

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – LANSING**

INTERVARSITY CHRISTIAN
FELLOWSHIP/USA, *et al.*,

Plaintiffs,

v.

BOARD OF GOVERNORS OF WAYNE
STATE UNIVERSITY, *et al.*,

Defendants.

Civil Action No. 1:18-cv-00231

**DECLARATION OF LORI
WINDHAM**

I, Lori Windham, declare as follows:

1. I am legal counsel at the Becket Fund for Religious Liberty. I represent the plaintiffs in the above-captioned matter.

2. Between February and April 2018, I accessed the website for the Dean of Students' Office at Wayne State University multiple times. I personally viewed the descriptions of student organizations on those websites, as well as student organization websites and Facebook pages linked from the Dean of Students' Office website. Based upon that research, I compiled the chart attached as Exhibit 1. That chart lists a selection of student organizations which hold themselves out as being limited in ways allegedly prohibited by Wayne State's nondiscrimination policy, or who hold themselves out as being limited to those who share a particular viewpoint. Column A names the organization. Column B includes the link to the student organization's description on the Dean of Students' Office website, and when relevant a link to a student organization site linked from that page. Column C contains direct quotes from the website linked in Column B indicating that the student organization makes distinctions according to a prohibited category, or that it limits

membership or leadership according to viewpoint. All the links and quotations on that chart were double-checked by a paralegal for accuracy on April 20, 2018. All of the information contained in Exhibit 1 accurately represents the data I obtained from the websites.

3. Attached as Exhibit 2 is a true and correct copy of the letter that Tom Lin, President of InterVarsity USA, sent to Defendant Roy Wilson on Nov. 27, 2017.

4. Attached as Exhibit 3 is a true and correct copy of the email that Mr. Lin sent to Louis Lessem, Wayne State General Counsel, On Dec 14, 2017, and a true and correct copy of the response he received from Mr. Lessem on that same day.

5. Attached as Exhibit 4 is a true and correct copy of the email that Mr. Lin sent to Mr. Lessem on Jan. 11, 2018.

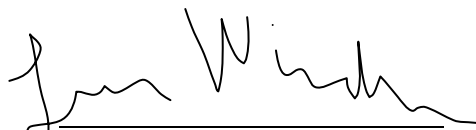
6. Attached as Exhibit 5 is a true and correct copy of the email that Greg Jao, InterVarsity Director of External Relations, received from Thomas Cavalier, Wayne State Assistant General Counsel, on Jan. 18, 2018.

7. On April 25, 2018, I viewed the Students for a Democratic Society website, which I accessed by following a link from the Wayne State Dean of Students' Office webpage. I downloaded a copy of their model constitution, which is accessible via a Google Drive link from their website. A true and correct copy of that constitution is attached as Exhibit 6.

8. On March 8, 2018, I informed the University's General Counsel, Mr. Louis Lessem, that InterVarsity planned to seek a temporary restraining order, or in the alternative, a preliminary injunction against the Wayne State defendants. That afternoon, I learned from media reports that Wayne State had changed its position and issued a new statement regarding the case to the media. That evening, I learned from my clients that Wayne State had invited InterVarsity to re-apply for registered status.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 25th day of April, 2018.



Lori Windham

EXHIBIT 1

Exhibit A

**Quotes from Student Organization Descriptions on Wayne State Webpages
and Association Homepages Linked to Wayne State Webpages**

Name	Link (click "Profile")	Quotation
Ahmadiyya Muslim Student Association	https://orgsync.com/152103/chapter	"Be the official communicator to the students, faculty and staff of Islam."
	http://amsa.org.uk/about/	"bring Ahmadi Muslim youth together in university," "regular young Muslims trying their best to practice and express their faith in university."
Albanian American Student Organization	https://orgsync.com/147983/chapter	"to bring Albanians together."
Alpha Epsilon Phi	https://orgsync.com/148429/chapter	"to inspire and support exemplary women . . . while building on the vision of our Jewish founders."
Alpha Epsilon Pi	https://orgsync.com/169618/chapter	"Alpha Epsilon Pi, the Global Jewish Fraternity, was founded to provide opportunities for Jewish men."
Alpha Gamma Delta	http://greeklife.wayne.edu/alphagammadelta.html	"an international fraternity for women that exists to provide opportunities for personal development through the spirit of sisterhood."
Alpha Kappa Alpha Sorority	https://orgsync.com/156246/chapter	"the oldest Greek-letter organization established by African American college-trained women."
	http://aka1908.com/membership/aspiring-or-prospective-members	"Federal law recognizes the right of college fraternities and sororities to maintain single sex membership policies" and "[c]onsistent with that right, Alpha Kappa Alpha Sorority, Incorporated is a women's organization and membership is open to women."
Alpha Phi Alpha	https://orgsync.com/148237/chapter	"Alpha Phi Alpha was the first intercollegiate Greek-letter fraternity established for African-Americans."
Alpha Sigma Phi	https://orgsync.com/148210/chapter	"The Brothers of Beta Tau Chapter live by the five values and become, as stated in the chapter motto: Men of Honor, Men of Class, and Men of Stature."

Anakh Sherniyan Di	https://orgsync.com/161701/chapter	“Michigan’s all-girls competitive Bhangra dance team.”
Association of Black Social Workers	https://orgsync.com/148022/chapter	“The Association of Black Social Workers at Wayne State (ABSW) is comprised of people of African ancestry.”
Association of Latino Professionals for America	https://orgsync.com/158372/chapter	“develops the next generation of Latino professionals via experiential leadership development and mentoring.”
Campus Bible Fellowship	https://orgsync.com/148173/chapter	“Campus Bible Fellowship is committed to serious study of the Bible and to the cultivation of authentic relationships with other believers in order to grow in our relationship with Jesus Christ.”
Chaldean American Student Association	https://orgsync.com/147988/chapter	“We seek to unite all Chaldeans at Wayne State University. Our intentions are to assist these students in furthering their education while maintaining a positive representation of the Chaldean community.”
Christian Pharmacists Fellowship International	https://orgsync.com/148233/chapter	“CPFI-PIC is a professional pharmacy organization that is committed to upholding Christian values by loving God and loving people through fellowship among Christian pharmacists and pharmacy students.”
College Republicans of Wayne State University	https://orgsync.com/148217/chapter	“The College Republicans . . . promot[e] the conservative values of the Republican Party.”
Delta Phi Omega	https://orgsync.com/165217/chapter	
	http://phichapterdpo.wixsite.com/wsudetroit/herstory-1	“The purpose of Delta Phi Omega shall be to foster unity among South Asian women. . . .”
Delta Sigma Theta	http://greeklife.wayne.edu/delta-sigma-theta.html	“an organization of college educated women”
DESIGN movement	https://orgsync.com/161293/chapter	“DESIGN Movement serves the South Asian American community by offering spiritual resources and a place to find community. As a community, our vision is to reach the South Asian students with the Gospel and

