

FREEDOM FROM RELIGION *foundation*

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SENT VIA MAIL AND EMAIL TO rtemplin@nvcc.edu

Dr. Robert Templin, Jr.
President, Northern Virginia Community College
4001 Wakefield Chapel Road
Room 305C, Brault Building
Annandale, Virginia 22003-3723

Re: Unconstitutional religious instruction

Dear President Templin:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you to investigate disturbing reports of a Northern Virginia Community College (NOVA) professor proselytizing in the classroom. FFRF is a national nonprofit organization and North America's largest association of freethinkers. FFRF has more than 21,000 members across the country, including more than 500 in Virginia. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that NOVA offers "Introduction to Islam," a class taught by Prof. Daoud Nassimi on the Alexandria campus. As we understand it, this course is meant to be an honest, objective investigation of Islam "in its historical, religious, and political dimensions."¹ No doubt this is an interesting and valuable topic for college students to explore. However, we understand that this class is not being taught in an objective manner. Rather, it is our understanding that this class has been used to proselytize students and advance belief in the existence of a god in an attempt to prove religious belief correct.

During the first Introduction to Islam class of the Fall 2014 semester, Prof. Nassimi gave a lecture on the "existence of god."² FFRF obtained an audio recording of the lecture, as well as an accompanying Power Point presentation. Excerpts from each are enclosed. It is clear from these sources that Prof. Nassimi's class is not an objective and legal study of religion in a public college, but rather a one-sided monologue by a government-paid employee whose agenda is to show the truth of religion — namely, the existence of a god.

¹"Introduction to Islam", NOVA Catalog Course Descriptions, *available at*
<http://www.nvcc.edu/currcatalog/academics/descriptions/description.asp?subject=REL&fullname=Religion&catalog=233>

² See Explaining the purposes of the class, Exhibit 1, pp.1.

Presentation of “evidence” for the existence of god

Prof. Nassimi unambiguously teaches students that the “[u]se of logical inference confirms the existence of God.”³ The presentation is rife with common creationist “evidence” for the existence of god, evidence that lacks any logical or scientific basis. One example is the “fine-tuned universe” concept, which embodies the notion that our universe requires so many constants and physical values that are “just right” for life to exist, that they would be improbable if left to chance.⁴ Prof. Nassimi also presents a “complexity of life” concept that assumes there must be an intelligent designer behind the complicated structures of human organisms.⁵

Prof. Nassimi refers to the scientific law of cause and effect – with no scientific authority – to support his subjective conclusions:

[W]hat about the law of cause and effect? This is a famous major law in science that no scientist can reject, no scientist can reject. This science says that for every effect this a cause. If this table is here, according to this law it means somebody made this table, somebody brought this table here. Right? This is the law of cause and effect. So according to this law this world must have a cause and this human life must have a cause. If you accept the science, if you accept this law. Otherwise you will be going against science.⁶

The same argument is reflected in the Power Point slides:

An established fact is that every finite thing is subject to law of cause and effect; Therefore, this universe and human beings must have a cause/ creator; Further, the creation must be based on a plan, knowledge, wisdom; While every finite entity has a creator, the Ultimate Creator (Cause of causes) could not have been created by anyone; So the ultimate creator has to be infinite.⁷

“The rational and logical conclusion,” according to Prof. Nassimi, is that “[t]his Infinite Creator is God, the One and Unique.”⁸ Using infinity to describe God appears to conform specifically to Islamic teachings. For instance, Prof. Nassimi asserts that “[i]f infinite, then [God] cannot be partitioned into different roles,” effectively rejecting the concept of the trinity found in the Christian religion.⁹ Additionally the statement that “Finite beings cannot claim incarnation of infinity” surely discredits the claim that Jesus of Nazareth is the son of God.¹⁰

We see it in the world, in the nature, in the animals, in our body, that everything has a reason. Everything is placed somewhere because of functions . . . so *there must be an intelligent design behind this*, right? *So that intelligent design cannot be the universe itself, because the universe does not have its own intellect. There must be a power of intellect, of thinking,*

³ See “Exhibit 3, Use of Logical Inference” Power Point slides.

⁴ Exhibit 1, Fine-tuned universe” examples for creation, pp.2.

⁵ Exhibit 1, Complexity of Life” arguments, pp.4-5.

⁶ Exhibit 1, “Cause and effect” creation arguments, pp. 5.

⁷ Exhibit 3, “Use of Logical Inference” Power Point slides.

⁸ *Id.*

⁹ Exhibit 3, “Use of Logical Inference” Power Point slides

¹⁰ *Id.* See also Exhibit 1, Teaching “god is infinite”, pp.6.

*knowledge, wisdom, all of that behind this universe. Common sense takes us to that point. So this cause of causes [...] that's God.*¹¹

So according to Dr. Nassimi, “[we are lead to] believe in god logically because of cause and effect ... this human life must have a cause – scientifically, logically, rationally we can conclude that there must be a cause behind it, a god.”¹² This is not bona fide educational instruction, but religious instruction cloaked in the guise of college education. It not only lowers the reputation and standards of the college, but also presents serious constitutional problems. As a public college, NOVA is subject to the strictures of the Establishment Clause of the First Amendment, which separates state and church.

