# **Safeguarding Religious Freedom**

***Sample Policies for WELS Congregations, Schools, and Organizations***

In a changing moral climate, God’s people can continue to make a profound impact as faithful witnesses to his love and truth. Given the freedom to live out and exercise our faith, WELS congregations, schools, and affiliated organizations can engage what is sometimes a hostile social and political culture in ways that offer clear light and enduring hope amid the growing spiritual darkness. We do that by proclaiming law and gospel, not primarily to change society or human behavior, but to change hearts through the powerful working of the Holy Spirit.

It is clear that WELS congregations, schools, and organizations (hereafter referred to as “congregations”) will be faced with challenges as they strive to carry out their dual mission of holding faithfully to the teachings of God’s Word and proclaiming God’s truth to their members, to their communities, and to the world.

No written policies can completely safeguard a congregation and its various ministries from the threat of lawsuits. While not necessarily preventing lawsuits from occurring, adopting appropriate written policies and statements and applying them consistently can place congregations in a more defensible legal position should they face lawsuits for alleged discrimination. Proper preparation will give congregations greater freedom to continue presenting the gospel clearly and boldly to the community, and safeguarding that freedom may well make an eternal difference for lost and hurting souls.

This document includes the legal opinion provided to the synod as background information, as well as sample policies and procedures in three areas: 1) facilities use; 2) employment; 3) school enrollment and discipline. These policies are offered only as samples. Congregations are free to adopt them, modify them, or choose not to use them at all. It should be noted that these policies have been carefully crafted, because policies that violate the law could be worse than no policies at all. Since laws regarding discrimination vary from state to state, it is recommended that congregations consult qualified local legal counsel before actually adopting policies governing these issues. Please note that the policies intentionally do not address *specific* lifestyle situations, because to do so could itself be considered discriminatory in some circumstances. Rather they are written broadly to address a wide variety of activities that may be in conflict with biblical doctrine as taught and practiced in WELS.

*We would like to acknowledge the* ***Alliance Defending Freedom*** *organization (www.adflegal.org). Its document “Protecting Your Ministry” provided valuable help in preparing the sample policies being shared with you. Information and ideas from that publication have been used with permission.*

# **Background Information from Legal Counsel**

***The following information has been provided by the synod’s legal counsel (von Briesen & Roper, s.c.) and is intended to provide background on the considerations that factor into facility, employment, and enrollment policies***.

Churches and church-sponsored schools are essentially allowed to discriminate based on religion. In many circumstances, local, state, and/or federal laws prohibit churches and church schools from discriminating on other bases (race, sex, disability, age, and often sexual orientation, among others). Therefore, for all purposes, including facilities use, employment, and school enrollment, the safest way to avoid discrimination claims is to limit distinctions to those based upon membership in the Wisconsin Evangelical Lutheran Synod (“WELS”) or membership in a denomination in fellowship with WELS. This ensures that the distinctions drawn are both strictly based on religion and are consistently applied. The risk of discrimination claims increases when distinctions are made based on particular religious beliefs, and not on membership, because the risk of inconsistent application is much greater. If people are only excluded for *certain* practices or beliefs that are inconsistent with WELS doctrine, but not others, then those excluded who are within a protected class (e.g. based upon sexual orientation, transgender status, gender, etc.) might claim that their exclusion is triggered by the factor that forms the basis of their protected status and not religion.

**Limiting the use of facilities, employment, and the availability of WELS schools to WELS members and members of denominations in fellowship with WELS, however, may be inconsistent with our ministry outreach objectives**. In light of that fact, we need to understand how to minimize the risks associated with non-member participation. Having policies can be helpful ***if*** they are lawful and consistently applied. Having a policy that is unlawful on its face or that cannot be consistently applied, on the other hand, can actually increase the risk of discrimination claims. Below are considerations for each policy area: facilities use, employment, and school enrollment. The laws and considerations are different for each area.

**Facilities Use**

“Public accommodations” are establishments that provide goods and services to the general public. Local, state, and federal laws prohibit discrimination in places of public accommodation. Federal law prohibits discrimination based on race, color, religion, national origin, and disability. Nearly all states have laws prohibiting discrimination based on sex, and many of those interpret that to cover gender identity. About half the states have laws specifically prohibiting discrimination based on sexual orientation.

