NOS. 26-1736, 26-1787

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

SACRED HEART OF JESUS PARISH, GRAND RAPIDS; JOSEPH BOUTELL; RENEE BOUTELL; PETER UGOLINI; KATIE UGOLINI,
Plaintiffs-Appellants,

v.

DANA NESSEL, in her official capacity as Attorney General of Michigan, et al.,
Defendants-Appellees

On Appeal from the United States District Court
for the Western District of Michigan, Southern Division
No. 1:22-cv-01214
Honorable Jane M. Beckering

BRIEF OF *AMICI CURIAE* CEDARVILLE UNIVERSITY, SPRING ARBOR UNIVERSITY, WAGNER FAITH AND FREEDOM CENTER, TREVECCA NAZARENE UNIVERSITY, COLSON CENTER FOR CHRISTIAN WORLDVIEW, SAMARITAN'S PURSE, SUMMIT MINISTRIES, ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, AND THE COUNCIL FOR CHRISTIAN COLLEGES & UNIVERSITIES IN SUPPORT OF PLAINTIFFS-APPELLANTS AND REVERSAL

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UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Disclosure of Corporate Affiliations and Financial Interest

Sixth Circuit
Case Number: 26-1736, 26-1787 Case Name: Sacred Heart of Jesus Parish v. Nessel

Name of counsel: Ian Speir

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Pursuant to 6th Cir. R. 26.1, Wagner Faith and Freedom Center
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Name of counsel: Ian Speir

Pursuant to 6th Cir. R. 26.1, Trevecca Nazarene University
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Sixth Circuit
Case Number: 26-1736, 26-1787 Case Name: Sacred Heart of Jesus Parish v. Nessel

Name of counsel: Ian Speir

Pursuant to 6th Cir. R. 26.1, Colson Center for Christian Worldview
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Name of counsel: Ian Speir

Pursuant to 6th Cir. R. 26.1, Samaritan's Purse
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Name of counsel: Ian Speir

Pursuant to 6th Cir. R. 26.1, Summit Ministries
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Name of counsel: Ian Speir

Pursuant to 6th Cir. R. 26.1, Association of Christian Schools International
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Sixth Circuit
Case Number: 26-1736, 26-1787 Case Name: Sacred Heart of Jesus Parish v. Nessel

Name of counsel: Ian Speir

Pursuant to 6th Cir. R. 26.1, The Council for Christian Colleges and Universities
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Identity and Interest of *Amici Curiae*[1]

Like appellant Sacred Heart of Jesus Parish ("Sacred Heart"), *amici* are Christian organizations that hire only those committed to their religious beliefs and moral vision. All *amici* require their employees to affirm and abide by religious standards. For them, a religious mission is not simply a statement on paper. Rather, it is embodied in and lived out by leaders and staff who carry on ministry work every day. For organizations like *amici*, it is imperative that employees both support the religious mission and share the religious convictions that animate it. *Amici* submit this brief to explain why faith-based personnel policies are mission-critical and constitutionally protected.

Cedarville University, established in 1887, is a religious, non-profit institution of higher education. Cedarville transforms lives through excellent education and intentional discipleship in submission to biblical authority. It is chartered by the State of Ohio, certified by the Ohio Department of Higher Education, and accredited by the Higher Learning Commission, an institutional accreditation agency recognized by the U.S. Department of Education. The

[1] All parties have consented to the filing of this amicus brief. Consistent with Fed. R. App. P. 29(a)(4)(E), no counsel for a party authored this brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparing or submitting this brief; and no person—other than *amici*, their members, or their counsel—contributed money that was intended to fund preparing or submitting this brief.

University has over 7,500 students including undergraduate, graduate, and dual-enrolled students, in more than 175 areas of study, from all 50 states and several other countries. The University employs approximately 630 full-time employees, comprised of faculty and staff, plus over 2,000 part-time student employees and approximately 220 temporary and adjunct employees. The University Bylaws state, "Cedarville University is a Baptist university of arts, sciences, professional, and graduate programs, committed to the **WORD OF GOD** and the **TESTIMONY** of **JESUS CHRIST**."

Spring Arbor University is a community of learners distinguished by its lifelong involvement in the study and application of the liberal arts, total commitment to Jesus Christ as the perspective for learning, and critical participation in the contemporary world. Housed on the campus of Spring Arbor University, the **Wagner Faith and Freedom Center** promotes and preserves the fundamental freedoms of thought, conscience, and religion and is a leading voice in defending and preserving the freedom to educate in both foundational and higher education.

