

**11 WAYS TO**

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# **PREPARE YOUR MINISTRY**

FOR RELIGIOUS FREEDOM THREATS

ALLIANCE DEFENDING FREEDOM

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MINISTRY ALLIANCE

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ALLIANCE DEFENDING FREEDOM

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# MINISTRY ALLIANCE



ADF Ministry Alliance is a legal membership that provides religious liberty help to ministries across the nation.



## BECOME A MEMBER AND RECEIVE:

Legal review of your ministry bylaws, governing documents, and policies.

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Direct access to attorneys to provide you with personalized religious freedom advice and support.

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Legal representation in cases involving your ministry's religious liberty.

Don't navigate changing laws alone.  
Find practical religious freedom legal help today.

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# Protecting Your Ministry

Ensure your ministry has the basic documents in place to provide broad religious liberty protections. Use the checklist to begin assessing the needs of your ministry.

1	Statement of Faith	P5
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I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools. <sup>1</sup>

**SUPREME COURT JUSTICE SAMUEL ALITO**  
*Obergefell v. Hodges (Dissenting)*

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# Introduction

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Our nation is in a time of cultural transition.

In the culture, in the courts, even in casual conversation, it is increasingly obvious that we have lost sight of over 200 years of social and legal tradition. Our fundamental freedoms—namely, freedom of speech and religion — are no longer obvious to many of our neighbors.

A new perspective—that sexual autonomy trumps religious freedom—is impacting ministries across this nation. This philosophy is coupled with an increasing devaluation of religion in public life. Now, ministries are often simply seen as “businesses,” and the public no longer understands the vital services ministries offer to the world as an expression of their faith.

We see troubling changes like the passage of sexual orientation and gender identity laws (SOGIs). SOGIs elevate sexual special interests over our cherished fundamental freedoms, especially religious freedom. These laws place terms like “sexual orientation” or “gender identity” in the same category as race or religion. But they are not designed for the innocent purpose of ensuring all people receive basic services. Rather, their practical effect is to legally compel Christians to accept, endorse, and even promote messages, ideas, and events that violate their faith.

Those promoting these laws use public sympathy—often gained through misleading rhetoric about “discrimination”—to silence dissenting voices. No minis-

try will remain immune if it holds true to Scripture’s teachings about human sexuality.

ADF Ministry Alliance exists to legally prepare and protect ministries in the midst of legal challenges. These challenges extend beyond SOGIs. Legal challenges to your ministry can extend to employment, land use, tax exemption, facility use, government mandates, access to government property and benefits, and more.

The scope and nature of the threat posed by the elevation of sexual autonomy and the devaluation of faith warrants the attention of your ministry. This guide provides a glimpse at what ministries can do to protect not only themselves, but the entire Church. In the following pages, you will find examples of what other Christians around the country are facing; how your ministry may be vulnerable to similar threats; and what you can do to secure crucial protections to help enable you to weather the legal challenges of this generation.

Today, it is not a question of if ministries will be threatened or sued for standing true to God’s Word—the question is solely when and where such cases will arise.

The freedom of your ministry to remain a compassionate but faithful witness to God’s truth in our world today may depend on a thoughtful consideration of the information in these pages.

WE ARE

# ALLIANCE DEFENDING FREEDOM



Alliance Defending Freedom launched ADF Ministry Alliance to help ensure every ministry has the religious liberty legal help it needs.

# PROACTIVE STEPS FOR MINISTRIES TO BUILD A FOUNDATION OF RELIGIOUS FREEDOM PROTECTIONS

## 01

### Statement of Faith

A statement of faith should be the foundational document for every ministry. The statement expresses the ministry's core religious beliefs and serves as clear evidence of those beliefs in the event that they are called into question in a lawsuit. The statement also serves as the backbone of the organization's policies and procedures.

Because of its importance, the statement of faith should appear in the church's bylaws or other policy documents. Ministries that fall under a denomination's statement of faith or religious position statement should either expressly adopt that statement or incorporate it by reference into their bylaws or other policy documents. Courts, and others, will not necessarily assume that a ministry adheres to the beliefs of its denomination or faith tradition unless the organization affirmatively makes that connection clear.

