



US SUPREME COURT DECISION DOES NOT PREVENT LA SIERRA UNIVERSITY EMPLOYEES' LAWSUIT

CONTACT: Jack Boren
McCuneWright, LLP
Phone: 909.557.1250

For Immediate Release

Redlands, CA-(January 11, 2012)

On January 11, 2012, the United States Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. _____ (2012), issued a unanimous opinion relating to whether a “called” teacher and minister at a religious school could bring an action for discrimination against her religious employer without violating the First Amendment of the U.S. Constitution, which guarantees the free exercise of religion. The teacher in *Hosanna-Tabor* was required to complete theological study to be termed a “called” teacher, was designated a commissioned minister, taught religious classes, took students to chapel, and led chapel service.

Prior to this decision, existing law recognized that when an employee was a minister, courts were prohibited from interfering with the religious institution’s decision to terminate that employee on the basis that such action would interfere with the free exercise of religion. This accepted rule of law became known as the “Ministerial Exception.” In this case, the “Ministerial Exception” was challenged by The Equal Employment Opportunity Commission (“EEOC”) and the employee who claimed that the “Ministerial Exception” should not protect the religious institution from an employee’s claim that the institution had engaged in discrimination.

Rejecting the employee’s challenge to existing law, and upholding the “Ministerial Exception,” the Court made clear that while it found the employee was a minister, whether a teacher at a religious institution is a minister is to be decided on a case by case basis. The decision operates to reject the position advocated by religious institutions, including the Seventh-day Adventist church that it is always a violation of the First Amendment for a court to interfere in the employment relations between a religious school employer and its teachers, administration, and staff employees.



This issue is currently the subject of a high profile case involving La Sierra University, an affiliate of the Seventh-day Adventist church, where three employees claim to have been wrongfully terminated as a result of information La Sierra University obtained from a secret recording of the employees that was made in one of their homes by a university board member. La Sierra University has challenged the right of the court under the First Amendment to determine whether the three employees – none of whom were ministers or religious professors – were wrongfully terminated. Riverside County Superior Court Judge Ronald Taylor rejected this argument, finding that the First Amendment only forbids such lawsuits when the employees fit under the “Ministerial Exception,” and that it was premature to make that determination.

Richard McCune of McCuneWright, LLP, the Redlands, California, attorney representing the three employees stated: “This decision brings certainty to the law and upholds the existing law. The Supreme Court clearly rejected La Sierra University’s position in this case, and the Seventh-day Adventist position before the U.S. Supreme Court, that would radically change the law so that an institution like La Sierra University would be able to deprive long-term, non-ministerial employees of employment rights and due process with impunity.”

###