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Should Colleges De-Register Student Groups?

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Blog: [Conversations on Diversity](#) ^[1]

Anybody who cares about identity, diversity, civil society, civic associations, gay rights, religious freedom, and universities – which is to say, anybody who cares about America - should be asking themselves hard questions about what's been happening at the University of Iowa.

Here's the situation as I understand it. A University of Iowa student group with about ten members called Business Leaders in Christ (BLinC) did not allow an openly gay student to fill a leadership position at the organization, claiming that LGBT identity/sexual activity was in violation of the group's statement of faith. As a result, administrators at the University of Iowa deregistered the student group, citing the University's human rights policy, which says student groups should be open to anyone regardless of race, color, creed, religion, or other identity, with special attention to protected classes.

BLinC pointed out that *lots of student groups* are based around particular identities and affinities, and such associations generally reserve certain privileges for people who share those identities and affinities, thereby excluding people who do not. If the University was going to deregister BLinC, what was it going to do about the Imam Mahdi group, which wants its leaders to be Shia Muslim students? Or the Korean American Student Association? Students For Life? The Feminist Union? Would they all be required to have governing documents that complied with the University of Iowa's human rights policy?

It turns out that, out of 513 student organizations at the University of Iowa, just 157 were in compliance with the University's human rights policy. *That means a whopping 356 were out of line.*

A federal judge, in [ordering that BLinC](#) ^[2] be temporarily reinstated as an official student organization, wondered why the University had applied its policy so unevenly.

I find this case extremely important and not at all easy.

It's important because one of the distinctive qualities of the United States is its thriving civil society, that area of public life that is generally apart from commercial interests and is not principally dictated by the state. A civil society is formed by people who create voluntary associations, often around a particular identity. In some parts of the world, such civic groups can be identity-based militias engulfed in an internal civil war. In the United States, more often than not, diverse civic groups both express their particular identities and cooperate positively with others.

Campuses are one of the places where young people learn how to do this. When the College Democrats and the College Republicans organize a political debate on campus, they are both expressing their distinctive identities and they are cooperating in a manner that enriches the public square. The latter depends on the former. In other words, cooperation between identity groups can only take place if there are identity groups to begin with.

What makes this case difficult? Put simply: there are multiple competing values at play. One is the value around protecting people from harm, especially historically marginalized groups. Can you imagine being the gay student who was told he couldn't run for the leadership role in that student organization? It tightens my throat to even think about it. Good for the administrators at the University of Iowa for wanting to protect that student's dignity.

But what happens when applying that human rights policy violates another value: the principle of identity-based groups being allowed to define their own identities? Defining identity means, at some level, excluding others. The University of Iowa, for example, boasts about being a premier public research university. It excludes – which is to say, it discriminates against - applicants whose grades and test scores do not meet its definition of 'premier'.

I want to examine this issue from multiple angles, with special attention to the central questions in play and the core values in tension. As I understand them, they include:

- The value of protecting people from harm, especially marginalized people;
- The value of allowing identity-based associations to constitute themselves;
- The question of when to use coercive power (a requirement coming from on high to change the constitution of a student group with the threat of de-recognition is an example of coercive power);
- The definition of diversity and pluralism;
- The distinctive nature of religious groups;
- The identity groups that university administrators are most likely to sympathize with, and those they are most likely to be suspicious of;
- The complex ways identity mixes with power.

I want to be clear that I am not *reporting* anything or doing original research. I am offering thoughts from a variety of angles based on the facts reported in these articles:

- [University of Iowa deregisters another 38 groups](#) ^[3]
- [InterVarsity joins religious beliefs fight against University of Iowa](#) ^[4]
- [Christian group plans return to Iowa campus in time for Wednesday student fair](#) ^[5]

A few other things:

I will be relying a great deal on my friend John Inazu's remarkable book [Confident Pluralism](#) ^[6] (which just came out in paperback), both for its pithy summaries of relevant Supreme Court decisions and for its general approach to what it means to build a healthy diverse democracy.

