



FAULKNER
UNIVERSITY

February 21, 2023

Catherine E. Lhamon, Assistant Secretary for Civil Rights
United States Department of Education Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Via USPS Certified Mail, Return Receipt Requested

Re: Faulkner University's assertion of religious exemption from certain provisions of Title IX and its regulations

Dear Assistant Secretary Lhamon,

My name is D. Mitchell Henry, and I serve as the President of Faulkner University (Faulkner), a not-for-profit private Christian university in Montgomery, Alabama. The Title IX statute states: "this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization." 20 U.S.C. § 1681 (a)(3). This letter serves as written notice that Faulkner is formally claiming the religious exemption to certain provisions of Title IX of the Civil Rights Act of 1964 (and its implementing regulations) because they are contrary to the University's religious tenets. This letter will first demonstrate that Faulkner qualifies for the religious exemption, then it shall list certain of Faulkner's religious tenets and finally it shall list those areas of the Title IX statute, regulations or interpretive guidance that violate its religious tenets.

- I. Faulkner qualifies for the religious exemption because it is an educational institution controlled by a religious organization
 - A. Faulkner University is undoubtedly an educational institution. Here is the Institutional Accreditation statement posted on Faulkner's website at <https://www.faulkner.edu/about-faulkner/accreditation/> :

Office of the President

Faulkner University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, masters, and doctorate degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Faulkner University.

The broad definition of “educational institution” given by the Title IX statute includes “any institution of vocational, professional, or higher education”¹ and Faulkner easily fits within this definition.

- B. Faulkner is controlled by its Board of Trustees and is not required by the statute to be controlled by a separate entity to qualify for the exemption.

Faulkner University is controlled by its Board of Trustees, as set forth in the most recent edition of the Bylaws of the Board of Trustees of Faulkner University:

“Full and ultimate power in policy-making matters of Faulkner University and its auxiliaries shall reside in the Board of Trustees. *** The said Board shall operate primarily as a policy-making organization. It shall operate all levels of the institution through a President/Chief Executive Officer (CEO) who shall provide for vice presidents, assistants, deans and other administrators, faculty and staff.”

Bylaws of the Board of Trustees of Faulkner University (last amended and approved October 8, 2021), Article II—Authorization, p.2.

In Maxon v. Fuller Theological Seminary, 549 F.Supp.3d 1116, 1124 (CD CA 2020), the District Court addressed the issue of whether Fuller Theological Seminary (FTS) was “controlled by a religious organization” because FTS was controlled by its own board of directors. The District Court rejected a proposed interpretation of the statute as requiring “two separate entities to

¹ “Educational institution” is defined as “any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college or department which are administratively separate units, such term means each such school, college, or department.” 20 U.S.C. § 1681(c).

be involved: ‘an educational institution’ and “a religious organization...” and also rejected the idea that “the ‘religious organization’ must be distinct from the ‘educational institution’ for it to exercise the requisite control.” Id. at 1125-1126; 1127. The District Court agreed with FTS’s argument that “a plain reading of the Religious Organization Exemption does not require... separation between the “religious organization” and “educational institution” [and] that a broad reading of the [Title IX] exemption is supported by the interpretation of the statute adopted by the Department of Education.” Id. at 1126. In so holding, the Court accepted FTS’s proposed statutory interpretation “that under its ‘ordinary meaning,’ an ‘organization’ is any ‘organized body, system, or society,’” citing the Oxford English Dictionary (2d ed. 1989) and concluded that the ordinary meaning of a “religious organization” broadly includes the religious board of directors of FTS and does not require “a separately incorporated, entirely unrelated entity.” Id. at 1126. The Court accepted the argument that “although the text of the Religious Organization Exemption may be read to require the “religious organization” and “educational institution” to be two separate entities, the ordinary meaning of the term “organization” is sufficiently broad to include the board of directors” and that “the board of directors exerts control over FTS, as they are responsible for implementing the policies at issue.” Id. at 1127.