Trevecca Nazarene University is a private Christian liberal arts university in the heart of Nashville focused on preparing students for lives of leadership and service. It is one of seven U.S. liberal arts colleges affiliated with the Church of the Nazarene. Trevecca's desire is that students develop as lifelong followers of Jesus Christ and that, as people of strong Christian character, they'll make decisions based

on biblical principles and reflective thought, exuding competence, responsibility, compassion, and the ability to integrate Christian faith and learning in professional practice.

The Colson Center for Christian Worldview is a nonprofit ministry founded by the late Charles W. ("Chuck") Colson, one of the most prominent evangelical Christian figures of the late twentieth century. The Colson Center exists to build and resource a national and global movement of Christians committed to cultural restoration and to living and defending a Christian worldview. Through its daily and weekly *BreakPoint* commentaries and its Colson Educators program, the Colson Center provides Christians with clarity, confidence, and courage in this unique cultural moment. Its Colson Fellows Program educates and equips believers with a robust Christian worldview so they can thoughtfully engage with the culture, inspire reflection in others, and work effectively toward reshaping the world in light of God's kingdom.

Samaritan's Purse is a nondenominational evangelical Christian organization providing spiritual and physical aid to hurting people around the world. Since 1970, Samaritan's Purse has helped meet the needs of people who are victims of war, poverty, natural disasters, disease, and famine with the purpose of sharing God's love through His Son, Jesus Christ. Samaritan's Purse serves the church

worldwide to promote the Gospel of the Lord Jesus Christ through acts of service and by sharing the life-giving message of the Gospel.

Summit Ministries is America's largest and most well-established Christian worldview training organization. To date, 1.4 million young adults have completed Summit Ministries' intensive training programs, which bring together prominent Christian speakers and intellectuals to help students navigate fundamental questions about life, Christian faith, and the common good. Summit Ministries' publishing division also distributes hundreds of thousands of mass market books each year on worldview topics and provides educational resources for 70,000 students who complete Summit's 180-hour courses each year in Christian schools, homeschools, and churches all over the world.

The Association of Christian Schools International (ACSI) is a nonprofit, non-denominational, religious association providing support services to 24,000 Christian schools in over 100 countries. ACSI serves 2,300 Christian preschools, elementary, and secondary schools and 90 post-secondary institutions in the United States. Member schools educate some 5.5 million children around the world, including 825,000 in the United States. ACSI accredits Protestant pre-K–12 schools, provides professional development and teacher certification, and offers member-schools high-quality curricula, student testing and a wide range of student activities. ACSI members advance the common good by providing quality education and

spiritual formation to their students. ACSI's calling relies upon a vibrant Christian faith that embraces every aspect of life. This gives ACSI an interest in ensuring expansive religious liberty with strong protection from government attempts to restrict it.

The Council for Christian Colleges & Universities is a higher-education association of more than 170 Christian institutions around the world. Since 1976, the CCCU has served as the leading voice of Christian higher education. With campuses across the globe, including more than 130 in the U.S. and Canada and more than 30 from an additional 18 countries, CCCU institutions are accredited, comprehensive colleges and universities whose missions are Christ-centered and rooted in the historic Christian faith. Most also have curricula rooted in the arts and sciences. The CCCU's mission is to advance the cause of Christ-centered higher education and help institutions transform lives by faithfully relating scholarship and service to biblical truth. Together, CCCU members employ more than 96,000 faculty and staff and enroll approximately 525,000 students annually, with over 11.3 million alumni. The CCCU is committed to graduating students who make a difference for the common good as redemptive voices in the world.

Argument

I. Faith-based personnel policies are widespread among ministry organizations throughout the country.

As a parish-run Catholic school, Sacred Heart holds its employees to religious standards. "Sacred Heart requires all of its employees to be Catholics who support the Church's moral and doctrinal teachings," and all employees must "become certified catechists" capable of teaching the Catholic faith. *Sacred Heart of Jesus Parish v. Nessel*, No. 1:22-cv-1214, 2026 U.S. Dist. LEXIS 196878, at *11 (W.D. Mich. Aug. 5, 2026). The school's policy is to hire and retain "only employees who adhere to and agree to abide by all tenets of the Catholic faith," *id.* at *13, and who avoid "beliefs or practices inconsistent with Catholic doctrine or morals," *id.* at *12.