		encourage them to walk by faith, communicate their faith, and multiply their faith.”
Detroit Cru	https://orgsync.com/148367/chapter	“Detroit Cru is a spiritual resource for college students at campuses across Metro Detroit. We are students seeking to grow in our relationship with Jesus individually and collectively through small group discussions, large group gatherings, mentoring, retreats, and parties. Whether you have already started your journey with God or are just starting to ask questions we'd love to be an encouragement and help to you.”
Elohist Bible Club	https://orgsync.com/168374/chapter	“We are a religious bible study group who look into the mysteries of the Bible; mysteries such as the Order of Melchizedek, Daniel 2 and 7, and the mystery about God the Mother.”
Fellowship of Christian Athletes	https://orgsync.com/151969/chapter	“We are a group of student athletes who meet each week to go through an FCA study and explore what it means to be both a collegiate athlete and a follower of Christ.”
GQWSU	https://orgsync.com/148373/chapter	“GQWSU is the queer graduate student group at Wayne State University. The group is dedicated to spear-heading advocacy initiatives on campus and providing social opportunities for queer students and allies.”
Graduate Indian Students Organization	https://orgsync.com/159236/chapter	“The GISA strives to promote cultural unity and interaction among its members and the University community.”
Impact Wayne State	https://orgsync.com/163573/chapter	“The Impact Movement a national Christian organization that is focused on producing African American student leaders of faith, spreading the truth of Jesus Christ to the campus, and community.”
International Youth and Students for Social Equality	https://orgsync.com/148037/chapter	“We are a student organization dedicated to the defense and enfranchisement of the working class, social rights, democratic rights, and opposition to imperialist war and the capitalist system.”
Iota Phi Theta	http://greeklife.wayne.edu/iota-phitheta.html	“Brotherhood among all men”
Iranian Student Association at Wayne State University	https://orgsync.com/163568/chapter	“This is a non-political student group whose objective is to sponsor Iranian social and cultural activities and events, to help foster friendship among different cultural groups, and to provide a source of union and support for the Iranian community at Wayne State University as well as Detroit Area.”

Islamic Medical Student Organization	https://orgsync.com/170590/chapter	“This organization serves as representation for the Muslim medical students in the Wayne State School of Medicine. Activities include Friday Prayer Coordination, ACCESS, HUDA clinics coordination, and also an annual physician student networking dinner.”
Jesus Only! Campus Ministry	https://orgsync.com/162123/chapter	“An opportunity for like minded Christians to fellowship to lift up the name of Jesus. The program will include Bible Classes, songs, and fellowship.”
Jewish Medical Student Association	https://orgsync.com/151965/chapter	“This is an association for Jewish Medical Students to meet and discuss how medicine and Jewish life intertwine. This is a place for us to talk about uniquely Jewish issues in the medical field and to explore potential areas of discussion and growth.”
Jewish Student Organization	https://orgsync.com/148313/chapter	“The Jewish Student Organization (JSO) sponsors exciting programs and events for WSU students about Jewish culture and religion. The JSO promotes building and fostering a Jewish community among students at WSU which will enrich their lives through participation in a variety of programs, leadership opportunities and events.”
Kuwaiti Organization	https://orgsync.com/148315/chapter	“The Kuwaiti Organization aims primarily at providing academic and extracurricular assistance to Kuwaiti students, especially those who recently arrived to the US.”
Lambda Theta Phi Latin Fraternity	https://orgsync.com/148408/chapter ; http://greeklife.wayne.edu/lambdathetaphi.html	“Strive to overcome. Strive to succeed. Leaders of the Greek Latino Movement.” (“Lambda Theta Phi is the first Latino, Greek-letter organization to . . . be recognized by the National Interfraternity Conference (NIC)”)
Lebanese Student Association	https://orgsync.com/147947/chapter	“The Lebanese Student Association is an organization aiming to unite and serve the Lebanese community on campus while educating the general student body of Wayne State University about Lebanese culture and society.”
Mar Gregorios Orthodox Christian Student Movement	https://orgsync.com/165214/chapter	“The mission of MGOCSM North America's Campus Ministry is to provide proper direction for guidance, counsel, career development and fellowship to live and lead the Orthodox way of life in a secular world. It also strives to build valuable, faithful leaders of the Holy Church and the Community at large when acclimating into society.”
Motor City Wesley	https://orgsync.com/169500/chapter	“Motor City Wesley is a collection of student-led missionary communities interested in putting their faith into action. Weekly discussions typically

		consist of strengths, weaknesses, history and Christian communities surrounding Detroit.”
National Association of Black Accountants	https://orgsync.com/158321/chapter	“The Wayne State University Student Chapter is a small student chapter composed of individuals committed to upholding the principles of academic excellence, professional development, and social responsibility.”
National Black Operations Business Association	https://orgsync.com/147954/chapter	“Nationally recognized organization which deals with the virtues of bringing business ideas and values to minority students on campus.”
National Panhellenic Conference	https://orgsync.com/148378/chapter	“The National Panhellenic Conference (NPC) is an organization composed of 26 inter/national women's Greek-letter fraternities. Each member group is an autonomous social organization consisting of women who are college and university, undergraduates and alumnae. The NPC exists to promote the values of and to serve as an advocate for its member groups in collaboration with those members, campuses, and communities.”
National Society of Black Engineers	https://orgsync.com/148214/chapter	“the premier technical organization for African American engineering students and professionals.”
New Life Church	https://orgsync.com/148175/chapter	“explaining and representing the Christian faith accurately to those who are interested in knowing it.”
Newman Catholic Center	https://orgsync.com/147945/chapter	“We are a Catholic community of students helping each other to grow in our faith. We are located on the 7th floor of the Student Center Building. Come and enjoy our chapel, lounge, kitchen and study rooms!”
Omega Delta Phi	http://greeklife.wayne.edu/omegadeltaphi.html	“This brotherhood, exists in order to provide any man with a diverse fraternal experience”
Omega Psi Phi	https://orgsync.com/148343/chapter	“Manhood, scholarship, perseverance and uplift were adopted as cardinal principles.”
Orthodox Christian Fellowship	https://orgsync.com/167314/chapter	“The Orthodox Christian Fellowship (OCF), is a group for Orthodox Christian students to connect through their faith. Its mission is to help students continue to grow in their faith, providing an opportunity for fellowship and spiritual guidance.”
Pakistani Student Association	https://orgsync.com/148202/chapter	“Pakistani Student Association's goal is to spread awareness about Pakistan's culture to Wayne state as well as connect Pakistanis to embrace their own culture.”