I will not shy away from the tensions between core values but instead explore them, and I will do so by attempting to shed light rather than generate heat. Intellectual life, I believe, is principally characterized by deep dives into the murky waters of difficult issues, not loud shouts from one side of easy ones.

I'm doing this as a three-part series because I think it's easier to consider distinct points in separate, bite-sized chunks. At the end I'll post the whole shebang on this blog as a single piece.

For now, I want to leave you with a thought exercise. In complex cases, I find it helpful to imagine a scenario where the person/group at the center would evoke my instinctive sympathy. Here is such a case:

Let's say that the acronym BLinC does not stand for Business Leaders in Christ (the student group at the center of the initial storm at Iowa), but rather Black Leaders in Christ. It's a group for African American Christians and it has a distinguished record of providing emotional and spiritual support for a racial minority on campus in a way that helps its members thrive, in the classroom and beyond. In fact, let's say a university study showed that black students involved in Black Leaders in Christ graduated at a significantly higher rate than other black students. In interviews, those graduates pointed to their involvement in BLinC as a key reason for this.

There are all kinds of students who attend the meetings, social events, worship services and volunteer projects of Black Leaders in Christ. There are white kids, Korean Americans, Indian Americans, etc. But the leadership of the group is reserved for African American Christians.

A Puerto Rican student decides to run for President. She is gently told that there are plenty of other places for her to offer leadership, but she cannot run for the exec board. If you are a university administrator, do you ask Black Leaders in Christ to change its policy and practice or else be de-registered?

Now let's say the group is called BMinC – Black *Men* in Christ. The mission statement of the group underscores the particular challenges black men face in American society. The purpose of BMinC is to provide special spiritual, social and emotional support for that particular group. In this case, all activities are reserved for black men. Let's say the difference in graduation rates for participants in this group versus other black men on campus is even more stark.

Do you begin de-registration proceedings?

What if Black Men in Christ has the same kind of policies around sexual identity/expression that many other conservative religious groups have (this would include not just Christians but many Muslims, and Jews and Hindus as well), and effectively bars openly gay students from running for office. Does that trigger de-registration?

Nothing easy about this one, friends.

Part II

I belong to a religious community that excludes my wife. I am an Ismaili Muslim and my wife is a Sunni Muslim. Ismailis are defined by their belief in the Imam (a figure broadly similar to the Pope in Catholicism and the Dalai Lama in Tibetan Buddhism) who is held by Ismailis to be their leader and spiritual guide, the rightful interpreter of the Qur'an and Islamic tradition.

Only those who have declared formal belief in the Imam are allowed to take part in Ismaili spiritual ceremonies, or to enter certain Ismaili religious spaces. Ismailis are especially sensitive about these matters because we are minorities within the broader Muslim community who have experienced no small amount of life-threatening discrimination, and frankly still do.

This means that when I take our two children for prayers, my wife cannot come. When Prince Karim Aga Khan, the current Imam, made a special spiritual visit to the United States last year to celebrate being in office for 60 years, my wife was left out in the hall as the rest of our family went inside to be in the Imam's sacred presence.

As you can imagine, I don't like this very much. My wife likes it even less.

It's also not something I have a vote in. There are no elections in the Ismaili interpretation of Islam. The Imam of the time is appointed by the previous Imam, has full authority to shape the rituals and practices of the faith, and then appoints representatives (both a priestly class of sorts and administrators) who are empowered to lead the community.

This Ismaili practice is distinctive in its particulars but not so strange in its general approach. Many religious communities have boundaries that include some and exclude others. If you are not Muslim, you cannot go to Mecca. If you are not Catholic, you cannot take communion. If you are not male, you cannot become part of the priesthood in either the Catholic or LDS churches.

Generally, there are not enough Ismailis at a college to form an official Ismaili Students Association. If there were, and if such groups needed to have some kind of recognition from an official Ismaili administrative body, it would surely say that at least the leaders of the group needed to be Ismaili. How could it be any different? How could the leaders of a religiously-oriented group be *unable* to enter the prayer hall of that group?

