

First Reading: 4/14/15

Second Reading: 4/21/15

Approved by the Senate and the Executive Cabinet 4/21/15

Resolution 8-15-S Resolution to Support Adopting a Moment of Silence Mandate as a Prayer Policy for Western Kentucky University.

PURPOSE: For the Student Government Association of Western Kentucky University to support, with amendments, the adoption of the public prayer policy passed by the University Senate at their meeting held on March 23, 2014.

WHEREAS: Western Kentucky University is a multicultural community, with students, faculty, and staff of many different religions, and

WHEREAS: The Student Government Association Constitution mandates that SGA “encourage diversity and tolerance between all groups and individuals,” and

WHEREAS: The Supreme Court has held that public officials must be neutral in matters of religion, neither supporting nor hindering any religion¹, or leading religious activities², and

WHEREAS: Courts have held that moments of silence in a university setting are constitutionally allowable under the Establishment Clause of the First Amendment to the United States Constitution³, and

WHEREAS: A moment of silence has a secular purpose, neither advances nor inhibits any specific religion, and does not foster an excessive government entanglement with religion⁴, and

WHEREAS: A moment of silence does not violate the Free Exercise Clause of the First Amendment of the United States Constitution because no one is “required to participate in any religious exercise [they] find objectionable,”⁵ and

¹ See *Everson v. Board of Education*, 330 U.S. 1 (1947).

² See *Engel v. Vitale*, 370 U.S. 421 (1962), *Abington School District v. Schempp*, 374 U.S. 203 (1963), *Westside School District v. Mergens*, 496 U.S. 226 (1990).

³ See *Chaudhuri v. Tennessee*, 130 F. 3d 232 (1995) and *Tanford v. Brand*, 104 F. 3d 982.

⁴ See *Lemon v. Kurtzman*, 403 U.S. 602 for the test. This was specifically examined by the courts in *Chaudhuri v. Tennessee*.

⁵ See *Chaudhuri v. Tennessee*.

WHEREAS: This policy would not prevent individuals from praying and exercising their personal religious beliefs, but rather prevent the use of sectarian prayers, spoken aloud to groups, at university-sponsored events, and

WHEREAS: A university-sponsored event should be defined as an event held on University property or an event with personnel representing Western Kentucky University, and

WHEREAS: There should be an exemption to the policy when the prayer is given to a group of like-minded individuals gathered for the express purpose of worshiping, and

WHEREAS: This policy would not prevent student from praying, “individually or in groups, during or surrounding institution-related events,”⁶ and

WHEREAS: President Ransdell has declined to implement the policy, saying “a violation of a formal policy requires disciplinary action, and we are not prepared to take disciplinary action against faculty, staff, or students over prayer,” and

WHEREAS: A policy could be implemented as a guideline without punitive measures associated with it.

THEREFORE: Be it resolved that the Student Government Association supports the adoption of a policy mandating moments of silence rather than prayer for public events at Western Kentucky University, and

THEREFORE: Be it further resolved that the Student Government Association of Western Kentucky University supports the University Senate and the proposed public prayer policy, with some amendments, and

THEREFORE: Be it further resolved that the Student Government Association of Western Kentucky University opposes any punitive measures associated with this policy.

AUTHOR: Seth Church

⁶ See Joseph Storch and Brendan Venter, “Prayer at public college and university events: parsing the free speech, free exercise and establishment clause issues,” *National Association of College and University Attorneys Notes* 11, no. 11 (2013).

SPONSOR: Student Affairs

CONTACTS: Margaret Crowder
Gary Ransdell
Howard Bailey
Gordon Emslie
Richard Miller
Deborah Wilkins