

PUBLIC SERVICE AND OUTREACH TO FAITH-BASED ORGANIZATIONS

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Abstract

This article describes the changing legal context for community development by faith-based organizations and accordingly encourages public service and outreach by institutions of higher education. Although many colleges and universities already partner with churches and other faith-based organizations to accomplish public service goals, recent changes in federal legislation offer new opportunities for collaboration. To take advantage of these opportunities, leadership by institutions of higher education is needed to stimulate and facilitate faith-based community development. Potential roles for institutions of higher education are discussed and the legal context for involvement is reviewed. With proper guidance, the unrealized potential of collaborations between institutions of higher education and faith-based organizations may be more fully realized.

As part of their public service mission, many colleges and universities make efforts to partner with faith-based organizations to accomplish public service and outreach goals. Recent changes in federal legislation that governs the funding of faith-based community services hold the potential to increase opportunities for institutions of higher education to become involved with faith-based organizations. To take advantage of these opportunities, leadership by institutions of higher education is needed to stimulate and facilitate faith-based community development. In this article, potential roles for institutions of higher education are discussed and the legal context for involvement is reviewed. With proper guidance, the unrealized potential of collaborations between institutions of higher education and faith-based organizations may be more fully realized.

Faith-Based Community Development

Historically, churches and other faith-based organizations have played an important role in community development. Indeed, many schools, hospitals, colleges, and universities can trace their origins to efforts made by faith-based organizations to build and strengthen communities. Although there are fewer construction projects taking place today, churches and other faith-based organizations still make

substantial contributions to communities by providing nutrition, housing, education, health care, counseling, and safety services. For the most part, these services are underwritten by non-government sources. Where government financing of faith-based organizations does occur, the primary beneficiaries typically have been large religious organizations bureaucratically structured to accept federal monies without violating separation of church and state doctrine (e.g., Catholic Social Services).

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In the mid 1980s, a shift in national political philosophy transferred federal responsibility for administering many social services to states. Known as “devolution,” this process encouraged states to take advantage of grassroots resources to be responsive to local community needs. To accomplish this objective, many state agencies began cultivating relationships with nonprofit organizations, including faith-based organizations, to develop new ways to deliver services. Perhaps unsurprisingly, larger churches and faith-based organizations that had already established government relations benefited the most from this new government investment. For many smaller churches and faith-based organizations, serious expansion of community services was not made possible until passage of the Welfare Reform Act of 1996.

Under the “charitable choice” provision of the Welfare Reform Act, the federal government allows states to fund churches and other faith-based organizations to develop programs to help move people from welfare to work. The provision further allows religious groups to receive money for social programs without requiring them to censor their religious expression or give up their religious identity. If a state contracts with nongovernmental providers or operates a voucher mechanism, it may not exclude religious organizations from participation solely because they are religious. Additionally, the legislation obligates states to protect the religious character of faith-based organizations that choose to accept contracts or vouchers.

Under charitable choice, churches and faith-based organizations retain the right to hire and fire in accordance with religious criteria.

Moreover, small churches and faith-based organizations may not be compelled to legally organize as a nonprofit [501(c)3] structure to provide services, and they are free to constitute their governing boards without regard to diversity criteria. To limit intrusion by government auditors, faith-based organizations are allowed to restrict the reach of financial audits by segregating program funds in a separate account. Finally, charitable choice safeguards the right of faith-based organizations to hold, develop, and implement beliefs, and guarantees the liberty to keep “religious art, icons, scripture, or other symbols” in the places where services are provided.

For beneficiaries of programs developed by faith-based organizations, the charitable choice provision protects their religious liberty by requiring organizations not to discriminate against clients on the basis of religion and by giving clients the right to opt out of religious activities. Faith-based organizations furthermore cannot use funds for “sectarian worship, instruction, or proselytization.” In addition, beneficiaries have the right to receive services from a nonreligious provider if they object to a faith-based organization.

Although slow to get started, many churches have taken advantage of this new opportunity to expand and customize outreach programs beyond simple charity. To meet the personal and community needs of congregations, early programs focused on providing personal services directly related to job-readiness. Church-run programs were created to teach basic life skills, reading skills, interviewing, and other skills necessary to prepare people for work. While important, these programs often failed to address interrelated problems that prevented people from making a successful transition to work. Consequently, subsequent programs were created or expanded to address issues related to health, substance abuse, mental health, communication, family, and other personal concerns in a more comprehensive fashion.