Under all-comers policies, a college would have to de-register an Ismaili Students Association. That would obviously negatively impact Ismaili students, who would lose access to college facilities and also lose the ability to advertise widely. It would also negatively impact the wider campus community. Ismailis love running social events and organizing service projects, and those are open to everyone. An organized Ismaili group would likely be involved in broader awareness campaigns around humanitarian issues in Central and South Asia, where a lot of Ismaili-run development projects take place. They would also simply be part of the diverse civil society of the campus, and by their presence educate people about the range of religious and cultural groups on the planet.

Doesn't a college campus have a stake in the flourishing of identity groups like a hypothetical Ismaili Students Association? Doesn't a diverse civic fabric require strong individual threads, including religious ones?

One important criticism of all-comers Policies is that they ignore how religious identities function. As my friend Greg Jao of InterVarsity Christian Fellowship says on this fascinating [Neighorly Faith podcast](#) ^[7], members of religious communities do not generally get to vote on their doctrines on a regular basis. The belief is understood to have been established not in the material world of democratic citizenship, but in a cosmic world where different authorities reign.

What further complicates this is that different religious communities operate in remarkably varied ways. Ismailis have a highly centralized authority structure. Catholics have a similar structure, but not quite as centralized (the authorities within various dioceses often emphasize different things, and some Catholics view themselves as principally being governed by different orders like Jesuits or Dominicans.) Unitarians are highly decentralized and typically do their own thing from church to church and group to group.

On the podcast, Greg makes the further point that while many university administrators are highly knowledgeable about a range of identity issues, religion is generally not one of them. There is a reasonable chance that nobody in Student Affairs has heard of Ismaili Muslims or has any idea how the community operates. It would be a sad situation if the first time a college administrator substantively interacted with the Ismaili group was to force it into compliance on an all-comers policy rather than to appreciate how the group supported its members and contributed to the campus. One of the things I like least about all-comers policies is how they frame religious groups as a problem to be solved rather than as gift to be celebrated.

It is also very likely that Ismaili Muslims gently telling a non-Ismaili that she can't run for office does not trip off any alarm bells for the typical college administrator. But an Evangelical Christian group telling a gay student he can't run for office – that is a five alarm fire.

Indeed, the proximate cause for every all-comers cases that I am aware of (Vanderbilt, Rollins, Bowdoin, Iowa, Cal State, Tufts) involves some sort of exclusion of gay students by Evangelical Christian groups.

I understand this. I find anti-gay exclusion offensive and hurtful. When a gay student is excluded because of his/her/their identity or expression, I instinctively want to help that individual. I can see myself reaching into my toolkit as an administrator and doing whatever I can to help that gay student and to send a message.

But a whole set of problems emerge when the instinct to protect a gay student from being excluded by a Christian group is turned into a general all-comers policy.

As soon as you click one level up in principle/policy/abstraction from the instinct, you catch a whole bunch of other groups in your net. You kick off the Feminist Union, the Pro Life group, the Ismaili Students Association. You may even find yourself pressuring the LGBT group to change its charter.

Interestingly, Greg states in the podcast highlighted above that there are all sorts of creedal and conduct reasons why InterVarsity as a national religious organization excludes people from leadership in its campus chapters. One is sexual activity by heterosexuals. Another is moving away from a Trinitarian understanding of God to a Unitarian conception.

I am not aware of any case where InterVarsity's barring someone from leadership because of a doctrinal disagreement is the proximate cause for college administrators to de-register the group, although this too would violate an all-comers policy.

A further example: most Muslim groups have a practice of men leading prayers and giving religious sermons (interestingly, Ismailis are an exception to this). I am not aware of this practice – which is clearly discriminatory towards women – being the occasion for the de-registering of a Muslim group or the triggering of a general-application all-comers policy, although it is certain to come under scrutiny once such a policy is announced.