Faith-based personnel policies like Sacred Heart's are not unusual. Across the country, "religious organizations routinely require their employees to affirm a personal conviction of the faith, to comply with the faith's teachings, and to adhere to religious-based standards of personal behavior." Matthew K. Richards et al., *Religious-Based Employment Practices of Churches: An International Comparison in the Wake of* Hosanna-Tabor, 26 TEMP. INT'L & COMP. L.J. 263, 269 (2012); *see, e.g.*, *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 740 (2020) (school required teachers to "model and promote Catholic faith and morals" (cleaned up)); *Corp. of Presiding Bishop v. Amos*, 483 U.S. 327, 330 n.4 (1987) (nonprofit

gymnasium required custodial employee to "observe the Church's standards in such matters as regular church attendance, tithing, and abstinence").

Amici are evangelical Christian ministries that, like Sacred Heart, maintain faith-based personnel policies and require employees to abide by them. These standards apply to everyone—ministerial and non-ministerial employees alike. *Amici* expect employees to exhibit Christian belief and conduct in every aspect of their lives. These standards are embodied in their statements of faith, corporate documents, organizational policies, employee handbooks, job descriptions, performance reviews, and elsewhere—reflecting a deeply held conviction that ministry work is inseparable from the faith that animates it. All of *amici*'s activities are shaped by their commitment to the Gospel and to a Christian worldview. All employees are expected to uphold these commitments in their lives and work, modeling the faith both toward one another and for the sake of those they serve. This is particularly true of teachers and faculty at ACSI and CCCU member schools, who teach not only through classroom instruction but also by living exemplary lives. *See Our Lady*, 591 U.S. at 753–54 ("[E]ducating young people in their faith, inculcating its teachings, and training them to live their faith are responsibilities that lie at the very core of the mission of a private religious school.").

II. Shared faith commitments are crucial to successful ministry.

Religious organizations like Sacred Heart and *amici* are not just employers of labor—they are not simply enterprises that provide a service. Rather, they are ministries with unique religious callings—communities of believers working together to accomplish a religious mission. For them, faith and mission are inseparable. What they believe shapes what they do. But faith and mission are neither self-defining nor self-sustaining. They depend on real people—leaders and staff who embody the faith and live out the mission every day. "Religious groups are the archetype of associations formed for expressive purposes." *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 200 (2012) (Alito & Kagan, JJ., concurring). The formation of faith *inwardly* shapes the profession of faith *outwardly*. Mission and message go hand in hand.

Shared faith commitments are crucial to ministry because "religious beliefs are intertwined with the energy and commitment that make [religious] entities vigorous." Thomas C. Berg, *Partly Acculturated Religious Activity: A Case for Accommodating Religious Nonprofits*, 91 NOTRE DAME L. REV. 1341, 1354 (2016). A religious mission doesn't exist in a vacuum. It is bound up with and animated by distinct religious commitments, and it is embodied in the employees who faithfully carry the mission forward.

Shared faith commitments also form the community inwardly. As Justice Brennan observed in his *Amos* concurrence, "[d]etermining that certain activities are in furtherance of an organization's religious mission, and that only those committed to that mission should conduct them, is ... a means by which a religious community defines itself." 483 U.S. at 342 (Brennan, J., concurring). For any organization, "personnel is policy." *Demkovich v. St. Andrew the Apostle Parish*, 3 F.4th 968, 979 (7th Cir. 2021) (en banc). But for religious organizations, the stakes are higher. Those who join hands in ministry define and give shape to what an organization believes and does. For them, personnel is *identity*. It's not just what they do—it's who they are.

Social science affirms these insights in two ways. First, "iron sharpens iron" (*Proverbs* 27:17). People learn through what sociologists call modeling, that is, by observing and imitating the conduct of those around them. "[M]uch of human behavior is a product of social influences" because "the actions and statements of other people provide information about what is true and what is right." CASS SUNSTEIN, CONFORMITY: THE POWER OF SOCIAL INFLUENCES 7, xxv (2019) (emphasis deleted). This is particularly important in religious settings. "Throughout history, religious traditions have emphasized the value of keeping good company and attending to the example of good or holy persons" because "people tend to become more like those with whom they associate." Helen Alvaré, *Church*

Autonomy After Our Lady of Guadalupe School*: Too Broad? Or Broad As It Needs to Be?*, 25 TEX. REV. L. & POLITICS 319, 363 (2021) (quotation omitted).

