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MUTUAL®**

Religious Freedom Protection

Shepherding Ministries in a Time of Change

RELIGIOUS FREEDOM PROTECTION

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RELIGIOUS FREEDOM PROTECTION

Shepherding Ministries in a Time of Change

OVERVIEW

Churches and ministries are facing new challenges and new questions in the face of a rapidly changing American culture

Anyone who turns on the news, flips through a magazine, or browses the web can see that American society and culture are experiencing rapid transitions. Some ministries have valid concerns that issues surrounding societal shifts may expose them to negative publicity, governmental scrutiny, and litigation. The question becomes: When and how can ministries operate within their foundational standards of beliefs without being seen as infringing on others' constitutional rights?

Religious organizations have unique freedoms

The question has become especially important since the Supreme Court of the United States issued its June 2015 ruling regarding same-sex marriage.¹ In its decision, the Court held that the 14th Amendment requires states to license and recognize marriages between two people of the same sex. Chief Justice John Roberts noted in his dissenting opinion:

"Hard questions arise when people of faith exercise religion in ways that may be seen to conflict with the new right to same-sex marriage."

Christian organizations may seem to be at the mercy of the rapid societal changes and court rulings regarding religious freedom. In fact, religious organizations have unique freedoms. This paper addresses issues facing Christian ministries and offers potential solutions to help ministries stay true to their sincerely held, Bible-based beliefs and still follow the law.

Additional resources



This paper also references additional resources, including sample policies, sample forms, and risk management articles. These resources are available at BrotherhoodMutual.com.

EMERGING RELIGIOUS FREEDOM ISSUES FOR CHURCHES AND MINISTRIES

As American culture shifts, more weight is being given to the rights of individuals. More recently, some ministries have felt a sense of safety based on efforts by the federal government to protect religious freedom through executive orders and Supreme Court nominations. However, ministries do not want to get caught in the winds of change every four to eight years with the turnover of presidential administrations.

Changes in federal law do not necessarily affect the sweeping changes occurring at the state and local level throughout the country. The trend of more weight being given to the rights of individuals, often at the expense of religious freedom, is playing out within Christian colleges, churches, camps, and other religious institutions. As ministry operations intersect with changing trends, several potential risk exposures may arise, some of which involve:

- Facility use considerations.
- Faith-based employment decisions.
- Gender identity issues.
- Targeted governmental actions.

It is important to note that various religious organizations and individuals hold a wide range of opinions about these issues. The information contained in this booklet is intended to assist ministries navigating these issues to uphold their sincerely held beliefs.

HOW CAN A MINISTRY PROTECT ITS RELIGIOUS BELIEFS AGAINST LEGAL THREATS?

Before getting into specific issues, it's important to consider steps to help protect your ministry's beliefs. These steps include updating ministry documents to include sincerely held beliefs, considering how your ministry will respond to issues and requests that may not align with its values, and consulting with a local attorney.

I. Update your governing documents

Governing documents, including constitutions and bylaws, are rules that govern an organization's major decisions and key activities. It's a good idea to include the ministry's beliefs in your **constitution or bylaws**. Stating your beliefs along with supporting references to Scripture can help your organization operate according to these beliefs and avoid or defend against discrimination claims.

Pointing to an institution's governing documents is one of the easiest ways to show that it is acting in accordance with its beliefs when challenged. To provide the broadest protection, it is generally recommended that a ministry's governing documents include:

- **A purpose statement** that outlines the ministry's foundational beliefs, mission, and purpose. It should reference specific Scripture passages to support beliefs. Scripture references can help to strengthen your ministry's First Amendment position in the event of litigation.

Consider posting your purpose statement in a prominent location on the ministry's website, ideally no more than one click away from the landing page of the website.

II. Update your operational documents

Operational documents are the written policies, procedures, and forms that guide your ministry's day-to-day operations. Examples include employee handbooks, volunteer policies, member agreements, facility use policies/agreements, application forms, and child protection policies.

It's good practice to weave your ministry's purpose and beliefs throughout your written policies and procedures. While not necessarily identical, your stated beliefs should be consistent with those included in your governing documents.

