



PROTECTING

FROM

YOUR

RELIGIOUS FREEDOM

PREGNANCY

THREATS

CENTER



*“People should not have to
render services that they believe
are forbidden directly by God or
are deeply immoral.”¹*








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PROTECTING YOUR PREGNANCY CENTER

Use the checklist below to ensure your Pregnancy Center has the broadest religious liberty protections under the law.²

-  **Statement of Faith** *Page 10*
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The sample policies throughout this manual are exemplary/demonstrative only. They should be adapted to fit the specific beliefs and practices of your ministry. There is no magic language that should be copied verbatim. Each Pregnancy Center should use the sample language or policy as a starting point, and individually tailor it to suit the particular faith tradition, organizational structure, and practices of your organization. The policies and bylaws you adopt should be yours and reflect the needs and beliefs of your organization. Including scriptural references is encouraged, although not legally required. It should also be noted that while there may be significant overlap between your statement of faith, mission, and other foundational documents, this should not be a cause for concern, so long as you are consistent in specifically explaining your mission and the beliefs which animate and support it.

INTRODUCTION

Pregnancy Centers are motivated by the belief that life is a sacred gift from God, and that each individual human being deserves to be protected and welcomed into the world with open arms. But in a society where the freedom to peacefully live and work according to one's sincerely held beliefs is under siege, it's no surprise that pregnancy centers increasingly find themselves in the crosshairs.

At the top of the list of those targeting pregnancy centers are pro-abortion organizations and activists who object to the life-affirming services that these centers provide to pregnant women and their unborn children. In fact, in many states they, and their allies in state and local governments, have launched legislative campaigns to compel pregnancy centers to refer or advertise for abortion or abortifacient medications.³ These efforts, which are growing more and more frequent and widespread, are aimed at destroying pregnancy centers by making them speak what they do not believe, and by making them act in ways that conflict with their very reason for being.

As if these malicious challenges to the core mission of pregnancy centers were not bad enough, the peddlers of sexual autonomy have made the situation even worse. Throughout the country, laws based upon sexual orientation and gender identity (SOGIs) have been used to trump our first freedoms—freedom of speech and freedom of religion. It's not hard to imagine opponents of the pro-life cause using these same laws to attack pregnancy centers and coerce them into violating their mission and beliefs.⁴

This guide has been prepared by Alliance Defending Freedom to prevent that from happening. We've partnered with three of the largest pregnancy center organizations in the U.S.—Care Net, Heartbeat International, and the National Institute of Family and Life Advocates—to provide pregnancy centers with the knowledge and foresight necessary to enable them to continue to operate in a way that is consistent with their mission and beliefs, without fear and without apology.

In the following pages, you will find examples of what other ministries around the country are facing; how your pregnancy center may be vulnerable to similar threats; and what you can do to secure crucial legal protections to help you prevail in the legal challenges that are sure to come.

It is not always easy to protect and defend life, especially when pressure and intimidation from a hostile world threaten your ability to accomplish your mission. But as you contemplate the guidance and information provided in this manual, you can rest assured that Alliance Defending Freedom remains ready to help you as you protect life and seek to make abortion unwanted. If you ever run into a situation in which your right to operate your pregnancy center in accordance with your beliefs is threatened, do not hesitate to call Alliance Defending Freedom at **1-800-TELL-ADF**, or contact us on our website at **ADFlegal.org**. Even if you just have general questions about your center or about your rights, you can call ADF. You will never be charged for our legal services.



THESE THREE ORGANIZATIONS HAVE BEEN INSTRUMENTAL IN PROTECTING LIFE AND PROVIDING VALUABLE RESOURCES AND CARE TO EXPECTING MOMS AND DADS.



For more than 30 years, Care Net has worked to build a culture where women and men faced with pregnancy decisions are transformed by the gospel of Jesus Christ and empowered to choose life for their unborn children and abundant life for their families. Not only does Care Net support one of the largest networks of pregnancy centers in North America, but the organization also runs the nation's only real-time call center providing pregnancy decision coaching.



For more than 45 years, Heartbeat International has helped God's people discover the life-saving, death-defying, soul-satisfying, and God-glorifying power of neighborly love. Through more than 2,400 affiliated pregnancy help locations, maternity homes, and non-profit adoption agencies on all six inhabited continents, this organization has worked tirelessly to create a world in which abortion is unthinkable and each new life is celebrated as a gift from God.



Since 1993, the National Institute of Family and Life Advocates (NIFLA) has provided life-affirming pregnancy centers with legal counsel, education, and training as they seek to love both mothers and their unborn children. They continue to work toward an abortion-free America where every human life, born and unborn, made in the image of God is valued.

Together, these organizations, through the dedication of their staffs, volunteers, and the pregnancy centers in their networks, have succeeded in saving countless lives and providing exceptional medical care to women and their children in the process. It is critical to the future of our nation and for the good of society that this life-saving work continues unrestricted. That means being prepared for any legal challenges that may be brought on by pro-abortion activists.



WE
Defend
Those Who Defend
Life

As a Pregnancy Center, you have the opportunity to relay a message of hope and life. Alliance Defending Freedom (ADF) is a legal organization advocating for your right to continue your life-saving work. ADF legally defends religious freedom, the sanctity of life, and marriage and family.



ALLIANCE DEFENDING
FREEDOM

FOR FAITH. FOR JUSTICE.

To learn more about
our work and our clients
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ADF WORKS WITH OVER
3,000
ALLIED ATTORNEYS



AND PARTNERS
WITH OVER
300
ALLIED
ORGANIZATIONS

**WITH A GOD GRANTED
SUCCESS RECORD**



ADF HAS WON NEARLY
80%
OF ALL OUR CASES



AND PLAYED A
ROLE IN
52
U.S. SUPREME
COURT VICTORIES



To Be or Not to Be ... A Religious Non-Profit

Legal Considerations for Organizing Your Pregnancy Center.

A key threshold question for a Pregnancy Center with some religious background or inclination is whether to organize and operate as a religious non-profit. If you take just one thing from this guide, it should be this—Alliance Defending Freedom believes that organizing and operating as a religious non-profit provides you with the broadest legal protection available, given the current state of the law.

Of course, answering this threshold question is not the only consideration for a Pregnancy Center. In fact, even when a center opts to incorporate as a religious organization, further questions arise as to how overtly religious the organization should be, both in its internal policies and organizing documents, and in how it describes itself to, and interacts with, the outside world. For instance, a religious non-profit serving the public may believe it needs to de-emphasize its religious character to make all feel welcome, while another may choose to maintain and prominently present its religious beliefs as an outward expression of its faith. While no one answer will fit each and every organization, each Pregnancy Center should determine its approach based upon not only a clear discernment of its mission, but also upon as complete an understanding of the prevailing law as possible.

