



Oral Roberts University Case Another Threat to Religious Schools

The effort of a former student at Tulsa, Oklahoma's Oral Roberts University (ORU) demonstrates the continuing threat to a religious-based institution's ability to carry out the mission for which the school was founded. In the case of ORU, and the multitude of evangelical Christian colleges and universities across the nation, the secular progressives clearly want to force them to at least water down that mission, if they cannot get them to simply vanish.



Shane Windmeyer, executive director of Campus Pride, a pro-LGBT organization, was blunt. "Taxpayers should definitely not have to pay for a private college to openly discriminate against anyone."

Sabrina McGhie was a student at ORU who entered into a same-sex "marriage" relationship with Ophelia Bradford and changed her name to Sabrina Bradford. But when McGhie first entered ORU in 2011, she signed — like all other ORU students — a Code of Honor Pledge. By signing, McGhie promised to refrain from "unscriptural sexual acts," which were defined to include same-sex marriage.

McGhie's received a marriage license in Tulsa County in January 2015 — to marry another woman, in apparent violation of the code. ORU was apparently unaware of the same-sex marriage relationship until after she accepted a job offer from the Oklahoma Department of Human Services. When ORU became aware of the situation, they refused to allow her to enroll for the fall semester 2015.

Alyssa Bryant, attorney for Sabrina Bradford, is not sure whether Bradford will sue ORU. Bradford told the *Tulsa World* that the gender of her partner should not matter, regardless of the provisions of the honor code, arguing it made no sense. "You shouldn't be persecuted for being married to someone that you love," Bradford contended.

Bryant said she believes the school could be in violation of the federal statute known as Title IX, which prohibits sex-based discrimination in education. Title IX states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

But there are three types of religious institutions that can apply for an exemption from the provisions of Title IX, under criteria used by the Office of Civil Rights of the U.S. Department of Education. One is a "ministerial exemption," in which the institution trains ministers and other members of the clergy. This is based on the First Amendment's protections of freedom of religion, which limits the degree to which government can interfere with such core church functions, such as hiring (or educating) personnel considered integral to the practice of the religion.

A second exemption is an institution that requires its faculty, student, or other staff to belong to the religion by which it claims to be controlled. A third exemption is that the institution is controlled by a religious organization, or is an organization that is committed to the doctrines of a particular religion,



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and that members of its controlling body are appointed by the controlling religious organization, and that it receives a significant amount of financial support from the controlling organization.

While this specific ORU case has to do with a woman who has entered into a same-sex “marriage” relationship, religious institutions of higher education are also contending with the latest challenge to their beliefs: transgenderism. Nearly three dozen religious institutions have asked the federal government for an exemption from laws that protect “transgender” students, under the interpretation that “discrimination” against a man who “self-identifies” as a woman, or vice-versa, is a violation of the Title IX prohibition of discrimination on the basis of sex.

In 2014, the U.S. Department of Education issued guidelines specifically protecting “transgender” students under Title IX. Under these orders, schools are to respect the student’s gender identity. So if a biological male who self-identifies as a female wishes to join a girls-only class, he can do so. If a biological male wishes to use the women’s restroom, he should not be denied. The memo states that all such students must be treated with their “gender identity in all aspects of the planning, implementation, enrollment, operation, and evaluation of single-sex classes.”

Many administrators at Christian institutions are concerned that pressure will be brought for them to house legally married same-sex couples, as a result of the Supreme Court case in 2015, which declared “same-sex marriage” legal in all 50 states.

At George Fox University, a Quaker school, a transgender student’s request to move from female housing to male housing was denied. The student, who was offered a single apartment on campus, filed a complaint with the Office of Civil Rights at the federal Department of Education, but the case was dismissed as the college already had an exemption, allowing it to follow its own guidelines having to do with transgender students, based on its religious mission. Biola University, located in California, issued a new ban on transgender students. “In employment and in student life, we regard sex at birth as the identification of the given biological sex of each member of our constituency. We will not accept as valid alterations of one’s sex at birth based on experiential variation or medical intervention.”

Biola explained their stance as based on the fact that “Jesus Christ himself affirmed this in his teaching correcting abuses of divorce stating at the beginning the Creator made them male and female.”

Biola’s waiver request is still pending.

