



## Religious Freedom in Educational Institutions: Do Students Know their Rights?

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### Abstract

The constitution of Botswana recognizes the right to religious association in all spheres of life this freedom is reinforced by Botswana's Vision 2016, which contemplates a moral and tolerant nation that no individual is discriminated. However, religious liberty could be infringed in educational institutions due to student's ignorance of the existence of legal instruments. This paper investigates religious discrimination students may experience within institutions of higher learning. A questionnaire was used to collect data from the Botswana College of Agriculture (BCA) students for this descriptive survey. The analysis revealed that students are often ignorant of their fundamental religious rights because there are no students' charters that articulate these and there is no forum to report infringements. Conclusions made suggest students need to be informed about their fundamental rights to realize the benefits of a democratic country. In addition, worship days recognized nationally and endorsed by the college should not be used to examine students for this violates some student's religious freedoms.

**Keywords:** Religious freedom, religious discrimination, religious liberty, Vision 2016 and educational rights

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## INTRODUCTION

The government of Botswana has invested heavily in the provision of education and is committed to Vision 2016 which was initiated in 1996 where Botswana should be among many others, an educated, an informed and a tolerant nation (National Development Plan 9 2003/04- 2008/09). The government of Botswana has invested heavily in the provision of education for its citizens as evidenced by the ministry of education's budget allocations that over the last twenty years had been over 20 %, but in the 2002/2003 financial year it soared to a record 28% (National Development Plan 9 2003/04-2008/09). Botswana's commitment to educating the nation is also encapsulated in Vision 2016. The vision anticipates that Botswana would be an educated, an informed and a tolerant nation. However, the provision of education to the nation has other challenges that have to be met to satisfy the learners in all spheres of their lives. Among such challenges is the learners' religious freedom, which cannot be ignored, as one of the democratic principles that Botswana is committed to uphold. Educational institutions are not religion free zones neither should these institutions discriminate against religious expression as religion is part of our traditions.

The constitution of Botswana under section 3 provides for freedom of conscience, of expression and assembly and association (ICERD, 2005). This provision is in line with article 18 of the Universal Declaration of Human Rights that also emphasises the right to freedom of thought, of conscience and of religion to all humanity (United Nations, 1948).

Administrators and students in educational institutions throughout the world have to avoid conflicts between academic requirements and the religious rights of students because of pluralistic faiths within societies. However, the 1<sup>st</sup> Amendment of the US constitution seeks to maintain church-state separation and guarantees that teachers and principals of public schools are to be neutral in religious issues; “they may not promote a particular religion as being superior to any other; they may not promote religion in general as superior to a secular approach to life; they may not promote secularism in general as superior to religious approach to life; they may not be antagonistic to religion in general or a particular religious belief in particular, and they must neither advance nor inhibit religion” (US Federal Guidelines for Religious Expression in Public Schools). This interpretation of the 1<sup>st</sup> Amendment to the US constitution could serve to further reinforce the separation of church and state in Botswana particularly in a country that is nominally Christian and where prejudice against other faiths may exist even though there are legal safe guards. Botswana are generally not a litigable society and have the propensity to bear discriminatory instances without recourse to the law. This could happen in educational institutions, as students may not understand how far the constitution safeguards their religious freedoms in education.

The constitutional provisions for religious freedom in Botswana have to be interpreted to set cogent guide of the law regarding religious freedom in the schools because teachers / educators may impose discriminatory practices that may prejudice students’ enjoyment of religious freedoms in schools.

Acts of religious intolerance in some countries around the world in violation of article 18 of the Universal Declaration of Human Rights make void the principles of democracy or even provide a paradigm shift in matters of religious freedoms of the marginalised in our societies. The French governments’ banning of the wearing of religious apparel or symbols in state-run schools serve to illustrate this point. This law banned large crosses, Jewish skullcaps, Sikh turbans and Muslim headscarves (Colvin, 2004). The government argued that the move was not a restraint on religious freedoms of individuals, but the preservation of the secular nature of the state and that “it is not a violation of religious freedom because the ban extends to prominent display of religious symbols by members of all faiths” (Colvin, 2004). Perhaps if it singled out certain faiths the French government’s law could be considered discriminatory, but laws could be inclusive and still violate religious freedoms of all within a society. In spite of justification by its proponents, this law is a violation of the right to religious practice of all religious faiths in France.