There is a significant difference between teaching religion and preaching religion. The former suggests an objective investigation into religion, while the latter suggests a biased presentation about the “truth” of a religion.

This class is not an objective or comparative study. For instance, Prof. Nassimi, who is not a scientist, spends a good deal of that first class relying on an argument from design, also known as the “watchmaker analogy” to explain the “truth” of a god’s existence.¹³ Many points in his lecture are characteristic of creationism or intelligent design (ID), a religious belief masquerading as science. These references, misleading at best, have a sinister purpose – inculcating his religious beliefs to a captive audience of community college students.

Prof. Nassimi’s derogatory remarks towards atheists and other non-believers

Perhaps even more disturbing than the class lecture itself is Prof. Nassimi’s condescending attitude towards those students who do not hold the same religious beliefs. The non-religious are the fastest-growing segment of the U.S. population by religious identification, comprising one in three young adults (ages 18-30).¹⁴

At least one student expressed concern about the content of the lecture, submitted via a journal assignment on the class Blackboard webpage. Dr. Nassimi sent the following response:

The reality is that science does not offer any support for the claims of those who deny God, but they are using science as a cover to hide their agenda. Please note that this course is ‘Introduction to Islam.’ So, I will be offering Islam’s position and views all along the semester, whether anyone likes it or not. From Islamic point of view, the Qur’an’s statements and the authentic prophet’s statements are FACTS, whether anyone else agrees with them or not. Those people who deny God’s existence are mentioned to be like animals (see Verse 47:12 in Qur’an) and even worse than animals (see Verses 7:179 and 25:42) because animals do not have the human intellectual power and they do not misuse it as those human beings do (by going so low and wild to deny the source of their own existence and the source of all the favors that they continuously receive and enjoy.”¹⁵

¹¹ Exhibit 1, Presenting concept of intelligent power behind creation, pp.7.

¹² *Id.*

¹³ Exhibit 1, Applying the “Watchmaker”-type argument, pp.3-4.

¹⁴ “*Nones*” *on the Rise*, Oct. 9, 2012, *available at* <http://www.pewforum.org/2012/10/09/nones-on-the-rise/>

¹⁵ Blackboard, Comments for “Question about God”, 1st Journal, Sept. 1, 2014.

For your information, the Qur'an verses cited by Prof. Nassimi read as follows:

- Indeed, Allah will admit those who have believed and done righteous deeds to gardens beneath which rivers flow, but those who disbelieve enjoy themselves and eat as grazing livestock eat, and the Fire will be a residence for them. Qur'an 47:12.
- And we have certainly created for Hell many of the jinn and mankind. They have hearts which they do not understand, they have eyes with which they do not see, and they have ears with which they do not hear. Those are like livestock; rather, they are more astray. It is they who are the heedless. Qur'an 7:179.
- He almost would have misled us from our gods had we not been steadfast in [worship of] them. But they are going to know, when they see the punishment, who is farthest astray in [his] way. Qur'an Verse 25:42.

NOVA Must Not Offer Unconstitutional Religious Instruction

Religious instruction in a community college classroom raises serious constitutional concerns. It gives the unconstitutional advancement and impression of government endorsement of religious belief. The Supreme Court has said time and again, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). Moreover, "the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Santa Fe* 530 U.S. at 310 (2001) (quoting *Lee v. Weisman*, 505 U.S. at 589).

It is well settled that public schools may not advance, prefer, endorse or promote religion. *See generally*, *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Though precedent is based largely on cases involving grade-school children, the Establishment Clause applies in collegiate settings as well. Even "mature adult" students are susceptible to institutional coercion. *See, e.g. Mellen v. Bunting*, 327 F.3d 355, 371-72 (4th Cir. 2003) (finding that the Establishment Clause precluded a state military college from sponsoring an official prayer, even for mature adults).

The primary legal issue with this class is Prof. Nassimi's active promotion of his personal religious views. This is not a question of Prof. Nassimi's free speech—Prof. Nassimi is abusing his government position. "Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire." *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied* 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing "God"); *see also Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) ("We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.").

Federal courts have upheld public university restrictions on a professor's religious expression in the classroom and other like settings. See, e.g., *Piggee v. Carl Sandberg College*, 464 F. 3d 667 (7th Cir. 2006) (holding that a community college had the right to insist that a part-time cosmetology instructor refrain from engaging in speech related to her religious beliefs while serving as an instructor); *Bishop v. Aronov*, 926 F.2d 1066 (11th Cir. 1991) (upholding a university's restriction prohibiting a professor from referring to his religious beliefs during instructional time). These restrictions do not abridge the professor's free speech rights. See *Edwards v. Cal. Univ. of Penn.*, 156 F.3d 488, 491-92 (3rd Cir. 1998)(holding that a university professor had no First Amendment right to compel a university to allow him to teach an "Introduction to Educational Media" class from a religious perspective.)

