

No. 21-20-56156

In the United States Court of Appeals for The Ninth Circuit

JOANNA MAXON, ET AL.,
Plaintiffs-Appellants,

v.

FULLER THEOLOGICAL SEMINARY, ET AL.,
Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Honorable Consuelo B. Marshall
(2:19-cv-09969-CBM-MRW)

SUPPLEMENTAL EXCERPTS OF RECORD VOLUME 1 OF 1

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¹ The version of this document included in Plaintiff's Excerpts of Record appears to be corrupted, and omits some letters and words. ER62-96. Defendants include the uncorrupted original filing here.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOANNA MAXON, AN INDIVIDUAL,
and NATHAN BRITTSAN, AN
INDIVIDUAL

Plaintiff,

vs.

FULLER THEOLOGICAL SEMINARY,
a California nonprofit corporation;
MARIANNE MEYE THOMPSON, an
individual; MARIL L. CLEMENTS, an
individual; NICOLE BOYMOOK, an
individual;

Defendants.

Case No. 2:19-cv-09969-CBM-MRW

**PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANTS'
MOTION TO STAY DISCOVERY
PENDING RESOLUTION OF
DEFENEDANTS' MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT
[DKT. 58]**

DEMAND FOR JURY TRIAL

(Declaration of Paul C. Southwick filed
concurrently)

Date: June 30, 2020
Time: 10:00 am
Dept.: Courtroom 8B
Judge: Hon. Consuelo B. Marshall

COME NOW, Plaintiffs Joanna Maxon and Nathan Brittsan submit the following Memorandum of Points and Authorities and Declaration of Paul C. Southwick (“Southwick Decl.”) filed concurrently herewith in Opposition to Defendants’ Motion to Stay Discovery Pending Resolution of Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint. [Dkt. 058]

A party seeking a stay of discovery carries a heavy burden. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975). The party must make a strong showing why discovery should be denied. *Id.* The Federal Rules do not provide for an automatic stay of discovery pending a dispositive motion. Moreover, because the routine issuance of a stay “would be ‘directly at odds with the need for expeditious resolution of litigation,’ courts generally disfavor them.” *Quezambra v. United Domestic Workers of Am. AFSCME Local 3390*, No. 8:19-cv-0092, 2019 WL 8108745 (C.D. Cal. Nov. 14, 2019) (internal citation omitted). Moreover, courts have recognized the “fact that a non-frivolous motion [to dismiss] is pending is simply not enough to warrant a blanket stay of all discovery.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. Dec. 13, 2011).

Plaintiffs are mindful, however, that courts are to consider proportionality under Fed. R. Civ. P. 26(b)(1) at all stages of the proceeding. Consequently, Plaintiffs currently seek limited discovery as described below.

I. ARGUMENT

Plaintiffs seek discovery relating to Fuller Theological Seminary’s (“Fuller”) First Amendment and statutory exemption defenses. To begin, such defenses are more properly the subject of a summary judgment motion than a motion to dismiss, particularly where, as here, there are numerous factual issues in dispute relating to those defenses. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 556 U.S. 171 (2012) (ministerial exception case decided on summary judgment motion, not motion to dismiss); *Biel v. St. James School*, 911 F.3d 603 (9th Cir.

2018) (ministerial exception decided on summary judgment); *Our Lady of Guadalupe School v. Morrissey-Berru*, 769 Fed.Appx. 460 (9th Cir. 2019) (same).

Additionally, “[a]s an affirmative defense, the ministerial exception can serve as the basis for dismissing a complaint at the pleadings stage under Rule 12(b)(6) only when the elements of the defense appear on the face of the complaint.” *See Jones v. Bock*, 549 U.S. 199, 215 (2007) (citing 5B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1357 (3d ed. 2004)); *Rivera v. Peri & Sons Farms, Inc.*, 735 F.3d 892, 902 (9th Cir. 2013). Here, as described more fully below and in Plaintiffs’ Opposition to Defendant’s Motion to Dismiss, the elements of Defendants’ ministerial exception defense do not appear on the face of the complaint.

Second, this case concerns a publicly funded academic institution and the question of whether the government is required to subsidize Fuller’s discrimination through financial assistance. Fuller argues that Plaintiffs’ claims, and even discovery relating to their claims, raises an excessive entanglement concern. However, neither the claims nor the discovery raise such a concern, as Fuller has willingly entangled itself in governmental regulation.¹ As a federally funded institution of higher education, and one accredited by secular accrediting bodies, Fuller must not only comply with the many rules and regulations under Title IX, but Fuller must also comply with the Family Educational Rights and Privacy Act (“FERPA”), the Violence Against Women Act, and the Clery Act, among other statutes and regulations. This is not a case where the plaintiff is trying to storm into a church and obtain the personnel files of the church’s ministers. This is a case where students, who obtained federal student loans to attend a secularly accredited

¹ Moreover, Fuller has agreed to provide, and has provided, initial disclosures. While Fuller’s current initial disclosures are deficient, *see* Southwick Decl., Ex. 2, Fuller has agreed to amend its initial disclosures.

1 academic institution, seek discovery to help them oppose the defendants'
2 affirmative defenses.

3 Relatedly, Defendants argue that Defendants' Motion to Dismiss, based
4 largely on First Amendment and statutory exemption defenses, is likely to succeed.
5 Dkt. 58-1, p. 5. Plaintiffs disagree and incorporate their arguments from their
6 Opposition to Defendants' Motion to Dismiss. Plaintiffs' claims fit comfortably
7 within a long line of Supreme Court precedent. This precedent has granted the
8 government broad latitude to regulate the conduct of private religious actors when
9 the regulation is tied to public funding. The First Amendment does not compel the
10 government to subsidize discriminatory practices. *See, e.g. Grove City College v.*
11 *Bell*, 465 U.S. 555 (1984) (Congress is free to attach non-discrimination conditions
12 to federal financial assistance); *Christian Legal Soc. Chapter of the University of*
13 *California v. Martinez*, 561 U.S. 661 (2010) ("our decisions have distinguished
14 between policies that require action and those that withhold benefits"); *Bob Jones*
15 *University v. United States*, 461 U.S. 574 (1983) (IRS permitted to deny tax-exempt
16 status to religious university with racially discriminatory policies).

17 Defendants also raise the specter of the two pending Supreme Court cases
18 referenced by Defendants. Dkt. 58-1, pp. 8-9. However, the resolution of those
19 cases will have little or no bearing on the First Amendment and statutory exemption
20 defenses they assert. To begin, *Our Lady of Guadalupe School v. Morrissey-Berru*,
21 No. 19-267 (U.S. filed Aug. 28, 2019), and its companion case *St. James School v.*
22 *Biel*, No. 19-348 (U.S. filed May 29, 2018), concern employment claims by
23 teachers at private K-8 schools owned by the Catholic Church. Moreover, neither
24 case (1) involves public funding, (2) addresses whether the government may attach
25 nondiscrimination requirements to public funding, or (3) involves a Title IX claim
26 by students. Consequently, *Morrissey-Berru* and *Biel* are likely to have minimal, if
27 any, effect on Defendants' defenses.
28

1 The other case Defendants reference that is currently before the Supreme
 2 Court, *Bostock v. Clayton County, Georgia*, No. 17-1618 (U.S. filed May 25, 2018),
 3 and its companion case *Altitude Express Inc. v. Zarda*, No. 17-1623 (U.S. filed May
 4 29, 2018), relate to the scope of protections available to plaintiffs asserting Title VII
 5 employment claims based on sex discrimination. The plaintiffs in those cases were
 6 not married to same-sex partners and did not experience an adverse employment
 7 action because of their same-sex marriages. Moreover, neither case involves a
 8 defendant religious organization or a Title IX claim by a student. Consequently,
 9 *Bostock* and *Altitude Express* will have no bearing on Defendants' First
 10 Amendment and religious exemption defenses and are only likely to have an
 11 indirect impact on the scope of protections available to plaintiffs under Title IX. In
 12 any event, a stay of discovery to wait for a ruling from the Supreme Court is
 13 unnecessary because Plaintiffs are not currently seeking discovery on issues that
 14 could be impacted by the Court's decision in those cases.

15 Defendants also argue that this case can be disposed of without discovery.
 16 Dkt. 58-1, pp. 2-4. Plaintiffs disagree. While the parties Joint Rule 26(f) Report and
 17 Discovery Plan recognized that the "core factual issues are not in dispute at this
 18 stage of the litigation," that recognition was explicitly limited by the language in the
 19 remainder of sentence, which states that the "parties agree that Fuller dismissed
 20 Plaintiffs because of their same-sex marriages." Dkt. 57, p. 2. The purpose of that
 21 statement from the Joint Rule 26(f) Report, was to inform the Court that this case is
 22 not about whether Fuller had a different, non-discriminatory reason for expelling
 23 Plaintiffs and that the Parties would not need to engage in substantial discovery
 24 about the who, what, where and why of Plaintiffs' expulsions. Rather, the factual
 25 disputes in this case principally relate to the facts surrounding Defendants' defenses
 26 based on the First Amendment and statutory exemptions.

27 Plaintiffs' First Set of Requests for Production of Documents seeks evidence
 28 to help resolve a number of factual issues relevant to analyzing Defendants' First

1 Amendment and statutory exemption defenses. *See* Southwick Decl., Ex. 1. **First**,
 2 while the parties agree that Fuller is a religious organization, and that it possess
 3 certain First Amendment rights, the parties have not agreed as to the type or nature
 4 of the religious organization. Is Fuller controlled by a church or religious
 5 denomination? If so, what is that church or denomination? Who does that church
 6 consider to be one of its ministers? What are the church's governing documents and
 7 what do they say about marriage and sexuality?

8 **Second**, if Fuller is not controlled by a church or religious denomination, but
 9 is nevertheless a religious nonprofit organization possessing First Amendment
 10 rights, will the U.S. Department of Education and the State of California's
 11 religiously neutral non-discrimination statutes substantially burden Fuller's
 12 religious or associational rights? If Fuller enrolls students who are atheists or from
 13 non-Christian traditions can Fuller still claim a substantial burden would be caused
 14 by admitting students who marry someone of the same sex?

15 **Third**, while the parties agree that Fuller receives financial assistance from
 16 the federal government, they disagree as to whether Fuller receives financial
 17 assistance from the State of California, whether through the Student Tuition
 18 Recovery Fund or otherwise.

19 **Fourth**, questions of fact remain as to whether Fuller has applied for or
 20 received a religious exemption from the requirements of Title IX or from the
 21 requirements of California's Equity in Higher Education Act.

22 Other question of fact remain, as reflected by the requests in Plaintiffs' First
 23 RFP. Consequently, a number of factual issues relating to Defendants' First
 24 Amendment and statutory exemption defenses are unresolved.

25 //

26 //

27 //

II. CONCLUSION

For the reasons set forth above, Plaintiffs Joanna Maxon and Nathan Brittsan respectfully request that Defendants' Motion to Stay Discovery Pending Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint be denied.

Respectfully submitted,

DATED June 9, 2020

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOANNA MAXON, AN INDIVIDUAL,
and NATHAN BRITTSAN, AN
INDIVIDUAL

Plaintiff,

vs.

FULLER THEOLOGICAL SEMINARY,
a California nonprofit corporation;
MARIANNE MEYE THOMPSON, an
individual; MARI L. CLEMENTS, an
individual; NICOLE BOYMOOK, an
individual;

Defendants.

Case No. 2:19-cv-09969-CBM-MRW

**JOINT RULE FRCP 26(f) REPORT
AND DISCOVERY PLAN**

Honorable Consuelo B. Marshall

Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 26-1, and the Honorable Consuelo B. Marshall's Standing Order (Dkt. 16), counsel participated in a Rule 26(f) conference on April 14, 2020 by telephone, as counsel for the parties were unable to meet in person due to the distance of the parties and to the current COVID-19 quarantine requirements. The parties submit the following report:

A. FACTUAL ISSUES IN DISPUTE

The core factual issues are not in dispute at this stage of the litigation: The parties agree that Fuller dismissed Plaintiffs because of their same-sex marriages. The parties mainly dispute the legal significance of the facts. The parties will further meet and confer to discuss the possibility of submitting stipulated facts.

