Colleges and universities often have non-discrimination policies that require officially recognized student groups to allow any student to join, participate in, and seek leadership in those groups. These policies ensure that public colleges and universities do not subsidize discrimination with tax dollars and tuition fees.

State legislatures across the country have been considering bills that would require colleges and universities to create exemptions to their nondiscrimination policies for religious clubs, forcing state schools to sanction and subsidize discrimination.

Religious freedom is a fundamental American value that gives us all the right to believe or not as we see fit. Religious freedom does not include a right to use religion to discriminate—and especially not while using taxpayer dollars or using the tuition fees of the very students who are being excluded.

Public universities have a strong interest in preventing discrimination on campus and fostering inclusionary practices for on-campus student organizations.

All public institutions of higher education should have the right to ensure that the mandatory student activity fees paid by all students only support those groups that are open to all students.

All-comers policies promote equality and fairness and do not target religious beliefs. They treat religious student groups the same as all other student groups.

Religious student groups retain their free exercise and speech rights. For example, in the 2010 case Christian Legal Society v. Martinez, at Hastings College, the Christian Legal Society could gain access to school facilities for meetings and could use generally available bulletin boards to advertise events. Student clubs that want to discriminate can, they just must forgo school recognition and funds.