Phi Gamma Delta	https://orgsync.com/151154/chapter	“We are a social fraternity that was founded in 1848 at Jefferson College in Pennsylvania. We abide by the 5 values that make up a FIJI Gentleman: Friendship, Knowledge, Service, Morality, and Excellence.”
Queer WSU Students of Color	https://orgsync.com/162970/chapter	“QWSU is a group of students, faculty, and/or staff that aim to enrich, educate and improve the community in order to be more accepting and knowledgeable about the lived experiences of queer and similarly identified people of color.”
Ratio Christi at Wayne	https://orgsync.com/158319/chapter	“The purpose for which the Ratio Christi, Inc (Ratio Christi) is organized is to encourage and strengthen the faith of Christian students at public and private institutions around the world, while sharing Christ's message and love with those who have not yet accepted Him.”
Reunite and Organize in Spite of Everything	https://orgsync.com/165909/chapter	“Our mission is to educate, liberate, and advance Africa and the entire African Diaspora... one community at a time.”
Romanian American Student Association	https://orgsync.com/165947/chapter	“RASA strives to bring Romanian American students together at Wayne state.”
Secular Student Alliance	https://orgsync.com/162464/chapter	“The purpose of the Secular Student Alliance is to promote secular values, make members feel comfortable to express their identity in and out of the group, and to join with other groups from different schools to discuss important issues in the secular world.”
SGI Campus Club	https://orgsync.com/158560/chapter	“SGI Campus Club is part of a Buddhist organization, Nichiren Daishonin Buddhism, of 12 million members world wide in 192 countries and territories. ... We have and are looking to continue our movement here on WSU campus to help society through faith based activities which enable individuals to identify and courageously win over internal and external forces that come between the individual and their enlightenment, which is the key to happiness.”
Sigma Tau Gamma	https://orgsync.com/143522/news_posts/243086 :	“97 years ago, seventeen veterans of World War I came together to start a fraternity founded on the idea of building noble generations of men. Today, you have the same opportunity to become a Founding Father of Wayne State’s newest fraternity, Sigma Tau Gamma! Sigma Tau Gamma can provide you the opportunity to develop friendships with other like-minded men and connect you to a large network of influential alumni.”

Sigma Lambda Beta	http://greeklife.wayne.edu/sigmalambdabeta.html	“Latino-based social fraternity”
	http://sigmalambdabeta.com/requirements-next-steps/	“Membership is only available for collegiate men”
Sigma Lambda Gamma	https://orgsync.com/148177/chapter	“Sigma Lambda Gamma strives to be the premier organization committed to providing a mechanism of empowerment to all women. Through a network of close to 3,000 multicultural sisters from collegiate chapters and alumnae associations located across the United States, we promote academic excellence and higher education for all women via a dedication and incorporation of the sorority principles”
Sikh Students Organization	https://orgsync.com/148249/chapter	“The goal of the SSO is to create awareness of the Sikh Religion, to promote unity through diversity, and create a community for the Wayne State Sikh Students. We aim to hold events every semester aimed at promoting these values.”
Sister 2 Sister	https://orgsync.com/148321/chapter	“Sister 2 Sister hopes to create a place of unity and empowerment for women on the Wayne State University campus. Through common goals of education and uplifting of the community, we hope to establish a bridge to resolve differences and reach a common goal.”
Society of Hispanic Professional Engineers	https://orgsync.com/148216/chapter	“The student chapters of SHPE promote academic excellence, as well as career development. This professional-student structure provides for the continued enhancement of skills and opportunities, supporting them as they grow from novice to expert, role model to mentor.”
Society of Women Engineers	https://orgsync.com/147998/chapter	“Mission: Stimulate women to achieve full potential in careers as engineers and leaders, expand the image of the engineering professions as a positive force in improving the quality of life, and demonstrate the value of diversity”
Sri Lankan Students Association	https://orgsync.com/147963/chapter	“Sri Lankan Students Association (SLSA) is the representative student body for Sri Lankan students in Wayne State University.”
Student Advocates for the Medical and	https://orgsync.com/165948/chapter	“We are an advocate group dedicated to bettering the community through discussion, canvassing, volunteer-work and public education.”

Responsible Use of Cannabis		
Student with Disabilities Alliance	https://orgsync.com/168774/chapter	“SDA is inclusive to all disabled students, professionally-diagnosed or self-diagnosed, of all forms of disability, including but not limited to: physical disabilities, mental disabilities, learning disabilities, and sensory disabilities.”
Students for Israel	https://orgsync.com/148353/chapter	“to show Israel’s positive influence in the world”
Students for Justice in Palestine	https://orgsync.com/148183/chapter	“Students for Justice in Palestine is a student organization that works in solidarity with the Palestinian people and supports their right to self-determination.”
Temple Campus Ministry	https://orgsync.com/148358/chapter	“Temple Campus Ministry is a bible study with a focus on the issues that are more prevalent on campus. Temple Campus Ministry was established to proclaim Christianity on college campuses (like Wayne State) and to establish an environment where students can express themselves spiritually. We also seek to deal with real life issues that we all face as young adults in college and provide relevant and pertinent information in a bible study that will help you along your journey.”
The Brotherhood	https://orgsync.com/163575/chapter	“The mission of the organization is to help minority males build academic, personal, and professional relationships with people of value through exchanging knowledge and resources.”
The Eternal Message	https://orgsync.com/153221/chapter	“As classmates, we took a stand for humanity by developing an organization that continues the legacy of the heroic Prophet of Islam, Prophet Muhammad. With inspiring hearts, we strive to deliver the eternal message of mankind and let his legacy shine on for years to come.”
The Goddess Experience	https://orgsync.com/162968/chapter	“The Goddess Experience is a way for women to awaken to the greatness they carry within. The goal of this organization is to help women create a life beyond one-dimensional ideas of femininity through learning and embracing diverse cultural Goddess's. Through self expression through painting, creating vision boards, embarking on a self- discovery journey, and learning the characteristics of the Goddess, these will be tools that will help to connect with personal power.”