B. BASIS FOR SUBJECT MATTER JURISDICTION

The parties agree that because one of Plaintiffs' causes of action arises under Title IX, Education Amendments of 1972, 20 U.S.C. § 1681 *et seq*, this Court has federal jurisdiction under 28 U.S.C. §§ 1331, 1367.

C. STATEMENTS OF DISPUTED POINTS OF LAW.

Plaintiffs' Statement:

The parties dispute the applicability of Title IX to Plaintiffs' claims against Fuller. Plaintiffs contend that Title IX prohibits Fuller from discriminating against them on the basis of their same-sex marriages as such discrimination constitutes discrimination based on sex and sexual orientation. Plaintiffs further argue that Fuller is subject to Title IX because: (1) Fuller receives federal funding from the U.S. Department of Education; (2) Fuller does not qualify for an exemption from Title IX as it is not an educational institution that is controlled by a religious organization; and (3) in any event, Fuller has not requested or been granted an exemption from Title IX. Plaintiffs argue that enforcing Title IX obligations as to Fuller does not violate Fuller's First Amendment rights or the Religious Freedom Restoration Act as Fuller has voluntarily agreed to participate in a federal funding program.

Plaintiffs also contend that Fuller failed to provide them with the disciplinary and reconciliation process they were entitled to under their contracts with Fuller. Plaintiffs further contend that Defendants' conduct, including Fuller's expulsion of Plaintiffs for their exercise of their constitutional right to marry the person they love, Fuller's misuse of confidential financial aid information and Fuller's denial of access to student records, constitutes intentional infliction of emotional distress. Plaintiffs also maintain that Fuller fraudulently induced them into enrolling at Fuller because of Fuller's false representations regarding non-discrimination, diversity and respect for students. Finally, Plaintiffs claim that Fuller violated California's Equity in Higher Education Act because Fuller discriminated against Plaintiffs on the basis of sex and sexual orientation and failed to comply with the statute's notice and transparency obligations.

Defendants' Statement:

Defendants' position regarding the disputed legal issues are stated in their Motion to Dismiss briefing, Dkts. 46 and 55. In summary, Fuller Theological Seminary is a religious organization that trains Christian men and women for Christian ministry. Fuller's students agree to continual adherence to the Fuller's religious community standards, including the religious standard that marriage is a union between one man and one woman. Fuller dismissed Plaintiffs because they entered same-sex marriages.

Plaintiffs' Title IX claims should be dismissed because (1) the claims do not apply to the individual defendants, Fuller is exempt under Title IX's religious exemption, and Title IX does not apply to discrimination based on sexual orientation; (2) the claims violate the First Amendment's Religion Clauses; (3) the claims violate the First Amendment's protections for expressive association; and (4) the claims violate the Religious Freedom Restoration Act. Similarly, Plaintiffs' state law claims should be dismissed because they violate the First Amendment's Religion Clauses and its protections for expressive association and the freedom of

1 speech. In addition, the Unruh Act does not apply to Fuller and does not apply to
2 Plaintiff Maxon's extraterritorial claims. Finally, Plaintiff Brittsan's claims are
3 time-barred; Plaintiffs' IIED, contract, and fraud claims are deficient on the face of
4 the complaint; their EHEA nondiscrimination claims fail for the same reasons as the
5 Title IX claims; and the EHEA notification claims fail because Fuller has complied
6 with all lawful notification requirements.

7 **D. STATEMENT OF PROBABLE DAMAGES.**

8 Plaintiffs have sought damages in the amount of \$1,000,000 each, and believe
9 that is a realistic estimate of probable damages. Defendants believe that Plaintiffs
10 are not entitled to any damages and are unlikely to recover any.

11 **E. PRIOR, PENDING, AND ANTICIPATED MOTIONS.**

12 On February 20, 2020, Defendants filed a Motion to Dismiss the First
13 Amended Complaint (FAC) pursuant to Federal Rule of Civil Procedure 12(b)(6).
14 [Dkt. 45.] Plaintiffs filed their Opposition to Defendants' Motion to Dismiss the
15 FAC on March 24, 2020. [Dkt. 53.] Defendants filed their Reply to Plaintiffs'
16 Opposition on March 31, 2020. [Dkt. 55.] The Motion to Dismiss is currently
17 scheduled to be heard on June 30, 2020. The parties anticipate filing Motions for
18 Summary Judgment.

19 **F. INITIAL DISCLOSURES**

20 The parties will comply with the initial disclosure requirements pursuant to
21 Rule 26(a). The parties propose an initial disclosure deadline of May 22, 2020.

22 **G. DISCOVERY AND DISPOSITIVE MOTION PLAN**

23 If discovery should proceed, the parties anticipate propounding written
24 discovery and taking depositions. The parties also anticipate issuing subpoenas.
25 Pursuant to Federal Rule of Civil Procedure 5(b)(2)(e), the parties agree to accept
26 service of all documents by email. The parties also anticipate entering into an
27 appropriate stipulated protective order, if necessary.
28

1 The parties do not request a change to the number of depositions or
2 interrogatories permitted by the rules. The parties agree to produce documents in
3 PDF file formats. If particular documents warrant a different format, the parties will
4 cooperate to arrange for the mutually acceptable production of such documents. The
5 parties agree not to degrade the searchability of the documents as part of the
6 document production process.

7 The parties disagree as to whether discovery should proceed while
8 Defendants' Motion to Dismiss is pending. Defendants asked Plaintiffs to agree to a
9 stay of discovery pending disposition of the motion to dismiss. Defendants' reasons
10 were that the purpose of a Rule 12(b)(6) motion is to allow defendants to challenge
11 the legal sufficiency of claims before undergoing discovery, and because discovery
12 here would cause unnecessary judicial entanglement in internal religious affairs.
13 Plaintiffs declined and desire to proceed with discovery. As a compromise,
14 Plaintiffs proposed allowing limited discovery to proceed pending the outcome of
15 the Court's ruling on the motion to dismiss. Plaintiffs have proposed that limited
16 discovery would relate to the Title IX religious exemption, First Amendment, and
17 Religious Freedom Restoration Act issues. Defendants object to Plaintiffs' proposal
18 on the basis that Defendants believe it is premature and broadly intrudes into areas
19 protected by the First Amendment. Defendants thus declined to agree to Plaintiffs'
20 proposed limited discovery and indicated that they would file a motion to stay all
21 discovery pending disposition of the motion to dismiss. Plaintiffs plan to oppose
22 Defendants' motion to stay.

23 Plaintiffs respectfully request that the Court adopt the following discovery
24 plan:

- 25 • Non-Expert Discovery Cut-Off: August 14, 2020
- 26 • Initial Expert Disclosures: September 14, 2020
- 27 • Expert Rebuttal Disclosure: September 28, 2020
- 28 • Expert Discovery Cut-Off: October 26, 2020

- Last day to file dispositive motions: November 24, 2020
- Mediation: January/February 2021
- Trial Date: March 2021

Defendants respectfully request that the Court adopt the following discovery plan, should final resolution of the motion to dismiss, including any related appeals, required proceeding to discovery.

- Initial Expert Disclosures: 150 days after resolution of the motion to dismiss.
- Expert Rebuttal Disclosure: 170 days after resolution of the motion to dismiss.
- Expert Discovery Deadline: 190 days after resolution of the motion to dismiss.
- Deadline for completion of discovery: 220 days after resolution of the motion to dismiss.
- Deadline to file dispositive motions: 250 days after resolution of the motion to dismiss.
- Mediation: 30 days after resolution of dispositive motions
- Trial Date: 90 days after mediation

H. RELATED CASES

The parties are not aware of any related cases or proceedings in this Court.

I. TRIAL:

Plaintiffs request a jury trial. Plaintiffs estimate that the trial will take 5 court days.

J. SETTLEMENT DISCUSSIONS AND ADR

The parties engaged in several months of pre-filing settlement discussions. At this stage of the litigation, the parties are unlikely to reach a settlement. The parties request that the Court defer the joint ADR report deadline to a time after resolution of all dispositive motions.

K. COMPLEX CASE.

The parties do not view this case as needing complex case designation or use of the procedures from the Manual for Complex Litigation.

L. CONSENT TO DESIGNATION OF A MAGISTRATE JUDGE.

At this time, the parties do not consent to the designation of a Magistrate Judge to conduct all proceedings (including trial) and final disposition.

M. OTHER ITEMS

Paul Southwick will appear as trial counsel for Plaintiffs.

Kevin Wattles, Daniel Blomberg, Eric Baxter, and Diana Verm plan to appear as trial counsel for Defendants.

The Court has not scheduled a Rule 16 Conference.

DATED: April 22, 2020

DAVIS WRIGHT TREMAINE LLP

By: /s/ Paul Southwick

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Attorneys for Plaintiffs
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DATED: April 22, 2020

THE BECKET FUND FOR RELIGIOUS LIBERTY

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FILER'S ATTESTATION

Pursuant to Central District of California Local Rule 5-4.3.4(a)(2)(i), I hereby certify that all listed signatories on whose behalf this filing is submitted concur in the content of this document and have authorized this filing.

DATED: April 22, 2020

DAVIS WRIGHT TREMAINE LLP

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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 JOANNA MAXON, AN INDIVIDUAL,
and NATHAN BRITTSAN, AN
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14 Plaintiff,

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16 FULLER THEOLOGICAL SEMINARY,
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18 individual; NICOLE BOYMOOK, an
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19 Defendants.
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Case No. 2:19-cv-09969-CBM-MRW

**PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS FIRST
AMENDED COMPLAINT [DKT 45]**

Date: April 14, 2020
Time: 10:00 am
Dept.: Courtroom 8B
Judge: Hon. Consuelo B. Marshall

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19	<i>Schwenk v. Hartford,</i>	
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V

PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT

4811-3939-8582v.7 0201543-000001

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SER022

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I. INTRODUCTION

This case is about whether the government may attach non-discrimination requirements to federal laws that provide funding to private, religious organizations. Our society has long recognized that we must protect religious organizations from majoritarian views that would burden their deeply held religious beliefs. The freedoms of religion, speech and association are fundamental and sacrosanct. We have also come to a place where we recognize that gay people, like racial, gender and other minorities, can no longer be treated as social outcasts. Equality, dignity and civility are revered and celebrated social and constitutional values as well.

A challenge for our constitutional democracy is how to maintain our commitment to religious liberty while preserving civil rights. This challenge is often presented as a battle between religion and gay rights. However, this perception oversimplifies the reality. The reality is that most gay people are religious, with an abundant diversity of religious practice and belief. Indeed, every religion has gay people within its midst, as sexuality does not discriminate among religions. And many religions affirm the rights of gay people.

But what does the law require when there is an apparent clash between values, institutions and people? If Joanna and Nathan had been expelled from their churches because of their same-sex marriages, the values of equality and dignity would give way to the values of religious and associational freedom. The law recognizes that at a church must be free to select its ministers and to select, and expel, its members. On the other hand, if Joanna and Nathan had been denied marriage licenses by a county clerk who objected on religious grounds, the value of religious freedom would give way to the values of equality and dignity. The law recognizes that a government actor may not deny a gay person the right to marry the person they love.

Here, however, the Court is not presented with the situation of a purely private actor, like a church, or a purely public actor, like a county clerk's office, as Fuller is an educational institution that is subsidized by the federal government. Consequently,

we are in the realm of the rules that apply when the government places restrictions on benefits that it makes available to private actors, like Fuller, who carry out public purposes, like education. The law instructs us that government may not deny a generally available benefit to a religious organization merely because it is religious. However, the law also recognizes that the government may impose a non-discrimination requirement on organizations, including religious organizations like Fuller, that choose to receive government funding, like the federal funding made contingent on compliance with 20 U.S.C. § 1681 (“Title IX”), because the government “is dangling the carrot of subsidy, not wielding the stick of prohibition.”