Religious intolerance and discrimination still exist in many parts of the world today. In 1991, the International Federation of Human Rights approved an agenda that sought to eliminate all forms of discrimination of religion (Murano, 1988). In spite of all these efforts, religious intolerance and discrimination still prevail in many countries around the world in educational institutions.

## **Purpose and Objectives**

This study sought to determine the degree to which students feel free to exercise their religious freedoms at tertiary level education. The specific objectives of this study were to:

1. Describe the respondent selected personal demographic characteristics
2. Determine the respondent’s level of awareness about religious freedom at BCA.
3. Determine the extent to which lecturers’ perceptions hinder religious freedom of their students.
4. Determine religious freedom facilitation by the BCA administration.
5. Determine how students’ social expectations hinder religious freedom among themselves.

## **LITERATURE REVIEW**

Religious freedom is a vital part of every nation even though in some parts of the world it is restricted and controlled closely by the state. In democratic countries, religion and politics are separate. In these countries, the constitution guarantees the basic religious freedoms for its citizens. The United States of America guarantees religious freedom through its First Amendment. This review is based on incidents of religious discrimination in educational settings throughout the world that impinge on religious freedoms in educational institutions because of misinterpretations of constitutions or mere oppression by countries.

The First Amendment of the Constitution of the United States (US) in the “Establishment Clause” states, “Congress shall not make no law respecting an establishment of religion” (Freedom of religion in the United States). This law when interpreted correctly means that the federal government is prohibited from endorsing any religion or forming any national church and this restriction is applicable to government as well. The “Free Exercise Clause” prohibits Congress from prohibiting the free exercise of religious practices, but this free exercise is not total as the court stated that “laws are made for the government of actions ...they cannot interfere with mere religious belief and opinions, they may with practices” (Federal Guidelines for Religious Expression in Public Schools, 2005). This prohibition protects religious beliefs, but does not protect the practice that is considered inappropriate and illegal by law.

Even though constitutions in democratic countries throughout the world have made it their express intention to safe guard religious freedom in all its forms there are cases in educational institutions that have been taken to court as result of religious violations. In the US, the law states that no student should be harassed by teachers for his/her religious faith. However, in March 2005 a fourth grader Muslim pupil filed a religious harassment claim with the Civil Rights Division against the Cape Henlopen, Delaware School District in which the school was ordered to introduce religious tolerance programmes for both teachers and students (United States Department of Justice). Religious dress is yet another area in which discrimination exists in schools. Some governments like the Republic of France do not allow Muslim students to wear the headscarf because of terrorism fears. In the US, there was a case between Hearn and United States versus Muskogee Public School District. The Civil Rights Division intervened in the case, in which a Muslim girl was told she could not wear a headscarf required by her religion to school. It was found out that the school was enforcing its uniform policy inconsistently and the case was settled by consent decree in 2004 (United States Department of Justice, [n.d]). In some counties, these kinds of cases would not have even been taken to court even if religious violations have occurred. If such cases are recorded in US courts known for their laws regarding church and state separation then other countries that have similar laws cause some problems for minorities in such societies particularly if they do not have the inclination towards challenging such religious violations.

The problem of educational rights violations based on religion in the US has been addressed during Bill Clinton’s presidency in 1995 and have been updated to reflect some court decisions then. Among other guidelines that govern religious expression in public schools included the following; local school authorities have “substantial discretion” to impose rules of order, but may not structure the rules to discriminate against religious activity or speech; teachers and administrators are prohibited from either encouraging or discouraging religious activity and from participating in such activity with students, students may display religious messages on clothing to the same extent they may display other comparable messages”(Simpson 2000, p. 1). These guidelines reinforce religious expression as they help teachers and students understand the extent of their religious freedom as interpreted from the first amendment. In countries where no such guidelines exist, problems of violations may start to manifest themselves in schools as teachers could interpret the laws to oppress students of other faiths or minorities.