It is important to spell out **behavioral expectations** in member agreements, handbooks, policies and procedures.

- **Marriage, gender, and appropriate behavior provision.** This provision states expectations for employees, volunteers, and others affiliated with the ministry with respect to behaviors and interpersonal relationships. A provision that clearly explains the ministry's position on marriage, gender, and appropriate behavior can be very helpful. Remember to reference Scripture as your basis.

TWO SCHOOLS OF THOUGHT

In addition to including a purpose statement in the governing documents, some ministries also incorporate belief statements on specific topics, such as marriage, gender identity, and sexual intimacy. However, another approach is to include the ministry's purpose and core doctrinal beliefs (e.g., the Bible, the Trinity, the Church, sin, salvation) in the governing documents, and then address in operational documents marriage, gender identity, or similar topics upon which the ministry holds beliefs.

One advantage to the second approach is that governing documents can be challenging to amend. Ministries likely want to avoid amending their bylaws or constitution every time new issues arise that may warrant a specific statement.

- **Statement of faith and morals clause.** Clearly state your organization's positions in a statement of faith or morals clause that can be placed in the employee handbook, volunteer policies, and other operational documents. A morals clause states the lifestyle expectations for employees and volunteers. Again, referencing Scripture is important.
- **Employment application.** Provide employment applicants with a copy of your statement of faith and morals clause. You can also include a question on the employment application that asks something like "Do you agree with the ministry's statement of faith, and do you agree to abide by the morals clause?"



Download a sample [purpose statement, morals clause policy](#), and provision for [marriage, gender, and appropriate behavior](#) at [BrotherhoodMutual.com](#)

III. Respond with sensitivity

Your ministry should consider in advance how it will respond to requests and challenges in relation to its sincerely held beliefs. It is important to train your clergy, staff, and volunteers to approach individual needs and requests with empathy. The way in which you convey your response is sometimes just as important as the message itself.

Consider training clergy, staff, and volunteers on conflict resolution. A well-trained staff can respond calmly and reduce the level of anxiety in difficult discussions. Proper training allows staff to approach individual requests in a way that encourages the possibility for dialogue.



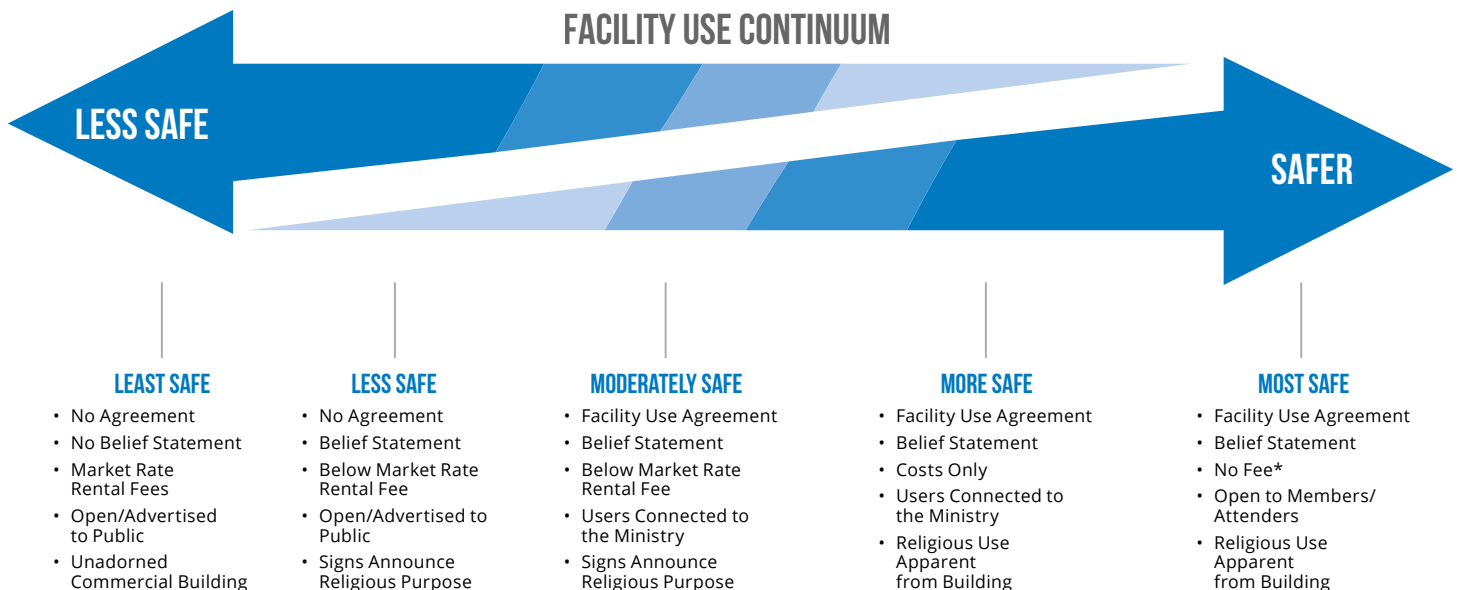
For more information about [verbal conflict resolution](#), visit [BrotherhoodMutual.com](#)