II. FACTUAL BACKGROUND

A. The Plaintiffs’ First Amended Complaint¹

1. Joanna and Nathan

Joanna is a wife and mother who financed her education through federal funding from the U.S. Department of Education. FAC ¶ 2. Joanna’s peers and professors respected her as a Christian woman who was married to another woman. FAC ¶¶ 6, 28. She studied at Fuller for three years and was expelled for her same-sex marriage shortly before completing her degree. FAC ¶¶ 29, 175.

Nathan is a husband and minister licensed by his denomination who financed his education through federal funding from the U.S. Department of Education. FAC ¶¶ 3, 8. Faculty and others within the Fuller community affirmed him as a Christian man who was married to another man. FAC ¶ 8. Nathan enrolled at Fuller and attended some classes but was expelled by Fuller just as he was beginning his studies. FAC ¶¶ 93, 100, 110.

2. Fuller Theological Seminary

Fuller is a religious educational institution. FAC ¶ 4. Fuller also sets

¹ Plaintiffs reject Fuller’s reliance on Exhs. 2-10 in support of its Motion. Fuller’s Motion relies heavily on evidence and facts outside the Complaint. Such reliance is inappropriate on a Motion to Dismiss because the Court and parties are limited to analyzing the allegations contained in the pleadings.

1 community standards for its students and prohibits “homosexual forms of explicit
2 sexual conduct.” FAC ¶ 191.

3 Fuller admits students from a variety of faith traditions. FAC ¶ 46. Students
4 attending Fuller come from more than one hundred denominations. FAC ¶ 47. Fuller
5 admits students from faith traditions and churches that affirm same-sex marriages.
6 FAC ¶ 48. Fuller hires faculty and administrators from faith traditions and churches
7 that affirm same-sex marriages. FAC ¶ 49. Fuller admits students from faith
8 traditions that ordain lesbian, gay and bisexual ministers who are in same-sex
9 marriages. FAC ¶ 50. Fuller hires faculty and administrators from faith traditions
10 that ordain lesbian, gay and bisexual ministers who are in same-sex marriages. FAC
11 ¶ 51. Fuller does not prohibit students or faculty from attending or officiating same-
12 sex weddings. FAC ¶¶ 52, 53.

13 Fuller admits students who, like Joanna and Nathan, are sexual or gender
14 minorities. FAC ¶ 57. Fuller does not prohibit same-sex dating relationships among
15 its students. FAC ¶ 58. Fuller’s written policies do not prohibit its students from
16 entering into same-sex marriages. FAC ¶ 59.

17 Fuller is an independent institution. FAC ¶ 60. Fuller is not affiliated with a
18 denomination or church. FAC ¶ 61. Fuller’s board of trustees is not appointed by a
19 denomination, church or external organization. FAC ¶ 63. The members of Fuller’s
20 board of trustees are not required to belong to a particular denomination or church.
21 Students are not required to adhere to a statement of faith. FAC ¶ 64. While Fuller is
22 a religious educational institution, it is not a church. FAC ¶ 65. As an accredited and
23 federally-funded educational institution, Fuller’s primary purpose is to provide
24 educational courses and to grant certificates, diplomas and degrees in recognition of
25 student completion of graduation requirements. *Id.* Fuller is the largest recipient of
26 federal funding of any seminary in the United States, having received more than
27 \$77,000,000 in federal funding between fiscal years 2015-2018. FAC ¶ 69.

28 //

3. Fuller's non-discrimination policies

Fuller's Non-Discrimination Policy states that it "is committed to providing and modeling a learning...environment that is free of unlawful discrimination in all of its policies, practices, procedures, and programs....[and that] the seminary does not discriminate on the basis of race, color, national origin, ancestry, sex, sexual orientation, marital status, military and veteran status, medical condition, physical disability, mental disability, genetic characteristics, citizenship, gender, gender identity, gender expression, pregnancy, or age." FAC ¶ 190.

Fuller's Policy Against Unlawful Discrimination states that it "does not discriminate on the basis of sexual orientation" but that it "does lawfully discriminate on the basis of sexual conduct," as it "believes that sexual union must be reserved for marriage, which is the covenant union between one man and one woman." FAC ¶ 191. Fuller also maintains a Title IX Policy that incorporates the standards of Title IX. FAC ¶ 192.

III. LEGAL ARGUMENT

A. Standard for Motion to Dismiss

When deciding a motion to dismiss, a court must accept "all factual allegations in the complaint as true and constru[e] them in the light most favorable to the Plaintiff." *Skilstaf, Inc. v. CVS Caremark Corp.*, 669 F.3d 1005, 1014 (9th Cir. 2012); *OSU Student Alliance v. Ray*, 699 F.3d 1053, 1058 (9th Cir. 2012). Moreover, a court must "draw all reasonable inferences in favor of the nonmoving party." *Usher v. City of Los Angeles*, 828 F.2d 556, 561 (9th Cir. 1987). Fed. R. Civ. P. 12(b)(6) motions are "viewed with disfavor" and "rarely granted." *Hall v. Santa Barbara*, 833 F.2d 1270, 1274 (9th Cir. 1986). Here, numerous fact issues remain to be resolved through discovery and the reasonable inferences that must be drawn in Plaintiffs' favor militate against granting Fuller's Motion.

B. Plaintiffs State a Title IX Claim

1. Title IX Prohibits Sex Discrimination Based on Sex Stereotypes and Sexual Orientation

Title IX’s prohibition of discrimination based on sex encompasses both sex (in the biological sense) and gender (in the social roles and constructs senses). *Price Waterhouse v. Hopkins*, 490 U.S. 228, 250–51 (1989) (discrimination based on sex stereotyping is sex discrimination); *Schwenk v. Hartford*, 204 F.3d 1187, 1202 (9th Cir. 2000) (Thus, under *Price Waterhouse*, “sex” under Title VII encompasses both sex—that is, the biological differences between men and women—and gender.”).

The Supreme Court has also recognized that same-sex sexual harassment is actionable as sex discrimination. *Oncale v. Sundowner Offshore Servs.*, 523 U.S. 75, 82 (1998) (male being harassed physically and verbally by other males with derogatory language that was homosexual in nature); *see also Nichols v. Azteca Rest. Enters., Inc.*, 256 F.3d 864, 874–75 (9th Cir. 2001) (male employee discriminated against for walking “like a woman” and not having sexual intercourse with female waitress stated sexual harassment).

Moreover, this district court has recognized that, under Title IX, discrimination based on sex includes sexual orientation discrimination. *Videckis v. Pepperdine Univ.*, 150 F. Supp. 3d 1151 (C.D. Cal. 2015) (claims of sexual orientation discrimination are gender stereotype or sex discrimination claims covered by Title IX). This court reasoned that “It is impossible to categorically separate ‘sexual orientation discrimination’ from discrimination on the basis of sex or from gender stereotypes; to do so would result in a false choice. Simply put, to allege discrimination on the basis of sexuality is to state a Title IX claim on the basis of sex or gender.” *Id.* at 1160. *See also Harrington by Harrington v. City of Attleboro*, No. 15-cv-12769-DJC, 2018 WL 475000 (D. Mass. Jan 17, 2018) (“[t]he gender stereotype at work here is that ‘real’ men should date women, and not other men”) (citing *Centola v. Potter*, 183 F. Supp. 2d 403, 410 (D. Mass. 2002)); *Riccio v. New*

1 *Haven Bd. Of Educ.*, 467 F. Supp. 2d 219, 226 (D. Conn. 2006) (same-sex sexual
 2 harassment actionable under Title IX); *Pratt v. Indian River Cent. Sch. Dist.*, 803 F.
 3 Supp. 2d 135, 151 (N.D.N.Y. 2011) (anti-gay harassment actionable under Title IX);
 4 *Whitaker v. Kenosha Unified School Dist.*, 858 F.3d 1034 (7th Cir. 2017) (Title IX
 5 prohibits gender identity discrimination), *cert. denied*, 138 S. Ct. 1260 (2018); *Zarda*
 6 *v. Altitude Express, Inc.*, 883 F.3d 100 (2nd Cir. 2018) (Title VII prohibits sexual
 7 orientation discrimination); *Hively v. Ivy Tech Community College of Indiana*, 853
 8 F.3d 339 (7th Cir. 2017) (en banc) (same).

9 Consequently, Joanna and Nathan have stated claims for sex discrimination
 10 under Title IX due to Fuller's discrimination against them on the basis of sex
 11 stereotyping (*i.e.* real women only marry men) and sexual orientation (*i.e.* lesbians
 12 should not be allowed to marry women). FAC ¶¶ 201-216.

13 **2. Title IX applies to independent, religious institutions like Fuller**

14 Fuller does not qualify for a religious exemption to Title IX because Fuller, as
 15 an independent, non-denominational institution, is not controlled by a religious
 16 organization. FAC ¶¶ 60-64. Moreover, even if it were, Fuller has not requested or
 17 been granted a religious exemption pursuant to Title IX's implementing regulations.
 18 FAC ¶ 5.

19 **a. Fuller is not controlled by a religious organization**

20 Title IX regulates all educational institutions that receive federal funding.
 21 According to Title IX, "No person in the United States shall, on the basis of sex, be
 22 excluded from participation in, be denied the benefits of, or be subjected to
 23 discrimination under any education program or activity receiving Federal financial
 24 assistance[.]" 20 U.S.C. § 1681(a).

25 Title IX's coverage is broad and its exemptions are narrow. *Jackson v.*
 26 *Birmingham Bd. Of Educ.*, 544 U.S. 167, 173-75 (2005) ("Title IX is a broadly written
 27 general prohibition on discrimination, followed by specific, narrow exceptions to that
 28 broad prohibition."); *Goodman v. Archbishop Curley High School, Inc.*, 149 F. Supp.

1 3d 577, 583-86 (D. Maryland 2016) (finding that Title IX’s religious organizations
 2 exemption must be viewed narrowly and did not bar plaintiff’s Title IX claim against
 3 religious school).

4 Pursuant to 20 U.S.C. § 1681(a)(3), a limited exception applies to “an
 5 educational institution which is controlled by a religious organization if the
 6 application of this subsection would not be consistent with the religious tenets of such
 7 organization.” Here, Fuller fails to qualify for the exemption because it cannot satisfy
 8 the “controlled by” test. Fuller is not owned by a church, denomination or other
 9 religious organization. Fuller’s board is not selected by a church, denomination or
 10 other religious organization. Rather, Fuller is an independent institution. Fuller is
 11 controlled by its own self-perpetuating board. Fuller’s control structure differs from
 12 many seminaries and other religious educational institutions that are controlled by
 13 religious organizations through direct ownership, financial control or the right to
 14 appoint board members. For example, numerous Catholic seminaries are owned by
 15 the Catholic Church and run by various dioceses. Such institutions would satisfy the
 16 control test of Title IX as the seminaries (the educational institutions) are controlled
 17 by a religious organization (the Catholic Church).

18 Nonetheless, Fuller argues that “[b]ecause the Seminary is itself both an
 19 educational institution and a religious organization and is controlled by its religious
 20 board of trustees, the requirement of religious control is met.” Motion, pp. 6-7.
 21 However, Fuller attempts to avoid the requirements of the statute by conflating
 22 Fuller’s religious identity, which it has, with Fuller’s control by a religious
 23 organization, which it lacks.

24 Fuller argues that the Department of Education “has for decades confirmed that
 25 an educational institution that is ‘a school or department of divinity’....or that
 26 requires its faculty or employees to ‘espouse a personal belief in’ the religion ‘by
 27 which it claims to be controlled,’ meets the standard” for the control test. Motion,
 28 p. 7. Fuller exclusively relies on an administrative memorandum written during the

1 Reagan administration, and its incorporated administrative instructions on how to fill
 2 out a form, for this proposition. *See* Memorandum of Harry M. Singleton, Assistant
 3 Secretary for Civil Rights, to Regional Civil Rights Directors, Feb. 19, 1985
 4 (“Singleton Memo”). The control test as described in the Singleton Memo has never
 5 been formalized as a regulation and has only publicly appeared in a government
 6 publication twice over the past thirty years. *Religious Exemptions to Title IX*, Charles
 7 E. Jones, 65 U. KAN. L. REV. 327 (2016). Indeed, the control test as described by
 8 Fuller “began as and has remained an internal administrative agency policy and
 9 practice rather than a formalized statement of law or regulation.” *Id.* at 350.