A panel of the 9th Circuit Court of Appeals reviewed the Maxon decision and affirmed it. Maxon v. Fuller Theological Seminary, No. 20-56156, 2021 WL5882035 (CA 9, Dec. 13, 2021) (not published). The panel explicitly concluded that the “religious organization” that controls the “educational institution” does not have to be legally separate from the educational institution it controls.”² The panel also observed that such a holding was

² “Although the statute does not define the term “religious organization” or address whether it must be legally separate from the “educational institution” it controls, the ordinary meaning of “organization” is broad enough to encompass an entity that is wholly contained within another entity. Dictionaries consistently define “organization” to mean “[a] group that has formed for a particular purpose,” *Organization*, Black’s Law Dictionary (11th ed. 2019), with no requirement that the group be distinct or separate. *See also Organization*, Oxford English Dictionary (3d ed. 2004) (“[a]n organized body of people with a particular purpose”). While Plaintiffs argue that “[t]he most natural grammatical meaning” of the statutory language is that it requires “two distinct entities,” one to exert control and one to be controlled, they cite to no case law or grammatical rule to explain why we should adopt that interpretation. Indeed, courts and statutes frequently use the phrase “controlled by” to describe the relationship between a board

consistent with long standing practice of the Department of Education.³

Faulkner University is controlled by its Board of Trustees. The only thing that remains to be addressed is whether that Board of Trustees can be considered as being a religious organization.

C. Faulkner's Board of Trustees satisfies the criteria to be considered a religious organization

34 C.F.R. § 106.12(c) provides multiple criteria that are each individually and independently sufficient to establish that an educational institution is controlled by a religious organization, and Faulkner satisfies many of these criteria.

1. Faulkner satisfies the criteria of 34 C.F.R. § 106.12 (c)(2)

34 C.F.R. § 106.12 (c) (2) which provides as follows:

“That the educational institution requires its faculty, students, or employees to be members of, or otherwise engage in religious practices of, or espouse a personal belief in, the religion of the organization by which it claims to be controlled.”

Faulkner satisfies the foregoing criteria because Faulkner has a “Standards of Conduct” policy⁴ that applies to all of its employees (both faculty and staff) and which provides, in pertinent part:

* “Faulkner University is a Christian University with a Christian mission, and therefore has certain expectations of all its employees (both faculty and staff) that apply to conduct both on and off campus.”

of trustees or directors and an underlying organization.” (citations omitted). Maxon v. Fuller Theological Seminary, No. 20-56156, 2021 WL5882035 (CA 9, Dec. 13, 2021) (not published), p. 1.

³ “The Department of Education (“DOE”) has long understood the statute to have the same meaning that Fuller asks us to adopt. For over 30 years, DOE has maintained that the statute does not contain “an independent requirement that the controlling religious organization be a separate legal entity than the educational institution.” Direct Grant Programs, 85 Fed. Reg. 59,916, 59,956 (Sept. 23, 2020). *** To the extent that the statutory language could be construed in multiple ways, we defer to DOE’s longstanding interpretation and conclude that Title IX’s religious exemption encompasses educational institutions... that are controlled by their own religiously affiliated boards of trustees. *See Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944).” Maxon v. Fuller Theological Seminary, No. 20-56156, 2021 WL5882035 (CA 9, Dec. 13, 2021), p. 1-2.

⁴ The Standards of Conduct policy is attached to this letter as Exhibit A.

- * “Faulkner University was founded by members of the church of Christ and since its founding has been affiliated with and supported by members and congregations of the churches of Christ. The University has certain commitments with regard to religious and moral issues. (See attached copy of “Here We Stand,” a document written in an effort to help communicate these commitments; it is intended to be illustrative but not exhaustive.)”⁵
- * “University employees are to live consistently with the moral principles espoused in the New Testament. Therefore, the following kinds of behavior are unacceptable for University employees.” [The policy lists a number of examples of unacceptable behavior.]
- * “Faulkner University exercises a religious preference in its hiring practices, seeking first to hire faithful members of the church of Christ whenever possible and when not possible, hiring faithful members of religious groups whose commitments and beliefs are largely in line with those of the University.
 - * “University employees who were members of the church of Christ when hired are expected to remain faithful members of the church of Christ; this expectation includes exercising an active membership role in a local congregation of the churches of Christ.”
 - * “University employees who were not members of the church of Christ when hired are expected to remain faithful members of a religious group whose religious beliefs and commitments are largely in line with those of the University; this expectation includes exercising an active membership role in a local congregation of such religious group.”