The South African constitution safeguards the religious freedoms of its nationals without discrimination; this protection also includes educational institutions that could be prone to religious denial of religious freedom in other countries. The South African Policy on Religion and Education promotes the role of religion in education, there is a recognition that “... the public school has an educational; responsibility for teaching and learning about religion and religions ... but it should do so in ways that are different from the religious instruction and religious nurture provided by the home and family...” (National Policy on Religion and Education 2003, p. 2). These similar principles safeguard religious freedom in education in Botswana that is espoused through the Education Act (Government Printer). Even though these laws exist, discrimination on religious grounds is always evident in schools where a framework of religion and education has not been fully understood. Nine boys in South Africa were suspended from their school for wearing dreadlocks as they claimed that to be Rastafarianism adherents that requires them to grow dread lock hair-style (Religious Freedom Report 2003). They were later reinstated by the Department of Education that stated that they should be allowed to wear dreadlocks if they belong to the Rastafarian religion. The ruling hinged on the National Policy on Religion and Education based on core values that include equity, tolerance, multilingualism, openness, accountability, and social honour (Religious Freedom Report, 2003).

## **METHODOLOGY**

### **Study Design**

The study was a descriptive survey carried out at the Botswana College of Agriculture in Sebele, Botswana.

## **Study Population**

This study adopted a quantitative research paradigm to determine religious freedom of students at the Botswana College of Agriculture (BCA). The population for this study consisted of first year students at BCA both pre-service and in-service. A total of 218 students formed the population for this study. Among the population, only 105 responded to the questionnaire.

## **Research Instrument**

The students had to respond to the questionnaire by ticking the statement they preferred on a five point likert scale, graduated as follows; 1= Strongly Agree; 2 = Agree; 3 = Not sure; 4 = Disagree and 5 = Strongly Disagree. Percentages would be used to report and interpret the data. On the other hand, using percentages, 50% and above would denote agreement with the statements while below 50% would denote disagreement with the statements. The first eight questions determined the student's perceptions of religious freedom. The second category of questions determined the student's perceptions about hindrances on religious freedom (seven questions). The next category of questions determined student's perceptions about the extent to which the BCA Administration facilitated religious freedom (five questions) and, the last category determined student's exercise of religious freedom among the student body (four questions).

## **Sampling Technique**

A convenient sampling technique was used because the researcher had access to all first year students who have registered for Communication and Study Skills (GEC 112), a common course for all first year students at BCA. Focus on these students was precipitated by the researcher's interest in their transition from secondary school to an institution of higher learning that is radically different from high school. Even though the results cannot be generalized (Bryman & Bell, 2003) to the whole population of students at BCA, "but it could provide a springboard for further research or allow links to be forged ... [with future research into this area] (Bryman & Bell, 2003, p. 198).

## **Validity**

Specialists in the subject matter within the AEE department were used to validate the questionnaire before it was administered to the respondents. The feedback received was thorough and sufficient to enhance the administration of the questionnaire.

## **RESULTS AND DISCUSSION**

### **Demographic Characteristics of the Respondents**

Demographic characteristics of respondents are displayed in Table 1. A larger percentage of them were males (60%) and (40%) females. The majority of respondents were single at (87.7 %) and a minority was married at (13.3%). A larger percentage of the respondents were aged between 18–20 years at (67%) followed by those between 21- 28 years at (25.7%) the rest of the students were aged between 33-36 years at (8.6%) and the older respondents from 40-41 years at (1.9%). A larger percentage of the respondents are studying for degree programmes in Agriculture Education (17.1%), Crop Science (15.2%), BSc Agriculture (14.3%), BSc Animal Science (12.4%) and the rest are studying for Higher Diplomas in Agriculture, Education, Forestry and Range. The respondent's religious orientation reveals a dichotomy between Christians in the majority at (83.8%) and non-Christians at (16.2%). Botswana is predominantly a Christian country with other religions like Islam and traditional religions in the minority. This accounts for non-Christians making a smaller percentage in the sample, refer to table 1 below.

