



EQUAL ACCESS PUBLIC UNIVERSITIES

The Constitution ensures that all student groups have the same rightful access to official recognition, as well as to related public university resources that are often associated with recognition. Whether one is part of a student Christian prayer group, a conservative debating team, or Young Republicans, they should be able to utilize campus resources as readily as other non-religious student groups. Get a deeper understanding of this issue by reviewing the scenario and explanation below:

One wishes to start up a student group that discusses Biblical answers to important life questions, and they apply for funding from student fees, just as dozens of other groups at your public university do. The student government, which recognizes student groups, refuses to recognize their group because, it argues, there is already one other recognized Christian group on campus. On the other hand, the student government has formally recognized dozens of other closely related student groups. Can it deny funding to the group?

This scenario happened at the Pennsylvania State University. A group of students attempted to form a Christian club on campus—DiscipleMakers Christian Fellowship. Its purpose was “to call students to follow Jesus Christ.” This group was denied recognition because, according to the University, its purpose and function as a student group was duplicated by other registered student organizations. The University required all student organizations to be “unique.” The University determined there were too many Christian groups on campus.

Such discrimination against groups based purely on the proposed purpose and ideology of the group is in direct violation of the U.S. Supreme Court’s prohibitions against content-based and viewpoint discrimination.

The Supreme Court has also established that all student groups have the right to equal access to student activity fee funding at public universities and may not be discriminated against on the basis of the viewpoint of the group’s expression. In *Board of Regents of the University of Wisconsin System v. Southworth*, the Court held that a public university must distribute student activity fee funds equally to each recognized student group on campus without any consideration of the group’s viewpoint.¹ Under *Southworth*, if the university does not comply with this limitation, it may not charge mandatory student fees to support extracurricular activities.

No matter what the group’s ideology, the purpose and content of the organization may not be grounds for denying a group equal access to campus facilities and student activity fees. The group

¹ *Bd. of Regents of Univ. of Wis. Sys. v. Southworth*, 529 U.S. 217 (2000).



may be denied recognition on other legitimate grounds, such as insufficient membership, but the purpose and belief system of the group should never be the factor that prevents the group from gaining recognition and equal access.

What can students do if their rights are being violated?

Contact Alliance Defending Freedom using the “Request Legal Help” form at www.ADFLegal.org or by calling 1-800-835-5233. A legal representative will review the situation and advise the student of a course of action.