The statement of faith should address a broad range of religious beliefs but because of the current legal climate, two topics deserve particular mention: marriage and human sexuality.

A statement of faith that includes beliefs about marriage and human sexuality helps protect ministries in at least two ways. First, it may discourage those looking for "easy" lawsuits from bringing claims. Once the ministry clearly states its religious beliefs on these matters, it is more difficult for opponents to argue that the ministry acted with discriminatory motives. Second, the statement will make it easier for the organization to defend itself if it is sued. Courts gener-

ally regard a clear statement of faith as an expression of the ministry's doctrine, and defer to it as the First Amendment requires.

Adopting a statement of faith makes it more likely a court will conclude the organization acted on its well-documented and sincere religious beliefs, rather than an improper motive. It also allows the organization to articulate a positive, overarching statement on human sexuality, and not be mischaracterized as being only "against" something.

Members of ADF Ministry Alliance can receive legal guidance so any changes to a statement of faith help protect your ministry's religious liberty. ADF attorneys review governing documents of member ministries and guide you through our recommendations. This practical, focused review ensures that governing statements, bylaws, and policies crafted by your organization take into account religious freedom protections.

Learn more at  
[ADFMinistryAlliance.org](https://ADFMinistryAlliance.org)

## REAL LIFE CASE #1

# BY THE HAND CLUB FOR KIDS

We are a Christ-centered, after-school program that takes kids by the hand and walks them through college, helping them have abundant life—mind, body and soul.

This is the mission statement of By The Hand Club For Kids. A ministry of The Moody Church, By The Hand began as an answer to the prayers of Donnita Travis—who launched it in 2001.

Like so many ministries starting out, the impact began with a small few. In the first year, 16 kids were mentored through the program. Today, over 1,500 kids throughout the Chicago area are served through the work of this nonprofit.

The children served by the ministry live in the inner-city neighborhoods of Chicago, where school dropout and poverty rates are high. But By The Hand is a religious organization that is motivated by the redemptive work of Jesus Christ.

With God's blessing, lives have been transformed in the midst of By The Hand's ministry, and the city has taken notice. In 2012, Founder Donnita Travis was named Chicago Magazine Chicagoan of the Year, and the mayor proclaimed June 11 By The Hand Club Literacy Day in the



city of Chicago 

But times have changed. New trends are impacting the culture, and Illinois' tune is less favorable toward the ministry.

The state of Illinois questioned whether the ministry is religious enough to be considered tax-exempt. The ministry has qualified as nontaxable since its creation in 2001. It has an overt Christian founding and mission as well as regular religious activities such as chapel services, Bible studies, prayer, and worship. Alliance Defending Freedom now represents the ministry in court to advocate for By The Hand's religious nature.

When a ministry like By The Hand faces a legal challenge stating it is not “operated primarily for religious purposes”—other ministries should take notice. Ministries should consider what it would mean for their mission if they were pressured to revoke their religious nature—or somehow diminish it—because of cultural trends.

Legal challenges like these are why clarity in your ministry's documents about its religious nature are so critical. That clarity begins with your ministry's statement of faith. Read more about religious freedom challenges to ministries at [ADFMinistryAlliance.org/blog](https://adfm.org/blog).

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# 02

## Statement on Marriage

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Marriage matters. God created and sanctioned marriage to bring together men and women, the complementary halves of humanity, by joining them in “one-flesh” unions (Gen. 2:18-25). Marriage between one man and one woman for life uniquely reflects Christ’s relationship with His Church (Eph. 5:21-33). Marriage also serves as the foundational unit of a stable society (1 Cor. 7:2), and provides the best chance that children will grow up in the same home with both their mom and their dad.

Sex matters.<sup>2</sup> God wonderfully and immutably creates each person as either male or female (Gen. 1:26-27). But some individuals reject their biological sex and, relying on constantly changing gender identity theory, claim to be the opposite sex. In so doing, they reject God’s design and the person He created them to be.