“Standards of Conduct” Policy #350, Faulkner University.

2. Faulkner satisfies the criteria of 34 C.F.R. § 106.12 (c)(3)

34 C.F.R. § 106.12 (c)(3) provides as follows:

“That the educational institution, in its charter or catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof, or is committed to the doctrines or

⁵ A copy of the “Here We Stand” document is attached to this letter as Exhibit B.

practices of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.”

Much of the material submitted in support of how Faulkner satisfies the requirements of 34 C.F.R. § 106.12 (c) (2) also demonstrates how Faulkner satisfies the requirements of 34 C.F.R. § 106.12 (c) (3). There are, however, several additional ways in which the criteria of § 106.12 (c) (3) are satisfied. Faulkner’s “Here We Stand” document⁶ is strong evidence that Faulkner is committed to the doctrines and practices of a particular religion.

The Bylaws of Faulkner University require that the members of its governing body (the Board of Trustees) must be appointed by the Board of Trustees.

“New members to the Board of Trustees shall be added by a two-thirds vote of the Trustees who vote on the matter at the time of the election.”

Bylaws of the Board of Trustees of Faulkner University (last amended and approved October 8, 2021), Article IV-Membership, Paragraph 4.” The Board of Trustees is the entity that controls Faulkner University, and the Board of Trustees appoints its own membership; since the Board of Trustees is a religious organization, this satisfies the requirement that “the members of its governing body are appointed by the controlling religious organization” set forth in § 106.12 (c) (3).

With regard to membership of its governing body (the Board of Trustees), Faulkner University’s bylaws require that all trustees must be members of the church of Christ. The relevant by-laws provide as follows:

“Faulkner University shall have a Board of Trustees consisting of from fifteen to fifty members, who shall be members in good standing of the churches of Christ.”

1. [omitted]

“2. Membership on the Board shall be for five years providing the respective member shall continue to be physically, mentally, and spiritually active; shall continue to be actively engaged in the promotion of the welfare of the institution and shall continue to be faithful as a member of the churches of Christ.”

⁶ A copy of the “Here We Stand” document is attached to this letter as Exhibit B.

Bylaws of the Board of Trustees of Faulkner University (last amended and approved October 8, 2021), Article IV-Membership, prefatory paragraph and paragraph 2. This is strong evidence that Faulkner is committed to the doctrines and practices of a particular religion.

As has already been mentioned, the “Here We Stand” document is strong evidence that Faulkner is committed to the doctrines and practices of a particular religion; it demonstrates that the University has certain commitments with regard to religious and moral issues. Furthermore, Faulkner’s Board of Trustees evaluates every candidate for membership on the Board in terms of whether that candidate would be willing to sign the “Here We Stand” statement⁷; any candidate who would not be willing to sign the “Here We Stand” statement would not be acceptable for Board membership.

Faulkner’s founding documents reflect its commitments to the doctrines and practices of a particular religion. Founded in 1942 and originally incorporated as “Montgomery Bible School” in Montgomery, Alabama under the laws of the State of Alabama, its “Declaration of Incorporation” provided, in pertinent part, as follows:

II. The object and purpose of said corporation is not for pecuniary gain but for the purposes of teaching the Bible, for teaching men and women to expound the Bible and Gospel to promote their education so that they may more efficiently preach the gospel as prescribed by the Wholly [sic] Bible and provide and keep a place or building where said work may be done and for social intercourse between its members....”

III. Said Corporation shall not sell, have or keep prohibitive liquors or beverages and it is not to do or allow gaming or other unlawful acts on its premises.”

Excerpted from Montgomery Bible School, Declaration of Incorporation.

On April 28, 1953, the institution, by amending its Declaration of Incorporation, changed its name to “Alabama Christian College” and broadened its sphere of operation to become a more general educational institution but still one with a decidedly religious character. Its Declaration of Incorporation was amended, in pertinent part, as follows:

a. ***

⁷ See the copy of the first page of the Board’s “Prospective Board Member Form” at item 3, attached hereto as Exhibit C.