Why Incorporate and Operate as a Religious Non-Profit?

The principal benefit of operating as a distinctly religious non-profit is that a Pregnancy Center would then retain the right to organize and conduct its internal affairs, including the making of employment decisions, free from government intrusion. Religious entities, for example, are often exempt from various anti-discrimination laws, and may impose not only religious qualifications on staff and volunteers, but also standards of conduct that must be followed by all staff and volunteers.

A religious non-profit possesses not only the right to constitutional freedom of association and free speech, but enjoys further protections under the First Amendment, which guarantees that an organization can practice its religion (and its religious mission, by extension) freely, and further prohibits the government from intruding upon its internal affairs.⁵ When employed properly, the constitutional protections available to religious non-profits should permit Pregnancy Centers to organize and operate in a way that is consistent with their religious beliefs, and should shield them from various demands that might be made under SOGIs and laws seeking to compel them to act contrary to their life-affirming mission.

What if Your Pregnancy Resource Center Opts Not to Organize on a Religious Basis?

You will still have constitutional protections if you choose not to organize your Pregnancy Center as a religious non-profit, but they will not be as robust. Many private organizations—even those that are not strictly religious—generally have the constitutional right to associate based upon their particular views or beliefs.⁶ And depending on how they operate, they too, much like religious organizations, can be exempt from the requirements of anti-discrimination and public accommodation laws (of which SOGIs are a part). But the legal protections for non-profits that are not organized upon a religious basis are less secure than those that are. Their “beliefs” are far more prone to be scrutinized by courts, and thus their ability to operate free from government intrusion is often dependent upon how clearly and how consistently those beliefs are communicated and adhered to.⁷ Put simply, the closer they

approximate a religious organization in operation and belief, the more legal protection non-religious non-profits can expect to enjoy.

The Hallmarks of a Religious Organization

If you decide to organize as a religious non-profit, the question naturally arises, “How do we ensure that we receive the broadest possible protection available under the law?” While there is no one tried and true test to definitively resolve the question of what makes an organization religious, courts generally consider a number of factors you should be aware of.⁸

Those factors include whether an organization operates for a profit; whether it produces a secular product; whether the organization’s articles of incorporation or other pertinent documents state a religious purpose; whether the organization is owned, affiliated with, financially supported, or managed by a formally religious entity such as a church or synagogue; whether the organization holds itself out to the public as secular or sectarian; whether the organization regularly includes prayer or other forms of worship in its activities; and whether the membership of the organization is made up by co-religionists. Other courts have adopted a more streamlined approach, looking at whether the organization is organized for a self-identified religious purpose (as evidenced by articles of incorporation or similar foundational documents); whether the organization is engaged in activities consistent with that stated religious purpose; and whether the organization holds itself out to the public as religious.⁹

Organizing your Pregnancy Center in light of these factors is important, especially because courts have found that primarily secular businesses, even those owned by co-religionists having religious elements or expressions in their workplace and even those which host events like Bible studies, are generally not sufficiently “religious” to be exempted from federal anti-discrimination laws.¹⁰

The practical steps and sample documents in this guide are provided to guide you in establishing your Pregnancy Center as a religious non-profit.

— STEP 1 —

Statement of Faith

A statement of faith should be the foundational document for every faith-based organization, including your Pregnancy Center. It expresses your core religious beliefs and serves as clear evidence of those beliefs in the event that they are called into question in a lawsuit. It also serves as the backbone of the organization's policies and procedures. The key policies and procedures discussed in this guide all point back to the statement of faith. All actions of any ministry, including Pregnancy Centers, should be filtered first through these core beliefs. The statement of faith is the starting point and the key component of protecting your right to religious liberty.

Because of its importance, the statement of faith should appear in the organization's bylaws or other foundational policy documents. Ministries that fall under a particular 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.

If circumstances make it difficult to include the statement of faith in your bylaws, it should be adopted as a governing document for your Pregnancy Center. The precise location of the statement of faith is not necessarily crucial or decisive—however, what is important is that the statement actually serves as a binding document

that reflects your beliefs, governs all your actions, and directs your mission.

The statement of faith should address a broad range of religious beliefs. Your basic approach should be guided by the overarching principle that the more detailed your statement, the better protected you will be. But because of the current legal climate, three topics deserve particular mention—marriage, human sexuality, and the sanctity of life.

A statement of faith that includes beliefs about marriage, human sexuality, and sanctity of life helps protect religious organizations in at least two ways. First, it may discourage those looking for “easy” lawsuits from bringing claims. Once the organization clearly states its religious beliefs on these matters, it is more difficult to argue that the organization acted with discriminatory motives. Second, the statement will make it easier for the organization to defend itself if it is sued. Courts generally regard a clear statement of faith as an expression of the organization's doctrine, and defer to it as the First Amendment requires. Adopting a statement of faith makes it more likely that a court will conclude the organization acted on its well-documented and sincere religious beliefs, rather than an improper motive. It also allows your organization to articulate a positive, overarching statement on a host of issues, which can protect you from being mischaracterized as only “against” certain things.

While each center will have its own unique beliefs,

the following is an example of a generic statement of Christian faith as it might relate to the mission of a majority of Pregnancy Centers. Some of this language is borrowed from World Vision, which is a Christian humanitarian organization. World Vision was sued by former employees who alleged that they were terminated based upon their religious beliefs, but the court found that that the organization was exempt from Title VII's prohibition against religious discrimination,

precisely because it qualified as a religious organization under the law.¹¹ Having withstood judicial scrutiny, the content of World Vision's foundational documents can be instructive in ensuring that your Pregnancy Center is similarly protected under the law. With respect to the foundational elements of the Christian faith, you can also simply adopt a formulation such as the Apostle's Creed or the Nicene Creed.

SAMPLE STATEMENT OF RELIGIOUS BELIEF

We believe that there is one God, eternally existent in three persons: Father, Son, and the Holy Spirit.

We believe in the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father, and in His personal return.

We acknowledge one God: Father, Son, and Holy Spirit. In Jesus Christ the love, mercy, and grace of God are made known to us and all people. From this overflowing abundance of God's love we find our call to ministry. We proclaim together, "Jesus lived, died and rose again. Jesus is Lord." We desire Him to be central in our individual and corporate lives.