Issues of marriage and sexuality now regularly confront organizations. Camps, conference centers, homeless shelters, and more are receiving requests to allow males to sleep in the same rooms as females. Christian schools are being asked to employ persons who identify as the opposite sex (or other

“genders”) or admit students who do not adhere to a Christian sexual ethic. Many types of Christian ministries are facing difficult decisions like these.

As a result, it is important that religious organizations develop a clear statement on marriage and sexuality. This statement should exist within the statements of faith, or it can be adopted as a separate statement which provides a more detailed explanation of these beliefs. Every employee, student, and volunteer should be aware of the ministry’s religious position on these (and other) issues prior to entering an official relationship with the organization.

The ministry’s statement of belief concerning marriage and sexuality can take various forms; there is no magic language that must be copied verbatim. Ideally, the statement (or statements) should be added to an already existing statement of faith.

Remember: this statement is not intended to limit the organization’s ability to serve, but it protects the ministry from being forced to operate contrary to its religious beliefs.



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# 03

## Statement on the Sanctity of Human Life

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Christian ministries should consider adopting a statement of belief concerning the sanctity of human life from conception to natural death. This statement, like the statement on marriage and sexuality, should exist within the ministry's statement of faith.

Pro-abortion organizations continue to advocate for a requirement that all organizations—including faith-based ministries—pay for abortion-inducing drugs and devices, and even elective surgical abortions for their employees. Some states have even quietly mandated that insurers include abortion coverage in all their available health plans, including those offered to Christian ministries.

At the same time, advocates of euthanasia and physician-assisted suicide continue to press for a false “right” to terminate human life they no longer consider to be of value.

Some Christian ministries face difficult employment decisions concerning employees who either choose or publicly advocate for abortion, euthanasia, or physician-assisted suicide contrary to the ministry's religious beliefs.

Religious organizations should review their policies, and contact their insurance brokers and agents to ensure they are not inadvertently covering life-ending drugs and devices that violate their conscience. Ministries should also consider adopting a statement of belief on the sanctity of human life to clearly define their religious beliefs on this issue.

ADF Ministry Alliance provides members with a wide array of resources, through a members-only website. This site provides members with on-demand access to videos, articles, webinars, and sample versions of many of the documents mentioned in this guide. Your ministry can use the samples as a starting point, if you don't already have documents in place. Whenever members have questions about their ministry's governing documents and how they can better protect their ministry, they can receive direct religious liberty legal advice from ADF attorneys.

Learn more at  
[ADFMinistryAlliance.org](https://ADFMinistryAlliance.org)

## REAL LIFE CASE #2

# GENEVA COLLEGE

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In Beaver Falls, Pennsylvania, a small Christian college teaches the next generation of leaders what following Christ in all aspects of life looks like. The historic motto of Geneva College is clear and inspiring for many: Pro Christo et Patria—For Christ and Country.

But in 2012, the college was told, among other Christian colleges and universities, that it must choose between Christ and Country. The presidential administration created a mandate that forced employers—regardless of their convictions—to provide abortion-inducing drugs through their health plans.

The college could have gone along with the abortion mandate. It could have provided abortions in its health plans as an unfortunate “cost of being in ministry today” in order to remain at peace with the government. But this choice would have been a dedication to country that crossed the moral line. A pinch of incense to Caesar is still a pinch, no matter how small.



Abiding by the mandate would not only be a moral problem for the college, it would send a message to the students that the order of the school's motto was not reflecting reality. Providing abortion-inducing drugs through its health plans to employees would mean that when push comes to shove, country comes before God.

Instead, Geneva College, among other Christian colleges across the country, stood firmly against the mandate for over six years. With the help of ADF, the college won its case in federal court in 2018.

Still, challenges to the rights of ministries to affirm life are ongoing. ADF continues to represent nonprofits located in states that have even gone so far as to mandate elective, surgical abortions be covered in employee health insurance plans.

These ongoing challenges are critical examples of why every ministry should have a clear statement on the sanctity of human life.



# 04

## Statement of Final Authority for Matters of Faith and Conduct

Even with a detailed statement of faith, it is impossible to anticipate every doctrinal dispute that a faith-based ministry might encounter.

For example, decades or even centuries ago, when many of the existing church creeds and statements of faith were written, no one would have argued that marriage was anything but the union of a man and a woman. Consequently, few were prepared when challenged over their position on same-sex unions.