The Man Cave Society	https://orgsync.com/167338/chapter	“Non-profit organization inspiring men to live Christ-centered lives.”
The Navigators	https://orgsync.com/147999/chapter	“A Navigator campus ministry is a close-knit community of people who actively engage in the lives of those around us. We encourage one on one discipleship. We believe in knowing Christ and making Him known.”
The Rising	https://orgsync.com/147970/chapter	“The Rising is a Wayne State Bible study movement. Reaching out to the students and people in the community through worship, praise and God's Word! The Rising is a non- denominational organization like no other, we are teaching young adults; neither God, nor Christianity is a thing of the past, for God is the same yesterday, today and forever, and came to save us all! This generation needs to know of Gods love, his grace, and mercy, but also be equipped to fight the devil and win victoriously! For it is through Jesus' blood that we can exceed and do ALL things! For in the book of John 3:30 John the Baptist stated, ‘He must become greater; I must become less.’”
Theta Nu Xi	https://orgsync.com/148263/chapter	“Theta Nu Xi Multicultural Sorority, Inc. was founded at the University of North Carolina at Chapel Hill, by seven diverse women who sought to create an inclusive sisterhood.”
Theta Tau Professional Engineering Fraternity	https://orgsync.com/148409/chapter	“Based on the ideals of Service, Profession, and Brotherhood, Theta Tau is for those interested in Greek life with a professional twist.”
Think Analyze Live and Know	https://orgsync.com/162976/chapter	“We are all about sharing what the Bible has to say about life and who God is, all over a healthy and delicious meal. We have short TED talk style presentations which leads into group discussions.”
Virtuous 31	https://orgsync.com/148423/chapter	“Virtuous 31 group striving to be Proverbs 31 women by deeping a relationship with God and fellowship--open to all WSU students.”
Warriors for Abdul	https://orgsync.com/163574/chapter	“to support the gubernatorial campaign of Dr. Abdul El-Sayed for Michigan governor. This organization shall be the students for Abdul- Wayne State University based branch of the campaign.”
Wayne ki Awaaz	https://orgsync.com/148000/chapter	“Wayne ki Awaaz, which appropriately stands for Voice of Wayne, is a premiere South Asian a cappella group of Wayne State University. This group was founded in 2011 by a couple of students willing to show their love of music and culture. Wayne ki Awaaz looks to create a fusion of both

		Eastern and Western music without instruments. We pay homage to our mother tongue”
Wayne Law Catholic Law Students Association	https://orgsync.com/162974/chapter	“Wayne Law Catholic Law Students Association is an association of Law Students to seek to express their religious beliefs meet other like-minded people in the Law School setting.”
Wayne State Gospel Chorale	https://orgsync.com/164149/chapter	“Wayne State Gospel Chorale sings gospel music from this era and of the old. We love to see different faces and make music whilst praising God.”
Wayne State Men’s Volleyball Club	https://orgsync.com/164648/chapter	“The Men’s Volleyball Club also serves as the base of operations for the Wayne State University Men’s Traveling Competitive Club Volleyball Team.”
Wayne State University College Democrats	https://orgsync.com/148289/chapter	“The Wayne State University College Democrats advocate for democratic and progressive causes on campus and in our community. We work to elect candidates that hold these values while networking for internship and job opportunities.”
Wayne State University College Greens	https://orgsync.com/152227/chapter	“We are a coalition of students who are committed to building an alternative to the corporate-controlled two party system. We stand for ecological wisdom, social justice, nonviolence, and democracy.”
Wayne State University NOBCCHE chapter	https://orgsync.com/163577/chapter	“NOBCCHE is a non-profit professional organization dedicated to assisting black and other minority students and professionals in fully realizing their potential in academic, professional, and entrepreneurial pursuits in chemistry, chemical engineering, and allied fields.”
Wayne State University Student Veterans Organization	https://orgsync.com/148063/chapter	“The Student Veterans Organization is dedicated to supporting and promoting the personal growth and academic success of all student veterans, their families and alumni.”
Wayne Women’s Law Caucus	https://orgsync.com/165910/chapter	“Women's Law Caucus seeks to provide a venue for networking, professional development and mentorship to women in the Wayne Law community.”
Women in Medicine	https://orgsync.com/161698/chapter	“To encourage and support women taking on the pre-health track.”
Women’s Club Soccer	https://orgsync.com/148271/chapter	“Women's Club Soccer is in our fifth year of existence. We are here for fun yet still competitive soccer.”

WSU Kannadigaru	https://orgsync.com/156033/chapter	“WSU kannadigaru is a student organization at Wayne State University that constantly strives to represent the Karnataka Student Community in a unique way. It is formed to promote Karnatic culture and tradition. It involves Indian students by organizing various cultural and social events.”
WSU Students for Life	https://orgsync.com/147982/chapter	“The mission of WSU Students for Life is to promote and uphold the dignity of life in all stages and to provide resources and support for pregnant women on campus and in the community.”
Young Apostolic Students for Christ	https://orgsync.com/147953/chapter	“We are an on campus ministry that gives encouragement, guidance, and help to students here at Wayne state university. Here is where strangers become friends, and friends become family!”
Zeta Phi Beta Sorority	https://orgsync.com/148449/chapter	We are founded on the principles of Scholarship, Service, Sisterly Love, and Finer Womanhood.
Zeta Phi Zeta Christian Fraternity and Sorority	https://orgsync.com/151116/chapter	“The Purpose of Zeta Phi Zeta Christian Fraternity and Sorority, Inc. is to produce a college campuses and attached communities that will encourage everyone to seek true and right relationship with God. This is accomplished by steeping in Greek step shows, hosting Bible studies on campus for all to attend, having bible drive and sponsoring events which will produce a spirit of fellowship among fellow believers and by presenting the Gospel of Jesus Christ to the unsaved.”

