

## **Display of Christmas Trees and Religious Holiday Symbols on Campus**

As the holiday season approaches, questions naturally arise concerning the permissibility of displaying Christmas trees and other holiday decorations on campus. The concern is that certain types of holiday and religious displays may violate constitutional restrictions respecting the separation of church and state.

This memorandum is intended to clarify what types of holiday displays are permissible on university property, including in employee offices and cubicles. If further clarification is needed, please do not hesitate to contact the Office of the General Counsel or your campus legal offices.

### Christmas Trees

The display of Christmas trees on campus is generally permissible. Courts have recognized that Christmas trees have become simply a secular symbol associated with the winter holiday season.

### Nativity Scenes and Menorahs

The display of nativity scenes and menorahs has generally been upheld by courts against legal challenges if they appear as part of a larger display devoted to the celebration of pluralism and freedom, or are used to promote tolerance and respect for diverse customs. However, any holiday display with an overtly religious symbol (such as a nativity scene or a menorah) should include at least one other religious symbol from a different religious tradition. The legal validity of these displays is premised on the notion that they do not represent an endorsement of any particular religion or religion in general.

The university is not *required*, however, to display any particular symbol of a religious nature requested by students, staff or the public. For example, a public school's holiday display which included a menorah, crescent and star, Christmas trees and other holiday symbols was permissible, even though it did not include a nativity scene as requested by parents and religious leaders.

### Messages Accompanying Displays

Any message that might accompany a holiday display should be secular. Courts have upheld messages that celebrate pluralism and liberty, and do not promote the observance of any religion.

### Religious Symbols and Décor in Employee Offices and Cubicles

Displays of religious décor and symbols inside employees' offices and cubicles are generally permissible. In fact, prohibiting the display of religious decorations and symbols may be deemed an infringement on an employee's constitutional rights of free

exercise of religion and free speech. Under certain circumstances, however, restrictions on religious displays may be appropriate such as in the office of a high-ranking university official where the display may be interpreted as an endorsement by the University of a particular religion or religions.

#### Public Forums on Campus

If the campus has a public forum designated for free speech purposes available throughout the year, the university cannot restrict its use during the holiday season to prevent the display of holiday symbols or messages. Such actions have been deemed impermissible content-based restrictions on speech. However, university policies that reasonably limit use of public areas in time, place and manner still apply, including quiet hours during study and exam periods.