



Chairman Lawrence Klemin and Members of the Committee
House Judiciary Standing Committee
North Dakota State Capitol
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Dear Chairman Klemin and members of the House Judiciary Standing Committee,

InterVarsity Christian Fellowship/USA supports over 1100 student-led chapters on over 770 campuses across the country. In North Dakota, we sponsor 5 student- and faculty-led chapters on three campuses. InterVarsity welcomes all students to participate in our activities and to join our groups as members. All that we ask is that the *leaders* of our diverse groups—fifty-four percent of whom are students of color or international students—embrace our faith in Jesus Christ.

Unfortunately, increasing numbers of universities are interpreting otherwise good nondiscrimination policies in ways which prohibit religious groups from using religious criteria in leadership selection (e.g., prohibiting Sikh student groups from requiring their leaders to be Sikh or banning Muslim student groups because they require their leaders to be Muslim.)

North Dakota students should be protected from this kind of behavior. Therefore, we support the Free Association provision of HB 1503 (the "Bill"), especially 15-10.4-02(4)(h) as amended, because religious student organization need protection from this kind of administrative overreach by universities and colleges.

The problem is national and growing

Recently, three of our chapters which serve the University of Iowa faced derecognition because they require their leaders to be Christians. These groups remain on probationary status pending the outcome of litigation against the university.

InterVarsity is not the only religious group that was targeted by the University of Iowa. In July 2018, when the University of Iowa officially deregistered InterVarsity, it also deregistered other religious student groups, including the Sikh Awareness Club, the Chinese Student Christian Fellowship, the Imam Mahdi Organization, Geneva Campus Ministry, and the Latter-day Saint Student Association. And on February 1, 2019, the university admitted in federal court that it had placed 32 religious groups—and *only* religious groups—on a type of probationary status pending the resolution of ongoing litigation.

To be clear, InterVarsity supports nondiscrimination policies and believes that they should be used to protect against invidious discrimination. But those otherwise good policies are being misinterpreted in ways which selectively prohibit religious groups from using religious criteria in leadership selection. It makes no sense to

prohibit LDS student groups from requiring their leaders to be Latter-Day Saints or ban Muslim student groups because they require their leaders to be Muslim.

Nondiscrimination requirements should *protect* rather than *penalize* religious groups that want to retain their distinct religious character.

Unfortunately, this problem is not limited to our InterVarsity chapter at the University of Iowa. InterVarsity currently faces similar problems nationwide, including at Michigan's Wayne State University (where we have filed a similar lawsuit after the university abruptly derecognized a 75-year old chapter), and SUNY-Buffalo.

Why religious student groups need religious student leaders

InterVarsity values a tolerant, inclusive, welcoming campus environment; therefore, our groups welcome all students to be active participants and members. In fact, nearly 26% of InterVarsity's active participants do not identify as Christians. It's partially for this reason that religious student groups require clear religious-based criteria for leadership.

1. Religious-based leadership criteria help religious student groups remain faithful to their original religious tradition, purpose, and goals even as large numbers of non-adherents participate in the group.
2. Every religious tradition lays down specific requirements for their religious leaders. The Bill protects the right of students to select their religious leaders in a manner that is consistent with their faith, which reflects the best First Amendment jurisprudence and the highest aspirations of a tolerant and diverse campus environment.
3. Religious leadership requirements describe the necessary skills and conditions for student religious leaders to accomplish their religious leadership responsibilities. They ensure that religious meetings—bible studies, prayer meetings, mentoring new converts, worship times—are led by people who embrace that religion. These leadership requirements are akin to the skill requirements commonplace in intercollegiate athletics or in music and drama departments.

The Bill strengthens current nondiscrimination policies

Some with political motives may mischaracterize this bill as a "right to discriminate" bill. We disagree. This bill ensures that university nondiscrimination policies achieve their purpose of creating a robust diversity of viewpoints and student groups, including religious student groups.

1. Religious student groups make their most distinct and valuable contribution to campus life when they remain true to their religious purposes. This requires leadership that embraces and embodies specific religious purposes. Religious student groups should be permitted to create

leadership teams who can lead worship, prayer, and scripture study with integrity.

2. The bill protects students from state-sponsored overreach. The state of North Dakota should not entangle itself in the internal organization of religious groups, and state-sponsored actors like a public university should not be permitted to determine how religious groups interpret and apply their religious teachings (including how they select their religious leaders). True separation of church and state means that North Dakota should not pick pastors, rabbis, imams or other religious leaders. It also means that its agents in higher education should not dictate how religious student groups pick their religious leadership.
3. Universities that value inclusion should welcome religious communities that authentically represent their religious traditions. They should use nondiscrimination policies to encourage, not inhibit, these groups.
4. The Bill requires universities to apply their nondiscrimination policies equitably, giving religious groups (which require leaders to hold conforming religious beliefs) the same deference they offer to fraternities and sororities (which make membership decisions along gender lines), intercollegiate athletics or performing arts groups (which make membership decisions based, in part, on gender and able-bodied status), and non-religious advocacy groups (which can limit leadership to members who reflect the group's creed or mission.)
5. To the extent that North Dakota universities and colleges already act in accordance with this bill, it affirms their current practice, imposes no financial cost, and creates no new administrative burden.

Without the protections of the Bill, students in North Dakota will find it increasingly difficult to find a safe, authentic, and welcoming religious community on campus. This will hurt all students, and we believe that it will particularly impact the retention of ethnic minority students who rely on supportive religious communities on campus.

I urge you and your committee to approve the Bill and send it to the full House for a vote. Also, I respectfully request that this letter be included in the record for this Committee's hearing on HB 1503.



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& Senior Assistant to the President