EXHIBIT 2

Tom Lin
President

November 27, 2017

BY EMAIL

Dr. M. Roy Wilson
President, Wayne State University
656 W. Kirby
4200 Faculty/Administration Building
Detroit, MI 48202

Re: Derecognition of InterVarsity Christian Fellowship student chapter

Dear Dr. Wilson,

I am writing to inform you about a serious problem and to ask for your assistance in resolving it. As you may know, the InterVarsity Christian Fellowship student chapter at Wayne State University (the “University” or “Wayne State”) has been derecognized by the Dean of Students’ office because that office interprets the University’s non-discrimination policy to forbid the chapter from asking its student leaders to share its faith. This decision came as a shock, since InterVarsity Christian Fellowship has been active at Wayne State for more than sixty years. As the President of InterVarsity, an international Christian student ministry organization, I am very concerned about this decision. It harms our group and the students we serve, and it raises significant legal problems—problems that Michigan’s other public universities, such as the University of Michigan and Michigan State University, have wisely avoided. I am hopeful that we can find a solution that allows us to move forward together.

Background on InterVarsity Christian Fellowship. InterVarsity Christian Fellowship exists to build communities of students and faculty who follow Jesus as their Savior and Lord at colleges and universities worldwide. InterVarsity was founded in 1877 at the University of Cambridge, England. It was officially established in the United States in the late 1930’s, with the first chapter formed nearby at the University of Michigan. Today, InterVarsity chapters are on more than 600 campuses nationwide serving more than 40,000 students and faculty.

The InterVarsity chapter at Wayne State has long been a part of our global community. The chapter has been active at Wayne State since at least the 1950s and—until being derecognized—held weekly Bible Studies, meetings, and service opportunities for University students. The InterVarsity chapter has long participated in the annual student organization fair, hosted weekly meetings, provided students with a sense of community, held discussions on important topics for the University community, and helped students succeed.

We also engaged the students to serve others, such as by serving at the W food pantry, helping to clean up and serve the community through the “Life Remodeled” program,

hosting events to raise awareness of and support efforts to combat human trafficking, and hosting a campus prayer vigil and annual discussions centered around Christianity, race, and social justice.

We want to provide University students with a place of community, and we welcome everyone on campus, because that is part of our calling as Christians. Our student leaders are crucial in that effort, leading our students in Bible study, prayer, worship, and acts of service. Our student leaders model our faith commitment to serve everyone on campus. And to make sure that they can both live and express that commitment, we have always asked our leaders to share our faith.

Background of the current situation. Last school year, the University instituted a new online system for student organization approval. In the spring, the student president of InterVarsity's Wayne State chapter, Cristina Garza, submitted the chapter's constitution and the required information through the system. The constitution was essentially identical to those of other InterVarsity chapters that have been approved at, for instance, the University of Michigan and Michigan State University.¹ As with all of these constitutions, this constitution makes clear that InterVarsity welcomes all students, regardless of religious beliefs, to join. As is also true for all of these other constitutions, this constitution asked that InterVarsity's student leadership embrace our religious mission.

Ms. Garza received a preliminary approval, and then shortly before the end of the year, received a message stating that the constitution did not meet the necessary requirements. InterVarsity experienced no adverse consequences as a result of this message, and continued to reserve rooms and host tables through September and October 2017. But on October 3, 2017, Ms. Garza received another message stating that InterVarsity's constitution was not approved. She contacted the Dean of Students Office and spoke with Ricardo Villarosa, who informed her that the constitution's requirements that leaders share the chapter's faith were inconsistent with the school's non-discrimination policy. Mr. Villarosa seemed to suggest that other campus organizations such as single-sex fraternities and sororities stated in their constitutions that leadership positions were open to all, even though they disregarded that rule in practice.

On Oct. 17, Ms. Garza asked Mr. Villarosa for clarification on this decision and noted that denying the group's identity to ensure its leadership shared its faith seemed to raise issues of religious freedom. On Oct. 23, the University responded with the attached letter from Sarah Luke, stating that requiring Intervarsity to accept

¹ See Maize Pages, University of Michigan, *InterVarsity Christian Fellowship (Multi-Ethnic)*, <https://maizepages.umich.edu/organization/ivme> (listing InterVarsity as a recognized student group); see also Community, Michigan State University, *InterVarsity Christian Fellowship*, <https://michiganstate-community.symplicity.com/index.php?tab=documents> (listing InterVarsity as a recognized student group, and providing a copy of the chapter's approved constitution, which includes the same leadership requirement language rejected by Wayne State).

nonreligious leadership was constitutional because “the policy is viewpoint neutral and is applied equally to all organizations seeking recognition.”

On Oct. 26, the University confirmed that it had derecognized InterVarsity as a student organization. The University cancelled all of Intervarsity’s meeting-space reservations.

Intervarsity has since been unable to reserve free meeting rooms, host tables for interested students, use campus bulletin boards and TV monitors for advertising, apply for funding available to recognized student groups, or receive any other benefits granted to other recognized student groups. To continue its decades-long practice of serving its members and the University community, InterVarsity has been renting space at the University at its own expense.

Legal concerns. The University’s decision to exclude InterVarsity does not make sense. Nor is it required by the University’s student organization policy. If anything, the decision is in direct conflict with that policy. It is also in direct conflict with the more inclusive practices at schools like the University of Michigan and Michigan State University. Finally, the decision appears to violate state and federal law.

First, Intervarsity disagrees that it is “discrimination” for a religious group to ask its leadership to believe in the God we pray to, worship, and serve. Student leaders are the ones leading students in Bible study, prayer, worship, and service. Asking them to believe in what they’re teaching and doing is a matter of basic integrity, both for our leaders and for our group. And as a matter of fundamental academic freedom and true campus diversity, it makes no sense to demand that student groups abandon their mission and distinctive identity by ceding control to leaders who share neither. Protecting freedom and diversity of thought requires leaving space for authentic differences, not reducing them to conformity.