IV. Consult with local counsel

When revising organizational documents, policies, and procedures, ministry leaders should involve a local attorney. For example, a wide variety of federal, state, and local laws apply to employer and employee relations. A local attorney can provide guidance on any state-specific legal issues that you may encounter.

HOW CAN A MINISTRY ALIGN ITS FACILITY USE WITH ITS SINCERELY HELD BELIEFS?

If a ministry rents its meeting hall, auditorium, gymnasium, etc., to the public for a fee, courts are more likely to require the organization to rent the facility to all who seek to reserve it. The risk of losing a lawsuit in this area can be viewed in terms of this **Facility Use Continuum**.



*There could be tax ramifications, including challenges to tax-exempt status, if no fee is charged to a for-profit entity. Ministry leaders are encouraged to work with a locally licensed attorney and/or tax professional when developing any policy or procedure to ensure compliance with all applicable laws.

Five factors to evaluate when opening your facilities to outside groups

Regardless of your ministry's sincerely held beliefs, most ministries want to avoid being considered a place of public accommodation. A place of public accommodation is one that is generally open to the public, such as retail stores, restaurants, movie theatres, and hotels. Churches have not been treated historically as such. However, there are a growing number of state and local laws that address the topic and may apply to churches.

The goal is to lower the risk of being considered a place of public accommodation. The following **five factors** can help your ministry evaluate its policies and procedures:

I. Does your ministry have a written facility use agreement?

One of the safest approaches to facility use is to require those who wish to use ministry facilities to be members or regular attenders in good standing. This may not be possible for your ministry. Alternatively, include a requirement in your facility use policy that asserts ministry expectations for all users. A statement such as "User agrees that it will not use the premises for any purpose that is contrary to the mission, purpose, or belief of the owner, which is a Bible-based religious institution" can help.



Download a [sample facility use agreement](#) at [BrotherhoodMutual.com](#)

II. Does your ministry have a written belief statement?

As discussed previously, it is important to document your ministry's beliefs in writing. Along with requiring prospective users to sign an agreement, it is a good idea to provide a copy of your ministry's beliefs to prospective users.

III. What type of fee, if any, does your ministry charge?

It is generally acceptable to charge a fee for the use of ministry-owned facilities. However, charging outside groups a fee for the use of your ministry's facilities may make it more likely that you would be required to open the facilities to anyone who wishes to use them. Consider:

- **Costs-only vs. general fees.** Costs-only fees would be those that are related to the actual use of the facilities, such as setup and cleanup, staffing to unlock and lock the facilities, utilities, and the use of equipment. A general fee would be a set amount of money that is charged regardless of how the facilities are used.

Charging a general fee is still a relatively safe approach. However, if your ministry is charging an unreasonably high amount of money for the use of its facilities, you may be at a higher risk of being considered a place of public accommodation. You can read more about the implications of a ministry running a for-profit enterprise and its associated unrelated business income tax (UBIT) [here](#).