### **Determination of student's perceptions of religious freedom**

Table 2 below reveals student's perceptions of religious freedom. An overwhelming majority of the respondents (86%) agreed with the statement "religious freedom means that I could worship what I want without coercion from anybody." This shows that students understand that every Motswana is free to worship what they want as provided for by the constitution. The second statement "religious freedom means that my religion is more

important than others” received 77.4% disagreement. This indicates that students are aware of the fact that all are equal before the law regardless of their religious persuasion. The third statement states that “my religious freedom has no limits imposed by my institution” received 73.3% agreement. This reveals what the students have experienced since they might not have been asked by the administration to make a choice that is religiously restrictive since enrollment into the college. The fifth statement “my religious freedom is protected by the constitution of my country– Botswana” received 72.4% agreement which reveals a thorough understanding that the constitution of Botswana proffer to its citizens religious liberty. About 45% of the respondents disagreed with the statement my “my religious freedom rights are clearly described by my institution in student charters (BCA Prospectus). It is interesting to observe that 30.5% of the respondents were not sure about the statement. This uncertainty might be due to the fact that the respondents are still new to the college and do not fully understand their religious rights. Statement number eight “my religious freedom gives me the liberty to do what I want” received 46.7% disagreement from the respondents indicating an understanding that religious freedom does not provide a license to do what one wants in the name of religion. It also indicates that students would not be inclined to acts of religious intolerance even though 46.7% agreed with the statement. It is therefore clear from these statements that first year students at Botswana College of Agriculture understand their religious freedom.

Table 1: Demographic Characteristics of the respondents

Characteristics	Frequency (f)	Percentage (%)
<b>Gender</b>		
Male	63	60
Female	42	40
<b>Total</b>	105	100
<b>Program of study</b>		
BSc Agric Education	18	17.1
BSc Agriculture	15	14.3
BSc Animal Science	13	12.4
BSc Crop Science	16	15.2
BSc Agricultural Mechanization	10	9.5
BSc Soil and Water Conservation	9	8.6
High Diploma Agriculture	4	3.8
High Diploma Forestry and Range Ecology	5	4.8
High Diploma Horticulture	1	1.0
High Diploma Animal Health and production	6	5.7
<b>Total</b>	105	100
<b>Age</b>		
18 -20	67	63.8
21-28	27	25.7
33 - 36	9	8.6
39-40	2	1.9
<b>Total</b>	105	100
<b>Marital Status</b>		
Married	14	13.3
Single	91	86.7
<b>Total</b>	105	100
<b>Religious Orientation</b>		
Christian	78	83.8
<b>Non-Christians</b>	17	16.2
<b>Total</b>	105	100

Table 2 Students' perceptions of religious freedom

	SA	A	NS	D	SD
Religious freedom means I could worship what I want without coercion from anybody	58% (55.2)	28% (26.7)	1% (1.0)	6% (5.7)	3% (2.9)
Religious freedom means that my religion is more important than others'	5.7% (6)	10.5% (11)	4.8% (5)	26.7% (28)	51.4% (54)
My institution safeguards my religious freedom.	1.0% (1)	11.4% (12)	28.6% (30)	17.1% (18)	4.8% (5)
My religious freedom has no limits imposed by my institution	13.3% (14)	49.5% (52)	22.9% (24)	6.7% (7)	3.8% (4)
My religious freedom is protected by the constitution of my country- Botswana	24.8% (26)	47.6% (50)	18.1% (19)	5.7% (6)	2.9% (3)
My religious freedom rights are clearly described by my institution in student charters(BCA prospectus)	7.6% (8)	14.3% (15)	30.5% (32)	19.0% (20)	26.7% (28)
My religious freedom gives me the liberty to do what I want	18.1% (19)	28.6% (30)	10.5% (11)	30.5% (32)	11.4% (12)

- Frequencies are recorded in parenthesis

### Determination of student's perceptions about lecturers' hindrance of their religious freedom

Table 3 below reveals the respondents perceptions about the lecturer's hindrance of their religious freedom. "Lecturers disregard my worship day; I have to write tests and exams on Saturdays and Sundays and on other religious days" the statement received a total of 67.6% agreement by students. Even though this could be happening, it does not however mean that the college endorses a policy to have students tested on their religious worship days. The Religious Obligations regulation (1.10.2) provides for special examinations for students who are unable to sit for exams because of religious reasons (Botswana College of Agriculture prospectus 2010/2011). The regulation states "some written examinations will be held on *Saturdays* and *Sundays* where this is unavoidable. Under an existing adhoc arrangement, candidates unable (for religious reasons) to write examinations at the scheduled time may apply to have their examination time re-scheduled." This indicates that lecturers and students are not conversant with this regulation that is meant to protect students against religious infringement and academic freedom.