10 Moreover, the Singleton Memo merely states that “[A]n applicant or recipient
 11 will *normally* be considered to be controlled by a religious organization if one or
 12 more of the following conditions prevail:

- 13 (1) It is a school or department of divinity; or
- 14 (2) It requires its faculty, students or employees to be
 15 members of, or otherwise espouse a personal belief in,
 16 the *religion of the organization by which it claims to be*
 17 *controlled*;
- 18 (3) Its charter and catalog, or other official publication,
 19 contains explicit statement that it is *controlled by a*
 20 *religious organization* or an organ thereof or is
 21 committed to the doctrines of a particular religion, and
 22 the members of its governing body are appointed *by the*
 23 *controlling religious organization or an organ thereof*,
 24 and it receives significant amount of financial support
 25 from the *controlling religious organization or an organ*
 26 *thereof*. (emphasis added)

20 Consequently, even the Singleton Memo recognizes that there must be an
 21 external religious organization that controls the educational institution. While Fuller
 22 might normally be considered a “school or department of divinity” in the common
 23 sense of those terms, to conform to the text of the statutory exemption, the school or
 24 department of divinity must be one that is controlled by a religious organization.

25 In any event, to the extent that the Singleton memo contradicts the express
 26 terms of the statute, courts must reject its interpretation. Under principles of
 27 administrative deference, courts defer to agency interpretations of statutes, as well as
 28 their own regulations, but only if the regulations or statutes are ambiguous. *Kisor v.*

1 *Wilkie*, 139 S. Ct. 2400, 2415 (2019) (as to ambiguous agency regulations); *Chevron*
 2 *U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984) (as to
 3 ambiguous statutes). Moreover, before concluding that a regulation or statute is truly
 4 ambiguous, “a court must exhaust all the ‘traditional tools’ of construction.” *Kisor*,
 5 139 S. Ct. at 2415; *Chevron*, 467 U.S. at 843, n. 9. Here, the text of the statute is
 6 unambiguous. The statute calls out two separate entities: the educational institution
 7 and the controlling religious organization

8 As is the case with any statute, courts begin with the statutory text and interpret
 9 “statutory terms in accordance with their ordinary meaning, unless the statute clearly
 10 expresses an intention to the contrary.” *I.R. ex rel. E.N. v. L.A. Unified Sch. Dist.*, 805
 11 F.3d 1164, 1167 (9th Cir. 2015) (citation omitted). Courts will generally give a statute
 12 “its most natural grammatical meaning....” *United States v. Price*, 921 F.3d 777 (9th
 13 Cir. 2019). The most natural grammatical meaning for Title IX’s religious exemption
 14 is to recognize that two distinct entities must be involved, an educational institution
 15 and a controlling religious organization. 20 U.S.C. § 1681(a)(3) (exempting “an
 16 educational institution which is controlled by a religious organization”). Indeed,
 17 “[t]he language of the statute, regulations, and control test all suggest by their
 18 grammatical structure that two different entities must be involved to manifest the
 19 required control for religious exemption to Title IX: a religious organization that
 20 exerts control and an educational institution that receives it.” 65. U. Kan. L. Rev. 327,
 21 367.

22 This interpretation of the control test for the Title IX exemption is further
 23 supported by a comparison to the religious exemption from Title VII, which exempts
 24 an educational institution that is “in whole or substantial part, owned, supported,
 25 controlled, or managed by a particular religion or religious corporation, association,
 26 or society[.]” 42 U.S.C. § 2000e–2(e). This exemption is much broader than the
 27 exemption in Title IX. Of note, the religious exemption in Title VII provides that
 28 control by a *religion* or a religious organization satisfies the statute, while the

1 religious exemption in Title IX provides that only control by a religious organization,
 2 not by a religion, satisfies the statute. Congress knew how to craft a boarder religious
 3 exemption when it enacted Title VII in 1964 but it chose to craft a narrower religious
 4 exemption when it enacted Title IX in 1973.

5 Moreover, the legislative history of Title IX supports a narrow reading of the
 6 control test for the religious exemption. *See* S. Rep. 100-64 (1987), 1987 WL 61447,
 7 S. Rep. No. 64, 100th Cong., 1st Sess. 1987 (rejecting amendment “to loosen the
 8 standard for the religious exemption in Title IX from ‘controlled by a religious
 9 organization’ to ‘closely identified with the tenets of a religious organization.’”),
 10 (“The committee is concerned that any loosening of the standard for application of
 11 the religious exemption could open a giant loophole and lead to widespread sex
 12 discrimination in education.”); 134 Cong. Rec. H565-02 (1988), 1988 WL 1083034
 13 (“It is critical that the control test remain in effect, and enforced severely for that
 14 aspect of the test is the linchpin for assuring that only a limited number of institutions
 15 may discriminate with Federal funds.”).

16 Consequently, merely being a religious educational institution, or one aligned
 17 with certain aspects of the Christian religion, does not qualify Fuller for the religious
 18 exemption to Title IX. This Court should decline Fuller’s invitation to dramatically
 19 expand the scope of the narrow religious exemption.

20 **b. Fuller has not requested or received a religions exemption**

21 The regulation requires that “[a]n educational institution which wishes to claim
 22 the exemption set forth in paragraph (a) of this section, shall do so by submitting in
 23 writing to the Assistant Secretary a statement by the highest ranking official of the
 24 institution, identifying the provisions of this part which conflict with a specific tenet
 25 of the religious organization.” 34 C.F.R. § 106.12(b). Fuller has not gone through this
 26 process. However, in its defense, Fuller points to the Department of Education’s
 27 website, which currently states that “An institution’s exempt status is not dependent
 28 upon its submission of a written statement to OCR.” Motion, p. 8. Despite the

Department's current policy, the exemption request procedure is not optional, as evidenced by the use of "**shall** do so" in the text of the regulation. Moreover, the procedural process of requesting an exemption provides some notice and transparency to the Department of Education, and to consumers like Nathan and Joanna, concerning an institution's intention to comply with Title IX. Consequently, this Court should enforce the unambiguous requirements of the regulation, rather than the current statement on the Department's website.

3. Determining the consistency between Fuller's religious tenets and application of Title IX requires a factual analysis

Fuller relies on inferences in its favor and documents outside the complaint to argue that its religious tenets are inconsistent with application of Title IX. Motion, pp. 8-9. Such an analysis is inappropriate on a motion to dismiss, where all inferences must be drawn in favor of Plaintiffs. *Usher*, 828 F.2d at 561. While a court should not second-guess the sincerity of Fuller's religious beliefs, discovery may show that Title IX's prohibition on expelling Joanna and Nathan because of their civil same-sex marriages would not violate Fuller's religious beliefs. Indeed, in light of Fuller's seemingly contradictory policies and practices on non-discrimination, Title IX, the admission of LGBTQ students and sexual conduct, discovery may demonstrate that Joanna and Nathan's expulsions were based on the personal animus of a couple of administrators, rather than on Fuller's religious beliefs.²

C. Plaintiffs' Title IX claims do not violate the Religion Clauses

In *Masterpiece Cakeshop v. Colorado Civil Rights Com'n*, Justice Kennedy, writing the majority opinion in which Justices Roberts, Alito and Gorsuch joined, reasoned that:

Our society has come to the recognition that gay persons and gay couples cannot be treated as social outcasts or as

² Fuller failed to confer with Plaintiffs regarding their motion to dismiss the individuals from the Title IX claims. Plaintiffs agree to withdraw those claims as to the individual defendants.

inferior in dignity and worth. For that reason the laws and the Constitution can, and in some instances must, protect them in the exercise of their civil rights. The exercise of their freedom on terms equal to others must be given great weight and respect by the courts. At the same time, the religious and philosophical objections to gay marriage are protected views and in some instances protected forms of expression...Nevertheless, while those religious and philosophical objections are protected, it is a general rule that such objections do not allow business owners and other actors in the economy and in society to deny protected persons equal access to goods and services under a neutral and generally applicable public accommodations law.

138 S.Ct. 1719, 1727 (2018). As demonstrated below, the Religion Clauses permit Congress to attach non-discrimination requirements, like those found in Title IX, to the provision of federal funds to private actors.

1. The church autonomy doctrine is limited to churches.

Fuller first argues that Plaintiffs' claims are barred by the church autonomy doctrine. Motion, p. 11. However, Fuller's argument fails for the simple reason that Fuller, while a religious educational institution, is not a church. The church autonomy doctrine prohibits secular courts from interfering in matters of church government, church doctrine and church discipline. *Id.* The U.S. Supreme Court and federal appellate courts apply this doctrine exclusively in the context of disputes over church property, church membership and church leadership positions within hierarchical churches. *See Watson v. Jones*, 80 U.S. 679 (1871) (church property dispute); *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94 (1952) (determination of which prelate was entitled to use and occupancy of cathedral); *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976) (review of validity of Serbian Orthodox Church's reorganization of the American-Canadian Diocese); *Paul v. Watchtower Bible Tract Society of New York, Inc.*, 819 F.2d 875 (9th Cir. 1987) (shunning of dissociated member of Jehovah's Witness Church); *Maktab Tarighe Oveyssi Shah Maghsoudi v. Kianfar*, 179 F.3d 1244, 1247-48 (9th Cir. 1999) (succession of religious office); *Ammons v. N. Pac. Union Conf. of Seventh-Day Adventists*, 139 F.3d 903 (9th Cir. 1998) (unpublished opinion) (censorship of member of Seventh-Day-Adventist

Church).

All of the Supreme Court and Circuit Court cases cited by Fuller concern churches. Indeed, despite the 150 year history of the church autonomy doctrine, a federal court has never applied the doctrine in the context of a case involving the admissions or disciplinary practices of a federally funded educational institution. Nevertheless, Fuller contends that “[C]ourts have repeatedly applied this constitutional principal in the context of religious school admissions and discipline.” Motion, p. 12. However, Fuller’s citation to a single district court case from Illinois and handful of state court opinions are inapposite and unpersuasive, as they involve employment claims, which implicate different issues, or concern private elementary or secondary schools that are not subject to Title IX. *See Garrick v. Moody Bible Institute*, 412 F. Supp. 3d (N.D. Ill. 2019) (employment claim by faculty member); *Flynn v. Estevez*, 221 So. 3d 1241, 1251 (2017) (does not involve a federally funded college or a Title IX claim; involves elementary school owned by Catholic Church); *In re St. Thomas High Sch.*, 495 S.W.3d 500, 512 & n. 1 (Tex. App. 2016) (same); *Calvary Christian Sch. V. Huffstutler*, 238 S.W.3d 58 (Ark. 2006) (same).

Because Fuller is not a church, Fuller may not benefit from the church autonomy doctrine. This Court should not expand a doctrine that has been limited to churches for over a century. In any event, the doctrine is irrelevant in the context of Plaintiffs’ claims against Fuller, where, rather than merely meddling in the private affairs of a church or seminary, the Court is analyzing whether the federal government may attach non-discrimination requirements to laws that provide federal funding to educational institutions.

2. The ministerial exception is limited to employment actions involving ministers.

Fuller also argues that the ministerial exception of the First Amendment prohibits Plaintiffs’ Title IX claims. However, the ministerial exception is a doctrine limited to *employment* claims made by individuals considered to be ministers.

1 *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 196
 2 (2012) (recognizing limited application of ministerial exception to context of
 3 employment claims by ministers).