We seek to follow Him—in his identification with the poor, the afflicted, the oppressed, the marginalized; in his special concern for children; in his respect for the dignity bestowed by God on women equally with men; in his challenge to unjust attitudes and systems; in his call to share resources with each other; in his love for all people without discrimination or conditions; in his offer of new life through faith in him. From Him we derive our holistic understanding of the Gospel of the kingdom of God, which forms the basis of our response to human need.

We believe that God is the author and creator of all life, and that we are created in His likeness and image. As such, we believe and affirm that all life has inherent value, worth, and dignity because it is created by God. On the basis of this inherent value, we seek to protect and care for life in all stages of God's creation, from conception to natural death.

We believe and affirm that life begins at conception, at which time the full genetic blueprint for life is

SAMPLE STATEMENT OF RELIGIOUS BELIEF - Continued

in place. Accordingly, we believe that our expression of love and service to God requires that we work to protect and honor life in all stages of creation. As well, we believe and affirm that God's calling upon us commands that we make special efforts to protect the most vulnerable among us. As such, we view life from conception through birth to be uniquely vulnerable, and therefore work to protect and defend life in these early stages.

We believe that abortion and abortifacient medications are never necessary or appropriate medical care for women, or obviously, her unborn child.

We also affirm the inherent dignity and humanity of all women who come to us in need, and recognize their vulnerability and often the difficult circumstances in which they have been placed. Accordingly, our love of God and service to our Lord Jesus Christ requires that we love and serve those in need, which extends not only to providing services through birth, but also a holistic approach that continues to care for and minister to the bodily and spiritual needs of mother, child, and family after birth.

[Include here, along with a signature and date line, a concluding statement noting that each employee and volunteer affirms that he or she has read, agrees with, and is willing to abide by your organization's Statement of Faith. You should require each employee or volunteer to sign the statement periodically, at least once per year.]

CARE NET'S STATEMENT OF RELIGIOUS BELIEF

We believe the Bible to be the inspired, the only infallible, authoritative Word of God.

We believe that there is one God, eternally existent in three persons; Father, Son and Holy Spirit.

We believe in the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His vicarious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father, and in His personal return in power and glory.

We believe that for the salvation of lost and sinful man, regeneration by the Holy Spirit is absolutely essential, and that this salvation is received through faith in Jesus Christ as Savior and Lord and not as a result of good works.

We believe in the present ministry of the Holy Spirit by whose indwelling the Christian is enabled to live a godly life and to perform good works.

We believe in the resurrection of both the saved and the lost; they that are saved unto the resurrection of life and they that are lost unto the resurrection of damnation.

We believe in the spiritual unity of believers in our Lord Jesus Christ.

Adapted from the National Association of Evangelical's statement of faith.

WORLD VISION

Why It's Important to Hire Employees That Are Committed to Your Organization's Mission

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 it wasn't.

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 courts had to decide, asking 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 and the avenue through which it spreads the Gospel. To be forced to hire employees who do not share this vision would contradict World Vision's very mission.

By explaining the foundational beliefs of the organization in its bylaws plainly and consistently, World Vision made it clear that it was a religious organization. That secured World Vision the protections

under law that allow it to make employment decisions based on its beliefs. Because of this, the Ninth Circuit Court 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 hire employees that will help further its mission, not undermine it. And it also speaks to the importance of making it clear that your organization is religious in the bylaws, if you wish to operate it according to those beliefs.



— STEP 2 —

Statement on the Sanctity of Human Life

It should go without saying that Pregnancy Centers must adopt a statement of belief concerning the sanctity of human life from conception to natural death, as the protection of life is their very reason for being.

Pro-abortion organizations continue to advocate for a requirement that all organizations—including even churches and faith-based ministries—pay for contraception, abortion-inducing drugs and devices, and even elective surgical abortions for their employees. These efforts have resulted in the federal government attempting to force religious and pro-life organizations—including the Little Sisters of the Poor, March for Life, and myriad Christian colleges—to provide abortifacients to their employees and students. Some states have even quietly mandated that insurers include abortion coverage in all their available health plans, including those offered to churches and other

religious employers. At the same time, advocates of euthanasia and physician-assisted suicide continue to press for the right to terminate life they no longer consider to be of value.

Although under the Trump administration many of the federal efforts described above may soon be reined in, this does nothing to excuse the need for a Pregnancy Center to make its views on life issues crystal clear. Even if insurance coverage issues are ultimately resolved in favor of a robust right to conscience, the potential for problems remains—for instance, Christian ministries continue to 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. So a clear and unequivocal statement, such as the examples on the following page, is essential.

SAMPLE STATEMENT ON THE SANCTITY OF HUMAN LIFE - CATHOLIC

We believe that all human life is sacred and created by God in His image. Human life is of inestimable worth in all its dimensions, including pre-born babies, the aged, the physically or mentally challenged, and every other stage or condition from conception through natural death. We are therefore called to defend, protect, and value all human life (Ps. 139). We believe and affirm that life begins at conception, at which time the full genetic blueprint for life is in place. Accordingly, we believe that our expression of love and service to God requires that we work to protect and honor life in all stages of creation. As well, we believe and affirm that God's calling upon us commands that we make special efforts to protect the most vulnerable among us. As such, we view life from conception through birth to be uniquely vulnerable, and therefore work to protect and defend life in these early stages. Finally, because we believe that fertility is a natural gift from God, we do not provide or prescribe artificial means of contraception. Furthermore, we will never provide abortifacient medications or sterilization services under any circumstances. Rather, because we seek to nurture and restore the body's natural function at all times, we educate and empower women to use the entire range of fertility awareness based methods (FABMs) of natural family planning currently available.

SAMPLE STATEMENT ON THE SANCTITY OF HUMAN LIFE - PROTESTANT

We believe that all human life is sacred and created by God in His image. Human life is of inestimable worth in all its dimensions, including pre-born babies, the aged, the physically or mentally challenged, and every other stage or condition from conception through natural death. We are therefore called to defend, protect, and value all human life (Ps. 139). We believe and affirm that life begins at conception, at which time the full genetic blueprint for life is in place. Accordingly, we believe that our expression of love and service to God requires that we work to protect and honor life in all stages of creation. As well, we believe and affirm that God's calling upon us commands that we make special efforts to protect the most vulnerable among us. As such, we view life from conception through birth to be uniquely vulnerable, and therefore work to protect and defend life in these early stages. We do not provide or prescribe contraceptive medications that may harm an embryo and we will never provide abortifacient medications under any circumstances.