Because new issues can arise, it is important for Christian organizations to be able to respond in a legally defensible way. To do so, each ministry should identify (1) the source of religious authority for matters of faith and conduct, and (2) the final human interpreter of that source for the organization. This type of a statement should provide a “catch-all” to cover unforeseeable threats that might arise in the future.

A statement of authority for matters of faith and conduct clearly indicates that authority resides in a designated individual or group (e.g., executive committee, executive director, president, CEO, or board of directors) authorized to speak for the ministry and state its position on any disputed issue.

This statement can be included in the bylaws or other policy documents. The general legal rule is that courts should not question this position.<sup>3</sup>

ADF Ministry Alliance keeps members updated on laws that have an impact on the religious freedom of ministries. As the laws change, our attorneys can help you navigate them. You can have peace of mind knowing that your ministry has the proper documents and protections in place. And if a law threatens your ministry’s religious liberty, you can know that ADF is ready to stand with your ministry, through litigation if necessary.

Learn more at  
[ADFMinistryAlliance.org](https://ADFMinistryAlliance.org)

### 1-4 RECAP:

- Adopt a comprehensive statement of faith
- Adopt a statement on marriage and sexuality
- Adopt a statement on the sanctity of human life
- Adopt a statement of final authority for matters of faith and conduct

## REAL LIFE CASE #3

# WORLD VISION

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Being able to hire employees that share the vision for your organization is important for its success. An employee that is committed to the mission can help further it, rather than working against it.

That's why, when World Vision found out that three of its employees did not believe in the deity of Jesus Christ or the Trinity, they dismissed those employees. Since these employees had submitted personal statements about their relationship with Jesus Christ and agreed to World Vision's Statement of Faith, Core Values, and Mission Statement when they were hired, you would think that would be the end of it.

But that's not what happened.

Even though those employees had signed on to a statement of faith that includes the belief that "there is one God, eternally existent in three persons: Father, Son, and the Holy Spirit," they sued World Vision for religious discrimination. They claimed that World Vision isn't really a religious organization and therefore should be required to hire people who don't subscribe to the ministry's theology.



And while there is no dispute that these employees were fired for religious reasons, under law, World Vision is only permitted to make such hiring and firing decisions if it is a religious organization.

That's the question the court had to answer. In doing so, it asked whether the organization:

- Is organized for a religious purpose;
- Is engaged primarily in carrying out that religious purpose;
- Holds itself out to the public as an entity for carrying out that religious purpose; and
- Does not engage primarily or substantially in the exchange of goods or services for money beyond nominal amounts.

World Vision is a Christian humanitarian organization that exists to follow "Jesus Christ in working with the poor and oppressed to promote human transformation, seek justice, and bear witness to the good news of the Kingdom of God."

For an organization such as World Vision, it is important for its employees to hold to the same religious beliefs. World Vision's religious beliefs are the very reason for its existence. To be forced to hire employees who do not share this vision would contradict World Vision's very mission.

World Vision made it clear that it was a religious organization. That was one of the primary reasons the Ninth Circuit ruled in World Vision's favor, confirming that ministries can maintain their ability to protect their religious character by hiring people of like faith.

They just need to stay true to their religious principles in all aspects of the ministry.

This is an important case for all religious organizations that want the freedom to make their own staffing decisions in order to stay true to their mission.

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# 05

## Religious Employment Criteria

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Every Christian ministry should establish written religious criteria for its employees and volunteers. Federal law prohibits employment discrimination based on race, color, religion, sex, national origin, or age.<sup>4</sup> Congress has repeatedly refused to add sexual orientation and gender identity to this list of protected categories. While the law is clear, some federal agencies and courts have tried to interpret “sex discrimination” to include “sexual orientation” and “gender identity.”<sup>5</sup> Ministries face uncertainty in this area of the law.