"Lecturers prohibit the wearing of religious items in their classes; for example, religious badges and other such items from our religious denominations." A total of 71.4% of the respondents agreed with the statement. This statement reveals that lecturers might be hindering the religious freedom of expression that is contrary to the constitution of Botswana. This therefore reveals a state of religious intolerance by the lecturers at BCA. But let it be noted there has never been reports of such cases of religious intolerance by students to the administration. Perhaps these are just isolated cases first year students encounter with various lectures through the departments at BCA.

"Lecturers criticize our religious persuasions as inferior." A total of 60% of the respondents agreed with this statement. When there is exchange of ideas with students on religious issues by lecturers, they should not explicitly criticise student's religious persuasion as this could infringe student's religious freedom. Another religious hindrance students perceived is that "lecturers influence the administration to disregard our worship days as they test us on such days" A total of 62.9% of the respondents disagreed with this statement. This means that lecturers do not influence the administration to disregard student's worship days nor test them on such days. A total of 74.2% of the respondents agreed with the statement that "lecturers do not have to teach that any religious group is superior." This clearly indicates the right understanding that religion and education should be kept separate and education should not influence religion or the other way round. An overwhelming majority of the respondents 83.8% agreed with the statement that "lecturers do not have to show intolerance to any religious following within the teaching and learning situation." This indicates a deeper understanding by the respondents that religious intolerance could be a hindrance to religious liberty within educational settings. Another overwhelming majority of respondents 84.7% agreed with the statement "lecturers have to be supportive of students' religious freedom in all situations." The support of religious freedoms of students by

lecturers could engender a special relationship between them that could facilitate greater understanding between the two groups in religious issues.

Table 3: Perceptions of religious freedom hindrances

	<b>SA</b>	<b>A</b>	<b>NS</b>	<b>D</b>	<b>SD</b>
Lecturers disregard my worship day; I have to write tests and exams on Saturdays and Sundays and on other religious days	13.3% (14)	13.3% (14)	2.9% (3)	37.1% (59)	30.5% (32)
Lecturers prohibit the wearing of religious items in their classes; e.g. religious badges and other such items from our denominations	8.6% (9)	7.6% (8)	12.4% (13)	35.2% (37)	36.2% (38)
Lecturers criticize our religious persuasions as inferior.	5.7% (6)	14.3% (15)	19.0% (20)	30.5% (32)	29.5% (31)
Lecturers influence the administration to disregard our worship days as they test us on such days	3.8% (4)	11.4% (12)	20.0% (21)	38.1% (40)	24.8% (26)
Lecturers do not have to teach that any religious group is superior	39.0% (41)	35.2% (37)	8.6% (9)	6.7% (7)	7.6% (8)
Lecturers do not have to show intolerance to any religious following within the teaching and learning situation	55.2% (58)	28.6% (30)	7.6% (8)	1.9% (2)	5.7% (6)
Lecturers have to be supportive of students' religious freedom in all situations	37.1% (39)	47.6% (50)	9.5% (10)	1.9% (2)	3.8% (4)

- Frequencies are recorded in parenthesis

#### **Determination of religious freedom facilitation by the BCA administration**

Table 4 presents results based on the administration's (Botswana College of Agriculture) facilitation of student's religious freedom. It is interesting to note that the students disagreed with most of the statements and agreed with only one statement that states that "the BCA administration denies us the opportunity to use their facilities for religious purposes." This statement received an overwhelming majority of 84.7%. This perception by the respondents contradicts the practice at BCA as the administration allows students to use certain halls within the college for religious purposes by students of all religious persuasions. The respondents went on to disagree with the statement "the BCA administration sponsors some religious groups over others." This is indeed true because the administration does not favour or support any religious group over others this could be perceived as unfair and prejudicial to other groups. The respondents also disagreed with the statement that "the BCA administration interferes with our religious freedom by not providing guidelines regarding religious freedom within the college." A total of 52.4% of the respondents disagreed with this statement. Even though no religious freedom guidelines are provided by the Botswana College of Agriculture, the respondents did not perceive that as a hindrance to their religious liberty because they could articulate their religious freedoms freely. The respondents disagreed 65.7% with the statement that "the BCA administration prohibits the expression of religious freedom by not allowing the wearing of religious regalia." It is clear that the BCA administration facilitates religious freedom of the students in all the chosen areas discussed above. However, the students perceived a constraint in the use of college's facilities for religious purposes.