Church sanctuaries generally would *not* be considered places of public accommodation. If a WELS congregation makes its other facilities available for use by non-members, however, it risks having those facilities considered places of public accommodation subject to laws prohibiting discrimination. Therefore, any policy regarding facility use should be drafted so that it (a) does not on its face single out any particular protected group, and (b) can be applied consistently to groups that encompass more than just protected classes.

It might be difficult to enforce a policy that says, for example, facilities may not be used by individuals whose values or lifestyles run counter to the teaching of the church or whose beliefs are in conflict or inconsistent with the congregation’s faith and teaching. First, the “teaching of the church” covers a broad scope of activities and the risk of applying the policy selectively could be significant. For example, divorce (except in limited circumstances), excessive drinking or drug use, sex outside of marriage, etc. generally run counter to the teaching of the church. Will individuals engaged in, or who have engaged in, these activities be precluded from using church facilities? Also, will the church know if a person has similar beliefs with regard to such things as transubstantiation or the role of women? If, in applying the policy, the church targets solely those individuals whose lifestyles, beliefs, and values are protected under nondiscrimination laws, claims could arise.

We suggest that the facility use policy focus more on precluding use of facilities (a) at the request of individuals and organizations that to your knowledge endorse, promote, advocate, or support practices or activities that contradict WELS doctrine, or (b) for any purpose that contradicts WELS doctrine. Although part (a) of the preceding sentence might raise some challenges of its own in application, we believe distinctions based upon the public promotion of practices or activities would be easier to apply consistently than distinctions based upon “beliefs.” Including a “knowledge” element should reduce the risk of a discrimination claim being made based upon the use of a facility by an organization that might be engaged peripherally in an activity that is counter to WELS doctrine and of which the WELS entity is not aware. Please note, however, that even this type of policy will not avoid the risk of a discrimination claim if, for example, only those groups or events focused on issues of sexual orientation are effectively precluded from using facilities.

**Employment**

Churches are not subject to discrimination laws with respect to employment of ministers. *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C*., 132 S. Ct. 694, 708, (2012). This ministerial exception applies beyond just those employees who literally hold the title of minister. However, the Supreme Court has declined to specifically define when the ministerial exception applies. Courts have found the exception to apply to ministers, pastors, and others who lead churches. It has also been applied to teachers who actually regularly teach religion in their classrooms. It does not, however, apply to administrative, clerical, custodial, or other employees who may represent a church but do not take a leadership role in teaching the church’s beliefs.

Those that do not qualify for the ministerial exception can only be discriminated against based on religion. This means a WELS organization can show preference in hiring to WELS members or even Christians, but it cannot discriminate on other protected bases, including gender, sex, disability, etc. Many state laws also prohibit discrimination based on sexual orientation.

**School Enrollment**

If a school accepts any federal funding (e.g. school lunch funding, busing, text book funds), it is subject to the laws enforced by the Department of Education’s Office of Civil Rights (“OCR”). These include Title IX of the Education Amendments of 1972 which prohibits discrimination on the basis of sex. OCR has interpreted Title IX to protect students from discrimination based on their gender identity and sexual orientation. If a school is subject to Title IX, it could face discrimination claims for rejecting an applicant based on his/her gender identity or sexual orientation or for failing to recognize and protect a student’s gender identity. There may also be state or local laws that prohibit private schools from discriminating on certain protected bases.

As with the other policies, it might be difficult to consistently apply a requirement that both students and parents abide by all church doctrine and beliefs. Again, inconsistent application could lead to discrimination complaints. Safer approaches might be to either (1) limit enrollment to church members, or (2) explain the comprehensive nature of religious doctrine in the school curriculum, and rely on parents or students self-excluding if they are uncomfortable with that doctrine.

# **Part One: Facilities Use**

A buildings and grounds (facilities) use policy is critical for any congregation that owns or controls facilities and permits them to be used by non-member individuals or groups. One way to help minimize the risk of problems in the area of facility use would be simply to adopt a policy that states that the church does not allow its facilities to be used by non-member individuals or organizations.

Many congregations, however, have found that opening their facilities to use by outside groups can be a good way to build community relations and awareness. Others have found effective ways to use their facilities that are directly connected to outreach or evangelism efforts. In such cases, restricting the facilities only to members may hinder or prevent those outreach efforts. If facilities are made available to non-members (whether for free or for rent), it is important to have a policy that clearly states that the church facilities are not to be used by those who, to the knowledge of the congregation, endorse, promote, advocate, or support practices and activities that contradict WELS doctrine or for purposes not consistent with WELS doctrine. Having such a policy will help maintain a clear and consistent witness of its teachings and, if applied consistently, will also be helpful if the practice is challenged in court.