Several schools, such as Anderson University in South Carolina, associated with the Southern Baptist Convention (SBC), have adopted similar language, contending that certain provisions of Title IX would not be consistent with the SBC’s “religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion.”

Southern Baptists have contended with this issue for a long time. When “sex change” operations were performed in the 1970s at Baptist Hospital in Oklahoma City, that state’s Baptist organization called for a halt, eventually selling the hospital to Integris.

Jim Davids, a law professor at Regent University (formerly the ORU law school, before it moved to Virginia), explained that the threat against distinctly Christian institutions is very real. He gave an example of “a young man who thought he was a woman” who sued California Baptist University, “when the school dismissed him for lying on his admission application that he was female.”

What has caused this explosion of cases? Shapri LoMaglio, vice president for government and external relations at the Council for Christian Colleges and Universities (CCCCU), blamed the infamous Supreme



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Court decision which declared same-sex marriage as legal. LoMaglio said it has caused “a sea change” for housing issues at Christian colleges.

Another cause for the assault on traditional standards is the use by the Left of the word “discrimination.” In a larger sense, “discrimination” is value-neutral. At its core, the word simply means to choose one thing over another. For example, a man chooses one woman over all others to be his wife, and she chooses him over all other men to be her husband. But because the word has been associated with something irrational, rather than rational — such as racial discrimination — it can now be used as a weapon against long-held Christian beliefs. Thus, if a Christian college holds that sex outside of a heterosexual marriage is sin, they can be charged with “discrimination” by those who believe otherwise. Immediately, probably a majority of the public, conditioned to react negatively to the word discrimination like Pavlov’s dogs, react accordingly. But just because something is discriminatory does not mean it is bad. One would hope that one who is married would discriminate against all others except their spouse. Actually, that is what couples vow to do on their wedding day — discriminate in favor of their spouse against all others.

It is quite clear that many who hold contrary views on these matters from Christian colleges, like ORU, are not content to simply live and let live. They want to impose their view upon all of society, including Christian colleges and universities. It is not as if those who have different views from evangelical and Catholic institutions have no other colleges to go to.

We do not have to guess how these social radicals intend to force submission to students who openly live in homosexual lifestyles or claim to be a different gender than their biological status. They want to dry up the funding for these Christian schools.

Paul Southwick, a lawyer who has represented students expelled for practicing deviant lifestyles, told *The Column*. “The trend of religiously affiliated, but publicly financed, colleges receiving exemptions from the U.S. Department of Education in order to discriminate against LGBTQ students and employees is disturbing. While we are seeing increased protections for transgender, intersex and LGB students through Title IX, we are also seeing the protections of Title IX gutted at the very institutions where students need those protections the most.”

In other words, Christian colleges are in the crosshairs for their opposition to accepting the homosexual or transgender lifestyle. And the weapon to be used against them is money, stripping them of the ability to receive tuition from their students who attend their schools by obtaining federal grants. Shane Windmeyer of Campus Pride explicitly called for an end to public funds being used by students at private Christian schools who “discriminate” against LGBTQ students.

He decried the nearly \$130 million in annual taxpayer funds that go to Christian colleges and universities. “If a college receives public funding, it should have to follow public laws. The government should be perfectly within its rights to make taxpayer funded aid to these colleges contingent on compliance with generally applicable nondiscrimination laws. If a college wished to continue discriminating against LGBTQ students and employees, it could do so on its own dime.”

This should provide a cautionary flag for those who favor government vouchers for education below the college level. Private secondary and elementary schools would surely be the next targeted, if they received vouchers.

Southwick suggested other ways to intimidate colleges and universities into compliance, including filing a complaint with accreditation institutions. While in the abstract, accreditation seems like a reasonable



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way to validate college diplomas (to keep down fraudulent degree mills, for example), the brutal truth is that liberals have used accreditation as yet another way to advance their liberal agenda. For example, colleges and universities are often bullied into hiring fewer white males so as to secure accreditation. Maybe they are not that blunt, but they are reprimanded for failing to practice “diversity.”

And the Christian colleges and universities live under the cloud that these radicals will eventually find a leftist federal judge somewhere who will simply decide the religious exemptions of Title IX are supposedly unconstitutional.



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