

CUSP Guide to working with Religious Issues ¹

The following guide was compiled by members of the Washington State Council of Unions and Student Programs (CUSP). It is not intended to be legal advice nor is it a blanket policy statement for the state system. The guideline below should be considered alongside the advice of institutional legal counsel when formulating college policies and procedures.

Please use this guide in conjunction with:

Fischer, W.H., (2004). *Church/state issues and students services*, WA Attorney General.

YES:

1. Religious student groups must be recognized the same as any other student groups. The religious nature of their activities or content of their speech is irrelevant.²
2. S&A funds can be provided to religious student groups for non-religious purposes on the same basis such funds are provided to any other student group.³ In addition, the college can set up a trust account for funds intended for religious use.
3. Religious student groups may use campus facilities (meeting space, office space, etc) the same as any other student groups, even if the use is of religious nature.⁴
4. The college can establish reasonable time, place, and manner restrictions on the use of its facilities.⁵ Therefore, if religious use is dominating the facility and impacting the use by others, such use may be limited.
5. Religious student groups and off-campus religious groups may post, vend, and distribute in the same manner as non-religious groups, per college WACs and practices regarding reasonable time, place, and manner restrictions on the use of its facilities. Application of such policies must be content-neutral and uniform.

NO:

1. S&A funds cannot provide for, or be used as seed money to fundraise for, religious worship, exercise, or instruction.⁶
2. Student groups may not share office space or materials with off campus religious groups.⁷
3. Religious student groups may not use college letterhead.⁸
4. College provision of non-secular time, supplies, and equipment to religious student groups for religious purpose.⁹

¹ Fischer, W. H. (2004). *Church/state issues and student services*, Washington Attorney General.

² Healy, 408 U.S. 169 (1972).

³ Rosenberger, 515 U.S. 819 (1995).

⁴ Widmar, 454 U.S. 263 (1981).

⁵ Kaplin, W. A., Lee, B. A. (1997). *A legal guide for student affairs professionals*. San Francisco: Jossey-Bass.

⁶ Locke v. Davey, 124 S. Ct. 1307 (2004).

⁷ Washington State Constitution, Article 1, Section 11.

⁸ Washington State Constitution, Article 1, Section 11 and U.S. Constitution

⁹ Locke v. Davey, 124 S. Ct. 1307 (2004).