“The object and purpose of said corporation is to maintain an educational institution where each student is taught the Bible daily in conjunction with his study of the academic arts and sciences and the vocations. The said corporation shall keep a place or building or buildings where any and all work incident to the formal processes of learning and also social intercourse of faculty and students that are characteristic of an education institution shall be maintained. The said corporation shall not be conducted for pecuniary gain.”

Excerpted from Montgomery Bible School, Amended Declaration of Incorporation, April 28, 1953.

3. Faulkner satisfies the criteria of 34 C.F.R. § 106.12 (c)(4)

34 C.F.R. § 106.12 (c)(4) provides as follows:

“That the educational institution has a doctrinal statement or a statement of religious practices, along with a statement that members of the institution community must engage in the religious practices of, or espouse a personal belief in, the religion, its practices, or the doctrinal statement or statement of religious practices.”

Faulkner’s Standards of Conduct and its “Here We Stand” document as discussed earlier (see part I, C 1 of this memo) satisfy the requirements of this subsection of the applicable regulation in terms of stating a doctrinal statement or a statement of religious practices or beliefs with which it expects compliance from members of the institution community.

Faulkner’s Student Handbook includes this summary declaration regarding the centrality and importance of the religious mission of the University.

“At the end of the day, though, Faulkner is a religious institution with a religious mission and we respectfully but adamantly maintain our right to be who we are. Faulkner reserves the right to deny admission to, revoke the admission of or dismiss any who, in our sole discretion, acts (or advocates acting) in a manner that is contrary or detrimental to our religious purposes or whose conduct hinders or reflects adversely on our religious mission.”

Faulkner University Student Handbook 2022-2023, p. 72.

4. Faulkner satisfies the criteria of 34 C.F.R. § 106.12 (c)(5)

34 C.F.R. § 106.12 (c)(5) provides as follows:

“That the educational institution has a published institutional mission that is approved by the governing body of an educational institution and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.”

Faulkner has satisfied this requirement because it has an institutional mission statement that is approved by its Board of Trustees and which “includes, refers to or is predicated upon religious tenets, beliefs or teachings.” This mission statement appears in numerous campus publications, not the least of which are the Undergraduate Catalog, the Graduate Catalog and the Student Handbook. That mission statement is as follows:

“The mission of Faulkner University is to glorify God through education of the whole person, emphasizing integrity of character in a Christian caring environment where every individual matters every day.”

Dr. Michael Williams, the immediate past President of Faulkner, elaborated on the meaning of the mission statement and wrote:

“Faulkner University is a distinctively Christian university whose mission is to educate the whole person, including the mind, heart and soul. We are proud of our academic accomplishments, but our reason for being as a university goes much deeper. Our Christ-centered focus informs everything we do, as does our emphasis on instilling intellect, character and service in our students. We seek to assist and encourage students in their spiritual growth — and to equip them to live successfully as Christian men and women in today’s global community.”

5. Faulkner satisfies the criteria of 34 C.F.R. § 106.12 (c)(6)

34 C.F.R. § 106.12 (c)(6) provides that an educational institution can establish that it is controlled by a religious organization if it submits “other evidence sufficient to establish that an educational institution is controlled by a religious organization, pursuant to 20 U.S.C. 1681 (a) (3).”

This is essentially a catch-all provision that allows an educational institution to establish that it is controlled by a religious organization by submitting “other evidence” than what is specified in the earlier provisions of the regulation. The cumulative information submitted by Faulkner in items 1-4 of

Section I C is sufficient to establish that Faulkner is undoubtedly controlled by a religious organization even if there is a slight variance between what Faulkner submitted and the express wording of 34 C.F.R. §106.12 (c) (2), (3), (4) and/or (5).

For example, 34 C.F.R. § 106.12 (c) (3) contains a statement that “the educational institution must receive a significant amount of financial support from the controlling religious organization.” Just because Faulkner (as an educational institution) might not receive a significant amount of its financial support from its Board of Trustees (controlling religious organization) does not affect whether the Board is considered to be a religious organization and does not alter the fact that Faulkner is controlled by its Board of Trustees. The role of the University’s Board is not to underwrite the expenditures of the University; that criteria is irrelevant to the issue of whether Faulkner’s Board is a religious organization and whether it controls Faulkner.