In *Bishop*, a university's decision to prohibit a professor from referring to his religious beliefs during instructional time was upheld and was not deemed a violation of the professor's free speech rights. See *Bishop*, 926 F.2d at 1068. The court concluded "the University as an employer and educator can direct [the professor] to refrain from expressions of religious viewpoints in the classroom and like settings." *Id.* at 1077. The court in *Bishop* specifically upheld the university's order that the professor "separate his personal and professional beliefs and that he not impart the former to his students during 'instructional time' or under the guise of the courses he teaches in so-called optional classes." *Id.* at 1071.

Additionally, teaching creationism or ID or any of the other misnamed creationist ilk as scientific fact in a public institution is unconstitutional. In *Edwards v. Aguillard*, the Supreme Court held that public schools cannot teach "scientific creationism." 482 U.S. 578, (1987). In the most recent case to address this issue, *Kitzmiller v. Dover Area Sch. Dist.*, the court stated that:

Creationism, intelligent design, and ***other claims of supernatural intervention in the origin of life*** or of species are not science because they are not testable by the methods of science. These claims subordinate observed data to statements based on authority, revelation, or religious belief. ... This contrasts with science, where any hypothesis or theory always remains subject to the possibility of rejection or modification in the light of new knowledge. 400 F.Supp. 2d 707, 737 (M.D. Pa 2005)(emphasis added).

Prof. Nassimi's class instruction on "creation" is not permitted in a public school curriculum. Though not a science class, Prof. Nassimi refers to scientific methods, theories, and mathematics during his presentation in an effort to "prove" his own religious views. The extent to which Prof. Nassimi presents pseudoscience as fact in support of his religious beliefs is not only inappropriate and misleading, but unconstitutional religious instruction in a college classroom.

Prof. Nassimi's statements referencing his personal religious beliefs and stating his religious beliefs as facts during instructional periods constitute an official endorsement and advancement of religion over nonreligion. His actions are inevitably imputed on the College.

Prof. Nassimi appears to be incapable of providing an objective education about Islam

Lest there is any misunderstanding about the manner in which he conducts his classes, consider Prof. Nassimi's words while speaking before a gathering of Muslim Students Association members at George Mason University in 2009:

"I'm supposed to be the central person, whoever lives around me in my neighborhood, *whoever goes and sits in the class with me in the college*, whoever is friends with me in any other circle, I have to be the central person as a Muslim among them. Meaning that I have to inform them, enlighten them, *I have to share with them the truth, I have to convey the message of [Allah] because I am the ears and the [inaudible] of all of the messengers of [Allah]* and this is a very heavy responsibility on our shoulders."¹⁶

Northern Virginia Community College must ensure Constitutional and academic standards

It is clear that Prof. Nassimi does not understand the boundaries set by the Constitution. Given his inability to separate his teaching duties from his religious sensibilities, we fail to see how he can conduct a collegiate course on Islam or religion. Additionally, the college has an interest in providing an accurate and complete education for its students, as well as an interest in avoiding the appearance of endorsement of Prof. Nassimi's personal religious beliefs.

The College must take immediate steps to avoid further Establishment Clause violations. Regardless of religious orientation, students have signed up for a class during which they expect an objective education, *not* religious inculcation. Prof. Nassimi turned an opportunity for honest, intellectual study of Islam into a soapbox for religious indoctrination.

All legal issues aside, this class threatens the integrity of NOVA. NOVA appears to offer a class that preaches religion, yet gives students a humanities credit. The class undermines the genuine science and scholarship of other NOVA departments by teaching creationism, a religious belief. Further, Prof. Nassimi's derogatory remarks about atheists may constitute harassment or a hostile learning environment.

We request that NOVA thoroughly investigate Prof. Nassimi's class and his teaching/preaching methods and if your investigation bears out these allegations, to remove Prof. Nassimi from the class at issue. Prof. Nassimi has made clear that he is incapable of teaching such a class objectively.

Please reply at your earliest convenience as to what steps NOVA is taking to correct the violation of the Constitution and the breach of its trust to offer quality, higher education.

Sincerely,



Patrick Elliott
Staff Attorney



Katherine Paige
Legal Fellow

¹⁶ <https://www.youtube.com/watch?v=TLAgD0J98oA>; During the same lecture Prof. Nassimi goes on to question the appropriateness of secular and non-Muslim professors of Islamic studies field: "... many universities ... have Islamic studies ... as a major, or as a minor ... *But then when you talk to the professors, you see the curriculum, you notice you may get discouraged. You see that the professors are not practicing Muslims most of the time. You see that they have strange thoughts and ideas, uh, and you see some people who are completely secular, they teach Islam. Or even non-Muslims, biased and hostile to Islam, but they teach Islam.* So you have to be extra extra careful if you join these Islamic studies programs ..."