“Religious organizations” may still consider an applicant’s or employee’s religious beliefs in hiring and firing.<sup>6,7</sup> Under a constitutional doctrine known as the “ministerial exception,” many Christian ministries remain free to make their own staffing decisions when the person in question is a “ministerial” employee—someone who is tasked with performing the organization’s rituals or teaching and explaining its beliefs.<sup>8</sup>

State and municipal employment nondiscrimination laws generally mirror federal law, prohibiting discrimination based on religion and unchangeable characteristics such as race, color, and national origin. But some states and an increasing number of municipalities also prohibit discrimination in employment based on sexual orientation and gender identity. Although most state laws and municipal ordinances also provide some exemption for religious organizations, these exemptions vary widely. Regardless, the First Amendment—which trumps federal, state, and local laws—must protect religious employment decisions made by religious entities.

If an employment dispute arises, the most important step for Christian organizations to do to take advantage of the First Amendment protection is to create and consistently enforce religious employment criteria for every employee.

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# 06

## Signed Statement of Faith

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At a minimum, the ministry should require all employees and volunteers to sign a statement affirming that they have read, agree with, and are willing to abide by the ministry's statement of faith (and standards of conduct, if any). This first step is critical. Some Christian ministries have lost the freedom to select employees that live consistently with their faith because they hired individuals that did not share their same fundamental beliefs.<sup>9</sup>

As a matter of best practice, employees should sign these documents on an annual or semiannual basis, and employers should retain these signed statements as part of the individual's permanent record.

It is also good practice to note either on the signed statement, or in the employee handbook, that violation of the organization's statement of faith constitutes good cause to terminate employment.

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# 07

## Religious Job Description

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The ministry should create written job descriptions for every employment and volunteer position. These job descriptions will be unique to each organization and position. The descriptions should explain how the position furthers the organization's religious mission, what the responsibilities and duties of the position include, and what training and skills are necessary for the position.

Although every position within a ministry furthers its religious mission, for legal purposes, the link between an employment or volunteer position and the organization's mission cannot be assumed. Clearly articulate this link in writing.


Religious organizations should take particular care to highlight responsibilities that involve communicating the faith or other spiritual duties that directly further the religious mission.

Employees with some duties usually performed by (or associated with) clergy are more likely to be viewed as "ministerial" by the courts, such as Christian school teachers who incorporate faith into their teaching, pray with students, or lead them in prayer or worship.<sup>10</sup> Consequently, courts are more likely to apply the ministerial exception to employment law claims based on alleged discrimination.

It is important to remember that the term "minister" applies to any employee charged with, among other things, teaching or communicating beliefs. In a landmark case, the U.S. Supreme Court held that a Christian school teacher was a "minister."<sup>11</sup>

A Christian ministry that employs an individual held out as a minister should make that distinction clear in the job title. Likewise, any religious educational qualifications should be clear. But most importantly,

the position description should detail any religious responsibilities or duties that reflect a role in conveying ministry's teaching and carrying out its mission. Finally, remember that an employee does not need the job title of "minister" for the ministry to claim the ministerial exception, although a title with some religious significance is helpful. The exception applies to those charged with ministering, teaching, or communicating beliefs and encompasses various titles within an organization.

Employee job descriptions should also include any religious grounds for limiting employment opportunities, especially if the limitations involve any categories protected by law (such as religion or sex). 

It is also important that Christian ministries consistently apply their employment standards and handle similar cases alike. For example, organizations should not terminate an unmarried, pregnant female employee on religious grounds, but retain a male employee known to have engaged in extramarital sexual relations. Consistency in employment decisions is critical.

One final note: some ministries have included a general nondiscrimination provision in their employment and other policies. These provisions often say that the church does not discriminate on the basis of sex, race, age, disability, etc.

While there are well-meaning motives behind these nondiscrimination provisions, these types of provisions can be highly problematic if not properly vetted by legal counsel. If a faith-based organization wants or needs to include a nondiscrimination provision for a specific reason, seek the advice of an attorney before doing so.

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## 5-7 RECAP:

- Require all employees to sign a statement affirming that they agree with your organization's statement of faith
- Require all employees to sign a statement affirming that they are willing to abide by your organization's standards of conduct
- List religious job descriptions for every employment position, taking special note of any ministerial positions
- List religious grounds for limiting employment opportunities
- Consistently apply all employment standards

ADF Ministry Alliance members have access to samples of employment documents and more information relating to religious employment that can help protect your ministry. If your organization has questions or faces an employment claim or situation, you have direct access to attorneys who can advise and advocate for your ministry's religious liberty.