4 The Court noted that the “exception is not limited to the head of a religious
 5 congregation” but limited application of the ministerial exception to those, who on
 6 balance, qualified as a minister after examining four factors: (1) whether the church
 7 held the person out as a minister “with a role distinct from that of most of its
 8 members”; (2) whether the person has the title of minister reflected by a formal
 9 commissioning process; (3) whether the person held themselves out as a minister in
 10 the employment position at issue; and (4) whether the person’s “job duties” reflected
 11 a religious leadership role. *Id.* at 191-92. The ministerial exception has been applied
 12 beyond churches to cover other religious organizations, including educational
 13 institutions. *See Petruska v. Gannon Univ.*, No. 1:04-cv-80, 2008 WL 2789260 (W.D.
 14 Pa. Mar. 31, 2008) (dismissing employment claim by chaplain of Catholic diocesan
 15 college). However, it has always been limited to employment claims by those who
 16 are ministers.

17 Fuller relies on *Alcazar v. Corporation of Catholic Archbishop of Seattle*, in
 18 support of its position that the ministerial exception should apply to a Title IX claim
 19 brought by seminary students. Motion, p. 14; *Alcazar v. Corp. of Catholic Archbishop*
 20 *of Seattle*, 627 F.3d 1288, 1292 (9th Cir. 2011). However, *Alcazar* did not address
 21 whether the ministerial exception applied to a seminary student who was asserting a
 22 Title IX claim *as a student* (regarding admissions, discipline, etc.), like Joanna and
 23 Nathan are asserting here. Rather, *Alcazar* concerned a seminary student who was
 24 *employed* by the seminary and asserted *employment* claims. The case did not involve
 25 Title IX claims. The Court recognized that “Churches, like all other institutions, must
 26 adhere to state and federal employment laws” but that courts have “recognized a
 27 ‘ministerial exception’ to that general rule” for plaintiffs like *Alcazar*, who were hired
 28 to perform religious duties, such as assisting with Mass. *Id.* at 1289, 1292-93. Here,

1 Joanna and Nathan assert claims as students, not as employees. Finally, *Alcazar* did
 2 not analyze whether the government may attach non-discrimination requirements
 3 when providing federal funding to a seminary. Consequently, *Alcazar* is not
 4 controlling.

5 The ministerial exception is a narrow exception that federal courts have never
 6 applied to claims like those before this Court. In order to preserve the broad mandate
 7 of Title IX's prohibition on sex discrimination in federally-funded education, this
 8 Court should decline Fuller's invitation to drastically expand the ministerial
 9 exception.

10 **D. Plaintiffs' Title IX claims are not barred by the freedom of association**

11 Fuller argues that Plaintiffs' claims are also barred by the freedom of
 12 association. Motion, p. 15. Plaintiffs agree that the freedom of association protects a
 13 religious organization's right not to associate and to be insulated from being forced
 14 to accept members it does not desire. *See Boy Scouts v. Dale*, 530 U.S. 640 (2000)
 15 (exclusion of gay scoutmaster). Fuller is correct that the "exercise of these
 16 constitutional rights is not deprived of protection if the exercise is not politically
 17 correct and even if it is discriminatory against others." *AHDC v. City of Fresno*, 433
 18 F.3d 1182 (9th Cir. 2006). Thus, the Boy Scouts, a private, expressive association,
 19 may exclude gay scoutmasters.

20 Here, Plaintiffs acknowledge that Fuller is an expressive association with
 21 associational rights protected by the First Amendment. If Fuller were a truly private
 22 actor, the Constitution might permit Fuller to discriminate based on sex in violation
 23 of Title IX. However, Fuller is not a truly private actor, as it is heavily subsidized by
 24 the federal government. The Constitution does not compel the government to
 25 subsidize discrimination through federal funding.

26 In *Norwood v. Harrison*, 413 U.S. 455, 468–469 (1973), the Court reasoned
 27 that "a private school—even one that discriminates—fulfills an important educational
 28 function; however, ... [that] legitimate educational function cannot be isolated from

1 discriminatory practices ... *discriminatory treatment exerts a pervasive influence on*
 2 *the entire educational process.*” (emphasis added). Consequently, the Court has
 3 upheld statutes prohibiting discrimination by private educational institutions. *See*
 4 *Runyon v. McCrary*, 427 U.S. 160 (1976) (statute requiring private schools to admit
 5 black students does not violate associational rights). In *Runyon*, the Court noted that
 6 “it may be assumed that parents have a First Amendment right to send their children
 7 to educational institutions that promote the belief that racial segregation is desirable,
 8 and that the children have an equal right to attend such institutions. But it does not
 9 follow that the Practice of excluding racial minorities from such institutions is also
 10 protected by the same principle.” *Id.* at 176.

11 Moreover, in the context of religious universities receiving indirect
 12 government benefits, the Court has rejected First Amendment arguments that sought
 13 to insulate the discriminatory practices of such institutions. *See Bob Jones University*
 14 *v. United States*, 461 U.S. 574 (1983) (holding that private religious university that
 15 maintained racially discriminatory admission policies on the basis of religious
 16 doctrine did not qualify as tax-exempt organization under Internal Revenue Code).
 17 At the time, and even through the year 2000, Bob Jones University prohibited
 18 interracial dating and interracial marriage based on the institution’s religious beliefs
 19 concerning God’s intentions for the races. *Id.* at 580-81.

20 The Court recognized that Bob Jones University, as a religious educational
 21 institution, possessed rights under the First Amendment. *Id.* However, the Court
 22 determined that the government’s compelling interest in eradicating racial
 23 discrimination in education outweighed the university’s interest in maintaining
 24 racially discriminatory policies based on its sincerely held religious beliefs. *Id.* at 604.
 25 Much like Bob Jones University’s sincerely held religious beliefs regarding marriage
 26 and sexuality, which gave rise to its community standards prohibiting interracial
 27 dating, Fuller claims that its religious beliefs have given rise to its community
 28 standards prohibiting same-sex marriage. However, the community standards at both

1 institutions violate federal laws that prohibit discrimination when the government
 2 provides financial benefits. The First Amendment does not require the federal
 3 government to subsidize such discriminatory practices. *See Christian Legal Soc.*
 4 *Chapter of the University of California v. Martinez*, 561 U.S. 661 (2010) (law
 5 school’s policy requiring officially recognized religious student groups to comply
 6 with school’s nondiscrimination policy regarding sexual orientation did not violate
 7 First Amendment right to expressive association).

8 Indeed, in *Grove City College v. Bell*, 465 U.S. 555 (1984), the Supreme Court
 9 addressed this very question in the context of Title IX. The Court stated that:

10 Grove City's final challenge to the Court of Appeals'
 11 decision—that conditioning federal assistance on
 12 compliance with Title IX infringes First Amendment rights
 13 of the College and its students—warrants only brief
 14 consideration. Congress is free to attach reasonable and
 15 unambiguous conditions to federal financial assistance that
 16 educational institutions are not obligated to
 17 accept...Requiring Grove City to comply with Title IX's
 18 prohibition of discrimination as a condition for its
 19 continued eligibility to participate in the BEOG program
 20 infringes no First Amendment rights of the College or its
 21 students.

19 *Id.* at 575-76. More recently, in *Christian Legal Soc. v. Martinez*, the Court
 20 recognized that the expressive-association precedents on which the religious
 21 organization relied to support its right to discriminate “involved regulations that
 22 *compelled* a group to include unwanted members, with no choice to opt out.” 561
 23 U.S. at 682 (emphasis in original) (citing to *Boy Scouts v. Dale*). The Court stated
 24 that “our decisions have distinguished between policies that require action and those
 25 that withhold benefits.” 561 U.S. at 682 (citing to *Grove City College v. Bell* and *Bob*
 26 *Jones University*, 461 U.S. at 682-83).

27 The Court went on to state that while the Constitution may require toleration
 28 of private discrimination in some circumstances it does not require state support for

1 such discrimination because the government “is dangling the carrot of subsidy, not
 2 wielding the stick of prohibition.” *Christian Legal Soc.*, 561 U.S. at 683 (*citing*
 3 *Norwood*, 413 U.S. at 463). In his concurrence, Justice Stevens noted that the
 4 religious group at issues excluded students who engage in “unrepentant homosexual
 5 conduct” but went on to note that the group’s expressive association argument “is
 6 hardly limited to these facts. Other groups may exclude or mistreat Jews, blacks, and
 7 women...A free society must tolerate such groups. It need not subsidize them[.]”
 8 *Christian Legal Soc.*, 561 U.S. at 702-03.

9 Congress, in enacting Title IX, clearly expressed its agreement that sex
 10 discrimination in education violates a fundamental public policy. Moreover,
 11 numerous Supreme Court decisions have preserved Congress’s ability to further its
 12 public policy goals by mandating non-discrimination requirements when extending
 13 public benefits to private religious organizations. This Court should not accept
 14 Fuller’s invitation to upend decades of Supreme Court precedent.

15 **E. Plaintiffs Title IX claims are not barred by RFRA.**

16 This suit involves claims by private parties against a private party. RFRA does
 17 not bar Plaintiffs’ claims because RFRA applies only to suits in which the
 18 government is a party. 42 U.S.C. § 2000bb–1(b) (the “*government*” must
 19 “demonstrate...that application of the burden” is the least restrictive means of
 20 furthering a compelling governmental interest); § 2000bb–1(c) (“A person whose
 21 religious exercise has been burdened in violation of this section may assert that
 22 violation as a claim or defense in a judicial proceeding and obtain appropriate relief
 23 *against a government.*”) (emphasis added); *see also Tomic v. Catholic Diocese of*
 24 *Peoria*, 442 F.3d 1036, 1042 (7th Cir. 2006) (RFRA not applicable to suits between
 25 private parties); *General Conference Corp. of Seventh-Day Adventists v. McGill*, 617
 26 F.3d 402, 410 (6th Cir. 2010) (“The text of the statute makes quite clear that Congress
 27 intended RFRA to apply only to suits in which the government is a party.”); *Hankins*
 28 *v. Lyght*, 441 F.3d 96, 114-15 (2d Cir. 2006 (Sotomayor, J., dissenting)) (“this

1 provision strongly suggests that Congress did not intend RFRA to apply in suits
 2 between private parties.”); *Rweyemamu v. Cote*, 520 F.3d 198, 203-204, n. 2 (2d Cir.
 3 2008) (the “text of RFRA is plain” and “we do not understand how [RFRA] can apply
 4 to a suit between private parties”).

5 Moreover, even if RFRA were to apply to suits between private parties, it
 6 would not bar Plaintiffs’ claims because RFRA cannot act as a shield to
 7 discrimination claims. In *Burwell v. Hobby Lobby Stores*, 573 U.S. 682 (2014), the
 8 Court addressed “the possibility that discrimination in hiring, for example on the basis
 9 of race, might be cloaked as religious practice to escape legal sanction” and clearly
 10 stated that “[o]ur decision today provides no such shield. The Government has a
 11 compelling interest in providing an equal opportunity to participate in the workforce
 12 without regard to race, and prohibitions on racial discrimination are precisely tailored
 13 to achieve that critical goal.” *Id.* at 733. Here too, the government has a compelling
 14 interest in providing an equal opportunity to participate in federally funded
 15 educational programs and prohibitions on sex discrimination are precisely tailored to
 16 achieve that critical goal. Indeed, Title IX is narrowly tailored because it only applies
 17 to educational institutions that receive federal funding and because it provides a
 18 religious exemption for educational institutions controlled by a religious
 19 organization.

20 In support of its RFRA argument, Fuller also cites to *Trinity Lutheran Church*
 21 *v. Comer*, 137 S. Ct. 2012 (2017). However, *Trinity Lutheran* did not address RFRA
 22 at all, nor did it involve an anti-discrimination statute. Rather, *Trinity Lutheran* held
 23 that a state may not deny a government benefit to an organization merely because the
 24 organization is a church. *Id.* at 2022 (“The express discrimination against religious
 25 exercise here is not the denial of a grant, but rather the refusal to allow the Church—
 26 solely because it is a church—to compete with secular organizations for a grant.”). In
 27 contrast, under Title IX, federal funds are not denied merely because an educational
 28 institution is religious. Rather, federal funds are denied to any educational institution,

religious or secular, that discriminates on the basis of sex and that does not qualify for the limited exemptions provided by the statute. Consequently, neither RFRA nor *Trinity Lutheran* foreclose Plaintiffs' claims.

