

ACLJ Scores Important Victory for College Students' Rights

We recently secured an important victory on behalf of a student attending a community college in Oregon when the school rightly recognized his First Amendment right to address curricular assignments from a religious viewpoint.

The situation arose when, after multiple back-and-forth communications involving faith, the professor read the student's latest assignment, an essay on friendship, in which the student alluded to the intimately close friendship one might have as a Christian with Jesus. The professor voluntarily injected her own personal beliefs into the conversation by noting on the assignment paper that not everyone believed in God. When the student responded by expressing his concerns for the professor, based on his faith, the professor asked the student to refrain from further discussing religion with her.

The student respectfully explained that the reason he discusses religion with others, including her, is because he believes, based on his reading of the Bible, Christians have a responsibility to share their faith. In the same response, however, the student expressly wrote that he would honor the professor's request and cease personal religious discussions.

Despite this acknowledgment and agreement to her request, the professor complained to the college that the student was harassing her, prompting a meeting with a college official responsible for addressing student conduct issues. While the student maintained his agreement not to address matters of religion with the professor on a personal level, the conduct officer's instructions went further, restricting the student from addressing matters of religion in any way in this professor's class, including when appropriately responding to

curricular assignments.

With our assistance, the student notified the conduct officer that he could not agree to such terms, as they would operate in direct violation of his right to the freedom of speech. The conduct officer, however, was undeterred and maintained the position that the student must treat this particular professor's class as effectively a religion-free zone.

We immediately issued a letter to the college's administration explaining that students have a constitutional right to speak from a religious viewpoint, and, as courts have repeatedly recognized, such speech, when germane to the subject matter of an assignment, rather than constituting harassment, is in fact fully protected. Our letter demanded that the college retract the instructions given by the conduct officer and formally acknowledge the student's right to respond to curricular assignments from a religious perspective.

The college was quick to respond and rightly agreed that the student would be permitted, without further negative consequences, to respond to curricular assignments from a religious point of view. Thus, when the student was recently assigned an essay discussing holidays that are important to him, and the reasons therefor, he was able to write about Thanksgiving, Christmas and Easter, including the explanation that for him, as a Christian, Easter is important because Jesus's resurrection provided the opportunity for eternal life.

We are privileged to defend the right of students to engage in religious expression free from the result of government-imposed penalties—even when it may be deemed offensive to some. We will continue to remind government entities that religious speech is constitutionally protected and, despite the objections of those who find such speech controversial, it may not, for that reason, be silenced. {eo}

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