In practice, it appears the University is willing to respect distinctiveness for myriad other campus groups. For instance, notwithstanding the University’s laudable commitment not to *itself* discriminate based on veteran status, race, color, or national origin, surely the University does not in practice actually force its nationally affiliated fraternities and sororities to violate their national charters by admitting members of the opposite sex.² Indeed, at about the same time that the University was taking action against Intervarsity for merely asking that its *leaders* share its faith, the University was advertising a new fraternity whose *membership* was for “like-minded men.” See https://orgsync.com/143522/news_posts/243086. Nor does the University appear to require the Goddess Experience student group to select male

² See, e.g., Alpha Kappa Alpha Sorority, <https://orgsync.com/156246/chapter> (University chapter page), <http://aka1908.com/membership/aspiring-or-prospective-members> (National page, noting that “[f]ederal law recognizes the right of college fraternities and sororities to maintain single sex membership policies” and “[c]onsistent with that right, Alpha Kappa Alpha Sorority, Incorporated is a women’s organization is a women’s organization’s and membership is open to women”).

leaders; nor the International Youth and Students for Social Equality to accept veterans of “imperialist war”; nor the Secular Student Alliance to promote religious leaders who reject their secular values.³

Similarly, I doubt that the University applies its non-discrimination policy to its *own* activities. For instance, the policy bans the University—in “all” of its activities—from discriminating on the basis of sex, height, or weight. But surely the men’s football team discriminates on the basis of sex, and the basketball teams on the basis of height, and many (perhaps all) of the athletic teams on the basis of weight. There are surely many other examples.

To be clear, we respect and support the University’s commitment to diversity for student groups, and appreciate the way it has accommodated the unique needs and differences of other groups. *See, e.g.*, <http://www.wsumsa.com/prayer> (stating that the University maintains a gender-segregated prayer room to accommodate minority faiths). We simply believe part of true diversity must include space for the viewpoints expressed by religious student groups of all faiths, including ours. And any policy should not be selectively enforced against us.

Second, it is not clear that the University’s written policy applies to student groups. The policy states that the University *itself* will not discriminate in “its operations, employment opportunities, educational programs, and related activities.” But nowhere does it state that this policy must extend to private student organizations granted recognized status. At minimum, this unclear language creates uncertainty and the risk of arbitrary enforcement.

Moreover, the University’s policy prohibits religious discrimination, and states that it “forbids retaliation and/or any form of harassment against an individual as a result of filing a complaint of discrimination or harassment, or participating in an investigation of a complaint of discrimination or harassment.” Yet the University waited to terminate InterVarsity’s student organization status until Ms. Garza raised the issue of religious discrimination with the Dean of Students office. It appears that the University, and not InterVarsity, is acting in violation of the policy.

Finally, it is my understanding that the University’s current policy interpretation is illegal. The federal Court of Appeals for the Sixth Circuit recently upheld InterVarsity’s First Amendment right to select religious leaders that share its faith, emphasizing that “the historical practice has always been that the government cannot dictate to a religious organization who its spiritual leaders would be.” *Conlon v. InterVarsity Christian Fellowship*, 777 F.3d 829, 835-36 (6th Cir. 2015). The court

³ See The Goddess Experience OrgSync Page, <https://orgsync.com/162968/chapter> (“The Goddess Experience is a way for women to awaken the greatness they carry within. The goal of this organization is to help women[.]”); see also IYSSE OrgSync Page, <https://orgsync.com/148037/chapter> (“We are a student organization dedicated to . . . opposition to imperialist war and the capitalist system”); see also Secular Student Alliance OrgSync Page, <https://orgsync.com/162464/chapter> (“The purpose of the Secular Student Alliance is to promote secular values” and it strives to “remove certain stigmas [regarding] secular beliefs.”).

explained that “[t]his constitutional protection is not only a personal one; it is a structural one that categorically prohibits federal and state governments from becoming involved in religious leadership disputes.” *Id.* at 836. While that ruling concerned InterVarsity employees, it is no less relevant to attempts by state-run universities to control the religious leadership of InterVarsity’s private student groups.

Thus, for instance, the Seventh Circuit struck down under the First Amendment a public university’s policy that prevented the religious student group from asking its “voting members and officers . . . [to] subscribe to the statement of faith.” *Christian Legal Society v. Walker*, 453 F.3d 853, 858 (7th Cir. 2006). The court held that there is “no clearer example” of unconstitutional governmental “intrusion into the internal structure or affairs of an association” than controlling its leadership. *Id.* at 861.

Nor does it matter that the University has framed its intrusion into InterVarsity’s leadership selection as demanded by its nondiscrimination policy. The Supreme Court’s unanimous decision in *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC* recognized that enforcing “nondiscrimination statutes is undoubtedly important,” but that the First Amendment had “struck the balance” in favor of protecting “the interest of religious groups in choosing who will preach their beliefs, teach their faith, and carry out their mission.” 565 U.S. 171, 196 (2012). Indeed, in that case the Supreme Court held that Michigan state anti-discrimination laws had to give way to the strictures of the First Amendment. 565 U.S. at 180.

Importantly, these and other related First Amendment protections are particularly applicable “in the community of American universities.” *Dube v. State University of New York*, 900 F.2d 587, 597-98 (2d Cir. 1990). In the context of higher education, the First Amendment rejects “any strait jacket” that “cast[s] a pall of orthodoxy’ over the free exchange of ideas.” *Id.* (quoting *Sweezy v. New Hampshire*, 354 U.S. 237, 250 (1957), and *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967), and finding that university officials could be personally liable for damages for censoring free speech)

Moving forward. On behalf of InterVarsity, I am writing you in the hope that we can resolve this problem together. InterVarsity has been a part of the University’s student body for more than sixty years and is filled with students who want to continue serving their campus. I am sure you agree with me that the University should not discriminate against students who choose to participate in InterVarsity. If anything, the University should be *encouraging* active, community-serving student groups like InterVarsity, not excluding them. Therefore, I respectfully request that the University immediately reinstate InterVarsity’s recognition and that our representatives meet to discuss how the University and InterVarsity can work together going forward. Please let me know when we might have such a meeting. We will hold off on further legal action until December 8.

