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“Every faith-based university in the country has the right to work with its students...within its faith tradition,” says Rabbi Berman.



Jewish University in Ongoing Legal Battle over Campus LGBTQ Club

Yeshiva University in New York is a Modern Orthodox Jewish school recognized as a religious corporation. It educates approximately 6,000 students on four campuses in Manhattan and the Bronx. A group of students, the YU Pride Alliance, asked for recognition of their LGBTQ club, but was denied by Yeshiva on the basis of their religious stance.

On being taken to the State Supreme Court, a trial judge ruled that Yeshiva must allow the club based on the New York City Human Rights Law, which bars discrimination in public accommodations. Yeshiva, whose case is being handled by Beckett Fund for Religious Liberty, filed an emergency application with the U.S. Supreme Court. In response, Justice Sonia Sotomayor stayed an order that required Yeshiva University to recognize the LGBTQ student club on its undergraduate campus. However, five days later SCOTUS said that the university must recognize the club until their case is settled.

Since that time the university has paused all undergraduate student clubs. Their president, Rabbi Ari Berman, says, “Every faith-based university in the country has the right to work with its students, including its LGBTQ students, to establish the clubs, places, and spaces that fit within its faith tradition. Yeshiva University simply seeks that same right of self-determination.”

In response to the pause of student clubs, YU Pride Alliance students have offered to delay their bid for recognition by the university. The student group's lawyer said it would stand down while the case played out, if the university agreed to allow the other clubs “to resume effective immediately.” Continuing on behalf of the students, “We do not want YU to punish our fellow students by ending all student activities while it circumvents its responsibilities.” School officials agreed to the student group's offer, and will

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HIV Drug Mandate Violates Religious Freedom of Companies

A federal court in Texas has ruled that a mandate for free coverage of HIV prevention drugs burdens the religious freedom of the plaintiffs. Six individuals and two Christian-owned businesses said that they could not offer the coverage mandated by Affordable Care Act because they didn't want to subsidize "homosexual behavior."

HIV PrEP, the drug by Gilead, is 90% effective in preventing HIV transmission, but those at highest risk include sexually active homosexual men. The Affordable Care Act mandates that most health insurance plans must cover HIV prevention services where needed.

The judge ruled in favor of the Christian-owned companies, saying their rights had been violated under

the Religious Freedom Restoration Act (RFRA), which "ensures that interests in religious freedom are protected." RFRA has been used in past cases challenging abortion, contraception, and transgender health care.

The ruling is positive for those who support a broad interpretation of the 1993 Religious Freedom Restoration Act. Those in opposition, however, include Ivy Hill, community health program director for the Campaign for Southern Equality: "This ruling is about imposing extreme religious beliefs — not, as it purports, about protecting religious freedom. Far-right extremist judges are attacking privacy and access to health care."

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- A California Appeals Court has ruled that Calvary Chapel San Jose will not have to pay fines of \$200,000. The fines were levied when the church refused to incorporate state and county safety regulations for COVID-19. The church continued to hold large religious services during the pandemic, and was held in contempt of court and fined in both 2020 and 2021. The 6th District Court of Appeals reversed those decisions, though, saying that the Governor's ban on indoor worship had violated freedom of religion. The church is still being pursued by the County for \$2.3 million in face mask penalties.

- A federal appeals court found that Kim Davis does not have qualified immunity. The former county clerk in Kentucky refused to issue marriage licenses to same-sex couples. The two couples impacted may now sue her personally if they so choose. Additionally, a jury will decide whether she must pay for seven years of legal fees for the two couples.

- Indiana abortion restrictions have been challenged under the Religious Freedom Restoration Act. Five plaintiffs and Hoosier Jews for Choice filed for all whose religious beliefs direct them to abortions in circumstances the state has prohibited.

Yeshiva University, *Continued from cover*

allow other student clubs to resume after the Jewish holidays.

Issues which Yeshiva University may face include the fact that their graduate School of Law has for years had its own recognized LGBTQ club, which was not denied by any other administration of the university. Additionally, the students and their supporters do not believe any value within the Torah or Jewish law denies their recognition, because

Yeshiva is a institution of higher learning rather than a house of worship.

Several faith-based groups have declared intent to file briefs in support of Yeshiva, including the Roman Catholic Archdiocese of New York, the Church of Jesus Christ of Latter-day Saints, the United States Conference of Catholic Bishops, and the Council for Christian Colleges and Universities.