— STEP 3 —

Statement on Marriage and Sexuality

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, and provides the best chance that children will grow up in the same home with both their mom and their dad (1 Cor. 7:2). Among many other negative cultural developments over the last several decades, the general acceptance of sex outside of marriage and other sexual sins are direct attacks upon this timeless and universal institution.

Sex also matters.¹² God wonderfully and immutably creates each person as either male or female, and these two distinct, complementary sexes together reflect the image and nature of God (Gen. 1:26-27). But some individuals reject their birth sex and, relying on 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 religious organizations. Churches are receiving requests to use their facilities for same-

sex ceremonies or to endorse those views by admitting individuals in same-sex relationships into church membership. Christian schools are being asked to employ persons who identify as transgender (or other “genders”) or admit students who do not adhere to a Christian sexual ethic. And Christian ministries are facing difficult decisions concerning employees in same-sex relationships and employees who are confused about their sex.

As a result, it is important that religious organizations develop a clear statement on marriage and sexuality within their statements of faith. Every employee and volunteer should be aware of the organization’s religious position on these (and other) issues, prior to entering an official relationship with the organization. Remember: this statement is not intended to limit the organization’s ability to serve a particular group, but it protects the ministry from being forced to operate contrary to its religious beliefs.

Your Pregnancy Center’s statement of belief concerning marriage and sexuality can take various forms, as 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.

SAMPLE STATEMENT ON MARRIAGE AND SEXUALITY

We believe that God wonderfully and immutably creates each person as either male or female, and that these two distinct, complementary sexes together reflect the image and nature of God. Accordingly, our communication with clients and all other persons reflects the reality of God’s created order—put simply, we use male pronouns to refer to those persons who were created biologically male, and female pronouns to refer to those persons who were created biologically female. Finally, we believe that God created marriage to be exclusively the union of one man and one woman, and that intimate sexual activity is to occur exclusively within that union.

[Much like the Code of Christian Conduct, these two belief statements can be seamlessly inserted into your organization’s current statement of faith. But if you prefer to adopt a separate and more detailed statement on marriage and sexuality, the model below should provide you with a good start.]

EXPANDED SAMPLE STATEMENT ON MARRIAGE AND SEXUALITY

We believe that God wonderfully and immutably creates each person as either male or female. These two distinct, complementary sexes together reflect the image and nature of God (Gen. 1:26-27). Rejection of one’s biological sex is a rejection of the image of God within that person. Accordingly, our communication with clients and all other persons reflects the reality of God’s created order—put simply, we use male pronouns to refer to those persons who were created biologically male, and female pronouns to refer to those persons who were created biologically female.

We believe that the term “marriage” has only one meaning: the uniting of one man and one woman in a single, exclusive union, as delineated in Scripture (Gen. 2:18-25).

We believe that God intends sexual intimacy to occur only between a man and a woman who are married to each other (1 Cor. 6:18; 7:2-5; Heb. 13:4). We believe that God has commanded that no intimate sexual activity be engaged in outside of a marriage between a man and a woman.

We believe that any form of sexual immorality (including adultery, fornication, homosexual behavior, bisexual conduct, bestiality, incest, or use of pornography) is sinful and offensive to God (Matt. 15:18-20; 1 Cor. 6:9-10).

(Continued on the next page)

EXPANDED SAMPLE STATEMENT ON MARRIAGE AND SEXUALITY - Continued

We believe that to preserve the function and integrity of [the organization] as the local Body of Christ, and to provide a biblical role model to the [the organization] members and the community, it is imperative that all persons employed by [the organization] in any capacity, or who serve as volunteers, agree to and abide by this Statement on Marriage and Sexuality (Matt. 5:16; Phil. 2:14-16; 1 Thess. 5:22).

We believe that God offers redemption and restoration to all who confess and forsake their sin, seeking His mercy and forgiveness through Jesus Christ (Acts 3:19-21; Rom. 10:9-10; 1 Cor. 6:9-11).

We believe that every person must be afforded compassion, love, kindness, respect, and dignity (Mark 12:28-31; Luke 6:31). Hateful and harassing behavior or attitudes directed toward any individual are to be repudiated and are not in accord with Scripture nor the doctrines of [the organization].

WHEN THE STATE TRIES TO PROMOTE ABORTION THROUGH THOSE WHO OBJECT

There is a disturbing trend of states attempting to force pro-life pregnancy centers to promote abortion.

The latest example comes from Hawaii, where the governor has signed a bill into law that forces pregnancy centers in the state to promote and advertise a website where women can go for abortion coverage.

To make it worse, the law allows private citizens to sue if a pregnancy center does not immediately place such a disclaimer on their premises. That means pro-abortion organizations like Planned Parenthood and NARAL could file a lawsuit against a pregnancy center at any time — which is not such a far-fetched possibility, considering that pro-abortion organizations view pregnancy centers as a threat.

In response, Alliance Defending Freedom (ADF) filed a lawsuit on behalf of pregnancy centers in Hawaii as soon as the law went into effect. This lawsuit is similar to two others that ADF has filed in California and Illinois.

The California law requires licensed pro-life pregnancy centers to refer for abortions, even giving out the phone number to call. And if the pregnancy center is unlicensed in the state of California, they must let their patient know immediately that they do not have a licensed medical professional on staff, rather than simply letting the centers communicate this naturally in conversation.

The Illinois law would force all medical facilities and physicians

in the state to provide women who ask for abortions with a list of medical professionals “they reasonably believe may offer” them, even if participating in or facilitating an abortion violates their convictions. In other words, the government is trying to compel the speech of pro-life medical professionals—in the form of abortion referrals.

ADF has been fighting these laws in California and Illinois since

2015 when they passed. And in March 2017, ADF appealed the California case to the U.S. Supreme Court, asking the Court to affirm that forcing the centers to provide free advertising contrary to their core mission is a violation of their constitutionally protected freedoms.

Here’s the good news.

ADF has already won similar cases in federal court in Maryland and New York, protecting pregnancy care centers from government speech coercion and penalties. And in 2014, pro-life advocates successfully challenged a similar Texas law.

What these governing bodies fail to realize is that referring someone for an abortion goes

against everything that pro-life doctors and pregnancy centers believe about the sanctity of human life, and that they don’t have the constitutional right to force anyone to do such a thing.

The state should never force those who are dedicated to defending life into abortion advocacy. That is why ADF stands ready to challenge harmful laws such as these and preserve the rights of all to live and work according to their conscience.



— STEP 4 —

Mission Statement Emphasizing Religious Character

Pregnancy Centers should articulate the distinctly religious purpose for their existence through a mission statement. This mission statement should be grounded upon the organization's religious beliefs and statement of faith. For example, a Pregnancy Center's purpose might be, in part, to "make abortion unwanted and unnecessary by providing life-affirming medical care and supportive counseling that is consistent with the biblical belief that all life is created in the image of God and is therefore sacred and irreplaceable."