Sincerely,



Tom Lin
President
InterVarsity Christian Fellowship/USA

cc: Dr. David Straus, Dean of Students, [REDACTED]
Sarah Luke, Assistant General Counsel, [REDACTED]
Ricardo Villarosa, Student Life Coordinator, [REDACTED]

EXHIBIT 3

From: Louis Lessem [[mailto:](#) [REDACTED]]
Sent: Thursday, December 14, 2017 4:01 PM
To: President Tom Lin <[REDACTED]>
Subject: RE: Derecognition of InterVarsity Christian Fellowship Student Chapter

Thank you for your note.

Having given considerable thought to this, it seems to me that this is, or should be a solvable problem. There are a number of potential options that have been suggested to me that would allow each of us to achieve our respective needs – nobody is interested in damaging Intervarsity fellowship.

To resolve this issue, we must decide to do so. I am not sure if you are available in Detroit, but if not, perhaps we might each designate someone to discuss how to resolve this in an amicable way before either of us is compelled to take aggressive measures.

At Wayne, there is a modest drop off in student attendance between fall and winter semesters. few students come to way for the first time in winter term. if there are concentrated recruiting events held in January or February, I am not aware of them. I believe the next opportunity for student organizations to recruit new members is more than half a year hence. There is time and then some to attempt to reach a mutually amicable arrangement.

I shall look forward to hearing from you at your convenience.

Sincerely,

Louis Lessem

From: President Tom Lin [[mailto:](#) [REDACTED]]
Sent: Thursday, December 14, 2017 10:40 AM
To: Louis Lessem <[REDACTED]>
Subject: Re: Derecognition of InterVarsity Christian Fellowship Student Chapter

Dear Mr. Lessem,

Thank you for your letter, which we received on Dec. 4. Unfortunately, the letter did not resolve the university's decision to derecognize the Wayne State InterVarsity chapter simply because we ask chapter leaders to embrace our core faith commitments. Nor did we receive an answer from Wayne State by Dec. 8, which I had asked for in my Nov. 29 letter. As you know, being derecognized is damaging and stigmatizing for both student groups and for the Wayne State students who lead and participate in them. We are particularly concerned that unless we hear from Wayne State soon, the chapter will not be able to participate in next semester's recruiting events for student groups. We urgently request that Wayne State answer my letter by Dec. 15. If we do not hear from you by then, we will be required to consider immediate legal action.

InterVarsity has been a fixture at Wayne State for over half a century. We look forward to being able to resume serving Wayne State students as soon as possible.

Sincerely,
Tom Lin

EXHIBIT 4

From: President Tom Lin [<mailto:>]]
Sent: Thursday, January 11, 2018 2:43 PM
To: Louis Lessem < >
Subject: FW: Re: Derecognition of InterVarsity Christian Fellowship Student Chapter

Mr. Lessem,

Thank you for your reply. I am glad to hear that there are a number of potential options and that the school is interested in engaging in further discussions. We would be happy to participate in those discussions, but believe that InterVarsity should be reinstated in the interim. We have been active on the Wayne State campus for more than fifty years, we continue to be active on other Michigan state university campuses, and we had a provisional approval last spring and into the first part of the fall semester. I see no reason why Wayne State could not continue that approval for our student organization pending the resolution of our discussions. Specifically, we would like to receive provisional re-instatement in time to participate in Winterfest on January 24. As we mentioned previously, participation in recruiting events like this one is important for our student chapter to continue to thrive and be part of the university community.

If you are unwilling to reinstate our student chapter, particularly given the lengthy period of time that your message suggests it may take to resolve this issue, then we will have no choice but to take legal action in order to ensure that we are not excluded from student events and full participation on campus during the spring semester. We look forward to receiving your response in time for Winterfest.

Sincerely,
Tom Lin

EXHIBIT 5

From: Thomas Cavalier [<mailto:>]]
Sent: Thursday, January 18, 2018 3:59 PM
To: Greg Jao < >
Subject: RE: Re: Derecognition of InterVarsity Christian Fellowship Student Chapter

Dear Mr. Jao:

I write in response to Tom Lin's email to Louis Lessem dated January 11, 2018. I appreciate Mr. Lin's willingness to engage in discussions with Wayne State over the status of InterVarsity Christian Fellowship at the University. I hope that we can begin discussions soon, with either Mr. Lin, you or another representative of your organization.

I certainly understand InterVarsity's desire to participate in Winterfest, a January 24, 2018 recruiting event that takes place on the second floor of our Student Center Building (SCB). While we are sorting out InterVarsity's status, your organization can continue recruiting activity in the SCB on the date of the event. On January 24th, InterVarsity may reserve a vendor table on the main floor of the SCB, as it has in recent weeks. The table's location is ideal for distributing recruitment literature and speaking to interested students. It is located in the most heavily traveled path in the SCB – the center corridor flanked by Starbuck's and the food court. Moreover, its location is adjacent to the center staircase that leads to the second floor where Winterfest will be held. A table reservation is being held for your group. The standard fee of \$80 provides access for the entire day. If your group wishes to use the table on the 24th, a representative may contact the Student Center Reservations staff at 313-577-4585 to complete the reservation and payment process.

In his email, Mr. Lin says that InterVarsity desires a return to "provisional" approval as a registered student organization in time to participate in Winterfest. As explained above, there is no need for InterVarsity to be a registered student organization to recruit students at the SCB on the date of that event. I should point out, though, that the University does not provide provisional approval for registered student organization status once it has determined that the group is not eligible for that status. While the status issue is being discussed, the University instead provides substantially similar opportunities to engage students. We have offered and will continue to offer InterVarsity such opportunities as we work through our differences.

I hope that you will accept our offer to utilize a table on the main floor of SCB to recruit students on January 24th. We are confident that you will be able to reach many interested students from that location. In the meantime, I remain prepared to work diligently with your organization to reach an amicable resolution.

Best regards,

Tom

Thomas F. Cavalier
Assistant General Counsel
Wayne State University
656 W. Kirby Street
4249 Faculty/Administration Bldg.

Detroit, MI 48202

Phone:

Fax: 313-577-8877

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EXHIBIT 6



Constitution for *Students for a Democratic Society* at Bremerton, Olympic College

We, a participatory chapter of Students for a Democratic Society (hereafter referred to as SDS) hereby announce our intent to become an integral part of ASOC at Olympic College, as well as a chapter of the National SDS organization as of Winter 2016.