One situation likely to be encountered by congregations is the request to use church facilities for same-sex marriages. While a pastor is not likely to be challenged for refusal to perform such ceremonies (because doing so would violate the teachings he has vowed to uphold), the request to make church facilities available for such purposes is somewhat more problematic, especially if the congregation regularly makes its facilities available to outside groups. Until now, attempts to require churches to host same-sex ceremonies have not succeeded, since church buildings are private property and used primarily for the exercise of religion throughout the week. But those advocating for marriage redefinition hope to change the current law that protects churches. And it is not clear, even under the current law, how much protection religious organizations have from being compelled to open their facilities (other than the sanctuary) for uses that conflict with their doctrine. Certainly, facilities that are regularly made available for non-church purposes or to non-members will be at greater risk of discrimination claims if they deny use based on sexual orientation.

With that in mind, WELS congregations, schools, and affiliated organizations may be able to strengthen their religious liberty protections by adopting a facilities use policy that outlines the religious nature of the building and forbids its use by groups that openly endorse, promote, advocate, or support practices or activities that contradict WELS doctrine or for purposes not consistent with WELS doctrine. A policy is clear evidence of the organization’s beliefs and practice regarding use of its property and why certain practices or activities are never permitted.

*Two sample documents are provided:*

* *Facilities—Appendix 1: A sample facility use policy (for congregations that allow use by non-members)*
* *Facilities—Appendix 2: Facilities use request/agreement*

**Facilities—Appendix 1**

**Facilities Use Policy**

**(*sample*)**

**Purpose Statement**

The facilities of [*name of congregation or organization*] were provided as a blessing from God through the sacrificial generosity of our members and supporters. We desire that our facilities be used for worship, education, and Christian fellowship and for other purposes that help us to carry out our mission.

Although our facilities are not generally open to the public, they are at times made available to approved non-member groups and individuals as a witness to our faith, in a spirit of Christian charity, and as a means of demonstrating the Gospel of Jesus Christ in practice.

Since our congregation’s facilities are closely connected to our mission, the permission to use them will not be given to persons, groups, or organizations that to our knowledge endorse, promote, advocate, or support practices or activities that conflict with or are not consistent with WELS doctrine and teachings. This doctrine and teachings are summarized in various places, such as the constitution and bylaws of [*name of congregations or organization*], the Lutheran Confessions, and the doctrinal statements of the Wisconsin Evangelical Lutheran Synod. By way of example and not by way of limitation, we will not permit an organization to use our facilities if, to our knowledge, the organization endorses abortion as an option for addressing an unwanted pregnancy.

This restricted facilities use policy is necessary for two important reasons. First, we may not in good conscience materially cooperate in activities or beliefs that are contrary to our doctrine and teachings. Allowing our facilities to be used for such purposes would be, at the very least, tacit cooperation with that activity and would be a clear violation of our doctrine and practice.

Second, it is very important that the church present a clear and consistent message to the community, and that its workers, staff, and members conscientiously maintain that message as part of their witness to the Gospel of Jesus Christ. Allowing facilities to be used by persons, groups, or organizations that to our knowledge endorse, promote, advocate, or support practices or activities that are contrary to the our doctrine would have a severe, negative impact on the message and values that the we strive to promote. It could also cause confusion and scandal to church members and the community because they may reasonably perceive that by allowing use of our facilities, we agree with or support such activities or practices.

This policy applies to all of our facilities, regardless of whether the facilities are connected to the sanctuary proper, because the church sees all of its property as dedicated to its mission and set apart for service to God.

**Approved Users and Priority of Use**

The pastor or his official designee must approve all uses of our facilities. Generally, priority shall be given to our members, their immediate families, and organized groups that are part of our ministries, organizations, or sponsored activities. Our facilities and equipment will be made available to non-members or outside groups or organizations meeting the following qualifications:

* The use does not interfere with other activities sponsored by [*name of congregation or organization*].
* The organization, group, or person seeking facility use must submit a signed “Facilities Use Request and Agreement” form, which, in part, will:
  + Include a representation that, to the best of their knowledge and belief, such organization, group, or person does not endorse, promote, advocate, or support practices or activities that conflict, or are inconsistent, with WELS doctrine and teaching; and
  + Describe the purpose for which the facilities will be used.
* The group or person seeking facility use must be willing to take responsibility for the facilities and equipment used and must agree to abide by [*name of congregation or organization*]’s rules of conduct for facilities use, as stated below and as described in any additional instructions by our workers and staff.