When possible, include within your mission statement a speech component—some message that your Pregnancy Center wants to communicate to the outside world through its speech and conduct. For example, you might see your purpose, in part, as communicating the theological belief that because all life is created in the image of God, abortion is never warranted, and it is therefore the mission of your center to honor life in all stages of creation. In addition to ensuring that you benefit fully from your right to free speech, you should also include an associational component within your mission statement—that is, a desire to associate with likeminded people who will further your organization's religious purpose and beliefs. Including both speech and associational components—along with your paramount religious motivations and beliefs—will bolster your defense based upon the First Amendment.

You should place your mission statement in not only your bylaws and other governing documents,

but also in your employee handbooks and client materials.

The Special Challenge of Describing a Religious Mission When Services Are Provided to the Public

The World Vision case, discussed previously on page 13, is an instructive and helpful guide to how a religious non-profit can serve public needs and yet retain its religious character. The court in their case took pains to note the distinctly religious character of World Vision, and that despite its size and budget, the ministry clearly intended to maintain a religious character. The court noted that World Vision's foundational documents clearly established the organization as religious. It is important to note that World Vision not only described its mission in clear religious terms, but also identified its religious beliefs as the motivation for all it did, and the reason it needed to hire employees who shared this religious worldview. While your Pregnancy Center might not (and might not want to, for various reasons) parade its religious views while it carries out its day-to-day operations, expressing such views clearly in your organizing legal documents—such as your bylaws, adopted policies, and employment guidelines—will provide you important legal protections. Of course, it may be the case that you wish not to submerge your religious identity while also remaining sensitive to clients who may not share your religious beliefs or may be somewhat put off by what they see as proselytizing. This is a delicate

balance to strike and one that only your Pregnancy Center can arrive at after thoughtful consideration. But there are a number of practical steps you can take to ensure that you accomplish both goals.

For instance, you could maintain separate websites for clients and donors, with the latter being more conspicuously religious to attract funding from fellow believers interested in supporting your mission. You could also maintain a chapel or place of prayer at your center but only refer clients there if you believe they might want that option—it can otherwise remain open to all as a place of quiet reflection. Finally, so long as your mission statement and supporting materials clearly communicate what you believe and how that affects what you will do and will not do as a Pregnancy Center, you can feel free to meet each woman and man where she or he is in life without any need to overtly proselytize. There is no reason to believe that such an approach would jeopardize your status as a religious non-profit.

Having said that, however, it bears repeating that organizations that highlight their religious character have far greater religious liberty protections than those organizations that omit or conceal their religious character. As previously discussed, 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:

- Noting the organization’s religious character through its website, brochures, logo, and tagline.¹³
- Utilizing religious artwork within the building.
- Regularly including prayer, Bible studies, and worship in its activities, or maintaining a chapel on site.
- Emphasizing any affiliation with a church or religious denomination.

SAMPLE MISSION STATEMENT - CATHOLIC

We are not only pro-birth, but pro-life, from conception to natural death. As a result, it is the mission of this Pregnancy Center to provide all women with compassionate, life-affirming, state-of-the-art medical care and counseling for all their needs, whether they be medical, spiritual, emotional, social, or material. Because we believe each life is sacred, we do not consider abortion and abortifacient medication appropriate medical care for women or their unborn children, and we never provide any such services. In fact, we strive to make abortion and abortifacient medications as unwanted as they are unnecessary. Furthermore, because we believe that fertility is a natural gift from God, we do not support or prescribe any artificial contraceptives. We also do not provide sterilization services under any circumstances. Rather, because we seek to nurture and restore the body’s natural function at all times, we educate and empower women to use the entire range of fertility awareness based methods (FABMs) of natural family planning currently available. We are also dedicated to ensuring that women and their families are provided for after their child is born, and with that in mind we seek to offer (or refer for) a wide range of medical and social services, including well-woman care, parenting classes, adolescent health, fertility awareness, and menopause care.

SAMPLE MISSION STATEMENT - PROTESTANT

We believe in the sanctity of all human life, from the moment of conception until natural death. As a result, it is the mission of this Pregnancy Center to provide all women with compassionate, life-affirming, state-of-the-art medical care and counseling for all their needs, whether they be medical, spiritual, emotional, social, or material. Because we believe each life is sacred, we do not consider abortion and abortifacient medication appropriate medical care for women or their unborn children, and we never provide any such services. In fact, we strive to make abortion and abortifacient medications as unwanted as they are unnecessary. We are also dedicated to ensuring that women and their families are provided for after their child is born, and with that in mind we seek to offer (or refer for) a wide range of medical and social services, including well-woman care, parenting classes, adolescent health, fertility awareness, and menopause care.

THE NEXT TARGET FOR PRO-ABORTION ACTIVISTS

Pregnancy Centers and Churches



In August 2014, the California Department of Managed Health Care (DMHC) quietly sent letters to private insurance companies doing business in the state, announcing that it was requiring all healthcare plans to provide coverage for elective abortions. This would include healthcare plans purchased by churches, pregnancy centers, and Christian ministries. The DMHC did not allow for public discussion.

It delivered the mandate quietly, but its effects were anything but.

Skyline Wesleyan Church in San Diego couldn't believe it when the church found out that its healthcare plan suddenly began covering elective abortions and that it could no longer purchase a policy that excluded coverage for abortion. This left the church and its pastor, Jim Garlow, with an impossible choice: either pay for abortions or stop providing health insurance for church employees.

Paying for elective abortions violates the Christian belief that human life is sacred and should be protected. And choosing not to provide health insurance for their employees would mean the church has to pay crippling fines and penalties under Obamacare.

That's not really a choice at all.

The California DMHC has claimed that elective abortions are "basic healthcare services." But existing law and regulations in California define "basic healthcare services" as services that are "medically necessary." It's pretty clear that an elective abortion, which is a voluntary procedure, is almost never "medically necessary."

So, Alliance Defending Freedom filed a lawsuit against the California DMHC on Skyline's behalf to protect the church and ministries throughout the state.

It is clear that state officials overstepped their bounds at both the state and federal level.

There are conscience protections in place at the federal level that make it illegal to discriminate against a health insurance plan because it does not "provide, pay for, provide coverage of, or refer for abortions."

That's not even mentioning the fact that the state and U.S. constitutions protect the church's right to free exercise of religion.