So, what is it about Evangelical groups and the particular exclusion of gay students that sets off alarm bells in the minds of college administrators?

Part III

I think that some of this is very personal. There is an instinctive sympathy for gay students and the marginalization many have experienced, an instinct I find highly commendable.

In my experience (based on visits to over a hundred campuses and attendance at literally dozens of conferences of college administrators) there is also an instinctive suspicion of Evangelical Christianity, which many college administrators associate principally with the marginalization of gay students and women. Indeed, many college administrators have spoken openly to me about their own negative personal experiences with conservative churches and how that's influenced their general view of Evangelicals, including the students on their campuses.

I understand this but disagree with it. Of course, individuals have a right to their experience and their interpretation of it, but to harbor ill-will towards Christian student groups because of bad experiences in your hometown church seems unprofessional to me. Consider if a secular Muslim or culturally Hindu administrator cited anti-gay discrimination or sexism at a hometown mosque or temple (it's not like such things never happen) for their derogatory treatment of the campus Muslim or Hindu group.

This leaves the best reason for the instinctive suspicion that many college administrators harbor toward Evangelical Christian groups: their power.

The logic goes like this. Conservative Christians are in the halls of power with both the penchant for and the ability to legislate discrimination against groups they do not like. Gay folks are at the top of that list.

This is not an unreasonable concern. Trump reportedly announced his ban of transgender individuals in the military after being urged to do so by a set of [Evangelical Christians close to the White House](#) ^[8]?

The question is what does this have to do with Evangelical student groups on campus. I think the logic of some college administrators is that the first year student from rural Tennessee playing guitar at the InterVarsity Bible study and [Franklin Graham](#) ^[9] are all part of one big movement seeking to legislate conservative Christianity. What service to liberal democracy can the college administrator provide? He can prevent a foothold for this movement on campus.

This seems to me a tortured logic. A reasonable number of these Evangelical student groups are very small. Business Leaders in Christ at the University of Iowa reportedly had about ten students. A similar group that [Bowdoin College de-registered](#) ^[10] had about 25 active members

Moreover, these groups are decidedly countercultural on most campuses, where a norm of hard partying and sexual permissiveness reign. Frankly, I have a ton of respect for students who are doing their best to remain square (I use the term with genuine love) in that environment.

Most importantly, none of the groups to my knowledge are doing anything close to seeking to legislate conservative Christianity in their college environment. In fact, they are building coalitions with individuals and groups with whom they disagree on the principle that everyone should have the freedom to express and associate as they wish – Muslims, Jews, atheists, gays, everyone, which includes Evangelical Christians. It is a right guaranteed by American law, and it is the genius behind our thriving civil society. Indeed religious groups have special protections under the Constitution, legislation like the Religious Freedom Restoration Act and Supreme Court decisions like [Hosanna-Tabor](#) ^[11], which allows faith communities the right to hire who they want (only male Catholic priests, for example) granting them a ‘ministerial exception’ to general hiring laws.

It should be noted that Supreme Court decisions are actually mixed on the subject of how much latitude religious groups should have to constitute themselves. In [Christian Legal Society vs Martinez](#) the Court said that the [UC Hastings College of the Law](#) ^[12] could indeed withhold official student group status from an Evangelical organization for requiring students to hold to a ‘sex only within heterosexual marriage’ standard.

Clearly, these situations are challenging.

There is one point that I want to take special care to emphasize: a key consequence of the debate around all-comers policies is that Evangelical Christian groups, in coalition with a diverse group of those with whom they theologically disagree, are advocating for freedom of association for *everyone*, rather than making a case for Christian conservatism to reign supreme. This is an illustration of our democracy’s strength, and I believe a signal of the good will of the Evangelical groups who are involved.

College administrators ought to be taking their cues from these interesting civic collaborations. As John Inazu writes in [Confident Pluralism](#), administrative authorities (especially the government) ought to be protecting people’s differences – their rights to express, associate and assemble as they wish - especially when they go against majoritarian norms. He writes, “We cannot begin with the premise that the public forum is open to all groups and then start excluding those groups we don’t like.”

