

## Media Relations

# Education Law Expert Available To Discuss U.S. Supreme Court Decision On Religious Groups And Anti-Bias Rules At Universities

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Prof. Todd DeMitchell

DURHAM, N.H. – Education law expert Todd DeMitchell at the University of New Hampshire is available to discuss today's U.S. Supreme Court decision in *Christian Legal Society Chapter v. Martinez* that finds that public colleges and universities may require religious organizations that seek recognition or funds as campus groups to comply with anti-bias rules.

According to DeMitchell, there is clear difference stated by the majority and dissent on the issue before the court -- nondiscrimination policy or admit all-comers to the recognized clubs. However, the large picture shows that the path toward reducing restrictions based on a person's sexual orientation is strengthened.

"A person's sexual orientation cannot form the basis for exclusion to a college recognized club. The case supports the proposition that individuals may be biased or even hateful toward others, but the government cannot be made to support that prejudice," DeMitchell says.

DeMitchell says the majority cites *Norwood v. Harrison* -- that the U.S. Constitution may compel toleration of private discrimination in some circumstances does not mean that it requires state support for such discrimination.


"Following this line of reasoning, the Christian Legal Society is free to express its viewpoint regarding non-Christians, and individuals who have sex outside of marriage, as well as 'unrepentant homosexuals,' but state-supported institutions do not have to support that speech and/or conduct," he says.


DeMitchell, professor of education and justice studies and chair of the UNH Department of Education, studies the impact of court cases and other legal mechanisms on schools, school liability, and adequate supervision. In addition to his research in this area, DeMitchell has two decades of experience in K-12 as a teacher, principal and superintendent. He has published more than 120 articles/chapters and four books. His most recent books are "Negligence: What Principals Need to Know to Avoid Liability" (Roman & Littlefield Education, 2006) and "Sexual Orientation, Public Schools, and the Law" (Education Law Association, 2007).


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### Photo: Prof. Todd DeMitchell

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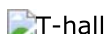
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