That's why ADF is fighting this case: No church, pregnancy center, or Christian ministry should be forced by the government to violate their religious beliefs. And they should especially not be forced to pay for the taking of a human life.

— STEP 5 —

Code of Christian Conduct

Pregnancy Centers should also consider adopting a Code of Christian Conduct, grounded in their statement of faith, which establishes parameters for acceptable behavior for all employees and volunteers, and establishes that the Pregnancy Center itself gets to make decisions based on what is acceptable behavior and what is not. The Code of Christian Conduct can easily be included as a component of your complete Statement of Faith. It need not necessarily be a stand-alone document, especially as you should require each and every employee and volunteer to sign your Statement of Faith at regular intervals.

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

The Code should address those behaviors most pertinent to your particular ministry, namely the dedication to the idea that all life is sacred and that abortion and abortifacient medications are never to be considered medically appropriate or necessary care for a woman or her unborn child. Of course, while the level of detail and specific types of conduct addressed will vary from organization to

organization, your Pregnancy Center should be sure to address issues surrounding gender identity theory, because it is currently such a hot-button issue. Make clear that your center believes that God immutably creates each person as either male or female, and that employees and volunteers are expected to conform their conduct and dress to reflect these beliefs. Cite your organization's statement on marriage and sexuality to highlight why this conduct is biblically required.

While this concern may seem far afield from the day-to-day work of a Pregnancy Center, issues surrounding gender, along with marriage and sexuality, have a way of interfering with Christian ministries in ways that can be difficult to predict in the abstract. To take but one example, if your Pregnancy Center is particularly robust and offers an array of social services, including parenting classes, there may be a demand placed upon you to host not only same-sex couples but also couples with a transgender partner as part of those classes. Such a scenario may very well pose a theological or conscience problem for you as a ministry, so you should be sure to set out your beliefs and parameters from the outset. This will ensure you enjoy the most protection available and will further inform potential clients so they are not caught off guard by your beliefs.

SAMPLE CODE OF CHRISTIAN CONDUCT

In accordance with the Statement of Faith, the pregnancy center is a Christian ministry. As such, faith in Jesus Christ is essential to the mission and vision of the pregnancy center. The pregnancy center requires all employees, volunteers, and board members to act in accordance with the Statement of Faith and adhere to this standard of conduct. Failure to adhere to these standards of conduct could result in the termination of the relationship between the employee, volunteer, or board member, and the pregnancy center.

As an employee, volunteer, or board member with the pregnancy center, I affirm the following:

I believe that all human life is sacred and created by God. I believe in the sanctity of human life from conception until natural death. I therefore reject abortion in all forms.

I believe that God intends sexual intimacy to occur only between a man and a woman who are married to each other. I believe that God has commanded that no intimate sexual activity be engaged in outside of a marriage between a man and a woman. I therefore commit to celibacy outside the confines of marriage between a man and a woman.

I believe that any form of sexual immorality (including adultery, fornication, homosexual behavior, bisexual conduct, bestiality, incest, or use of pornography) is sinful and offensive to God. I therefore commit to refrain from such behaviors.

I believe that God wonderfully and immutably creates each person as either male or female, and that these two distinct, complementary sexes together reflect the image and nature of God. Accordingly, my communication with clients and all other persons reflects the reality of God's created order—put simply, I will use male pronouns to refer to those persons who were created biologically male, and female pronouns to refer to those persons who were created biologically female.

[Include here, along with a signature and date line, a concluding statement noting that each employee and volunteer affirms that he or she has read, agrees with, and is willing to abide by your organization's Standard of Conduct. You should require each employee or volunteer to sign the statement periodically, at least once per year.]

— STEP 6 —

Religious Employment Criteria

Your Pregnancy Center should establish written criteria, based upon your religious beliefs, that your employees and volunteers must follow. Federal law prohibits employment discrimination based on race, color, religion, sex, national origin, or age.¹⁴ While Congress has repeatedly refused to add sexual orientation and gender identity to this list of protected categories, some federal agencies have attempted to interpret “sex discrimination” to include “sexual orientation” and “gender identity.”¹⁵

State and municipal employment nondiscrimination laws generally mirror federal law, also 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—should protect religious employment decisions made by religious entities like your Pregnancy Center. Furthermore, while there are efforts underway to restrict the freedom of churches, religious organizations—at least for the time being—may consider an applicant’s or employee’s religious beliefs in hiring and firing.^{16, 17} Under a constitutional doctrine known as the “ministerial exception,” churches, religious schools, and other qualifying religious

organizations are exempt from employment nondiscrimination laws for hiring and firing their ministerial employees. In other words, if an individual is tasked with performing the organization’s rituals or teaching and explaining its beliefs, then a religious organization may make employment decisions regarding that individual without concern for nondiscrimination laws.¹⁸ It can also require non-ministerial employees to be of the same religion.

As discussed earlier, you must establish clear documentation of your religious beliefs and mission to enjoy these protections. In the event that an employment dispute arises, your Pregnancy Center will then be protected. But, in addition to erecting clear employment criteria, you must create and consistently enforce those guidelines—for *each and every* employee who works at your facility. The first step toward ensuring that consistency is to require all employees and volunteers to sign your Statement of Faith.

Signed Statement of Faith

That statement should make clear that each employee and volunteer affirms that he or she has read, agrees with, and is willing to abide by your organization’s Statement of Faith (and Code of Conduct, if separate and not incorporated into your Statement of Faith or Mission Statement). This step is critical: some Christian ministries have lost the freedom to select employees that live consistently with the beliefs of their organizations

because they hired individuals that did not share their fundamental beliefs.¹⁹

As a matter of best practice, employees and volunteers should sign these documents on an annual or semi-annual basis, and your organization 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.

Religious Job Descriptions

Your Pregnancy Center should also create written job descriptions for every employment and volunteer position. Each job description should explain how the position furthers the organization's religious mission, what the responsibilities and duties of the position include, and what training or skills are necessary for the position.

Although every position within a ministry furthers its religious mission in some way, 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.

A good strategy would be to afford ministerial titles (though not necessarily the word "minister") and job descriptions for employees and volunteers. The key is not the title "minister," but rather the job functions and whether someone is involved in teaching or explaining the beliefs of the ministry. Any religious educational qualifications should also be made clear.

For example, if a Pregnancy Center's receptionist answers the phone, the job description might detail how the receptionist is required to answer basic questions about the center's beliefs and worldview, how those beliefs and worldview determine what services are offered (and not offered), and the manner in which those services are offered. Another employee might have as part of her job description the task of conveying to all women who come for help that the center loves and cares for all such women as an expression of service to God (much as Mother Teresa explained her mission to the suffering on the streets of Calcutta). Still yet another employee might be tasked (at some point) with communicating the organizational belief that all life has value because it is created by God.