- II. As an educational institution controlled by a religious organization, Faulkner has certain religious tenets concerning homosexuality, sexual orientation, same-sex marriage, gender identity, transgenderism and gender fluidity.⁸

The University accepts the Bible as the inspired and inerrant Word of God. The University accepts as true the Genesis account of the creation of the world and the creation of the first man and first woman. Based on the Biblical account of the creation of Adam and Eve, the University believes that God’s creation of Adam as a male/man and Eve as a female/woman is proof of God’s intentional design that that there are only two sexes and that God’s design is

⁸ Faulkner should not be understood as indicating hereby that its religious tenets concerning homosexuality, sexual orientation, same-sex marriage, gender identity, transgenderism and gender fluidity are the only religious tenets it has that might or does conflict with Title IX and its regulations. This request for assurance should not be interpreted as Faulkner’s waiving its right to assert such other religious tenets in the future. These assertions are predicated on these statements made by the Department of Education on its website as of January 10, 2023 at <https://www2.ed.gov/about/offices/list/ocr/docs/t9-rel-exempt/index.html> :

“The regulation does not require that a recipient institution submit a written claim of exemption. Primarily, the written claim or “request” for exemption from an institution is a request for assurance from OCR of exemptions to certain sections of the regulation. Religious institutions that have neither sought nor received prior written assurance from OCR may still invoke their exemption after OCR receives a Title IX complaint. See [34 C.F.R. § 106.12\(b\)](#). For an earlier memo describing the same practice, see [AAS Smith Memo \(Oct. 1989\)](#).”

that a marriage can only be between a biological male and a biological female. The University believes the Bible teaches that same-sex sexual activity is unacceptable to God and is sinful. The University believes the following scriptural passages (among others) support its views: Genesis 1:26-28; Genesis 2:18-24; Leviticus 18:22; Leviticus 20:13; Mark 10:6-9; 1 Timothy 1:10; 1 Corinthians 6:9-10; Romans 1:24-32.

The University's Policy on Sexual Purity and Stewardship states as follows:

"In God's perfect design for human sexuality, He instituted marriage between one man and one woman as the only permissible means by which couples could fulfill one another sexually.⁹ Christians are cautioned to flee sexual immorality and thus to honor God with our bodies.¹⁰ As followers of Jesus Christ, we are committed to being good stewards of the gifts the Creator has provided, including this gift of our sexuality.

"We believe God's intention is that human beings live their lives (in terms of both sexual orientation and gender identity) in accordance with the male or female biological sex characteristics they possessed at birth. (Gen 1-2). We believe that sexual orientation and/or gender identity in contradiction to one's biological sex may sometimes be affected inexplicably through a complicated process involving the brain, genetics and relationships. We sadly acknowledge that "as a result of the Fall, complete physical and emotional wholeness for humanity will never fully occur on earth and that humans' experience of sex and gender (and many other things in our world) may not always be as the Creator originally designed".¹¹ We recognize that we all live in a fallen world of human brokenness, and that we cannot fully understand one's sexual desire toward a person of the same sex or one's desire to claim a gender identity that doesn't correspond with one's biological sex. Yet, not unlike other areas of brokenness, our experience of our sex and sexuality is not always that which God the Creator originally designed. While

⁹ "The man said, 'This is now bone of my bones and flesh of my flesh...For this reason a man will leave his father and his mother and be united to his wife, and they will become one flesh.'" Genesis 2:23-24 NIV; "Marriage should be honored by everyone. And every marriage should be kept pure between husband and wife. God will judge guilty those who commit sexual sins and adultery." Hebrews 13:4 ERV

¹⁰ 1 Corinthians 6:18-20 NIV

¹¹ The University borrowed this phrase from George Fox University's position statement at <https://www.georgefox.edu/transgender/index.html>.

we do affirm God's capacity to walk with us through our respective areas of brokenness or even heal our brokenness, we do not affirm the resolution of tension between one's biological sex and one's experience of gender by the adoption of a psychological preference of gender identity different from one's sex at birth. Further, we do not affirm attempts (social and/or physiological) to change one's given biological birth sex in favor of the identity of the opposite sex or of an intermediate or a fluid sexual identity."

