019 (S. 1168) has recently been introduced in the U.S. Senate to try to remedy this problem and ensure that college students can form groups where they can find solidarity in practicing their faith.

Is our most cherished freedom truly under threat?

Among many current challenges, extreme “nondiscrimination” policies imposed by colleges and universities deprive students of the right to freely and fully exercise their religious beliefs. Religious freedom is not only about our ability to go to Mass on Sunday or pray the Rosary at home. It includes our ability to gather with other members of our faith outside of church and reinforce our beliefs within a group setting. Without religious freedom properly understood, all Americans, including students on campus, suffer.



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