- **For-profit use of facilities.** It is important to note there could be tax ramifications, including challenges to tax-exempt status, if no fee is charged to a for-profit entity. Ministry leaders are encouraged to work with a locally licensed attorney and/or tax professional when developing any policy or procedure to ensure compliance with all applicable laws.



Read more about [lending your facility](#) at [Brotherhood Mutual.com](#)

IV. Who does your ministry invite to use its facilities?

The safest approach to facility use would be to allow only members or regular attenders in good standing to use your ministry's facilities. However, many ministries invite other outside individuals or groups to use their facilities. If your ministry's facilities are open and advertised for use by the general public, you may be in a less safe position than if you require prospective users of the facilities to have some connection to the ministry or its members.

V. How does the public view your ministry's facilities?

Courts also may look at whether the public can tell from the look of your building that it is a church or otherwise used for religious purposes. Ministries meet in all types of buildings, and it can be helpful to communicate to individuals outside of the ministry that the building is used for religious purposes (e.g., a cross on the building or grounds, or a sign that expresses this purpose).



Read more about [risk management issues associated with lending church facilities](#) at [Brotherhoodmutual.com](#)

HOW CAN A MINISTRY ADDRESS EMPLOYMENT ISSUES RELATED TO MORALS AND VALUES?

Employment liability is based on a patchwork of federal, state, and local laws. Federal and state laws prohibit employment discrimination based on race, color, religion, sex, national origin, age, disability, veteran status, and pregnancy. Your state may identify other protected classes. The Equal Employment Opportunity Commission (EEOC) extends these protections to prohibit employment discrimination based on sexual orientation and gender identity.

The Free Exercise Clause embedded within the First Amendment should prevail in the event of a conflict with federal, state, or local statutes. **The First Amendment of the U.S. Constitution states that Congress may not enact laws that prohibit the free exercise of religion.** Accordingly, a ministry generally is not required to employ an individual who does not share its religious beliefs.

The Civil Rights Act of 1964—Title VII provides employment discrimination protections and generally allows religious organizations whose “purpose and character are primarily religious” to give employment preference to individuals who are members of the organization’s religion.

The ministerial exception

There’s helpful case law when discussing religious employment. In 2012, the U.S. Supreme Court handed down a ruling known as *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*.² In this case, the high court formally recognized a **ministerial exception** that bars ministerial employees from suing their employer based on a belief-based employment decision of the employer. The Court made clear that the ministerial exception only applies to ministerial employees.

Several lower court rulings previously had recognized a ministerial exception for religious institutions. In *Hosanna-Tabor*, the Supreme Court made this the law of the land. The case added clarity to the following issues:

- The ministerial exception permits ministries to make hiring and firing decisions based on the employee’s beliefs and practices.
- Under the ministerial exception, courts will generally assume that a religious organization’s hiring and firing decisions for ministerial employees are done in accordance with its sincerely held religious beliefs.
- Courts will refrain from second-guessing decisions based upon a ministry’s definition of a ministerial employee. While the justices didn’t specifically define what a ministerial employee is, this would seem to include employees whose job includes the communication of spiritual beliefs to others: senior pastors, associate pastors, worship leaders, and others.



Read [Can An Employee Sue a Ministry?](#) at [BrotherhoodMutual.com](#)

Additional steps

Ministries can take additional measures to protect themselves in relation to all types of employees:

- Be sure that the beliefs of the ministry are woven into the employee handbook, code of conduct, and other documents provided to employees.
- Provide job applicants a copy of the ministry’s statement of faith and morals clause along with the application form. If permitted by state and local law, include a question on the employment application that asks if the applicant agrees with the ministry’s statement of faith and agrees to abide by the ministry’s expected moral conduct.
- Be consistent in applying these policies and procedures to all employees.
- Document all interactions regarding employee discipline or employment issues.
- Consult with a local attorney before terminating an employee to ensure compliance with all applicable state and federal laws.

WHAT SHOULD MINISTRY LEADERS KNOW ABOUT GENDER IDENTITY ISSUES?

In recent years, several federal departments have sought to align sexual orientation and gender identity discrimination with sex discrimination. More than 20 states and 200 municipalities have sexual orientation or gender identity non-discrimination laws. These laws prohibit discrimination based on sexual orientation or gender identity in employment, housing, and public accommodation.