These examples are not meant to be exhaustive, but rather to show how a religious ministerial role can be incorporated into what may otherwise seem at first glance to be a principally non-religious job. See the World Vision mission language previously discussed for additional thoughts on how to ensure that your job descriptions are effective for this purpose.

Pregnancy Centers should make every effort to be as specific as possible in assigning religious tasks and duties to their employees and volunteers. As noted prior, it is important to remember that the term "minister" applies not only to the head of a religious congregation, such as a pastor or priest, but also to any employee charged with teaching or communicating beliefs. In a recent case, for example, the U.S. Supreme Court held that a Christian school teacher was a "minister."²⁰

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). For example, if the beliefs of your Pregnancy Center mean that only women may hold certain positions, this criteria should be clearly stated in the job description with scriptural or ecclesiastical support.²¹

It is also important that your Pregnancy Center consistently apply its employment standards and handle similar cases alike. For example, you should not terminate an unmarried, pregnant female employee on religious grounds, but not terminate 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 organization does not discriminate on the basis of sex, race, age, disability, etc. While the motive behind these nondiscrimination provisions is no doubt well-meaning, they can be highly problematic if not properly vetted by legal counsel. If your Pregnancy Center wants—or feels that it needs to—include a nondiscrimination provision for a specific reason, you should seek the advice of an attorney before doing so.

SAMPLE JOB DESCRIPTION

POSITION: Pregnancy Center Case Manager

Ministry Purpose

In accordance with [applicable biblical references], the Case Manager is responsible for shepherding the client through all medical and other services. She is responsible for ensuring that the medical, as well as the emotional, practical, spiritual, and material needs of the client are met. The case manager is to provide the same level of care to all women regardless of their religious beliefs, socioeconomic status, race, etc. She is to convey the message that all life is sacred and of inestimable value, and explain that this belief is the reason the center does not offer abortion services or abortifacient drugs. While she is to meet each woman where she is in her particular walk in life, she is also tasked with conveying, at the appropriate time and in the appropriate manner, that the center does not perform or refer for abortions, and does not prescribe or endorse artificial means of contraception, as we believe that fertility is a gift from God that should not be unnaturally suppressed. The case manager should also seek to be a role model in attitude, speech, and actions in her consistent daily walk with Jesus Christ. She should be prepared to explain the center's religious beliefs and practices to all visitors and callers. And she should be prepared to provide resources and assistance, consistent with the center's Statement of Faith and Mission Statement, to all those who inquire.

Primary Responsibilities

Consistent with the above-described ministry requirements, the following constitute the major responsibilities of the Case Manager with respect to patient care:

I. To Facilitate State-of-the-Art Medical Care

- Ensure that each woman receives the best medical care available.
- Seek ways to expand medical care to clients by providing not only ultrasound and pregnancy testing, but also by coordinating well-woman visits, menopause care, etc.

II. To Facilitate a Wide Range of Social Services

- Provide care for not only the medical needs of the client, but also care that addresses the whole person, to ensure that the material, emotional, social, spiritual, and mental needs of the patient and her newborn child are met.
- Deliver that care consistent with the dictates of the mission, which is based upon the biblical principles exemplified by [applicable biblical references].

III. Outreach

- Provide life-affirming care and counseling in such a way that abortion and abortifacient medications will become unwanted and unnecessary, consistent with our faith and the Gospel message [applicable Biblical references].

IV. Administration

- Oversee the administration and management of all recordkeeping with respect to the client's care.

Qualifications

The Case Manager shall be:

- [Religious training/educational requirements]
- Dedicated to the belief that all life is sacred [applicable biblical references].
- Humble, gentle, peaceful, and a lover of good (Titus 1:7-8; 1 Tim. 3:3).
- Sober, self-controlled, and respectable (Titus 1:8; 1 Tim. 3:2, 7).
- Hospitable (Titus 1:8; 1 Tim. 3:2).
- Above reproach (Titus 1:8).
- Spiritually mature and respectable (1 Tim. 3:6-7; 1 Peter 5:3).
- Able to unreservedly affirm the organization's Statement of Faith, Mission Statement, and all other governing documents.

STEP 6 - RELIGIOUS EMPLOYMENT CRITERIA SUMMARY:

Your Pregnancy Center should:

- 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.

— STEP 7 —

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 such as your Pregnancy Center 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. No one could foresee that some would not only advocate for marriage redefinition, but also demand that Christian ministries bless and celebrate same-sex unions. Consequently, few Christian organizations were prepared when challenged over their position on same-sex unions.

Because new issues can arise, it is important that your organization be able to respond to these

issues in a legally defensible way. To do so, your Pregnancy Center 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., an executive committee or board of directors) authorized to speak for the organization 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.²² Below is a sample statement.

SAMPLE STATEMENT: FINAL AUTHORITY FOR MATTERS OF BELIEF AND CONDUCT

The Statement of Faith does not exhaust the extent of our beliefs. The Bible itself, as the inspired and infallible Word of God that speaks with final authority concerning truth, morality, and the proper conduct of mankind, is the sole and final source of all that we believe. [You can also add a church or congregational governing body or document to the extent that you are affiliated with, or serve under the umbrella of, a church]. For purposes of [the Pregnancy Center’s] faith, doctrine, practice, policy, and discipline, our [executive committee/board of directors/congregational governing body] is [the Pregnancy Center’s] final interpretive authority on the Bible’s application to issues of faith and morals.

— BONUS MATERIAL —

See links below for content provided by each of our partners.



Care Net envisions a culture where women and men faced with pregnancy decisions are transformed by the gospel of Jesus Christ and empowered to choose life for their unborn children and abundant life for their families.

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www.Care-Net.org/ReligiousLibertyResources



Heartbeat's Life-Saving Vision — A world where every new life is welcomed and children are nurtured within strong families, according to God's Plan, so that abortion is unthinkable.

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www.PregnancyHelpNews.com

www.HeartbeatServices.org/affiliates/center-defense

www.HeartbeatServices.org/resources/store/center-defense



NIFLA is a faith-based, Christian ministry that seeks to glorify God by proclaiming the sanctity of human life, both born and unborn. Through the provision of legal resources and counsel to charitable faith-based Pregnancy Resource Centers (PRCs) and Pregnancy Medical Clinics (PMCs). We will continue to work toward an abortion-free America where every human life, born and unborn, made in the image of God is valued.

