

Maricopa Community Colleges: Please Act to Prevent Religious Discrimination

Governing Board
Maricopa Community Colleges
2411 W. 14th St.
Tempe, AZ 85281

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Dear President Sullivan, Members of, and candidates for the Governing Board,

I am reaching out on behalf of Secular Communities for Arizona in reference to Mr. Mohamed Sabra and the Council on American-Islamic Relations of Arizona. By way of introduction, Secular Communities for Arizona is the state's leading voice for public policy free of religious preference and freedom of conscience for Arizonans of all faiths and of none.

Mr. Sabra was a political science major at Scottsdale Community College who took a class on world politics taught by Professor Nicholas Damask, a Chair of the Social and Behavioral Sciences Department. As I am sure you are aware, Mr. Sabra is currently suing Professor Damask, Scottsdale Community College, and the entire Maricopa County Community College District for inserting personal opinions and fringe academic positions regarding the relationship between Islam and terrorism into his class. This included a quiz that required students to answer that:

“Although gullible westerners are taught that jihad can have two meanings, people in the Arabic world understand that its overwhelmingly obvious meaning is: combat/war.”

And:

“Terrorism is justified within the context of jihad within Islam.”

To Mr. Sabra, this was an ultimatum to either disavow his faith or fail the quiz. Secular Communities is not here to litigate these facts or speak on behalf of any party we do not represent, but we do find this academic bias deeply troubling. This is especially the case after Professor

Damask's adamant statement that *"I'll never apologize for teaching the content that I am, or the manner in which I'm teaching it."*

The long pattern of discrimination,¹ hazing,² and outright exclusion³ of voices outside the Christian faith in Arizona's political scene speaks to regressive attitudes toward religious minorities, including both Muslims and nonbelievers. Add to this the troubling overtones present in the brand of Islamophobia cited by Professor Damask,⁴ and it is deeply concerning for any religious minority or marginalized community. It is one thing to anticipate this culture in partisan politics, but higher education should be different. Higher education must rise to a higher standard.

As an educator, Professor Damask is ethically obligated to provide objective and even handed information and, when offering minority scholarly views or his own opinions, to accurately disclaim them as such.

Furthermore, the Establishment Clause of the First Amendment prohibits government actions that have the primary effect of either advancing or limiting religion. *Lemon v. Kurtzman*, 403 U.S. 602 (1971). It also prohibits agencies from acting with preference of one religion over another. *Larson v. Valente*, 456 U.S. 228, 244 (1982). Under the First Amendment, the Community College cannot force a person to condemn a particular religion or penalize them for not agreeing that only one interpretation is an accurate and acceptable interpretation.

Arizona law further protects the religious liberty of students in A.R.S. § 15-110,⁵ which reads in relevant part:

"B. If an assignment requires a student's viewpoint to be expressed in coursework, artwork or other written or oral assignments, a public educational institution shall not penalize or reward a student on the basis of religious content or a religious viewpoint. In such an assignment, a student's academic work that expresses a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the coursework or assignment."

Therefore Mr. Sabra and other students cannot be penalized for disagreeing with their professor for religious reasons, provided their work is evaluated on ordinary academic grounds.

¹<https://azcapitoltimes.com/welcome-ad/?retUrl=/news/2016/02/08/house-to-mendez-no-god-no-prayer/>

²<https://www.phoenixnewtimes.com/news/god-in-the-gallery-arizona-legislator-criticized-mock-secular-speech-11205643>

³<https://www.azcentral.com/story/news/politics/arizona/2019/06/05/arizona-gov-doug-ducey-sends-no-message-states-muslims-ramadan/1347606001/>

⁴<https://www.washingtonpost.com/news/worldviews/wp/2016/03/22/the-dark-controversial-past-of-trumps-counterterrorism-adviser/>

⁵<https://www.azleg.gov/ars/15/00110.htm>

No matter how this particular case turns out, the way to prevent such polarization in the future, much less constitutional violations or costly lawsuits, is to implement policies that protect the First Amendment rights of students and prohibit religious favoritism on the part of Community College officials.

On behalf of Secular Communities for Arizona, I must implore you to take measures to prevent MCCCCD faculty from injecting polarizing religious opinions into academic content in a way that undermines the diversity and inclusivity of our academic community. Our attorneys and policy experts are pleased to help in any way we can to craft inclusive policies. We look forward to a constructive relationship as we work to make the Maricopa Community Colleges a more welcoming place.

Best regards,

Luke Douglas, Esq.

Legal Committee
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