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More recently, church and faith-based organizations have broadened their scope of service delivery to go beyond addressing

problems at an individual level to focusing on changing the social conditions of the community. Churches and other faith-based organizations, either alone or in partnership with others, have created programs to address community-wide problems such as fatherlessness, poverty, illiteracy, crime, and juvenile delinquency.

Because of the success and popularity of utilizing government spending to boost efforts by faith-based organizations to address welfare reform, leaders from both political parties have promised to increase opportunities for faith-based organizations to get involved in providing additional community services. In February 2001, President Bush announced the creation of a White House Office of Faith-Based and Community Initiatives, naming John DiIulio, an academic, as its first director. One goal of the Office of Faith-Based and Community Initiatives will be to publicize new and expected bipartisan legislation that expands opportunities for faith-based organizations. For example, the recently enacted federal Children's Health Act of 2000, in language identical to that contained in the charitable choice provision of the Welfare Reform Act, now allows faith-based organizations to access federal money for substance abuse and mental health services. As of this writing, other pending federal bills contain similar riders. Clearly, a trend of expanding funding streams for faith-based community development is emerging.

Opportunities for Public Service and Outreach

There are important reasons why an institution of higher education might be interested in faith-based community development. First, the public service missions of many institutions of higher education overlap with the social missions of many churches and faith-based organizations. The social ministries of churches and faith-based organizations today range from micro-enterprise development to mental health counseling, and most easily fit within the broad mandates of economic and social development found within most public service mission statements of institutions of higher education.

Second, because of their unique endowment of fiscal, social, and human capital, churches and other faith-based organizations offer promising resources for university-based public service and outreach programs. Indeed, in many communities, churches and other faith-based organizations may be the only viable social partners for collaborative community development projects. Thus, from a purely practical standpoint, the expansion of church and faith-based organizations' community development efforts allows for potentially attractive partnerships.

Third, churches and faith-based organizations often play a central role in community life in ways that go beyond providing spiritual services. Thus, for any public service approach to be successful, an understanding should be acquired of what, if any, similar services are already being provided by area churches and faith-based organizations. In conceptualizing the best community approach for a particular public service goal, thought should be given to whether or how the public service goals blend with existing or planned church and faith-based community development activities.

Finally, colleges and universities should consider involvement in faith-based community development as a potential source for enhancing cultural sensitivity. By successfully instilling values and

behaviors through moral persuasion, churches and faith-based organizations contribute to the establishment of local cultural norms. Especially in some rural areas, the “church life” of a community may be one of the most salient characteristics of residents’ everyday life. Thus, to be successful, college- and university-based public service community development projects should be mindful of the extent to which practices intrude upon or embrace religion-driven cultural norms.

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Potential Roles

As churches and other faith-based organizations become bigger players in community development, institutions of higher education interested in public service can have a big impact on their success. Drawing on faculty and students from public service and outreach programs, at least five roles emerge for public institutions of higher education interested in fostering faith-based community development.

First, institutions of higher education might help facilitate the creation or expansion of faith-based community development by acting as an educator. Reports on the implementation of charitable choice for welfare reform indicate a lack of effort by many states to involve churches and faith-based organizations in providing services. A corresponding gap in knowledge of charitable choice was also noted in churches and faith-based organizations.

A second public service role would be as an evaluator. When appropriate, public service and outreach efforts might evaluate the use of faith-based organizations as viable social institutions capable of creating permanent social changes (e.g., impact assessments). In states where charitable choice is already implemented, evaluations might entail convincing state officials to reach out to rural and underserved areas of the state. In states where there is a lack of commitment to using federal funds to stimulate faith-based community development, evaluation efforts might lead to raising the consciousness of state and community leaders about collaborative possibilities.

In addition to serving as educator and evaluator, colleges and universities might act as brokers between state agencies and faith-based organizations interested in taking advantage of new government funding opportunities. Colleges and universities offer

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ideal settings for convening leaders of faith-based organizations and state agency officials. Often viewed as a neutral place, campus meeting spaces frequently ease awkwardness and tension between parties who are not used to working together. Such settings are particularly advantageous for developing public policies that meaningfully address grassroots concerns. Thus, the role of broker may ultimately lead to ad-

ditional opportunities for colleges and universities to conduct public policy analysis of proposed faith-based community development.