Insofar as gender identity, transgenderism and gender fluidity is concerned, the University believes that the Bible teaches the following: there are only two sexes (male and female), that gender is static and not fluid; that one's gender is immutably the same as one's sex at birth and that it is sinful for a person to modify or attempt to modify his/her birth sex or to present himself/herself as having a sex or gender other than his or her original birth sex. (See Genesis 1:27 and Deuteronomy 22:5)

III. Faulkner hereby requests assurance from OCR of exemptions from the following sections of Title IX and its implementing regulations to the extent that they are inconsistent with Faulkner's religious tenets concerning homosexuality, sexual orientation, same-sex marriage, gender identity, transgenderism and gender fluidity, generally and as set forth more fully in item II above.

20 U.S.C. § 1681(a) states that "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...." On June 16, 2021, the U.S. Department of Education ("DOE") revised its statutory interpretative guidance to state that Title IX's prohibition against sex-based discrimination extends so far as to bar discrimination on the basis of sexual orientation and/or gender identity.¹² Faulkner seeks an assurance of exemption from 20 U.S.C. § 1681(a) and the interpretive guidance of June 16, 2021, to the extent that they prohibit discrimination on the basis of sexual orientation and/or gender identity and

¹² The Department of Education has begun the process of adopting new regulations for Title IX and one proposed regulation has explicitly included sexual orientation and gender identity as being included in Title IX's prohibition of discrimination based on sex. As of the writing of this letter, none of the proposed changes to the Title IX regulations have been adopted.

compliance therewith would conflict with Faulkner's religious tenets.

Faulkner also requests an assurance of exemption from the following regulations to the extent that they prohibit discrimination on the basis of sexual orientation and/or gender identity and compliance therewith would conflict with Faulkner's religious tenets.

- * 34 C.F.R. § 106.21 (governing admission);
- * 34 C.F.R. § 106.22 (governing preference in admission);
- * 34 C.F.R. § 106.23 (governing recruitment of students);
- * 34 C.F.R. § 106.31 (governing education programs or activities);
- * 34 C.F.R. § 106.32 (governing housing);
- * 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- * 34 C.F.R. § 106.34 (governing access to classes and schools);
- * 34 C.F.R. § 106.36 (governing counseling);
- * 34 C.F.R. § 106.37 (governing financial assistance);
- * 34 C.F.R. § 106.38 (governing employment assistance to students);
- * 34 C.F.R. § 106.39 (governing health insurance benefits and services);
- * 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- * 34 C.F.R. § 106.41 (governing athletics);
- * 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- * 34 C.F.R. §§ 106.51-106.61 (governing employment).

Faulkner University respectfully requests that the Department of Education acknowledge that Faulkner is an educational institution controlled by a religious organization and is therefore entitled to an exemption from the provisions and/or regulations of Title IX and its regulations which are contrary to its religious tenets.

Respectfully submitted,



D. Mitchell Henry, President
Faulkner University

Exhibits attached as noted

Office of the President



FAULKNER UNIVERSITY

STANDARDS OF CONDUCT

Section: **Employee Relations**
Policy Number: **350**
Revisions: **n/a**

Effective: **September 18, 2009**
Revised: **n/a**
Reviewed: **May 2017**

Scope: All Employees

Purpose: To set forth the expectations that the University has for the conduct of all employees both on and off campus.

GENERAL PROVISIONS

"The mission of Faulkner University is to glorify God through education of the whole person, emphasizing integrity of character in a caring Christian environment where every individual matters every day." Faulkner University is a Christian University with a Christian mission, and therefore has certain expectations of all of its employees (both faculty and staff) that apply to conduct both on and off campus. Faulkner staff and faculty serve as both ambassadors of the University to the external community and as role models for our students.

Faulkner University was founded by members of the church of Christ and since its founding has been affiliated with and supported by members and congregations of the churches of Christ. The University has certain commitments with regard to religious and moral issues. (See the attached copy of "Here We Stand," a document written in an effort to help communicate these commitments; it is intended to be illustrative but not exhaustive.) Consequently, Faulkner has certain expectations for its staff and faculty.