**Scheduling Events**

Facility use requests shall be made to [for example, pastor, secretary, events coordinator, church secretary] by submitting the “Facilities Use Request and Agreement” form. The facilities will be reserved and the event placed on the calendar only when the pastor or official designee approves the use.

**Fees**

*[A schedule of fees for facilities use, if any, can be listed here.]*

**Facility Use Guidelines**

* Alcohol *[List guidelines regarding the use of alcohol in the buildings or on church property.]*
* Smoking *[List guidelines regarding smoking in the buildings or on church property.]*
* Food and beverages [*List any restrictions on where food and beverages can be taken or consumed]*
* Activities are restricted to only those areas of the facility that have been reserved.
* Equipment, such as tables and chairs, must be returned to original placement, unless other arrangements have been made prior to the event.
* Damage to property should be reported immediately after the event. It will be the responsibility of the group or individuals using the facilities to repair or replace any damaged property to our satisfaction.
* All lights must be turned off and doors locked upon departure.
* Clean-up [*address whether it is the responsibility of the group using the facility, and if so, what constitutes satisfactory clean-up. A cleaning fee may also be charged].*

**Facilities—Appendix 2**

**Facilities Use Request and Agreement**

**(*sample*)**

**Name of person or organization requesting use of facilities:**

**Please state whether you are a:**

☐ I am a member of [*name of your congregation or organization*] (request by an individual)

☐ I represent a ministry or group affiliated with [*name of your congregation organization*]

☐ I am not a member of [*name of your congregation or organization*]

☐ I represent a ministry or group not affiliated with [*name of your congregation organization*]

**Contact Information:**

Address:

Phone Number:

Email Address:

**Purpose or Activity**:

**Date(s) and time(s) requested:**

**I represent and agree that:**

* I have received and read the Facilities Use Policy and will comply with all its provisions.
* I understand that [*name of congregation or organization*] does not allow its facilities to be used in a way that contradicts WELS doctrine and teachings.
* To the best of my knowledge and belief, the organization, group, or individual seeking use of the facilities does not endorse, promote, advocate, or support practices or activities that conflict with, or are not consistent with, the WELS doctrine and teachings, and, if I become aware of any such conflict or inconsistency, I will promptly disclose it to [*name of congregation or organization*]’s staff or designated person.
* To the best of my knowledge the purpose for which I am requesting use of church facilities will not contradict WELS doctrine and teachings, and I will promptly disclose any potential conflict of which I am aware or become aware to [*name of congregation or organization*]’s staff or designated person.
* I understand that I will be responsible for repairing to the satisfaction of [*name of entity*] any damage to the facilities resulting from their use.
* If this application is being submitted on behalf of an organization or group, I am authorized to execute this application and agree to its terms on behalf of such organization or group.

*For a facility use request submitted for an individual:*

**Name (Print)**

**/ /**

**Signature Date**

*For a facility use request submitted by an organization:*

**Organization’s Name (Print)**

**By:**

**Signature**

**/ /**

**Title Date**

**Part Two: School Enrollment and Discipline**

**Mission Statement**

WELS schools should articulate their distinctly religious purpose through a mission statement. This mission statement should be grounded on the organization’s religious beliefs and statement of faith. For example, a WELS school’s purpose might be, in part, to “to teach all subjects in light of God’s Word, to train the next generation of Lutheran leaders and to equip them for a life of service to their Savior, homes, churches, vocations, and communities.”

**Code of Conduct**

WELS schools and ministries should adopt a code of conduct, grounded in the statement of faith, which establishes parameters for acceptable behavior. Cite the synod’s teachings on marriage, gender, and sexuality to highlight why this conduct is biblically required.

The code should also address behaviors such as sexual conduct outside the marital union, cheating, stealing, respect for authority, and so forth. Include a warning that the school has the right to discipline or ask a student to withdraw for any lawful reason, but that failure to comply with expected standards of conduct, whether on or off campus, will subject the student to potential disciplinary action, up to and including expulsion.