At the very least, administrative authorities ought to exercise extreme caution when using coercive power against student groups. Not only are good general policies nearly impossible to come by, the concentration of power should put fear in the hearts of anyone who cares about liberal democracy. Once that sword is brought out against this group on that issue, it can too easily be brought out again and again and again.

There are limits to this, of course. No university should allow a KKK group or a pro-pedophile group to stand. And there are very difficult cases, for example the [Bob Jones](#) decision where the Supreme Court found that it was constitutionally legal for the federal government to revoke the tax-exempt status of a private Christian college for its racist policy barring interracial dating. I agree with that decision, even though it was the federal government using coercive power against a private association, because I think the particular circumstances of 400 years of institutionalized racism demanded an exception to the general rule of identity-associations being allowed to constitute themselves.

Are gay rights analogous to issues of racial equality? Although the system of slavery and segregation in the United States is *sui generis*, I think an argument can be made that there needs to be similar government/administrator intervention to root out homophobia and heterosexism.

I am instinctively sympathetic to this, but I worry that more harm than good is done in the process, especially because it grants administrative authorities too much power and uses a specific case to drive general policies with a host of negative affects, like requiring you to de-register student groups that you actually want to support.

We should instead define a diverse civil society as a place where people with different identities and deep disagreements can collectively flourish, respecting one another’s identities, building relationships across disagreements and cooperating where they can to serve the common good. The First Amendment of our Constitution with its protections of expression, association and assembly provides for this. The great Jesuit political philosopher John Courtney Murray called these provisions our “articles of peace”. In a similar vein, Inazu writes, “The protections of assembly are part of our mutual nonaggression pact. They extend to groups that we like and groups that we don’t like.”

So how can college administrators who seek (as they should) to be supportive of gay students do more good than harm? Here’s my suggestion: *Use your programmatic powers instead of your coercive ones*. Help those students start religious groups that are gay friendly (virtually every liberal protestant denomination in the United States has a wing that is LGBT-affirming). Send them to conferences. Spend time talking to them. Find them mentors. Make it clear that you want them to thrive, but your basket has lots of carrots and very few sticks.

Interestingly, there are a number of gay individuals and groups who prefer it this way. In other words, who *do not want* administrative authorities to use coercive power to vanquish groups that they don't like, even ones that exclude them. Listen to Jonathan Rauch in this [video](#) [13].

This makes perfect sense when you consider that not so long ago administrators tried to use their coercive powers to *ban LGBT groups*. In the early 1970s, the University of New Hampshire tried to shut down a gay student group. In 1974, a federal court ruled against the administrative authorities at the University, siding with the gay student group and affirming its rights to expression, assembly and association. Interestingly, such groups, according to law professor Dale Carpenter (quoted in Inazu's book) "historically discriminated in membership based on sexual orientation ... even groups that are not exclusively gay would resist having heterosexuals in leadership position."

In other words, to maintain their understanding of their identity-association, they excluded others. This shouldn't surprise anyone – it's simply the way identity and affinity groups function.

It also raises this uncomfortable possibility: an administrator who, on one day, applies an all-comers policy to force an Evangelical group to include a gay student in leadership might the next day find herself, because of that same policy, forcing the LGBT group to accept leaders it believes are inconsistent with its mission.

I'll end with this: as Inazu notes in his book, the phrase *confident pluralism* actually comes from a gay rights group that came out *against* all-comers policies. They might not have liked the religious groups that excluded people in their community, but they preferred to engage them in dialogue in the public square rather than have administrative authorities use coercive powers. Gays and Lesbians for Individual Liberty (whose mission is the "tolerance and acceptance of homosexuals among members of the wider society") filed a legal brief which stated: "the First Amendment envisions a ... *confident pluralism* that conduces to civil peace and advances democratic consensus-building."

There is no better place for that to be embodied than on a college campus.

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