F. Plaintiffs' state-law claims should not be dismissed³

1. Plaintiffs' Unruh Act claims should not be dismissed

a. Fuller is a business establishment for purposes of the Act

Fuller is a business establishment under the Unruh Act. In *Doe v. California Lutheran High Sch. Ass'n*, 88 Cal. Rptr. 3d 475 (Ct. App. 2009), the Court determined that the Unruh Act did not encompass a small Lutheran high school that primarily served Lutheran congregations. The Court emphasized the "narrow scope" of its holding but determined that the high school was "an expressive social organization whose primary function is the inculcation of values in its youth members." *Id.* at 483, 485 (internal quotations omitted). In contrast, Fuller does not serve youth, nor does it primarily serve youth from a specific denomination. Rather, Fuller serves graduate students from all over the world and from over a hundred different denominations. Fuller has a large campus in California, satellite campuses, online degree programs, a large administration and sizeable budget. While religious in nature, Fuller operates much like a large business enterprise.

Moreover, a seminary qualifies as a business establishment when it sells its services to the public in exchange for tuition and is heavily funded by the federal government. *See Stevens v. Optimum Health Institute*, 810 F. Supp. 2d 1074 (S.D. Cal. 2011) (finding that a church's health spa program was a business establishment even though it claimed that the "Church's ultimate goal is to bring the participants to an understanding of their purpose in life and to get them to affirm or reaffirm the

³ Plaintiffs' state-law claims should not be dismissed on First Amendment grounds for the same reasons that Plaintiffs' federal claims should not be dismissed on First Amendment grounds. However, if the court dismisses Plaintiffs' federal claims, Plaintiffs request that this Court retain supplemental jurisdiction over their state law claims.

1 reality of God); *Pines v. Tomson*, 160 Cal. App. 3d 370, 383 (1984) (Christian Yellow
 2 Pages a business establishment notwithstanding the fact that CYP was incorporated
 3 as a nonprofit religious corporation and the owners' belief that their work was a
 4 ministry). In *California Lutheran*, the court noted that as long as a private
 5 organization's "funding comes from members, it should not matter whether it is
 6 called a tithe, dues, fees, tuition, or something else." *Doe v. California Lutheran High*
 7 *Sch. Ass'n.*, 88 Cal. Rptr. 3d at 484. Here, however, Fuller receives a large amount of
 8 revenue (\$77 million in three fiscal years) from the federal government. For these
 9 reasons, Fuller is a business establishment under the Unruh Act. At the very least,
 10 this issue should be resolved later on summary judgment after examining the facts
 11 relevant to Fuller's nature and operations.

12 **b. The Unruh Act applies extraterritorially**

13 Fuller argues that the Unruh Act does not apply to Joanna because she is a
 14 Texas resident who did not physically attend classes in California. Motion, p. 20.
 15 Fuller relies on *Loving v. Princess Cruise Lines, Ltd.*, No. CV-08-2898-JFW, 2009
 16 WL 7236419 (C.D. Cal. Mar. 5, 2009) and *Warner v. Tinder Inc.*, 105 F. Supp. 3d
 17 1083 (C.D. Cal. 2015) in support of this proposition. However, *Princess Cruise Lines*
 18 merely held that the Unruh Act does "not apply to claims of nonresidents of California
 19 injured by conduct occurring beyond California's borders." *Loving v. Princess Cruise*
 20 *Lines, Ltd.* 2009 WL 7236419 at *8. Here, while Joanna is a Texas resident, she was
 21 harmed by Fuller's conduct occurring within California's borders. Consequently, this
 22 Court may properly exercise its power over Fuller's conduct towards Joanna.
 23 Moreover, while the court in *Tinder* determined that it was irrelevant that the alleged
 24 discrimination was approved by defendants' employees in California, that case does
 25 not account for the circumstance in which a California business sells its online
 26 educational services to a customer in another state. Consequently, this Court may
 27 properly exercise its power over Fuller's online operations.

28 **2. Nathan's statutory claims are not time-barred.**

1 Plaintiffs agree that the statute of limitations on Nathan's Title IX and state
 2 statutory claims is two years. Some of Nathan's allegations go beyond the two-year
 3 mark. FAC ¶¶ 76, 108. However, other allegations of sex discrimination are within
 4 the two-year mark. FAC ¶¶ 152-160. At the very least, the allegations of sex
 5 discrimination within the two-year mark are not time-barred.

6 Moreover, pursuant to the continuing violation doctrine, the Court may
 7 consider discriminatory acts beyond the two-year limitations period if they were part
 8 of pattern of discrimination. *See Cavalier v. Catholic University of America*, 306 F.
 9 Supp. 3d 9 (D.D.C. 2018) (applying continuing violation doctrine in Title IX case);
 10 *Doe v. Brown University*, 327 F. Supp. 3d 397, 408 (D.R.I. 2018) (same). Here,
 11 Fuller's acts in January and February of 2018 were a continuation of a pattern of
 12 discrimination that began the fall of 2017. FAC, ¶¶ 76-160.

13 **3. Plaintiffs' remaining state law claims should not be dismissed.**

14 Fuller also argues that Plaintiffs' IIED, breach of contract, fraud and EHEA
 15 claims must be dismissed. However, each of those claims involve numerous fact
 16 issues that require discovery. Moreover, at the motion to dismiss stage, this Court
 17 must make all reasonable inferences in favor of Plaintiffs as to these claims. Fuller's
 18 arguments regarding Plaintiffs' state law claims merit only brief additional attention.

19 Regarding the IIED claim, Joanna's allegations that (1) Fuller's Title IX
 20 officer, the one meant to protect students' rights under Title IX, misused Joanna's
 21 confidential tax return in order to establish a purported breach of Fuller's community
 22 standards, (2) that the purported breach was Joanna's constitutionally protected same-
 23 sex marriage, which she had disclosed to professors and peers, and (3) that Fuller
 24 then expelled Joanna after three years of studying and nearly completing her degree
 25 program, are sufficient for a reasonable person to conclude that Fuller engaged in
 26 outrageous conduct towards Joanna that was extreme and should not be tolerated.
 27 *Hughes v. Pair*, 209 P.3d 963, 976 (Cal. 2009). Nathan was exposed to similar
 28 conduct and his claim should be upheld as well.

Regarding Plaintiffs' breach of contract claim, Plaintiffs have sufficiently alleged their performance and/or excuse for non-performance. They allege that the sole basis for their expulsion was their same-sex marriages. FAC, 1 ("This is a civil rights case about two students who were expelled from their graduate program for one reason: they married someone of the same sex."). To the extent that their same-sex marriages would violate their contracts with Fuller, such a contractual provision is not enforceable as it violates federal and state law. *Cook v. King Manor and Convalescent Hospital*, 40 Cal. App. 3d 782, 794 (1974) (contractual clause "void as against public policy"). Moreover, to the extent their same-sex marriage constitutes a breach of an enforceable contract provision, it is not a material breach sufficient to terminate their contract with Fuller. Contract termination is frowned upon as a remedy and will only be permitted where the breach is material. *Brown v. Grimes*, 192 Cal. App. 4th 265, 277 (2011) ("When a party's failure to perform a contractual obligation constitutes a material breach of the contract, the other party may be discharged from its duty to perform under the contract.").

Entering into a civil same-sex marriage, or engaging in private off-campus homosexual conduct with one's spouse, even if forbidden by Plaintiffs' contract with Fuller, is not a material breach because Fuller would still benefit from Plaintiffs' substantial performance under the contract. *See* 1 Witkin, Summary of Cal. Law (10th ed. 2005) Contracts, § 813, 814, 852, pp. 906, 938–940. Indeed, Plaintiffs' purported breaches do not concern their academic integrity or performance, physical harm to anyone who is part of the Fuller community, or Plaintiffs' payment for Fuller's services. Moreover, unless Plaintiffs committed a material breach, Fuller would still be required to give Plaintiffs the procedural process and non-discrimination protections established by their contracts with Fuller, even if Fuller could have lawfully disciplined or expelled Plaintiffs because of their same-sex marriages. In any event, material breach, particularly under these circumstances and at this stage of the proceedings, is a question of fact left for a later time. *Brown*, 192 Cal. App. 4th at

277 (“Normally the question of whether a breach of an obligation is a material breach,
so as to excuse performance by the other party, is a question of fact.”).

Plaintiffs’ fraud claims should not be dismissed because Fuller represented that it would comply with Title IX and would not expel students for entering into same-sex marriages. Plaintiffs allege that Fuller made these representations intentionally for the purpose of inducing them to attend Fuller. *See e.g.* FAC ¶ 264 (“Fuller committed the misrepresentations described above with knowledge of their falsity as applied to students who legally marry a same-sex spouse), FAC ¶ 266 (“Fuller intended for Joanna and Nathan to rely on its representations to induce them to select Fuller for their studies and pay tuition to Fuller”). Plaintiffs bring the fraud claim only against Fuller, so there is no confusion as to whether certain allegations relate to one or more defendants. Moreover, the fraud allegations mainly concern Fuller’s policies made available on its website. The standard of Rule 9(b) is not so high as to require Plaintiffs to know which particular administrator at Fuller placed the policies on Fuller’s website. *Moore v. Kayport Package Express, Inc.*, 885 F.2d 531, 540 (9th Cir. 1989) (Rule 9(b) “may be relaxed as to matters within the opposing party’s knowledge.”); *Semegen v. Weidner*, 780 F. 2d 727, 735 (9th Cir.1985) (“pleading is sufficient under Rule 9(b) if it identifies ‘the circumstances constituting fraud so that the defendant can prepare an adequate answer from the allegations.’”).

As to the EHEA claims, the statute applies to Fuller because Fuller receives, *or benefits from*, state financial assistance as that term is defined by the statute. Pursuant to California Education Code, Section 213.

(a) ‘State financial assistance’ means any funds or other form of financial aid appropriated or authorized pursuant to state law, or pursuant to federal law administered by any state agency, for the purpose of providing assistance to any educational institution for its own benefit or for the benefit of any pupils admitted to the educational institution.

(b) State financial assistance shall include, but not be limited to, all of the following:

- (1) Grants of state property, or any interest therein.
- (2) Provision of the services of state personnel.
- (3) Funds provided by contract, tax rebate,

appropriation, allocation, or formula.

Pursuant to California Education Code, Section 66270, the statute applies to “any postsecondary educational institution that receives, *or benefits from*, state financial assistance or enrolls students who receive state student financial aid.” (emphasis added). Plaintiffs allege two specific forms of state financial assistance. One of these, the reimbursement provided to Fuller students under California’s Student Tuition Recovery Fund, clearly benefits Fuller, as it relieves Fuller of a financial obligation, even if Fuller is not the recipient of the funds. Beyond the two specific examples, Plaintiffs also allege generally that “Fuller receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.” FAC, ¶ 275. In its Motion, Fuller argues that “it does not receive state financial assistance or enroll students who receive state student financial aid.” Motion, pp. 23-24. However, Fuller may not merely assert this in a motion to dismiss and will have to prove this through discovery. As for the notification allegations, California Education Code Sections 66290.1 and 66290.2 clearly require Fuller to provide the state with notification of its claimed exemption. Fuller’s Motion admits that it has failed to do so but claims that a notification requirement would violate the First Amendment’s speech and religious freedom protections. However, the statute does not compel Fuller to speak a particular message.

IV. CONCLUSION

For the reasons set forth above, Plaintiffs Joanna Maxon and Nathan Brittsan respectfully request that Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint be denied.

Respectfully submitted,

DATED March 24, 2020

DAVIS WRIGHT TREMAINE LLP

By: /s/ Paul Southwick

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(Pro Hac Vice)

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NATHAN BRITTSAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOANNA MAXON, AN INDIVIDUAL,
and NATHAN BRITTSAN, AN
INDIVIDUAL

Plaintiff,

vs.