Religious institutions are generally permitted to limit or even prohibit an individual's involvement in activities. In 2000, the U.S. Supreme Court decided the case of *Boy Scouts of America v. Dale*.³ In this ruling, the Court recognized that forcing organizations to include anyone in their activities may run counter to their purpose and infringe upon the organization's **freedom of expressive association**—a fundamental right, derived from the First Amendment, to advance a group's beliefs or ideas.

In the context of a ministry's ability to limit or prohibit an individual's involvement based on gender identity or sexual orientation, the justices balanced three competing interests in the *Boy Scouts* case:

- i. Whether the ministry engages in expressive association, or in other words, gathers together to share or express a common belief or purpose.
- ii. Whether forced inclusion of a transgender or homosexual individual significantly affects the ministry's ability to advocate public or private viewpoints.
- iii. Whether the ministry's interest in expressive association would outweigh the state's interest in eradicating discrimination.

Under this ruling, a ministry will generally be permitted to restrict or exclude an individual based on sexual orientation or gender identity if including the individual would interfere with the sincerely held beliefs of the ministry. Even so, many ministries look to strike a balance between upholding their beliefs and finding ways to minister to transgender individuals.

Consider the logistics

Regardless of your ministry's position on the topic of gender identity, it is a particularly difficult issue to navigate. There are several logistic issues that must be considered, including:

- **What restroom can a transgender person use?** Many ministries develop written bathroom policies related to biological gender or require that a family/unisex restroom be used. Other ministries have taken a hands-off approach to the issue.
- **What group can a transgender youth participate in if the group is divided according to gender?** With the agreement and cooperation of a group of youth and their parents/guardians, some ministries have formed separate small groups where a transgender youth is permitted to participate with the gender he or she self-identifies. These ministries seek to minister to transgender youth without necessarily affirming them in relation to their gender identity.
- **Who would a transgender person stay with on overnight retreats?** Ministries should consider their child protection policies in relation to supervision on overnight retreats. Many policies require

DO YOU NEED A BATHROOM POLICY?

Ministry leaders are well within their rights to create a bathroom use policy. However, it is important to note that courts will often look to whether the ministry consistently applies its sincerely held beliefs and stated policies.

One potential issue with consistently following a policy that requires individuals to use the restroom associated with their biological gender might be with respect to parents who wish to take their young children of the opposite sex to the restroom with them. Instead of drafting a bathroom policy, some ministries have chosen to rely upon their stated beliefs regarding gender and human sexuality to respond on a case-by-case basis.

adult males to supervise boys and adult females to supervise females. One possible solution may be to ask the parent/guardian to join the retreat and room with their child.

- **What locker room can an opposing team's transgender athlete use?** This may not be an issue because locker rooms are usually assigned based on team rather than gender. For example, school teams likely have coaches and managers that are the opposite gender of the players and are still permitted to be in the locker room.
- **What, if any, volunteer position can a transgender person serve in?** Individual ministries should consider how their beliefs inform them to respond on this topic. Ministries that have sincerely held beliefs on gender identity may want to allow transgender individuals to serve in volunteer positions but may decide there are certain positions in which they will not allow them to serve.

Ministries are encouraged to consider the potential challenges that may arise in relation to a transgender individual attending or participating in ministry activities and determine, in accordance with their sincerely held beliefs, how they will respond.

HOW CONCERNED SHOULD MINISTRIES BE ABOUT GOVERNMENTAL ACTIONS AND CHALLENGES?

The current legal landscape already has presented several challenges to religious freedom, signaling that more are coming. You may not be aware, however, that a large percentage of religious freedom litigation is initiated by government agencies, such as state civil rights commissions and the Internal Revenue Service.

