June 22, 2016

The Honorable Mark Stone  
Judiciary Committee, Chair  
California State Assembly  
1020 N Street, Room 104  
Sacramento, CA 95814

Re: SB 1146 (Lara)  
Position: Oppose

Dear Mr. Stone:

We are representatives of faith-based institutions of higher education in California, and write to express our opposition to SB 1146, as the bill would severely limit our schools’ ability to faithfully live out their religious missions. SB 1146 amends the Equity in Higher Education Act (EHEA). The EHEA prohibits discrimination based on several categories, including gender, gender identity and expression, sexual orientation, and religion.

The EHEA also exempts schools controlled by a religious organization to the extent that they have conflicting religious tenets. We believe that the current exemption strikes the proper balance between nondiscrimination principles, the freedom of religious schools to form communities around shared beliefs and practices, and the freedom of religious students to participate in such communities. SB 1146, however, shrinks the religious exemption so that it largely excludes religious liberal arts colleges and universities and threatens their ability to participate in the Cal Grant Program.

As faith-based colleges and universities, our schools are committed to providing students with a diverse, respectful, safe, and challenging educational environment that enables them to discern and prepare for their vocations in life. To fulfill this mission, we seek to integrate faith into all of life, including intellectual life. Our theological convictions do not inhabit a separate space for religious instruction and formal worship, but inform the entire educational experience. SB 1146 unjustifiably interferes with and passes judgment on this approach by deeming our religious commitments less worthy of protection than those of seminaries and minister training programs.

We believe that all people are made in the image of God, and treat all applicants, students, and employees with dignity and respect, regardless of religion, sexual orientation, or experience with gender dysphoria. We do expect our students and staff to affirm and live by Christian teachings on human sexuality, as articulated in our policies, which are applicable to all institutional decisions, including housing, hiring, and admissions. We fully inform prospective and current students and employees of our beliefs and practices.

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1 See http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1146.
2 CAL. EDUC. CODE § 66270.
3 CAL. EDUC. CODE § 66271.
We oppose SB 1146 for two primary reasons. First, SB 1146 is unnecessary. Our colleges and universities do not treat LGBT people unjustly. In fact, the bill’s supporters have identified only two concrete instances in which they believe a faith-based school unjustly treated an LGBT individual. Neither instance bears up under scrutiny of the facts.

Moreover, the ability of religious communities to organize around shared religious commitments (both doctrinal and ethical) is not a problem to be solved, but a freedom that is constitutionally protected, contributes to genuine diversity, and reflects principled pluralism. Just as the government can have no interest in coercing monasteries to drop their religious membership criteria, or in forbidding Jewish temples from requiring their rabbis to be Jewish, the state has no interest in preventing religious schools from acting consistently with their religious tenets and mission.

Second, SB 1146 will unjustly punish Cal Grant recipients. Our institutions are subject to the EHEA because they participate in the Cal Grant Program, which provides state-funded grants to students for college. The majority of the students participating in the Cal Grant Program at our schools are from diverse backgrounds, including Latino, Black, American Indian/Native Alaskan, or Native Hawaiian/Pacific Islander. If SB 1146 excludes our schools from the EHEA religious exemption, our religious beliefs and practices could be considered discrimination based on sexual orientation or gender identity.

SB 1146 might therefore jeopardize our schools’ ability to sign the institutional participation agreement (IPA), which requires schools participating in the Cal Grant Program to verify that they do not discriminate based on the protected classes listed in the EHEA. Additionally, SB 1146 would expose our schools to litigation and liability under the EHEA, pressuring us to drop out of the Cal Grant Program. Thus, SB 1146 would effectively deprive low-income students of the education of their choice, specifically where that choice would reflect students’ own religious values.

We are committed to maintaining a safe and positive learning environment for all students, being accessible to low-income students, and remaining faithful to our Christian mission. Accordingly, we respectfully urge you to vote “no” on SB 1146.

Very truly yours,

Dr. Barry Corey
President
Biola University

Dr. John Derry
President
Hope International University

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Dr. Derry Connolly  
President  
John Paul the Great Catholic University

Dr. Paul Ague  
President  
San Diego Christian College

Dr. Robin Dummer  
President  
Simpson University

Dr. Michael F. McLean  
President  
Thomas Aquinas College

Dr. John Jackson  
President  
William Jessup University

cc: Judiciary Committee Members Mark Stone; Donald Wagner; Luis Alejo; Ed Chau; David Chiu; James Gallagher; Cristina Garcia; Chris Holden; Brian Maienschein; Philip Ting; Senator Ricardo Lara; Thomas Clark, Paul Dress, Cindy Morante; Alexandria Smith-Davis