

September 29, 2011

75LCB#04- Student Fee Regulations: Religion

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Bill History

In light of recent funding requests by student groups, there has been an investigation into the current Student Fee Regulations clause prohibiting the use of student fee moneys for religion. In conjunction with University legal council, John Sleeman and Alex Loyd, we have decided that there is a strong need to amend the religion section of the Student Fee Regulations. The following Supreme Court cases provide justification for this decision: *Rosenberger v. University of Virginia*, and *University of Wisconsin v. Southworth*.

In *Rosenberger*, the Supreme Court held that the University of Virginia violated the free speech rights of a student run journalism group producing a Christian campus newspaper when it denied the group funding based on its religious viewpoints. The Court reasoned that since the University provided student fee funding to other student groups participating in a similar purpose (producing campus newspapers), it could not deny funding to this group based on its religious viewpoint.

In *Southworth*, students at the University of Wisconsin sued the school in an attempt to opt out of mandatory student fees because they objected to the viewpoints that were being supported by student fee monies. The court held that the University could continue to collect mandatory student fees, as long as they abide by the viewpoint neutrality as set forth in the *Rosenberger* case.

These two cases together establish that a State University must allocate student fees in a viewpoint neutral manner. It does not mean that a student group must present both sides of an argument, but rather that any group that fits into the purpose of the forum cannot be rejected funding based on their viewpoints. This doctrine does not prohibit decision makers from withholding money on the basis of other restrictions placed on all student groups by the Student Fee Regulations, such as requiring that the student group be open to all students.

In sum, the current Student Fee Regulations violate the First Amendment of the United States Constitution by allowing decision making bodies within the student fee system to make decisions based on the religious viewpoints held or expressed by a certain group or within a certain event. Removing this current allowance and inserting a new restriction in line with the understanding of viewpoint neutrality will allow CUSG decision makers to allocate funds based on Constitutionally acceptable methods.

Bill Summary

This bill seeks to amend the current student fee regulations and bring them up to standard with the current Federal laws of the United States of America.

BE IT ENACTED by the Legislative Council of the University of Colorado Student Government, THAT:

Section 1: The following language is to be struck from the student fee regulations:

“2.3.8 Religion

Student fees shall not be used in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any student group, school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination”

Section 2: The following language will be placed into the Student Fee Regulations:

“2.6 Viewpoint Neutrality

A. All funding allocations by student fee funded boards must be made in a viewpoint neutral manner. Decisions regarding funding must therefore reflect the following principles:

- I. All funding decisions will be made without regard to race, ethnicity, nationality, gender, gender identity, sexual orientation, marital status, age, physical ability, religion, or veteran status.

Section 3: Section 2.5 Equal access will be removed and replaced by the 2.6 in Section 2 of this bill. Section 2.6 in Section 2 of this bill will now be titled 2.5 Viewpoint Neutrality.

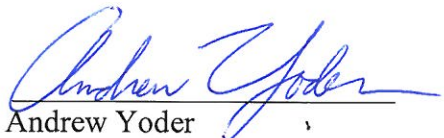
Section 4: This Bill takes effect upon final passage and upon obtaining the signatures of the CUSG Legislative Council President and Executives.

Vote Count:

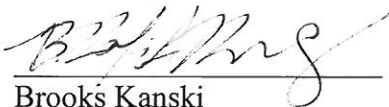
09/29/2011	Amended and passed on 1 st reading	Acclamation
10/06/2011	Amended to add section 3	13-0-4
10/06/2011	Passed on 2 nd reading	15-0-2



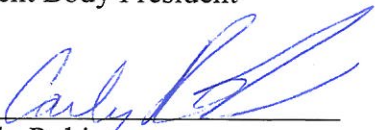
Marc Herzberger
Legislative Council President



Andrew Yoder
Student Body President



Brooks Kanski
Vice President of External Affairs



Carly Robinson
Vice President of Internal Affairs