Targeted governmental actions

Here are a few examples of governmental actions that targeted a specific individual or organization:

- **Sweetcakes by Melissa**—Oregon Bureau of Labor and Industries. Aaron and Melissa Klein refused to make a cake for a same-sex couple's wedding. The Bureau ordered the owners of the bakery to pay \$135,000 in damages to the same-sex couple.
- **Gifford v. McCarthy**—New York State Division of Human Rights. Cynthia and Robert Gifford rented portions of their farm for weddings and receptions. Based on their beliefs, the Giffords refused a same-sex couple's request to book the farm for their wedding ceremony. The New York State Division of Human Rights found that the Giffords' farm was a place of public accommodation and ordered the Giffords to pay damages and a fine totaling \$13,000. The Giffords also were required to undergo and implement anti-discrimination training for their staff.
- **Knapp v. City of Coeur d'Alene**—Coeur d'Alene. Donald and Evelyn Knapp were threatened by the City of Coeur d'Alene with jail time and fines to allow a same-sex couple to marry at The Hitching Post Wedding Chapel, a business the couple had operated for 25 years.
- **Bernstein v. Ocean Grove Camp Meeting Association (OGCMA)**—New Jersey Civil Rights Commission. After New Jersey legalized same-sex marriage, OGCMA, a Christian camp, declined to rent its pavilion for a same-sex couple's ceremony. The state civil rights commission found that the boardwalk pavilion was a place of public accommodation. To avoid violating its sincerely held beliefs, OGCMA no longer allows weddings to be held there.
- **Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Division**—Colorado Civil Rights Division (CCRD). Cake shop owner Jack Phillips refused to create a cake for a same-sex couple's wedding, citing his sincerely held beliefs. The couple filed a complaint alleging discrimination based on sexual orientation. The CCRC agreed, and found the cake shop in violation of Colorado law. As part of the CCRC's investigation, the Commissioner made public statements about religion being used to justify discrimination, analogizing this case to slavery and the Holocaust. This case reached the U.S. Supreme Court. The Court held that the CCRC failed to fairly and impartially enforce the anti-discrimination law that is also intended to protect against discrimination based on religion.⁴
- **National Institute of Family and Life Advocates (NIFLA) v. Becerra**—The California Reproductive FACT Act requires licensed healthcare centers, regardless of religious belief or affiliation, to inform clients that publicly funded free or low-cost services are available, such as contraception and abortion. The NIFLA and others filed suit to prevent this law from being enforced.

It is important to note that most of these cases do not involve religious organizations. The Free Exercise Clause of the U.S. Constitution, as well as various state constitutions historically have protected ministry organizations from extensive intrusion by governmental agencies.

However, as governmental agencies seek uniform anti-discrimination treatment for all institutions, it creates a clash between the 14th Amendment and First Amendment protections. It also causes friction between anti-discrimination efforts and sincerely-held religious beliefs.

Challenges to tax-exempt status

There's a growing concern that governmental agencies will target religious organizations, especially their tax-exempt status. In *Obergefell v. Hodges*,¹ the U.S. Solicitor General stated that:

"The tax exemptions of some religious institutions would be in question if they opposed same-sex marriage."

TIME magazine echoed the solicitor general's statement. Just two days after the Supreme Court's same-sex marriage decision, the magazine published an article titled, *Now's the Time To End Tax Exemptions For Religious Institutions*.⁵

One argument in support of such challenges comes from a 1983 Supreme Court ruling: *Bob Jones University v. the United States*.⁶ In this case, the justices held in an 8 to 1 decision that the IRS could revoke an institution's tax-exempt status in response to racial discrimination. The court decision included the following statement:

"The government has a fundamental, overriding interest in eradicating racial discrimination in education... which substantially outweighs whatever burden the denial of tax benefits places on the University's exercise of their religious beliefs."

Among constitutional scholars, there's concern that the Court's reasoning in *Bob Jones University* could be applied to alleged discrimination based on sexual orientation, gender identity, or other related issues.

Another area in which governmental agencies may challenge the rights or benefits of ministry organizations is state and local property tax exemptions. Some states have required churches to pay property tax on portions of their property considered to be used for making a profit, such as church-owned cafes and bookstores.

From a financial and budgeting perspective, ministry leaders should begin to consider how potential government actions could affect the ministry and how the effects might be overcome.