EXPECTATIONS FOR FACULTY AND STAFF

1. University employees are to live consistently with the moral principles espoused in the New Testament. Therefore, the following kinds of behavior are unacceptable for University employees:
 - sexual immorality (homosexual, heterosexual, pre-marital or extra-marital)
 - drunkenness
 - dishonesty
 - inappropriate language (profanity, swearing, cursing)
 - gambling
 - possessing/viewing pornography
 - spousal and/or child abuse
 - illegal drug possession and/or use
 - assault, battery, murder, robbery, theft and other such violations of criminal law
2. The consumption of alcohol is prohibited when interacting with university students, hosting or attending a university related event, or when traveling (alone or with a group) on University business. Serving or providing alcoholic beverages to University students is prohibited regardless of the age of the student.
3. The University recognizes that there are areas in which reasonable people may disagree as to the proper interpretation of scripture, however even in these areas, it expects its employees to honor the University's conduct standards when interacting with University students, hosting or attending a University-related event or when traveling (alone or with a group) on University business.

EXHIBIT A

4. Faulkner University exercises a religious preference in its hiring practices, seeking first to hire faithful members of the church of Christ whenever possible and when not possible, hiring faithful members of religious groups whose commitments and beliefs are largely in line with those of the University. Therefore:
 - University employees who were members of the church of Christ when hired are expected to remain faithful members of the church of Christ; this expectation includes exercising an active membership role in a local congregation of the churches of Christ.
 - University employees who were not members of the church of Christ when hired are expected to remain faithful members of a religious group whose religious beliefs and commitments are largely in line with those of the University; this expectation includes exercising an active membership role in a local congregation of such religious group.
5. University employees are expected to observe the highest standards of professionalism at all times. In order to maintain the required level of professionalism, employees should:
 - Comply with all policies and procedures of the University
 - Maintain satisfactory performance, work habits and overall attitude

Employees should refrain from:

- Falsification of records (to include applications, time sheets, personnel records and other university documents)
 - Unauthorized use of University material, time, equipment or property
 - Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned
 - Damaging or destroying University property through careless or willful acts
6. Additional standards of conduct not specifically addressed in this policy may be covered in other university policies. Some of these policies are Harassment; Absenteeism and Tardiness; Non-Fraternization; Dress and Personal Appearance; and Drug Free University. This is not an all inclusive list of policies dealing with conduct and therefore the University Policy Manual should be consulted for additional guidance.

BEHAVIOR THAT INDICATES AN EMPLOYEE HAS DISREGARDED THESE STANDARDS, EITHER ON CAMPUS OR OFF, WILL RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.

The listing of certain unacceptable behaviors in this policy is not intended to be comprehensive but is instead intended to put employees on notice of the University's expectations. Therefore, there may be conduct and behavior items that can be addressed with an employee in addition to the items particularly referenced in this policy.

Any disciplinary action will be taken at the discretion of the University and will depend on the facts of each case and the employment record of each person involved. A supervisor may refer to the Corrective Action policy for guidance, when dealing with infractions of employee behavior. For those employees who are considered to be "at will" under Alabama law, this policy does not alter the "employment at will" nature of the relationship between employees and the University. For those employees who are tenured or who are otherwise not considered to be "at will" employees, this policy sets forth grounds on which the employee can be disciplined or terminated "for cause."

¹The "Here We Stand" document follows on pages 3 and 4.



For God And For You

HERE WE STAND

FAULKNER'S STATEMENT OF CHRISTIAN PRINCIPLES AND CARE VALUES ARE AS FOLLOWS

No one has to be told that the world is changing rapidly. Institutions all over the world, medical, legal, and religious, are changing. Colleges and universities are changing. Local churches are changing, too.

Many changes are beneficial. Advances in medicine and health care, progress in communication technology, erection of useful new facilities are changes to be appreciated. As Christ's church evangelizes the world, grows in grace and knowledge of the Lord, loves its neighbors and bears its cross daily, methods, programs and some of the needs of those to be served may change.

Faulkner University is a Christian University. Being Christian, it is connected to things that cannot change. With the help of God and by the determination of its administration and faculty, the university will not change in its relation to these things.

God is the beginning and the end of all things. He is creator and sustainer of the universe. All that is was brought into being by the power of His word. He said, "Let there be," and there was. He changes not.