Find out more about ADF Ministry Alliance membership at [ADFMinistryAlliance.org](https://ADFMinistryAlliance.org)



## REAL LIFE CASE #4

# TRINITY LUTHERAN CHURCH OF COLUMBIA

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Trinity Lutheran Church of Columbia, Missouri operates a child learning center, which has a small playground open for the community. After years of children's use, and many falls and scrapes, the school looked for new and safer ground cover.

The State of Missouri had initiated a scrap tire program that allows the government to safely and easily dispose with the tens of thousands of old tires it collects every year. Instead of the tires taking up acres of landfill while awaiting the stray spark that could set off billowing plumes of poisonous smoke, they began to convert them into a rubber ground cover perfectly tailored to children's playgrounds.

Missouri's scrap tire program seemed a natural win for all involved. The state turns its tires into something schools want, and school administrators don't have to pay for the expensive transformation process by which tires become playground rugs. Instead, they apply for a grant that will reimburse them for investing in the rubber ground cover.

Trinity's administrators went through all the right motions, filling out the mountain of state paperwork, clarifying the myriad details, and meeting all the appropriate deadlines. Out of 44 competing schools, they qualified fifth—easily good enough to receive a reimbursement grant.

But the church didn't get a grant—it got a denial letter saying that the Missouri Constitution prohibited the state from giving “aid” to a church. Even though Trinity's school was clearly qualified, the state denied it simply because it was owned by a church.

Trinity contacted Alliance Defending Freedom attorneys, who advocated for the church all the way up to the U.S. Supreme Court. The issues at hand were far from child's play: Do ministries have the right to participate equally in government programs without being discriminated

against solely because of their religious status? If not, where does that lead? Should city police, firefighters, and paramedics stop responding to emergencies on church property out of a misguided desire to avoid “aiding” religion?

It's a question with far-reaching implications for ministries all over America.

Thankfully, in the summer of 2017, Trinity Lutheran won its case at the Supreme Court. The Court ruled 7-2 that the government cannot exclude churches and other faith-based organizations from a secular government program simply because of their religious identity.



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# 08

## Facility Use Policy

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A facility use policy is critical for any ministry that allows its facilities to be used by the public.

Faith-based ministries still have great freedom to use their buildings consistently with their faith. But some government officials are working hard to change that. For example, there is a significant push to require religious ministries to open sensitive sex-specific privacy areas—such as showers, restrooms, and locker rooms—to those who identify as the opposite sex.

It is not clear how much protection Christian ministries have from being compelled to open their facilities for uses that conflict with their doctrine. Religious organizations can strengthen their religious liberty protections by adopting a facility use policy that outlines the religious nature of the building and prohibits uses that conflict with the ministry's beliefs. This policy is clear evidence of the organization's beliefs and practices regarding use of its property and why certain practices or activities are never permitted.

The statement of faith is the foundation of the facility use policy, and all potential users should be required to read the statement of faith and certify that—to the best of their knowledge—they will not use the facilities in any way that violates the ministry's religious beliefs. Requiring this certification makes it clear that the facility is not an ordinary commercial facility that can be rented for any purpose, but is instead a physical manifestation of the ministry's religious beliefs.

Religious organizations also do not need to limit use of their facilities to people who “agree with” their religious beliefs. It is sufficient to require that the event not violate the organization's beliefs.

The facility use policy should apply to all facility uses, regardless of whether it is a long-term or one-time use, or for a fee or gratuitously. Christian organizations that rent their buildings to outside organizations should do so at less than market rates. Even when renting at less than market rates, ministries are at greatest risk when renting their space to commercial or for-profit entities and should seek legal counsel before doing so.

There is no one-size-fits-all facility use policy for all religious groups. It is important to create a policy that covers situations unique to your organization's ministry and mission, buildings or facilities, and religious beliefs. Take the time to craft a specific policy addressing each of these areas for your organization, and then train your staff on the proper application of this policy.