[LEARN MORE](#)

www.NIFLA.org/protection-in-hiring-practices

CONCLUSION

Even in health care—perhaps *especially* in health care—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, we can engage a hostile social and political culture in ways that offer clear light and enduring hope amid the gathering spiritual darkness.

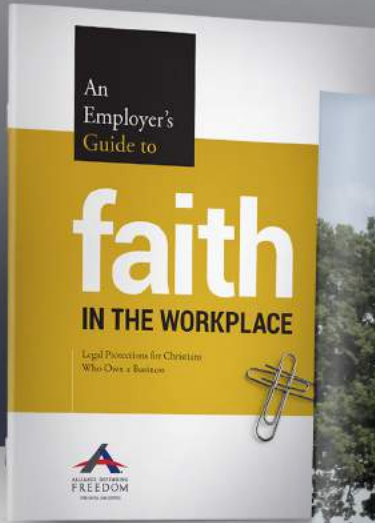
This guidebook has been designed to help you offer that light and hope as free from distractions as possible. Unfortunately, adopting the action steps recommended in the previous pages cannot insulate you from all threats to your religious freedom. But acting upon these suggestions will place your organization in a more defensible legal position should it face a lawsuit for refusing to depart from your life-affirming mission or for an alleged act of discrimination.

And you have the assurance that Alliance Defending Freedom is ready to advise you in the event your organization faces such a challenge. ADF has a long history of protecting the constitutional rights of churches, schools, businesses, and a host of Christian ministries. We are ready to stand with you as you continue to advance the Gospel message of life in your communities, to ensure that you continue to have the freedom to make an eternal difference for all those you serve.

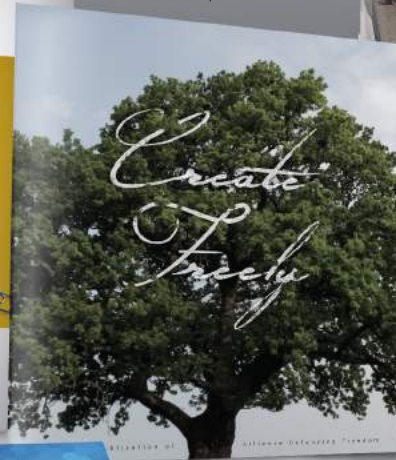
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FREE Legal Resources

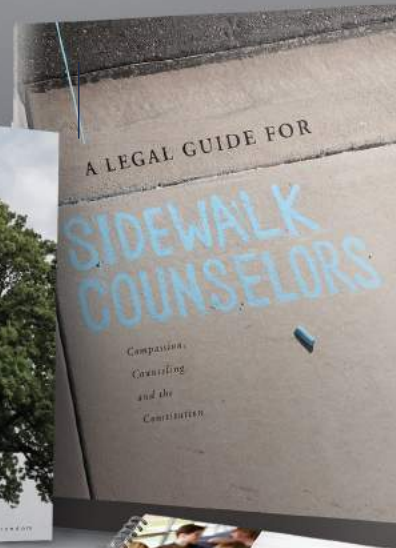
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for Christian business owners



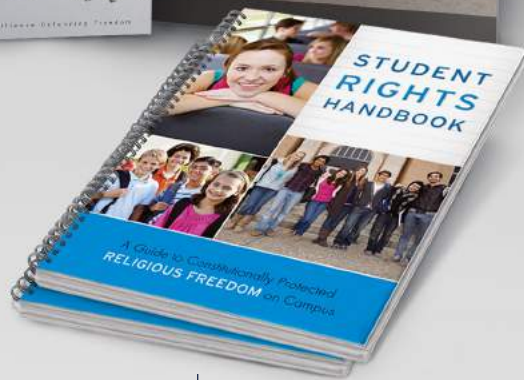
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for doctors, nurses, psychologists,
pharmacists, and medical students



STUDENT RIGHTS HANDBOOK
for students, parents, teachers,
professors, and coaches

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END NOTES

1. Kent Greenawalt, *Objections in Conscience to Medical Procedures: Does Religion Make a Difference?*, 2006 U. ILL. L. REV. 799, 823-824.
2. This handbook is designed specifically for Pregnancy Centers. Alliance Defending Freedom has also prepared a more general guide for all types of churches, faith-based schools, and Christian ministries, which include a broad spectrum of non-profit, faith-based organizations such as religious publishers, campus ministries, relief agencies, missions groups, hospitals, counseling centers, adoption agencies, and food banks. For that particular guide, please go to: <http://adflegal.org/church>.
3. See *National Institute of Family and Life Advocates v. Becerra*, available at <http://www.adfmedia.org/News/PRDetail/9990>, *Pregnancy Care Center of New York v. City of New York*, available at <http://www.adfmedia.org/News/PRDetail/4980>, *Pregnancy Care Center of Rockford v. Rauner*, available at <http://www.adfmedia.org/News/PRDetail/10039>.
4. See *Our Lady's Inn, et al. v. City of St. Louis*, Complaint 4:17-cv-01543-AGF (E. D. Mo., May 22, 2017) (challenging law purporting to add “reproductive health decisions” to protected categories under city’s nondiscrimination regime, thereby endangering the ability of pro-life organizations and individuals to make employment and real estate decisions in concert with their sincerely held religious beliefs).
5. See *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 132 S. Ct. 694 (2012).
6. See *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
7. See *Dale*, 530 U.S. at 676 (Stevens, J., dissenting) (stating that “a group seeking to prevail over an antidiscrimination law must adhere to a clear and unequivocal view”).
8. See *LeBoon v. Lancaster Jewish Community Center Ass’n*, 503 F.3d 217 (3d Cir. 2007) (articulating a nine-part test to aid in determining whether an organization is religious, but noting that not all factors have the same weight and no one factor is to be considered determinative).
9. *Spencer v. World Vision*, 623 F.3d 723 (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).
10. See *EEOC v. Townley Engineering & Mfg. Co.*, 859 F.2d 610 (9th Cir. 1988) (denying a religious exemption under Title VII for a manufacturing company that made a “covenant with God” that the business would be run as a Christian company).
11. See *Spencer v. World Vision*, 623 F.3d 723 (9th Cir. 2011).
12. Before turning to the substance of the matter, it helps to be clear about our terminology. 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 synonym 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.
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).
14. See 42 U.S.C. § 2000e-2; 29 U.S.C. § 621 *et seq.*
15. 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).
16. 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).
17. 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.

18. *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).

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

20. *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 564 U.S. 171 (2012).

21. 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.

22. *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevic*, 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).



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