Faulkner University is committed to the centrality of Jesus and His cross. All of us have sinned. We are, therefore, powerless to save ourselves. God sent His Son Jesus into the world to taste of death for us all. Every sermon in Acts has Jesus Christ as its theme. Paul the apostle determined to know nothing but Jesus Christ and Him crucified. God forbid that Faulkner University should glory except in the cross of our Lord Jesus Christ.

We unabashedly affirm, as the Bible does, that no sinner can be saved except by the grace of God. God's grace is appropriated by faith in the atoning death of Christ. Those who believe the gospel and desire to be saved are baptized into the death of Christ and raised by the power of God to walk in newness of life. Jesus promised salvation to those who believe and are baptized, and Faulkner University is committed to the necessity of baptism for the washing away of sins. Scripture affirms it clearly and consistently, and so therefore do we.

Christ promised to build His church and did as He promised. The church cannot save; only Christ can save, but Christ saves the church. One who is redeemed by the blood of Jesus is added by the Lord to the church, is translated by God into the kingdom of Christ. This church, by definition, includes all the redeemed. Faulkner University is unwaveringly committed to the uniqueness and non-denominational nature of the Lord's church.

God has chosen to reveal Himself in Christ, His incarnate Word. Christ sent God's Holy Spirit to guide His apostles and others into all truth, and they in turn committed that revelation to writing in God-breathed Scripture. All we can know of what Jesus taught and did, as well as what His disciples taught and wrote in His name, is found in Scripture. Jesus quoted Scripture,

Exhibit B

citing what Scripture says as what God said. On His authority, the faculty and administration of Faulkner University, a Christian University, accept the Bible as the word of God. We hold it to be completely true as the word of One who cannot lie, and completely authoritative as the word of the One who made us, loves us and will one day judge us by that very word.

There are principles and imperatives that God has revealed through Scripture to direct the work and worship of the Church. These include:

Each congregation is autonomous, with no human governance outside itself. Leadership in each local church is by spiritually qualified men chosen by the congregation in accordance with biblical qualifications.

In corporate worship the church is to follow the instructions of the apostles. It must seek to please God and not itself. It should, therefore, be governed by what God has indicated he wants to receive from us rather than merely by what we might want to offer. In practice that means the congregation offers “the fruit of our lips,” or *a cappella* singing, not instrumental music. It also means participation in the Supper of the Lord each Lord’s day.

God has ordained male spiritual leadership for the church, including placing leadership roles in corporate worship in the hands of men. This does not imply that women are inferior to men. They are not. It does, however, accurately reflect the respective roles God has assigned to men and women.

The moral climate in the world today demands a firm commitment to biblical morality. Dishonesty, sexual intercourse outside of marriage whether heterosexual or homosexual, disregard for the value of human life whether in the womb or without, drunkenness “and such like” are declared by Scripture to be sin. We have neither the desire nor the right to say sin is not sin.

In addition, we also stand against unrighteous anger, racist attitudes and actions, an unforgiving bitter spirit, “and such like.” A divisive spirit, so eager to carry tales against brothers that it will not check out what has been heard before rushing to repeat it, and those who are so insistent on their own way that they cause havoc and heartbreak in the church rather than yield in their will or opinion must also be opposed.

To summarize, God is God, Jesus Christ is Savior and Lord, the Bible is God’s inerrant and authoritative revelation of Himself and His will, the church is God’s redeemed people seeking in all things to please Him. To this Faulkner University is wholeheartedly committed.

Here we stand.

PROSPECTIVE BOARD MEMBER FORM



Nomination Guidelines

1. To refer a potential trustee, please complete this form and **email it to the Trustee Committee Chair by clicking the SUBMIT button at the bottom of the form, or by saving the completed form and emailing it.**
2. Please consider the *Here We Stand* statement attached to the end of this form when nominating a candidate. Would that candidate be willing to sign the *Here We Stand* statement?
3. Please do not contact the candidate until approved by the Board of Trustees.
4. If you have any questions, please contact the Trusteeship Committee chair.

Your Information

Name	Date
Email	Phone

Nominee Information

Name	Spouse
Address	
Email	
LinkedIn	Phone
Church	
Children	

Business and Professional History

EXHIBIT C