Members of ADF Ministry Alliance receive direct access to attorneys when drafting policies. Once members' policies are drafted, our attorneys can review these policies to ensure the greatest religious-liberty legal protections are being taken into consideration. Members can also consult with our attorneys when having difficult conversations relating to policies, in order to maintain the integrity of your ministry's witness.

Become an ADF Ministry Alliance member at  
[ADFMinistryAlliance.org](https://ADFMinistryAlliance.org)

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# 09

## Mission Statement

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Christian ministries should articulate the distinctly religious purpose for their existence through a mission statement. This mission statement should be grounded on the organization's religious beliefs and statement of faith. For example, a Christian school's purpose might be, in part, to "train the next generation of Christian leaders and equip them for a life of service to their Savior, homes, churches, vocations, and communities."

When possible, include within the mission statement a speech component—some message the organization wants to communicate to the outside world through its speech and conduct. For example, a Christian ministry operating a wedding chapel might see its purpose, in part, as communicating the theo-

logical belief that marriage is only the union of one man and one woman, which reflects Christ's relationship with His Church. Also include an associational component within the mission statement—that is, a desire to associate with like-minded people who will further the organization's religious purpose and beliefs. Including these components may allow for a possible free speech and free associational defense in addition to any other constitutional defenses.

Place the mission statement in the organization's bylaws, governing documents, and employee and student handbooks.

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# 10

## Code of Christian Conduct

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Ministries should adopt a code of Christian conduct, grounded in the statement of faith, which establishes parameters for acceptable behavior for employees, teachers, administrators, campers, students, etc.

The code should address a variety of behaviors pertinent to the ministry's particular context: for example, respect for authority, cheating, stealing, and so forth. While the level of detail and specific types of conduct addressed will vary from organization to organization, ministries are encouraged to clearly address issues of sexuality given that they are current cultural issues. Make clear that the ministry believes God immutably creates each person as either male

or female, and that employees and students are expected to conform their conduct and dress to reflect these beliefs. Cite the organization's statement on marriage and sexuality to highlight why this conduct is biblically required.

Finally, include a warning that the ministry has the right to discipline or ask an employee, volunteer, camper, student, etc. to withdraw for any reason, but that failure to comply with expected standards of conduct will subject the camper, student, volunteer, or employee to potential disciplinary action, up to and including expulsion or dismissal.

# 11

## Emphasize Religious Character

Organizations that highlight their religious character have far greater religious liberty protections than those organizations that omit or conceal their religious character. Courts tend to evaluate whether an organization is religious, in part, based on its activities and presentation to the community.

A Christian ministry can highlight its religious character through activities such as the following:

- Regularly including prayer, Bible studies, and worship in its activities, including those activities that occur off campus or away from the organization's main facility.
- Emphasizing any affiliation with a church or religious denomination.
- Utilizing religious artwork within the building.
- Noting the organization's religious character through its website, brochures, logo, and tagline.<sup>13</sup>

If necessary, members of ADF Ministry Alliance can receive legal representation involving the ministry's religious liberty.

When a ministry stands for religious freedom, we have seen God use it to impact the Church at large. With each victory, we are keeping the doors open for the Gospel.

Join today at:  
[ADFMinistryAlliance.org](https://ADFMinistryAlliance.org)

### 8-11 RECAP:

- Create a facility use policy and train your staff on proper application of policy
- Create a distinctly religious mission statement
- Create a code of Christian conduct
- Emphasize your organization's religious character

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# Conclusion

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Even in—*perhaps especially in*—a changing moral climate, God’s people can continue to make a profound impact as faithful witnesses to His love and truth. We can engage a hostile social and political culture in ways that offer clear light and enduring hope amid spiritual darkness and confusion.

Adopting the action items recommended in the previous pages cannot insulate your ministry from threats to its religious freedom. Nor are these recommendations all-inclusive; instead, they are general guidelines. Ministries can benefit from specific additional safeguards that apply to their unique situations which are not covered in this brief overview. However, implementing these suggestions will place your ministry in a more defensible legal position should it face a lawsuit for discrimination.