FULLER THEOLOGICAL SEMINARY,
a California nonprofit corporation;
MARIANNE MEYE THOMPSON, an
individual; MARIL L. CLEMENTS, an
individual; NICOLE BOYMOOK, an
individual;

Defendants.

Case No. 2:19-cv-09969-CBM-MRW

**NOTICE OF NON-OPPOSITION
TO DEFENDANTS' REQUEST
FOR JUDICIAL NOTICE [DKT 48]**

Honorable Consuelo B. Marshall

Complaint Filed: Nov. 21, 2019

//

Plaintiffs Joanna Maxon and Nathan Brittsan, both individual, hereby report that they will not be filing an opposition to Defendant's Request for Judicial Notice of Exhibit 1 in support of Motion to Dismiss Plaintiffs' First Amended complaint (Docket No. 48). Plaintiffs do intend and will file an opposition to Defendants' Motion to Dismiss in accordance with USDC Central District of California Local Rule 7-9. Plaintiffs will timely file their opposition by March 24, 2020, 21 days before the hearing, currently scheduled for April 14, 2020.

DATED: March 24, 2020

DAVIS WRIGHT TREMAINE LLP

By: /s/ Paul Southwick

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Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOANNA MAXON, *et al.*,

Plaintiffs,

v.

FULLER THEOLOGICAL
SEMINARY, *et al.*,

Defendants.

No. 2:19-cv-09969-CBM-MRW

**DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF MOTION TO DISMISS PLAINT-
IFFS' FIRST AMENDED COM-
PLAINT**

(Notice of Motion and Motion; Memo-
randum of Points and Authorities; Dec-
laration of Daniel H. Blomberg; and
(Proposed) Order Filed Concurrently)

Date: April 14, 2020

Time: 10:00 a.m.

Dept: Courtroom 8B

Judge: Honorable Consuelo B. Marshall

1 TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Federal Rule of Evidence 201, De-
3 fendants hereby request that the Court take judicial notice of the following document,
4 attached as Exhibit 1 here and as Exhibit 1 to the Declaration of Daniel H. Blomberg,
5 in support of Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint:

6 1. Fuller's Restated Articles of Incorporation, filed March 24, 1997, a true and
7 correct copy of which is attached hereto as **Exhibit 1** and is available at the website
8 for the office for the Secretary of State of the State of California at [https://business-](https://business-search.sos.ca.gov/)
9 [search.sos.ca.gov/](https://business-search.sos.ca.gov/).

10 When ruling on a Rule 12(b)(6) motion, a court may look beyond the pleadings
11 at "documents incorporated into the complaint by reference, and matters of which a
12 court may take judicial notice." *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551
13 U.S. 308, 322 (2007). This includes documents that are relied upon in the complaint
14 even if they are not attached or explicitly referred to in the complaint. *Neilson v.*
15 *Union Bank of Cal., N.A.*, 290 F. Supp. 2d 1101, 1114 (C.D. Cal. 2003); *see also*
16 *United Alloys v. Baker*, No. CV 93-4722 CBM, 2010 WL 11515471, at *3 (C.D. Cal.
17 Mar. 26, 2010) ("[A] court can take judicial notice without converting [a motion to
18 dismiss] into a motion for summary judgment," and "may also consider . . . docu-
19 ments whose contents are alleged in a complaint and whose authenticity no party
20 questions, but which are not physically attached to the [plaintiff's] pleading.") (in-
21 ternal quotation marks omitted).

22 Judicial notice is proper when a fact is "not subject to reasonable dispute in that
23 it is . . . capable of accurate and ready determination by resort to sources whose

1 accuracy cannot reasonably be questioned.” *Wible v. Aetna Life Ins. Co.*, 375 F. Supp.
 2 2d 956, 965 (C.D. Cal. 2005); *see also* Fed. R. Evid. 201(b). Courts may take judicial
 3 notice of “[p]ublic records and government documents available from reliable
 4 sources on the Internet, such as websites run by governmental agencies.” *Gerritsen*
 5 *v. Warner Bros. Entm’t Inc.*, 112 F. Supp. 3d 1011, 1033 (C.D. Cal. 2015) (internal
 6 citations omitted). This Court has accordingly taken judicial notice of documents on
 7 the California Secretary of State’s website. *Id.*

8 The authenticity of the Seminary’s Restated Articles of Incorporation cannot rea-
 9 sonably be questioned, in part because they are official public documents and are
 10 available at the official government website of the office for the Secretary of State
 11 of the State of California at <https://businesssearch.sos.ca.gov/>. Thus, under the stand-
 12 ards for proper judicial notice, the Court may properly consider the Seminary’s Re-
 13 stated Articles of Incorporation.

14
 15 Dated: February 20, 2020

THE BECKET FUND FOR
 RELIGIOUS LIBERTY

16 /s/ Daniel H. Blomberg

17 DANIEL H. BLOMBERG

18 ERIC S. BAXTER

DIANA M. VERM

19 SOLTMAN, LEVITT, FLAHERTY &
 20 WATTLES LLP

21 /s/ Kevin S. Wattles

22 KEVIN S. WATTLES

23 Counsel for Defendants

EXHIBIT 1

256957
A490110

FILED

in the office of the Secretary of State
of the State of California

MAR 24 1997

Bill Jones
BILL JONES, Secretary of State

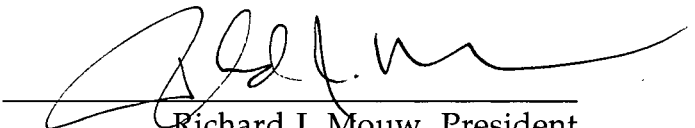
RESTATED
ARTICLES OF INCORPORATION
OF
FULLER THEOLOGICAL SEMINARY

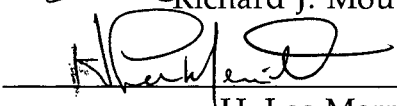
Richard J. Mouw and H. Lee Merritt certify that:

1. We are the president and the secretary, respectively, of FULLER THEOLOGICAL SEMINARY, a California nonprofit religious corporation.
2. The Articles of Incorporation of this corporation are amended and restated to read as set forth in full in the document titled "RESTATED ARTICLES OF INCORPORATION OF FULLER THEOLOGICAL SEMINARY" which is attached hereto and by this reference is incorporated herein.
3. The foregoing amendment and restatement of the Articles of Incorporation has been duly approved by the Board of Trustees.
4. The foregoing amendment and restatement of the Articles of Incorporation has been duly approved by the required two-thirds (2/3rd) vote of the total number of regular members, the required two-thirds (2/3rd) vote of the total number of theology faculty, and the required two-thirds (2/3rd) vote of the total number of nontheology faculty, as required by Article XII of the Articles of Incorporation as in effect before this amendment and restatement.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: March 5 1997



Richard J. Mouw, President


H. Lee Merritt, Secretary

RESTATED

ARTICLES OF INCORPORATION

OF

FULLER THEOLOGICAL SEMINARY

ARTICLE I

The name of this corporation is FULLER THEOLOGICAL SEMINARY.

ARTICLE II

This corporation is a religious corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Religious Corporation Law exclusively for religious purposes. This corporation elects to be governed by all of the provisions of the Nonprofit Religious Corporation Law of 1980 not otherwise applicable to it under Part 5. A further description of the corporation's purposes is as follows:

to establish, conduct, and maintain a seminary of religious learning to prepare men and women for the manifold ministries of Christ and his Church.

ARTICLE III

This corporation is organized and operated exclusively for religious purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code of 1986, as amended (or the corresponding provisions of any future United States Internal Revenue Law).

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of (or in opposition to) any candidate for public office.

ARTICLE IV

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501 (c) (3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law), or (b) by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE V

The property of this corporation is irrevocably dedicated to religious purposes, and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person. Upon the dissolution or winding up of this corporation, its assets remaining after payment or provision for payment of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for religious purposes and which has established its tax-exempt status under Section 501 (c) (3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

ARTICLE VI

This corporation's Articles of Incorporation shall not include any statement of faith without the affirmative two-thirds (2/3) vote of trustees and faculty members of the seminary as set forth in Article III, Section 3 of this corporation's bylaws. This Article VI shall not be amended and/or repealed without the affirmative two-thirds (2/3) vote of trustees and faculty members of the seminary as set forth in Article XIII, Section 1 of this corporation's bylaws.

ARTICLE VII

The revised and restated articles set forth above eliminate the class of regular members, the class of theology members, and the class of nontheology members as set forth in the former Article VII. The corporation shall have no members within the statutory meaning of California Corporation Code 5056.

EXHIBIT 1



**Complaint Resolution Report
Fuller Theological Seminary**

Complaint Submitted	<i>Community Standard: Sexual Standards</i>
Submitted by	<i>Office of Student Financial Service</i>
Submitted about	<i>Same sex marriage of Joanna Maxon</i>
Report date	<i>August 29, 2018</i>
Report by	<i>Nicole Boymook, Office of Students Concerns</i>

Fuller's Community Standard: Sexual Standards

Fuller Theological Seminary believes that sexual union must be reserved for marriage, which is the covenant union between one man and one woman, and that sexual abstinence is required for the unmarried. The seminary believes premarital, extramarital, and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, the seminary expects all members of its community—students, faculty, administrators/managers, staff, and trustees—to abstain from what it holds to be unbiblical sexual practices.

Information

The Office of Student Financial Services (OSFS) alerted the Office of Student Concerns (OSC) about a potential violation of Fuller's Community Standard: Sexual Standards. As part of the financial aid process, OSFS received a copy of Joanna's 2016 income tax return and an amended return. The tax return lists Joanna as married, filing jointly with another female.

On August 28, Joanna and Nicole had a phone conversation during which time Nicole asked her if she was married to a woman. She replied in the affirmative to the question.

As part of the application process towards enrollment, all students must sign a statement that indicates that they will not violate any of Fuller's Community Standards. In this situation, by Joanna's admission that Fuller's Community Standard: Sexual Standards has been violated.

PERSONAL & CONFIDENTIAL

TO: Joanna Maxon, School of Theology Student
FROM: Nicole Boymook, Executive Director of the Office of Student Concerns,
RE: Community Standards Complaint: Sexual Standards
DATE: September 20, 2018

Enclosed is a copy of the Complaint Resolution Report, which will later be submitted to Marianne Meye Thompson, Dean of the School of Theology.

Under Fuller procedures you have the opportunity to respond in writing as to whether or not you accept the findings and why or why not. You are not required to respond. However, if you choose to do so, your timely received written response will be submitted, along with the enclosed report. **Please note that this is your *only* opportunity to provide direct input for consideration by the Dean.**

If you would like to submit a written response to the enclosed report for consideration by Dean Thompson, your written response must be received in the Office of Student Concerns, to the attention of Nicole Boymook, **no later than 5:00 p.m. on Monday, September 30, 2018.**

You will be contacted in writing by Dean Marianne Meye Thompson, after she has made a decision in this matter.

If you have any questions regarding this process, please contact Nicole Boymook at 626.584.5678 or nicoleboymook@fuller.edu.

EXHIBIT 2

Welcome Center (<https://www.fuller.edu/welcome/>)

Fuller ID (<https://login.fuller.edu:8443/cas/login>) | Directory (/Employee-and-Department-Directory/)

Applicants (<https://www.fuller.edu/admissions/>) Current Students

Faculty & Staff Alumni



COMMUNITY STANDARDS

Why Fuller?
(<https://www.fuller.edu/about/why-fuller/>)

A Vision for Transforming the Seminary Experience
(<https://www.fuller.edu/vision/>)

Mission, Vision and Values
(<https://www.fuller.edu/about/mission-and-values/>)

History and Facts
(<https://www.fuller.edu/about/history-and-facts/>)

Title IX and Community Standards
(<https://www.fuller.edu/about/institutional-reports-and-documents/title-ix/>)

Institutional Commitments
(<https://www.fuller.edu/about/institutional-commitments/>)

Student Right-to-Know and Consumer Information
(<https://www.fuller.edu/about/institutional-reports-and-documents/student-right-to-know-and-consumer-information/>)

Nondiscrimination at Fuller
(<https://www.fuller.edu/about/institutional-reports-and-documents/nondiscrimination-at-fuller/>)

Community Standards
(<https://www.fuller.edu/about/mission-and-values/community-standards/>)

Institutional Reports
(<https://www.fuller.edu/about/institutional-reports-and-documents/>)

COMMUNITY STANDARDS - 풀리공동체가 지켜야 할 규범 - NORMAS COMUNITARIAS

Men and women of God are suited for Christian service by moral character as well as by academic achievement and spiritual gifts. Among their qualifications should be compassion for individual persons, sensitivity to the needs of the communities of which they are a part, a commitment to justice, a burden that the whole of God's will be obeyed on earth, personal integrity, a desire for moral growth, and mutual accountability. Students and employees at Fuller Theological Seminary are expected to exhibit these moral characteristics.