Challenges to the clergy housing allowance

Another challenge affecting ministries involves the clergy housing allowance. The Internal Revenue Code (IRC) allows for "ministers of the gospel" to exclude portions of their gross income from their federal income taxes as a housing allowance.

An organization called Freedom from Religion has challenged the clergy housing allowance, arguing that it violates the Establishment Clause, providing special treatment for religious organizations that is not allowed for secular organizations. A federal district judge in Wisconsin agreed with this argument, and the court held the specific section of the IRC dealing with clergy housing allowance to be unconstitutional.⁷ This case is being appealed to the 7th Circuit. While the 7th Circuit only includes Indiana, Illinois, and Wisconsin, it is possible the Supreme Court will hear the case and decide the issue across the country.

Government grants and other public benefits

From a financial and budgeting perspective, ministry leaders believe the church exemption from paying federal income and property taxes will be revoked in the future. This, in addition to a reduction in tithes and offerings, has led some ministries to consider other ways in which they might generate money to support the church.

On a more positive note: on June 26, 2017, two years after its landmark decision legalizing same-sex marriage, the Supreme Court issued a decision that could have far-reaching effects on religious freedom.

*Trinity Lutheran*⁸ stems from a Missouri grant program which offered reimbursement to qualifying nonprofit organizations that install playground surfaces from recycled tires. Although, Trinity Lutheran Church's preschool otherwise qualified for the program, the state had an express policy to deny grants to any applicant owned or controlled by a church, sect, or other religious entity. In applying the Free Exercise Clause of the U.S. Constitution to these facts, the Court held:

"...the exclusion of Trinity Lutheran from a public benefit for which it is otherwise qualified, solely because it is a church, is odious to our Constitution..., and cannot stand."

The *Trinity Lutheran* ruling would broadly seem to prevent states from denying access to public grants or other public benefits simply because an organization is religious in nature. This is somewhat clouded by a footnote included in Chief Justice Roberts' opinion, which states:

"This case involves express discrimination based on religious identity with respect to playground resurfacing. We do not address religious uses of funding or other forms of discrimination."

The footnote, however, did not gain majority support, and many believe this case will serve to benefit Christian churches, schools, and other nonprofit organizations. Already, the Federal Emergency Management Agency has revised its policies to not exclude houses of worship from disaster relief aid on the basis of their religious use.

IF A MINISTRY IS SUED FOR STANDING UP FOR ITS BELIEFS, WILL INSURANCE COVERAGE BE AVAILABLE?

Insurance companies have been asked whether their church customers would have coverage if they were sued for emotional injury based on a belief-based decision. The response has been mixed, but most companies have responded that their policy would not provide coverage.

When evaluating an insurance company, ministry leaders also should consider whether the company can meet the unique needs of religious organizations. The wider insurance industry generally has not taken the time to understand the unique issues, concerns, or exposures applicable to today's churches and ministries.

As a ministry-focused insurer, Brotherhood Mutual has specialized knowledge and skills to assist Christian churches and related ministries. We have been insuring ministries for over 100 years and share a common mission to advance the kingdom by serving the church.

Brotherhood Mutual's **Religious Freedom ProtectionSM Coverage** endorsement addresses potential liability concerns and legal expenses arising out of the belief-based decisions of ministries.

The endorsement provides coverage for emotional injury claims that arise from your ministry's:

- Religious communication.
- Religious activities.
- Belief-based decisions.

Additional protections include:

- Funds to defend a ministry when its belief-based decisions and practices are attacked, or when the ministry's tax-exempt status is challenged.
- Funds to help respond to targeted actions by administrative agencies.
- Reimbursement for legal actions that a ministry may initiate to protect its right to pursue a belief-based decision or practice.

In addition to these protections, Brotherhood Mutual offers an extension endorsement specifically for **educational institutions**. The extension will help pay to defend educational institutions from financing and accreditation challenges to:

- Financial aid for students.
- Academic and sporting scholarships.
- The accreditation for the school itself.

Bibliography

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⁶Bob Jones University v. the United States, 103 S. Ct. 2017. (1983).

⁷Gaylor v. Mnuchin, 278 F. Supp. 3d 1081 (W.D. Wis. 2017).

⁸Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012. (2017).