EMPHASIZE RELIGIOUS CHARACTER

**Admissions Procedures**

Each school should have a well-defined admissions procedure that includes clear statements that the school is a ministry closely associated with the mission of the synod. The procedure should also identify the various circumstances in which admission would be denied. School admission should never be automatic.

* ***Information Packet***

Provide each potential applicant family with an information packet describing the school. Include a clear explanation of the school’s religious mission and beliefs. Also include a list of admissions criteria, including spiritual and behavioral criteria, which the school uses in evaluating prospective students. Finally, request that parents and students (depending on the age) read the student handbook, and proceed with the application only if they are in agreement with, and willing to abide by, the policies in the handbook.

* ***Application***

In the application, include a section requesting the names and address of each parent and/or guardian. Also include an agreement section for parents (and students in grades 7-12) to sign indicating that they have read the student handbook and discussed it with their student. The agreement should make clear that, by signing, both parents and students certify their consent and submission to all policies in the handbook. Ensure that the school retains any signed statements of agreement as part of the permanent record of the student and family. It is also good practice to require a copy of each student’s birth certificate. This can be used to verify birth sex, age, and citizenship (if applicable).

* ***Interview***

Conduct personal interviews of all new student applicants and their parents, and use the time to gain insight into family dynamics, faith background, behavior, and so forth.

* ***Notice of Admission or Denial***

Communicate a notice of admission or denial of admission in writing. Ensure that records of admission and/or denial are retained for an appropriate period of time. Schools are not legally required to explain why they denied an applicant admission, but there may be instances where it is appropriate to communicate this information.

**Student Handbooks**

All WELS school handbooks should include the school’s mission statement, statement of faith, and code of conduct. WELS schools should also require all parents to sign a written acknowledgment affirming that they have read, are in agreement with, and are willing to abide by the established standards of the school as outlined in the handbook

Ensure that signed statements of agreement are retained as part of the permanent records of students. Two disclaimers should appear in all handbooks. First, make clear that no handbook serves to contractually bind the school in any way. Second, note that the handbooks are subject to change without notice by the school’s governing body.

**Disciplinary and Dismissal Procedures**

Schools should also establish clear disciplinary and dismissal procedures, and apply these procedures consistently.

***Three sample documents are provided:***

* *Enrollment—Appendix 1: Introductory letter to parents*
* *Enrollment—Appendix 2: Handbook agreement for parents*
* *Enrollment—Appendix 3: Standards for evaluating students*

**Enrollment—Appendix 1**

**Introductory Letter to Prospective Parent(s)**

***(sample)***

Dear Parent(s):

Thank you for your interest in our school. We have adopted an admissions policy that opens the school to families who understand and are supportive of our philosophy, objectives, and standards of education, and whose children meet our enrollment standards. Our purpose is to serve families who desire not simply a private education, but a distinctively Lutheran education for their children.

Before applying for admission to our school, please read the Student Handbook provided in this introductory packet. The Student Handbook will introduce you to many of the school’s policies, procedures, and expectations for both parents and students.

The Handbook explains our religious purpose, mission, and beliefs. All subjects in our school will be taught from the perspective of, and in accordance with, the Word of God as revealed in the Holy Scriptures. If you do not agree with the beliefs and values that will be taught in our school, enrolling your child will likely cause him or her confusion. This internal conflict could drive a wedge between you and your child, cause your child to negatively judge you as a parent, or force your child to choose between our teaching and what he or she learns at home. We respect your desire to place your child in the best possible learning environment, but if you are uncomfortable with what your child will be taught, it will be best for all concerned if you do not enroll your child at our school.

Biblical principles are integrated into every subject taught at our school. Our staff is committed not only to academic excellence, but also to teaching students how to apply the truths of God’s Word to every aspect of life. We pray that what we teach complements the beliefs and ideals your child is taught at home. We look forward to partnering with you to educate your child in God’s truth.

In our Savior’s Name,

*Signature*

**Enrollment—Appendix 2**

**Handbook Agreements for Parents\***

***(sample)***

***Parents: Please read the following statements carefully and sign below to indicate your agreement.***

I hereby affirm that I have read the Student Handbook and discussed its policies with my student.

I certify that I consent to and will submit to all governing policies of the school, including all applicable policies in the Student Handbook.