More robust advice, preparation, and protection is available to ADF Ministry Alliance members. Through ADF Ministry Alliance, we directly advise ministries and advocate to keep the legal doors open for the Gospel.

Preparing yourself legally through this affordable membership program will give your ministry greater freedom to continue ministering and living out your

mission with confidence—and that freedom may well make an eternal difference for those you serve.

For more information about ADF Ministry Alliance and how your ministry can become a member, please visit our website at [ADFMinistryAlliance.org](https://ADFMinistryAlliance.org) or call us at 1-833-233-2559.

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# End Notes

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**1** *Obergefell v. Hodges*, 135 S. Ct. 2584, 2642-43 (2015) (Alito, J., dissenting).

**2** In this guide, “sex” refers to male and female as grounded in human reproductive biology. Sex is binary, fixed at conception, and objectively verifiable. “Gender” is used in the sense that contemporary proponents of gender identity theory use it: a fluid, subjectively defined continuum of “genders” that range from male to female to something else. Although “gender” in the past served as a euphemism for sex, in the context of discussing SOGIs, gender is properly understood as a social construct, and should not be confused with biological male-female sex.

**3** *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 710 (1976) (the First Amendment commands civil courts to refrain from resolving controversies over religious doctrine as well as disputes over “church polity and church administration”); *id.* at 713 (“religious controversies are not the proper subject of civil court inquiry”); *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116–17 (1952) (civil courts prohibited from reviewing internal church disputes involving matters of faith, doctrine, church governance, and polity); *Gunn v. Mariners Church, Inc.*, 2005 WL 1253953 at \*2 (Cal. App. 2005) (courts “cannot undertake ... a mission” of finding what is and is not “moral” or “sinful” within the beliefs of a particular church).

**4** See 42 U.S.C. § 2000e-2; 29 U.S.C. § 621 et seq.

**5** See *Baldwin v. Dep’t of Transportation*, EEOC Appeal No. 0120133080 (July 15, 2015) (sexual orientation); *Macy v. Dep’t of Justice*, EEOC Appeal No. 0120120821 (April 20, 2012) (gender identity); see also *Hively v. Ivy Tech Community College of Indiana*, 853 F.3d 339 (7th Cir. 2017) (sexual orientation); *Zarda v. Altitude Express, Inc.*, 883 F.3d 100 (2d Cir. 2018) (sexual orientation); *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, 884 F.3d 560 (6th Cir. 2018) (gender identity).

**6** See 42 U.S.C. § 2000e-1(a); 42 U.S.C. § 2000e-2(e)(2); see also *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694, 710 (2012); *McClure v. Salvation Army*, 460 F.2d 553, 558 (5th Cir. 1972).

**7** It must be noted, however, that the ability to consider an applicant’s or employee’s religious beliefs in hiring or firing does not necessarily mean that the employer may discriminate on protected bases other than religion, such as race, national origin, or sex. See, e.g., *DeMarco v. Holy Cross High School*, 4 F.3d 166, 173 (2d Cir. 1993). There is an open legal question, then, as to whether a religious employer’s right to prefer members of its own religion may serve as a defense to claims of sexual orientation or gender identity discrimination when “sexual orientation” and “gender identity” have been included as protected classes.

**8** *Hosanna-Tabor*, 132 S.Ct. 694; *McClure*, 460 F.2d at 558-61; *Scharon v. St. Luke’s Episcopal Presbyterian Hosp.*, 929 F.2d 360 (8th Cir. 1991).

**9** See, e.g., *Barrett v. Fontbonne Acad.*, 2015 WL 9682042 (Mass. Super. 2015).

**10** See, e.g., *Hosanna-Tabor*, 132 S.Ct. 694.

**11** See *id.*

**12** Employers should also consult with in-state legal counsel regarding whether employment contracts should be specifically designated year-to-year or at-will. There could be legal benefit to one or the other depending on the organization’s specific situation.

**13** See, e.g., *Spencer v. World Vision, Inc.*, 633 F.3d 723, 738-740 (9th Cir. 2011) (discussing various factors demonstrating that World Vision held itself out to the community as a religious organization, including its logo, religious artwork, Christian messaging guidelines, and religious employment criteria).

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