



June 10, 2009

Via Hand Delivery

Dr. Rick Danals  
Director, Office of Student Activities  
Wright State University  
3640 Colonel Glenn Highway  
Dayton, OH 45435

**Re: *Campus Bible Fellowship's Recognition and Exemption Request***

Dear Dr. Danals:

The Alliance Defense Fund's Center for Academic Freedom represents Campus Bible Fellowship ("CBF"). Alliance Defense Fund ("ADF") is a legal alliance that defends America's first liberty, religious liberty. ADF's Center for Academic Freedom is dedicated to ensuring that religious students enjoy rights to speak, associate, and learn on an equal basis with students of different faiths or no faith at all.

We are aware of Wright State University's ("WSU") unlawful denial of official recognition to CBF during the 2009 Winter quarter based on CBF's requirement that its voting members and officers subscribe to its Articles of Faith. We are also aware that despite granting CBF recognition for the 2009 Spring quarter, WSU officials told CBF that in order to obtain recognition for the next academic year, it would likely have to abandon the faith-based qualifications it imposes on its voting members and officers.

By this letter, CBF is requesting an exemption (as qualified below), pursuant to page 206 of the 2008-2009 Student Handbook, from WSU's affirmative action policy's prohibition on discrimination based on religion, sexual orientation, and gender identity/expression. CBF submitted a Constitution today, via OrgSync, which reflects this exemption request by not listing the terms "religion," "sexual orientation," and "gender identity/expression" in its nondiscrimination statement. (See Article III, Section 2.D.)

Attached hereto is a Statement adopted by CBF's voting members during the 2009 Spring quarter explaining the religious basis of CBF's requested exemption. Please review this Statement, along with this letter, as you consider CBF's exemption request. In addition, please consider WSU's policy which states that student organizations that are "created for the purpose of deepening the religious faith of students within a denominational or interdenominational grouping" are "consistent with university policy," and thus should be granted recognition. (See Student Handbook pp. 113, 210.) CBF's exemption request is precisely the type contemplated by this policy.

In addition, please be aware that CBF does not view its voting member and officer policies as violative of WSU's prohibition on sexual orientation discrimination. CBF's policies specify the religious beliefs and conduct standards regarding sexual practices that its voting members and officers are expected to advocate and live by. They are not targeted at any class of person. See, e.g., *Christian Legal Soc'y v. Walker*, 453 F.3d 853, 860 (7th Cir. 2006) (finding that religious

association's beliefs and conduct standards regarding sexual practices "do not exclude members on the basis of sexual *orientation*," and thus did not violate a university policy prohibiting sexual orientation discrimination).

Thus, from CBF's perspective, it only needs an exemption from WSU's prohibitions on religious discrimination and gender identity/expression. If WSU concurs, and grants such an exemption, CBF will alter the nondiscrimination statement in its Constitution to include the term sexual orientation. However, if WSU views CBF's faith-based voting member and officer policies as discriminating on the basis of sexual orientation, then CBF will need an exemption from the policy to the extent that it prohibits discrimination based on religion, gender identity/expression, and sexual orientation.

Further, if WSU denies CBF the exemption requested herein, thereby denying CBF recognition, ADF will file a federal civil rights lawsuit on behalf of CBF, requesting an immediate injunction and damages and attorney's fees. Denial of recognition would violate CBF's First Amendment rights to free speech and free association, at the very least. *See Walker*, 453 F.3d at 861-67 (public university's denial of recognition to Christian student organization based on its religious-based membership policy violated group's rights to expressive association and free speech).

We trust, however, that this situation can be resolved short of litigation. The best and constitutionally-required course for WSU to follow is to allow CBF to require its voting members and leaders to agree with its views and purposes, just as WSU allows other groups organized around nonreligious beliefs and views to do. Granting CBF the exemption requested herein, and recognized status, will bring this matter to a close.

Pursuant to WSU policy, this letter petitioning an exemption is being submitted simultaneously with CBF's request to be a recognized student group. Please respond to me as soon as possible, but **no later than June 16, 2009**, regarding WSU's position on whether CBF requires an exemption from the prohibition on sexual orientation discrimination. Should WSU determine that such an exemption is not required, CBF will insert "sexual orientation" into its Constitution's nondiscrimination statement and resubmit it. Should WSU determine that such an exemption is required, CBF's request for an exemption should be based on its current Constitution. Of course, as stated above, should WSU deny CBF the necessary exemption, and concomitantly recognition, a lawsuit will follow.

Sincerely,



Jeremy D. Tedesco  
Legal Counsel, Center for Academic Freedom

Enc.

cc: Robert Nevin, Chair, WSU Board of Trustees  
David R. Hopkins, President, WSU