Second, organizations that actually demand something of their employees—requiring them to commit to standards of belief and conduct—are more likely to succeed. Shared commitment fosters a strong sense of community identity and inspires the energy and religious devotion critical to mission success. *See* Berg, *supra*, at 1356–57; PETER GREER & CHRIS HORST, MISSION DRIFT: THE UNSPOKEN CRISIS FACING LEADERS, CHARITIES, AND CHURCHES 36–37 (2014). As one economics-of-religion scholar has put it: "Strictness works." Laurence R. Iannaccone, *Why Strict Churches Are Strong*, 99 AM. J. SOCIOLOGY 1180, 1183 (Mar. 1994). Religious standards mitigate free-rider problems, raise overall levels of commitment, increase participation, and enhance the benefits of membership. *Id.* These benefits hold "across both Christian and Jewish denominations" and "remai[n] strong even after controlling for personal beliefs." *Id.* at 1200.

Faith is formed and fostered through association. This is why *amici*, like tens of thousands of religious employers across the country, insist that leaders and staff—both ministerial and non-ministerial employees—commit to and abide by religious standards. In this way, leaders can mentor staff, and all employees, regardless of position, can encourage one another in their journeys of faith and in pursuit of the

mission. This deepens relationships, tightens bonds, and strengthens organizational identity.

III. The First Amendment protects the right of religious organizations to build communities of the faithful.

Because our "law knows no heresy, and is committed to the support of no dogma," different religious institutions will come to different conclusions on "controverted questions of faith." *Watson v. Jones*, 80 U.S. 679, 728 (1871). Such *pluridoxy* is the touchstone of American religious liberty. It is a feature, not a bug, of our constitutional tradition. The point of the church autonomy doctrine is not to shield religious institutions from wider social and moral divides. It is to protect their ability to decide these matters for themselves and shape their own faith and mission accordingly.

The Supreme Court has long recognized that the "standard of morals required" of those "who unite themselves to" a religious body is within the ambit of church autonomy. *Id.* at 733, 729. The ability to determine and apply these standards without government interference is "of the essence of religious unions," *id.* at 729—central to how organizations "define and carry out their religious missions," *Amos*, 483 U.S. at 339; *id.* at 342 (Brennan, J., concurring).

The First Amendment right to maintain faith-based standards is not limited to employees whose duties can be categorized as "religious." This is a core teaching of *Amos*. Most religious organizations don't segregate employees based on "religious"

or "secular" responsibilities. That kind of distinction is alien to ministry work. It essentially cleaves faith from mission, separating what an organization believes from what it does and then sifting employees accordingly. For courts to police such a distinction would entail intrusive inquiries into whether a given ministry activity is, to the secular judicial eye, sufficiently "religious." But as *Amos* explained, "it is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious." 483 U.S. at 336. And the Supreme Court has warned against judicial standards that would require organizations to explain in "good faith" how their personnel policies "relat[e] to the … religious mission." *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490, 502 (1979). For "[i]t is not only the conclusions that may be reached … , but also the very process of inquiry" that "impinge[s] on rights guaranteed by the Religion Clauses." *Id.*

Of course, not all religious organizations have such policies. Some don't require a religious commitment from their employees at all. Some impose faith standards for certain job roles but not others. But some—like Sacred Heart and *amici* here—ask all employees to commit to a set of belief and conduct standards rooted in common faith. These are decisions for religious organizations alone, not government officials—matters that religious groups get to decide for themselves within our pluridox system of religious freedom. When an organization sincerely

determines that its faith and mission require it to be religiously selective about personnel, preventing or punishing that decision is a severe intrusion upon the protected sphere of religious autonomy. It pressures the organization to surrender its identity, sunder its mission, and even hire those who flout the faith.

IV. Judicial inquiries that fail to respect religious employment standards will foster personnel divisions, cripple the mission, and devastate ministry.

Religious employment standards are key to a ministry's "internal organization." *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 713 (1976); *see also Hosanna-Tabor*, 565 U.S. at 190 (First Amendment protects "an internal church decision that affects ... faith and mission"). But if applying these standards can be a basis for liability, it will chill religious exercise. Faced with the prospect of discrimination claims premised on personnel standards, religious employers in Michigan and elsewhere will be forced into an expensive and existential gamble: either maintain their faith-based policies and risk sizeable judgments for damages and attorney's fees, or water down their policies and forsake a crucial element of their religious identity and mission.

The First Amendment forbids putting religious employers to this choice. Instead, it envisions a separation of church from state, protecting a "private sphere" where religious organizations are free to believe, internally organize, and "govern themselves in accordance with their own beliefs." *Hosanna-Tabor*, 565 U.S. at 199 (Alito & Kagan, JJ., concurring). This necessarily includes the freedom to make

"personnel decision[s] based on religious doctrine," even as to non-ministerial employees. *Bryce v. Episcopal Church in Diocese of Colo.*, 289 F.3d 648, 660 & n.2 (10th Cir. 2002); *see Catholic Bishop*, 440 U.S. at 494, 502 (religious standards applicable to "lay teachers" were constitutionally protected); *Amos*, 483 U.S. at 330, 336 (religious standards applicable to custodial employee were constitutionally protected).