Another role would be as coach. Some faith-based organizations will require guidance on how to position themselves to receive federal monies. Others will need technical assistance so that they may structure services to reflect state-of-the-art knowledge. Colleges and universities contain a wealth of information on the most effective ways (e.g., “best practices”) to help people and what may be the best structures for providing services. As a base of knowledge develops about faith-based community development, different dissemination strategies could be tested to determine the most effective means of educating those interested in faith-based community development.

Finally, public service and outreach programs could supply needed catalysts to stimulate community development. As part of

a public service mission, extension agents and/or students could play a role in helping organize faith-based community development in hard-to-serve communities. Particularly in rural areas, individual churches and faith-based organizations lack the necessary leadership and resources necessary to partner effectively with state agencies. College and university personnel might offer outreach to nurture local leaders to assume new roles.

Public Service and the Separation of Church and State

Because there may be two state parties involved (a state university and a state agency that is funding a faith-based organization), the relationship of each to faith-based organizations should be monitored to ensure legal compliance. Although the traditional doctrine of separation of church and state applies to colleges and universities, the new relationship of state-funded faith-based community development raises the specter of novel legal challenges. In addition to First Amendment concerns, colleges and universities should also be mindful of the Equal Protection Clause of the Fourteenth Amendment. Both are briefly reviewed.

The First Amendment. The pertinent portion of the First Amendment states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .” (US Const., Amend I). Despite several recent United States Supreme Court decisions dealing with religion, the basic legal test to determine whether a particular activity by the government violates the First Amendment has remained unchanged since it was first announced nearly thirty years ago (*Lemon v Kurtzman* 1971). As applied to government activity, the Supreme Court has adopted the following three-part test (Lemon test). First, the government activity must have a secular purpose. Second, the primary effect of the government action must neither inhibit nor advance religion. Third, the government activity cannot foster excessive government entanglement with religion.

For institutions of higher education interested in expanding public service activities with faith-based organizations, the Lemon test has two immediate applications. First, as with all government interactions with faith-based organizations, university and college public service officials should monitor their own activity so that it does not run afoul of the Constitution. Almost all universities and colleges already have in place policies and procedures to guide

involvement with faith-based organizations, though some may be in need of review.

Second, understanding the legal restrictions imposed by the Lemon test is necessary to understand the nature of the relationships between state agencies and the supported faith-based organizations. State agencies are (or should be) aware of the legal constraints in assisting churches and faith-based organizations, though the novelty of legislation creates the potential for overstepping. Moreover, if university public service activities are specifically designed to stimulate partnerships between the government and faith-based organizations, then the lines of what is permissible should be articulated for all three parties, including faith-based organizations.

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Because of the newness of government-sponsored faith-based community development, there is not a well-developed case law outlining the parameters of what is clearly unacceptable. While many anticipated legal challenges entail the overzealousness of faith-based organizations in their delivery of services, an equal number of legal issues may arise in communities where there are no alternative services available to beneficiaries. Colleges and universities should implement some mechanism that allows them to monitor developing case law and alter their public service programs accordingly.

The Fourteenth Amendment. Aside from the First Amendment, another primary legal consideration is the Equal Protection Clause of the Fourteenth Amendment, which prohibits discrimination on the basis of religion. For colleges and universities, compliance appears fairly straightforward: university or college public service or outreach programs cannot discriminate among religious organizations in providing public service. The same is true for state agencies funding faith-based organizations: no faith-based organization may be excluded from consideration should the state agency create opportunities for partnerships. In areas dominated by a single religion or where the opportunities for collaboration are, for all practical purposes, monopolized by a single faith-based organization, adherence to the principles of equal protection may seem difficult. In these cases, universities and colleges should be especially vigilant so as not to create the appearance of favoring one religion over another.

Summary

In summary, the changing political and legal context for community development by faith-based organizations encourages public service and outreach by institutions of higher education. There are many potential roles for faculty and students to play in facilitating faith-based community development. The opportunity for forming relationships is especially timely now as churches and other faith-based organizations begin to take advantage of charitable choice, the Children's Health Act of 2000, and similar legislation that increases their capacity as community resources. Any new undertaking of public service and outreach programs requires review of the legal parameters governing church-state relationships. Such a review is critical for optimizing collaborations as well as curtailing potential legal challenges and should not pose an obstacle to initiating new ventures. Indeed, with appropriate effort, institutions of higher education may create community connections that were previously not thought possible.

References

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