

**Congress of the United States**  
**Washington, DC 20515**

May 3, 2012

Mr. Mark F. Dalton  
Chairman  
Vanderbilt University Board of Trust  
305 Kirkland Hall  
Nashville, TN 37240

Chancellor Nicholas Zeppos  
Vanderbilt University  
211 Kirkland Hall  
Nashville, TN 37240

Dear Chairman Dalton, Chancellor Zeppos, and Members of the Board of Trust:

We are deeply concerned that Vanderbilt University's nondiscrimination policy is being applied in a manner that targets religious student organizations, creating an environment that is hostile to their existence on campus. We ask that you modify the policy to allow these groups to remain part of the official Vanderbilt community while also preserving their religious identities. Other institutions of higher education have implemented policies that recognize the unique need of religious organizations to consider religious criteria when selecting leaders. We urge you to do the same, allowing these important organizations to continue contributing to the Vanderbilt experience.

Since our nation's founding, religious organizations have played an important role in enabling like-minded individuals to coalesce around a set of ideals, ensuring that their perspectives are given a strong voice in the public square. This is sound public policy, and is consistent with the protections afforded by our Constitution to religious exercise and freedom of assembly. In October of 2011, twenty-three Members of the U.S. House of Representatives sent a letter expressing concern that Vanderbilt's newly-announced nondiscrimination policy was being applied in a manner that endangered religious student groups that had long been recognized at Vanderbilt. Since that time, concern has grown as a number of the groups are being forced to either leave campus or modify their constitutions in a manner that could compromise their religious identities.

We believe the public is only just beginning to see the fallout that will inevitably result from this policy. Vanderbilt Catholic recently announced that it will leave campus rather than comply with the policy. The group explained that it could not open leadership positions to students who may not share its core religious beliefs or even know anything about them. Now we hear that Vanderbilt is stripping this student group of its ability to even use the word "Vanderbilt" in its title. Additionally, we were shocked to learn that Vanderbilt officials this month told a previously recognized religious student group that it must delete a requirement that its leaders have a personal commitment to Jesus Christ. A group that exists to allow students to gather to worship God is unable to require that its leaders share its most core religious beliefs.

Vanderbilt officials have had months to modify the nondiscrimination policy, but have instead affirmed their position. Despite calls by Members of the U.S. Congress, Members of the Tennessee State Legislature, and concerned students, alumni, and professors, the university has

refused to recognize what federal law has long supported. Instead, the university has chosen to impose stringent requirements on religious student groups that are not required by federal law or regulation.

The “all-comers” nondiscrimination policy recently formalized by university officials purports to require all student groups to open membership and leadership positions to all students. However, the university decided to exempt single-sex organizations like sororities and fraternities, using Title IX of the Education Amendments Act of 1972 as its justification. Title IX gives fraternities and sororities an exemption only from Title IX itself, and yet Vanderbilt has expanded that narrow exemption into a broad exemption for fraternities and sororities from its own nondiscrimination policy.


By contrast, the university has ignored an analogous exemption that could easily be applied to religious student groups. This is a double standard that suggests hostility on the part of Vanderbilt towards religious student groups. As you know, Title VII of the Civil Rights Act generally prohibits employers from making employment decisions on the basis of the applicant’s race, color, religion, sex, or national origin. However, the law expressly exempts religious organizations “with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such [entity] of its activities.” The law inherently recognizes that a non-religious organization’s refusal to hire an individual because of his religion is unjust discrimination; while a religious organization’s decision to hire an individual because of his religion is a relevant and commonsensical consideration. Were it not permitted, religious organizations would not be able to preserve their distinct religious identities. Just as other entities are permitted to engage in relevant qualification-based hiring, federal employment law provides the same baseline freedom to religious organizations. If Vanderbilt officials desire to retain religious student organizations as part of the on-campus community, they can easily do so by relying on the Title VII rationale explained above, just as they rely on the Title IX rationale to protect fraternities’ requirements for leaders.

While we respect the autonomy of Vanderbilt University, we are deeply troubled that Vanderbilt would use its freedom as a private institution to create a nondiscrimination policy that discriminates against religious student groups. We respectfully request that you modify your policy to exempt religious student groups, recognizing what federal law has long provided—that religious organizations should have the same freedom as other organizations to select leaders who are best-qualified to lead the groups. We look forward to hearing from you regarding this matter.

Sincerely,

		
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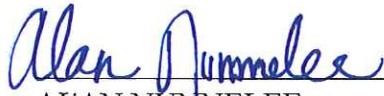
  
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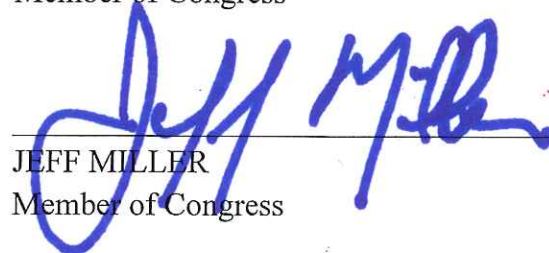
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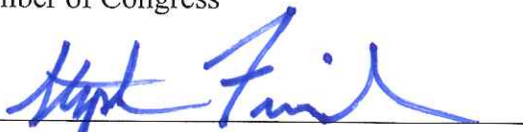
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