Table 4: BCA administration facilitation of students' religious freedom

	<b>SA</b>	<b>A</b>	<b>NS</b>	<b>D</b>	<b>SD</b>
The BCA administration denies us the opportunity to use their facilities for religious purposes	37.1% (39)	47.6% (50)	9.5% (10)	1.9% (2)	3.8% (4)
The BCA administration sponsors some religious groups over others	2.9% (3)	5.7% (6)	18.1% (19)	36.2% (38)	28.6% (30)
The BCA administration interfere with our religious freedom by not providing guideline regarding religious freedom within the college	5.7% (6)	6.7% (7)	34.3% (36)	27.6% (29)	24.8% (26)
The BCA disregards our worship days by scheduling final exams during those days	5.7% (6)	21.0% (22)	30.5% (32)	26.7% (28)	15.2% (16)
The BCA administration prohibits the expression of religious freedom by not allowing the wearing	3.8% (4)	4.8% (5)	22.9% (24)	38.1% (40)	27.6% (29)

- Frequencies are recorded in parenthesis

### Determination of how student’s social expectations hinder religious freedom

Table 5 presents perceptions of student’s exercise of religious freedom among themselves (the student body). The respondents here disagreed with only one statement that states that, “being voted into any SRC position means a student should hold religious beliefs that others agree with.” A total of 68.5% of the respondents disagreed with the statement. This shows that students appreciate their religious and political beliefs are separate and independent of each other and should not be used as criteria for a political position in the Student Representative Council.

They agreed with the statement that said “if a student’s religious freedom has been violated by other students, he/she has to report the incident to the college authorities.” A total of 54.3% agreed with the statement. This indicates that student’s religious freedom should not be violated with impunity, the case should be reported and appropriate steps taken. They also agreed 55.7% with the statement that said “students do not report religious freedom violations because they do not know what religious freedom they have.” Students have to be given guidelines about issues pertaining to religious violations so that they could exercise their religious freedom unequivocally.

Table 5: Perceptions of exercise of religious freedom among fellow students

	SA	A	NS	D	SD	Mean	SD
Some students are intolerant of others’ religious beliefs	22.9% (24)	39.0% (41)	9.5% (10)	7.6% (8)	2.9 (3)	1.74	1.248
Being voted into any SRC position means a student should hold religious beliefs that others agree with	3.8% (4)	10.5% (11)	16.2% (17)	31.4% (33)	37.1% (39)	3.85	1.199
If a student’s religious freedoms have been violated by other students, he/she has to report the incident to the college authorities	16.2% (17)	38.1% (40)	28.6% (30)	10.5% (11)	5.7% (6)	2.49	1.092
Students do not report religious freedom violations because they do not know what religious freedom they have.	25.7% (27)	30.0% (41)	21.0% (22)	7.6% (8)	5.7% (6)	2.26	1.127

- Frequencies are recorded in parenthesis

### CONCLUSIONS

The following conclusions have been reached from the study:

1. A larger percentage of the respondents are male and most are religious.
2. Students’ religious freedoms are clearly articulated by the institution. This is not evident as the college does not have religious freedom policy in place, neither do the students have any student charters in place to regulate religious liberty.
3. There is an understanding that religious freedom does not give any one the freedom to do what he /she wants. Religious tolerance is an understood reality among the students.
4. There are some perceived religious hindrances experienced by students at Botswana College of Agriculture:
  - a. Students’ religious freedom is curtailed by the lecturers, for they use student’s worship days like Saturday and Sunday for writing tests. However, there is a regulation that takes into account special religious days that students could ask for a waiver to sit for examinations on religious grounds.
  - b. Student’s religious freedom of association is curtailed by the administration, as students are not allowed to use BCA facilities for religious purposes.
5. Students are protected by the religious obligations regulation not sit for examinations that fall on Saturdays or Sundays, but could have the examination time rescheduled. However, it is clear that both lecturers and students need to be conversant with this regulation to avoid infringement of student’s religious freedom.
6. Students are aware that their religious orientation does not make them more important than other students.
7. Students realize that lecturers should not exhibit religious intolerance towards them and that they should be supportive of student’s religious freedoms.
8. Students acknowledge that there is a degree of religious intolerance among the student body.



9. Students acknowledge that cases of religious violations among students should be reported to the administration and that their religious life should be separate from their political inclinations.

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