I agree that, as a parent, I will not knowingly and/or actively endorse, promote, advocate, or support practices or activities that are not consistent with the doctrine and teaching of the Wisconsin Evangelical Lutheran Synod.

I understand that the standards of the school do not tolerate profanity, obscenity in word or action, dishonor to God and his Word, disrespect to the personnel of the school, or continued disobedience to the established policies of the school.

I understand that the services of the school are engaged by mutual consent, and that either the school or I reserve the right to terminate any or all services at any time.

I understand that this Handbook does not contractually bind [School] and is subject to change without notice by decision of [School]’s governing body.

Admission to the school is a privilege, not a right, and admission for one school year does not guarantee automatic admission for future school years.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Mother (or legal guardian) Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Father (or legal guardian) Date

**\*A similar agreement could be required of students of high school age**

**Enrollment—Appendix 3**

**Standards for Evaluating Prospective Students**

***(sample)***

**A. Spiritual Considerations**

* Spiritual commitment of parents and student.
* Willingness of parents and student to be supportive of the school’s Lutheran philosophy of education.
* Willingness of parents and student to support the administration and faculty in carrying out the goals and programs of the school.

**B. Behavioral Considerations**

* History of acceptable citizenship in previous school experience.
* Agreement of student to abide by the behavior standards established by the school.

**C. Academic Considerations**

* Documented record of acceptable grades in previous school experience.
* Acceptable scores on achievement tests.

**D. Personal Considerations**

* Student’s special interests, talents, and skills.
* School makes no distinction in its admission policy on the basis of race, color, or national and ethnic origin.

**Part 3: Employment**

All called workers in our congregations and affiliated organizations must be members of WELS or a synod in fellowship with WELS. Each called worker has vowed to remain faithful to the teachings of the synod, based on the Bible and summarized in the Lutheran Confessions and in the other doctrinal statements of the synod. That faithfulness applies not only to the doctrinal content of what the worker preaches or teaches, but it also applies to the qualifications that The Word of God establishes for a called worker in terms of abilities and behavior. Those who depart from the teachings or who fail to meet the other qualifications for the public ministry disqualify themselves from service.

The same standards should apply to anyone who serves as a representative of the congregation to the public, where the teachings of the synod may need to be explained and where the person’s position connects the worker closely to the ministry of the congregation. Preference will, therefore, be given in these positions to members of the WELS or a synod in fellowship with WELS.

Congregations, schools, and affiliated organizations may hire other employees to carry out work that is not connected directly to the Means of Grace and in which the worker is not viewed as a representative of the organization. In such cases, the organization may choose to employ individuals who are not a part of its fellowship. But such employees should still be required to sign a statement indicating that they understand that they may forfeit employment if their words, actions, and/or lifestyle are not consistent with the values and beliefs and teachings of the Wisconsin Evangelical Lutheran Synod. Having workers whose behavior openly contradicts WELS teachings, values and principles could be detrimental to the ministry of the organization.

Employee job descriptions and the employee handbook, therefore, should include the qualifications required for each positions, as well as the religious grounds for limiting employment opportunities described above. This would include positions (such as pastor or principal) where the position is limited to men for doctrinal reasons.

Finally, congregations, schools, and affiliated organizations must be consistent in their application of their employment standards and handle similar cases alike. For example, an organization might be legally vulnerable if it terminates an unmarried, pregnant female employee on religious grounds, but does not terminate a male employee known to have engaged in extramarital sexual relations. Consistency in employment decisions will make it more likely courts will find the organization acted properly and did not commit employment discrimination should a terminated former employee file suit.

*One sample document is provided:*

* *Employment—Appendix 1: Employee acknowledgment*

# **Employment—Appendix 1**

**Employee Acknowledgment**

***(sample)***

[*Name of congregation or organization*] exists to proclaim faithfully the Word of God as revealed in the Holy Scriptures. Therefore [*name of congregation or organization*] has a high responsibility to require all employees to conduct themselves in a way that is not inconsistent with our values, mission, teachings, and beliefs.

In view of that, I am aware that I may forfeit my employment at [*name of entity*] if my words, actions, or lifestyle, whether on the job or away from it, are determined to be inconsistent with the church’s values, beliefs, and teachings, or in any way detrimental to its reputation or mission.

I acknowledge that nothing in this document creates a contract of employment or guarantees continued employment for any particular period of time.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date