ARTICLE I: NAME

The name of this club shall be Students for a Democratic Society (Bremerton, Olympic College Chapter).

ARTICLE II: AFFILIATION

The club shall be affiliated with the National Students for a Democratic Society as a participatory chapter

ARTICLE III: OBJECTIVES

- A. To provide a focal point for anti-war activism on campus.
- B. To empower our community against economic injustice, sexism, racism and heterosexism.
- C. To educate students, faculty and community about a wide array of history and people's struggles around the world to promote a global perspective.
- D. To integrate ourselves with the National Students for a Democratic Society to continuously strengthen the largest national antiwar and education rights youth organization.

ARTICLE IV: MEMBERSHIP

- A. Full membership shall be granted to any full or part time student enrolled at Olympic College in support of radical egalitarian politics.

- B. Quorum shall be set by the First Secretary when chairing a meeting in which votes must be taken.
- C. Supporters from outside the community may be granted Associate membership, which will differ from full membership only in that Associate members are barred from participating in the internal democratic process of the chapter (see: Article VI: Section D).

ARTICLE V: OFFICERS AND DUTIES

- A. The office positions of the chapter shall be First Secretary, Second Secretary, Treasurer and Secretary of Membership Affairs.
- B. One who holds an office position is hereby known as an officer.
- C. Officers must be enrolled at Olympic College as students “in good standing”.
- D. The duties of the officers shall be:
 - 1. First Secretary
 - a. To preside at all general meetings and officer meetings of SDS;
 - b. To carry out the provisions of the chapter constitution;
 - c. To appoint committee chairpersons;
 - d. To call special meetings;
 - e. To appoint minutes-takers at all meetings;
 - f. To maintain the SDS Facebook page to facilitate our expression via social media;
 - g. To complete bi-annual reports as requested by ASOC ; and
 - h. To keep accurate records gathered from current officers and to oversee their transition to new officers.
 - 2. Second Secretary
 - i. To attend all general meetings and officer meetings;
 - j. To issue instructions and offer guidance to committee chairpersons;
 - k. To assist the First Secretary and to assume the responsibilities of the First Secretary in their absence;
 - l. To complete necessary forms to reserve space for meetings;
 - m. To complete officer updates as requested by ASOC; and

- n. To handle duties requested by the First Secretary.
- 3. Treasurer
 - o. To attend general meetings and officer meetings;
 - p. To make copies of and keep financial records;
 - q. To submit regular reports upon requests from advisors and officers;
 - r. To collect revenues, issue receipts and properly deposit revenues;
 - s. To prepare appropriate paperwork for all expenditures;
 - t. To work with advisors and other officers to determine revenue-increasing actions and to request pre-approval of ASOC;
 - u. To collaborate with committee chairpersons regarding funds that can be allotted to them for committee projects and vote on them at meetings.
- 4. Secretary of Membership Affairs
 - v. To attend general meetings and officer meetings;
 - w. To submit regular reports upon requests from advisors and officers;
 - x. To take attendance at the general meetings and update contact information of all members;
 - y. To submit regular reports upon requests from advisors and officers;
 - z. To develop recruitment materials such as brochures, flyers, etc.
 - aa. To promote the club and make recruitment materials available to all current and potential members;
 - bb. To produce and distribute membership cards to comrades;
 - cc. To work with advisors and officers to determine recruitment actions
 - dd. To assign and instruct responsible members to contribute to aforesaid actions.

ARTICLE VI: ELECTION OF OFFICERS

- A. The term of office shall be two years.
- B. Elections shall be held on February 18th on even-numbered years. Voting shall be by a show of raised membership cards; a plurality vote shall determine winners.

- C. Special elections will be held if officer absences occur before the standard transition period.
- D. Only full members, who are in good standing with the College, are eligible to hold office. Only full members present at the election meeting are eligible to vote.
- E. Current officers shall count votes. Advisors can also participate in counting votes at their own discretion.

ARTICLE VII: REMOVAL OF OFFICERS

- A. Officers can be considered for removal if the majority of full members believe that they have failed to perform their assigned duties to the satisfaction of the group.
- B. Any full member can propose for the removal of an officer on the 6th of every month. If a proposal is made, members will immediately vote on whether to consider the officer for removal.
- C. If over fifty percent of members vote 'Yea', the officer in question will have until the 13th of the same month to argue against their removal.
- D. On the 13th, a vote will be held for whether to remove the aforementioned officer. If over fifty percent of members vote 'Yea', the officer will retain their position until the 20th of the same month.
- E. Current officers, excluding the officer(s) in question, shall count votes. Advisors can also participate in counting votes at their own discretion.
- F. Up to two officers can simultaneously be considered for removal.

ARTICLE VIII: ADVISOR

- A. The First Secretary shall appoint advisors.
- B. The advisors' responsibilities shall include:
 - a. To advise officers on the implementation of the chapter program;
 - b. To seek written approval of ASOC before any money is spent on food;
 - c. To submit advisor registration forms in order to maintain active club status;
 - d. To assume ultimate responsibility that the chapter abides by board policies and procedures;

ARTICLE IX: REMOVAL OF ADVISORS

Advisors may be removed if the members can demonstrate the advisor is not performing their duties in line with the chapter by-laws. SDS will consult ASOC to facilitate the removal of the advisor after all other methods of conflict resolution have been exhausted.

ARTICLE X: MEETINGS

Meetings shall be held regularly once per week at a time to be specified by officers. Dates and times for meetings shall be set at the start of each quarter and shall be submitted to the ASOC staff.

ARTICLE XI: COMMITTEES

- A. Committees shall be formed by officers as the need arises.
- B. Committee chairs:
 - a. Will be appointed by the First Secretary of the chapter or officers as needed;
 - b. Will be responsible for learning and carrying out proper procedures from the advisors; and
 - c. Will be responsible for recruiting committee members.

ARTICLE XII: AMMENDMENTS AND REVISIONS

Amendments/revisions to this document shall be submitted to the First Secretary in writing for submission to the members for a vote. These amendments should be forwarded to the ASOC and filing in the form of a memo explaining what was changed and the reasoning behind the collective decision.