Waymarks will be following this case as it develops, particularly regarding any decisions which could impact the Adventist education system and those run by other Christian denominations. We invite you to stay tuned for further information.

Teacher Suspended for Using Student's Legal Name Instead of Preferred Pronoun Wins \$95M

A teacher who sued Geary County, Kansas, Schools earlier this year has been awarded \$95 million from the lawsuit. Pamela Ricard was reprimanded and suspended for three days for refusing to use a student's preferred pronouns.

A biologically female student at the middle school identified as male, chose a new first name, and preferred he/him pronouns. Ricard began addressing the student by their last name along with "miss," and felt it respected the student and also upheld her own religious convictions.

The district did not have a pronoun policy at that time, but reprimanded Ricard under a policy related to "bullying by staff," according to her suit. Following her suspension, a policy was implemented to use requested pronouns. Additionally, staff were not to disclose student

information about names and pronouns to their parents without their permission.

"Ms. Ricard is a Christian and holds sincere religious beliefs consistent with the traditional Christian and biblical understanding of the human person and biological sex," the lawsuit said. "Ms. Ricard believes that God created human beings as ei-

A teacher was suspended for refusing to use a student's new pronouns.

ther male or female, that this sex is fixed in each person from the moment of conception, and that it cannot be changed..."

A federal court ruled that she was allowed to communicate with parents, and that she could avoid using pronouns. Also, the district was ordered to remove their policy about staff not disclosing this information to parents.

Catholic School Has Right to Fire Staff Not Reflecting School Values

A federal district court in Indiana has ruled that religious schools, including the Roman Catholic high school in the suit, have the right to require teachers to uphold the school's values. The decision followed a gay guidance teacher filing a discrimination lawsuit after she was

fired for openly marrying another female guidance counselor at the school. Her spouse also lost a similar case two months earlier.

The judge found that the guidance counselor had signed a School Guidance Ministry Contract when she was hired. In it, she was re-

quired "to communicate the Catholic faith to students, pray with students, and teach and celebrate Catholic traditions," as well as serve as "a minister of the faith."

The counselor had sued on the basis that her actions were "protected conduct," and her contract not being renewed was a violation of federal employment laws. The school countered that the "ministerial exception" allowed in a 2012 U.S. Supreme Court case nullified that, and the courts agreed that discrimination laws do not apply when selecting religious leaders.

The ruling "is a great victory for ... every religious institution seeking to instill their faith in the next generation," said Luke Goodrich, senior counsel and vice president at the Becket Fund for Religious Liberty law firm.

NEWS OF THE WORLD

Iran Called Out for Persecution of Religious Minorities

A segment of the United Nations Human Rights Council (HRC) has made a call for Iran to stop the persecution, harassment, and curtailment of rights which have been pointed at religious minorities. Iran's penal code has criminalized "blasphemy."

The main group being targeted is the Baha'i faith. Baha'i members have had their property destroyed or confiscated, and many have disappeared. There have been arrests and home raids. Students have been denied entrance to universities, and citizens have been

accused of espionage. Other minority groups have also been targeted, including Christians, atheists, and dervishes.

The HRC group has called for all religious prisoners to be released immediately, and for blasphemy to be decriminalized.

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San Jose High School Must Recognize Fellowship of Christian Athletes Club

A federal court of appeals has ordered the reinstatement of the Fellowship of Christian Athletes (FCA) an official student club in San Jose high schools. The San Jose Unified School District had taken away FCA's official club status because the club's religious affiliation violated the district's non-discrimination policy.

FCA requires students in leadership roles to agree to a Statement of Faith, including limiting sex to married heterosexual couples. The school district said it must be "scrupulously

neutral when it comes to religion." The case was basically weighing the principle of non-discrimination against the free exercise of religion.

However, the district went against its own non-discrimination policy in how it handled some other clubs. Clubs limiting membership based on ethnicity or gender identity were still allowed to operate. As the court pointed out, a government entity cannot set double standards which only work against religious groups, and in this case the district

violated the Free Exercise Clause.

The one dissenting judge said, "My colleagues are correct that the competing values at issue in this case are cherished by our nation and enshrined in our Constitution. The plaintiffs will surely have their day in court for their claims of past harm. Once they do, the court will have to consider both the plaintiffs' rights and the rights of those they would exclude," and noted that the other judges had not limited the permission granted to one club to discriminate.

The school district went against its own non-discrimination policy, allowing other clubs to discriminate, but not the Christian club.