As one religious liberty scholar recently observed, the Supreme Court's decisions in *Catholic Bishop* and *Amos* "are noteworthy because neither involved employees who would easily qualify as ministers." Luke W. Goodrich, *Religious Hiring Beyond the Ministerial Exception*, 101 NOTRE DAME L. REV. 751, 793 (2026). Yet "both decisions recognized that church autonomy includes the freedom to select employees who are *fully aligned with the organization's religious mission*" because "even nonministers play an important role in" carrying out that mission. *Id.* at 794 (emphasis in original); *see also Union Gospel Mission of Yakima Wash. v. Brown*, 162 F.4th 1190, 1203 (9th Cir.) ("internal management decisions" protected by church autonomy doctrine "may include a religious organization's policy of hiring co-religionists for non-ministerial roles"), *vacated, en banc reh'g granted*, 181 F.4th 1331 (9th Cir. 2026); *Butler v. St. Stanislaus Kostka Cath. Acad.*, 609 F. Supp. 3d 184, 198 (E.D.N.Y. 2022) (applying "broader" "church autonomy principle" to bar sexual orientation discrimination claim "[e]ven if [plaintiff] did not

qualify as a ministerial employee"); *Garrick v. Moody Bible Inst.*, 412 F. Supp. 3d 859, 871–73 (N.D. Ill. 2019) (citing *Bryce* and applying "overarching principle of religious autonomy" to dismiss challenge to faith-based employment decision, regardless of whether plaintiff was a minister); *Aparicio v. Christian Union, Inc.*, No. 18-CV-0592, 2019 U.S. Dist. LEXIS 55938, at *19, *25 (S.D.N.Y. Mar. 29, 2019) (Free Exercise Clause barred non-minister's sex discrimination claim). When a religious institution sets a religious standard that all employees—ministerial and non-ministerial—must meet, courts cannot second-guess that judgment without profound incursions upon religious autonomy.

For ministries who ask all employees to adhere to common religious standards, the prospect of employment liability will foster artificial distinctions and internal divisions. Ministries will have to forsake uniform commitments binding on both ministerial and non-ministerial employees, and instead segregate personnel into (i) "religious employees" held to standards of religious belief and moral conduct and (ii) "secular employees" of whom less or nothing is expected. The result will be a sort of religious caste system that will devastate ministry work. It will force organizations to predict which activities a court will consider religious, which *Amos* said is a "significant burden." 483 U.S. at 336. And it will eviscerate shared faith commitments crucial to missional success.

Worse, it will thrust a double standard into the heart of ministry work. Organizational leaders will usually be ministerial employees under the *Hosanna-Tabor* exception and thus can be held to religious standards of conduct. But others, like support staff, cannot be held to the same standard even though their duties are just as crucial to the religious mission. Allowing judges to police these distinctions—choosing the employees to whom religious standards do or don't apply—will divide leaders from their staff, disrupting internal processes that are the lifeblood of ministry. Ministry leaders can't be models and mentors in faith if staff don't share their religious convictions. Nor can they raise up leaders from within. The problem is acute in the educational context, too. How does a school form students in faith if they receive mixed messages from faculty and staff—some religious, some not?

"Religion permeates the ministerial workplace in ways it does not in other workplaces." *Demkovich*, 3 F.4th at 979. Courts cannot tinker with an essential feature of this workplace—common faith commitments that bind employees and the ministry together—without weakening the internal cohesion and missional energy that allow ministries to thrive.

Conclusion

Amici ask this Court to find that the church autonomy doctrine protects Sacred Heart's religious personnel standards. In doing so, the Court need not hold that religious organizations "enjoy a general immunity from secular laws." *Our Lady*,

591 U.S. at 746. The Court need only recognize that when a religious organization sincerely determines that all employees—ministerial and non-ministerial alike—must adhere to faith-based employment standards, that determination is constitutionally protected and cannot be a basis for liability.

Respectfully submitted,

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Certificate of Compliance

This brief complies with the length limitation of Fed. R. App. P. 29(a)(5) because it contains 3,615 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f). This brief also complies with the requirements of Fed. R. App. P. 32(a) and Circuit Rule 32(b) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Mac (Version 16.113.3) in 14-point Times New Roman font.

/s/*Ian Speir*
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Certificate of Service

I certify that on October 30, 2026, the foregoing brief was served on counsel for all parties by means of the Court's CM/ECF system.

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