

United States Senate

WASHINGTON, DC 20510

May 20, 2021

The Honorable Miguel A. Cardona, Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary Cardona,

We write to you in support of the First Amendment rights of students on college and university campuses. Unfortunately, incidents in more than 30 states over the past decade show that faith-based student groups in particular have suffered unequal access to campus resources because of the sincerely held religious beliefs that inspire their association. It is imperative that the Department of Education uphold regulatory protections for faith-based student groups, particularly for groups that maintain leadership requirements based on sincerely held religious beliefs.

Student groups offer constructive social outlets between coursework and the day-to-day of college life. Often, these groups are where new students go to forge friendships and find ways to engage with their new community. Faith-based groups uniquely center their mission on dedication to a higher power. These groups are religiously diverse. Christian, Jewish, Muslim, and Baha'i faiths alike are creating chapters on campuses to provide a space for students to learn about, worship, and practice their faith in likeminded fellowship.

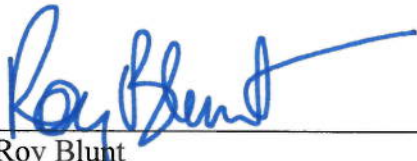
Nothing speaks to the power of faith-based student groups more than their actions. For example, Cru, a faith-based student group at University of Kansas in Lawrence, Kansas, helped first-semester freshmen connect with relief efforts in Houston, Texas, after Hurricane Harvey. Another example is the several student groups from George Mason University in Fairfax, Virginia—Cru, the Muslim Student Association, and the Jewish Student Association—who worked together to raise money for refugees displaced by conflict. These groups provided invaluable support to communities in need. Their stories are but a few of many examples of how faith-based student groups across the country make an impact in their communities and beyond.

The Final Rule titled, *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities*, 34 C.F.R. §§ 75.500(d) and 76.500(d) (“final rule”), ensures the equal treatment of faith-based student groups at public institutions of higher education. It has come to our attention that there is a legal challenge to this final rule premised on a flawed understanding of good public policy and the law. It is also our understanding—based on a recent court filing—that the Department of Education is considering regulatory action related to the final rule.

In response to questions from Senators following your confirmation hearing, you said that “we must ensure that learning environments, including college campuses, are places free of discrimination and harassment for all students, including those of all religious faiths.” The final rule accomplishes this goal. It appropriately and lawfully ensures that faith-based student groups have equal access to campus resources, notwithstanding their sincerely held religious beliefs, including leadership requirements. No student group should suffer loss of official recognition, use of institutional facilities, or access to student fee funds simply for being faith-based. It would come at too high a cost for the First Amendment and for the communities that benefit from these groups’ acts of public service.

We ask the Department to recognize the importance, and the constitutional rights, of faith-based student groups at public institutions of higher education. Current law already protects religious student groups in high schools. Students deserve the opportunity to organize under both their faith and at their university or college.

Sincere Regards,



Roy Blunt
United States Senator



James Lankford
United States Senator



Tim Scott
United States Senator