The ethical standards of Fuller Theological Seminary are guided by an understanding of Scripture and a commitment to its authority regarding all matters of Christian faith and living. The seminary community also desires to honor and respect the moral tradition of the churches who entrust students to us for education. These moral standards encompass every area of life, but prevailing confusion about specific areas leads the community to speak clearly about them. Students receiving training in a discipline for which there are professional ethical standards are subject to those as well.

Enrollment in or employment by Fuller Theological Seminary includes a commitment by each individual to adhere to all of the seminary's published policies and ethical standards.

Seven statements of community standards are affirmed by all trustees, faculty, administrators/managers, staff, and students of the seminary. These are:

1. **Academic Integrity** (/about/mission-and-values/community-standards1/)
2. **Marriage and Divorce** (/about/mission-and-values/community-standards2/)
3. **Respect for People and Property** (/about/mission-and-values/community-standards3/)
4. **Sexual Standards** (/about/mission-and-values/community-standards4/)
5. **Substance Abuse** (/about/mission-and-values/community-standards5/)
6. **Policy Against Sexual Harassment** (/about/mission-and-values/community-standards6/)
7. **Policy Against Unlawful Discrimination** (/about/mission-and-values/community-standards7/)

News and Events
(<https://www.fuller.edu/about/news-and-events/>)

Offices and Leadership
(<https://www.fuller.edu/about/offices-and-leadership/>)

Work at Fuller
(<https://www.fuller.edu/employment/>)

In the application of these community standards, the seminary urges the practice of loving verbal confrontation when any member of a Christian community feels that another member is living in violation of what the Bible teaches about Christian conduct. The seminary, therefore, encourages individuals to follow, where feasible, the steps of verbal confrontation and dialogue described in Matthew 18:15-22.

The seminary encourages any of its community who are in special need to seek education and counsel. The seminary is committed to extending Christian love to those involved in strife, marital conflict, or the struggle for sexual identity; and to demonstrating the personal forgiveness available through Christ for all human failure.

The use of seminary disciplinary procedures should always be viewed as a last resort. In no way do they exempt the seminary from making every possible effort to guide the honest pursuit of truth, to encourage wholesome approaches to sexuality, to support stable family life, or to model community relationships that convey respect for people and property.

Resources:

- **Overview of the Student Complaint Resolution Process**
(<https://www.fuller.edu/about/institutional-reports-and-documents/institutional-policies-procedures-and-resources/#overview>)
- **Phases of the Student Complaint Resolution Process**
(<https://www.fuller.edu/about/institutional-reports-and-documents/institutional-policies-procedures-and-resources/#phases>)
- **Complaint Resolution Procedures: Marriage and Divorce, Respect for People and Property, Sexual Standards, Substance Abuse**
(<https://www.fuller.edu/about/institutional-reports-and-documents/institutional-policies-procedures-and-resources/#complaint>)
- **Complaint Resolution Procedures: Sexual Harassment, Unlawful Discrimination, Unlawful Harassment, Sexual Misconduct, Retaliation**
(<https://www.fuller.edu/about/institutional-reports-and-documents/institutional-policies-procedures-and-resources/#resolution>)

그리스도인들은 학문적 발전과 영적 은사뿐만 아니라 도덕적 자질을 통해 기독교의 섬김을 보여 주도록 부르심을 받았습니다. 한 영혼에 대한 사랑, 공동체의 필요에 민감함, 정의에 대한 헌신, 하나님의 모든 뜻이 이땅에 이루어 지길 바라는 부담감, 정직성, 도덕적 성장을 향한 열정과 상호 신뢰는 그리스도인이 가져야 할 자질들입니다. 풀러신학교의 학생과 교직원들은 이러한 도덕적 자질들을 갖추고 삶으로 나타내어야만 합니다.

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풀러신학교의 모든 학생과 교직원은 신학교의 공식적 방침과 윤리적 기준을 모두 준수해야 합니다.

풀러신학교의 모든 이사, 교수, 행정직원/관리자, 직원, 학생들은 다음과 같은 7개의 공동체 규범을 따르기로 동의합니다.

1. **학문적정직성** (/about/mission-and-values/community-standards1/)
2. **결혼과이혼** (/about/mission-and-values/community-standards2/)
3. **사람과재산에대한존중** (/about/mission-and-values/community-standards3/)
4. **성에대한기준** (/about/mission-and-values/community-standards4/)
5. **약물남용** (/about/mission-and-values/community-standards5/)
6. **성희롱반대규정** (/about/mission-and-values/community-standards6/)
7. **비합법적차별반대규정** (/about/mission-and-values/community-standards7/)

풀러신학교의 공동체 규범은 다음과 같이 적용될수 있습니다. 공동체의 한 지체가 성경적 기준에서 벗어난 삶을 산다면, 먼저 사랑이 담긴 말을 통해 그 사실을 직시할 수 있도록 해 주어야 합니다. 마태복음 18:15-22이 가르치는 대로 먼저 사랑의 말과 대화로 접근하기를 권면하고 있습니다.

풀러신학교는 특별한 도움이 필요한 공동체의 지체들에게 교육과 상담을 권장하고 있습니다.

풀러신학교는 더 넓은 기독교의 사랑을 실천하기 위하여 분쟁과 부부갈등 또는 성 정체성으로 인한 고통, 그리고 모든 인간의 실패에 대해 그리스도가 보여주신 용서를 실천하기 위해 최선을 다할 것입니다.

풀러신학교의 징계 절차는 항상 최후의 수단으로 시행될 것입니다. 하지만 그러한 징계가 시행된다 하더라도, 풀러신학교는 객관적으로 사건을 바라보고, 성에 관한 문제를 신중하게 다룰 것이며, 안정적인 가정 생활이 유지되도록 도울 것입니다. 또한 사람과 공동체의 자산을 존중하는 공동체를 세우기 위해 가능한 모든 노력을 할 것입니다.

Los hombres y mujeres de Dios son aptos para el servicio cristiano por su carácter moral, así como también sus logros académicos y dones espirituales. Entre sus cualidades debiese existir la compasión por los individuos, sensibilidad hacia las comunidades de las que son parte, compromiso con la justicia, una carga por que la voluntad completa de Dios sea obedecida en la tierra, integridad personal, deseo por el crecimiento moral, y un sentido de responsabilidad mutua. Se espera que los estudiantes y empleados del Seminario Teológico Fuller demuestren estas características morales.

Las normas éticas del Seminario Teológico Fuller se guían por un entendimiento de las Escrituras y un compromiso con su autoridad sobre todo asunto de fe y vida cristiana. La comunidad del seminario también desea honrar y respetar la tradición moral de las iglesias que nos confían la educación de sus estudiantes. Estas normas morales abarcan todas las áreas de la vida, sin embargo, la prevalente confusión acerca de algunas áreas específicas, da lugar para que la comunidad se refiera a ellas de manera clara. Los estudiantes que están recibiendo entrenamiento en una disciplina que exige estándares éticos profesionales, también deberán de ser regidos por éstos.

Todo individuo que se matricule o trabaje para el Seminario Teológico de Fuller acordará comprometerse con todas las políticas y estándares éticos publicados por el seminario.

Las siete declaraciones de los estándares comunitarios han sido ratificadas por los administradores, facultad, síndicos, el personal y estudiantes del seminario. Estas tratan:

1. **La integridad académica (/about/mission-and-values/community-standards1/)**
2. **El matrimonio y el divorcio (/about/mission-and-values/community-standards2/)**
3. **El respeto por las personas y la propiedad (/about/mission-and-values/community-standards3/)**
4. **Las normas sexuales (/about/mission-and-values/community-standards4/)**
5. **El abuso del alcohol y las drogas (/about/mission-and-values/community-standards5/)**
6. **Norma contra el acoso sexual (/about/mission-and-values/community-standards6/)**
7. **Norma contra la discriminación ilegal (/about/mission-and-values/community-standards7/)**

En relación a la aplicación de estos estándares comunitarios, el seminario insta a la práctica de la confrontación verbal amorosa, cuando algún miembro de la comunidad cristiana sienta que otro de los miembros está viviendo en violación a lo que la Biblia enseña acerca de la conducta cristiana. Por lo tanto, en medida de lo posible, el seminario anima a los individuos a que sigan los pasos de confrontación verbal y diálogo descritos en Mateo 18:15-22.

El seminario insta a cualquier miembro de su comunidad que tenga alguna necesidad particular a buscar educación y consejería. El seminario se compromete a extender amor cristiano a todos los que estén involucrados en contiendas, conflictos maritales o en la lucha de identidad sexual; exhibiendo el perdón personal que hay en Cristo para todo fracaso humano.

El uso de procedimientos disciplinarios por parte del seminario deberá de ser visto como un último recurso. Esto en ningún caso exime al seminario de hacer todo esfuerzo posible para guiar la búsqueda honesta de la verdad, fomentar el abordaje de la sexualidad de manera holística, apoyar la estabilidad en la vida familiar o modelar relaciones comunitarias que transmitan respeto por las personas y respeto a la propiedad.

CONTACT

(626) 584-5200
(800) 235-2222
135 N. Oakland Ave.
Pasadena, CA 91182

(713) 360-3400
(877) 811-1280
10200 Richmond Ave., Ste. 170
Houston, TX 77042

Admissions
admissions@fuller.edu (mailto:
admissions@fuller.edu)

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(<https://fullerstudio.fuller.edu/>)

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COMMUNITY STANDARDS

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Community Standards
(<https://www.fuller.edu/about/mission-and-values/community-standards/>)

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ACADEMIC INTEGRITY - 공동체 규범·학문적 정직성 - INTEGRIDAD ACADÉMICA

This Academic Integrity Policy is an expression of the desire of the Fuller community to make clear the shared expectations that enable us to operate as a community embodying mutual trust in pursuing our academic tasks. It is rooted, first of all, in the conviction that the God whom we serve, the God who is Truth, calls us to truthfulness in the presence of the One from whom nothing can be hidden; and second, in the conviction that as brothers and sisters in Christ, we are called both to treat one another with integrity and to expect integrity from one another. We consider it crucial to our life together to establish a common understanding of the shape academic integrity should have among us.

Fuller Theological Seminary seeks to promote both intellectual and moral growth. Thus, our commitment to seek to be beyond reproach in our academic work, as well as in the rest of our behavior, goes beyond adherence to institutional rules or even maintenance of interpersonal relationships and becomes a matter of the formation of Christian character. Keeping that commitment expresses our endeavor to be who we say we are not only as people of faith, but also as those called to moral leadership. Genuine spirituality takes on concrete shape in godly behavior. Failure to represent oneself and one's work truthfully undermines one's character and trustworthiness, and it eventually destroys trusting relationships in the community.

Therefore, we as faculty and students alike commit to honesty in all aspects of our work. We seek to establish a community which values serious intellectual engagement ("loving God with the mind") and personal faithfulness more highly than various measures of "success" such as grades, degrees, or publications. We bear a joint obligation to one another both in and outside of the classroom. Faculty are responsible for modeling in their lectures and publications the same standards for use of oral and written sources that they expect of students in students' oral and written work, just as they are responsible for manifesting the attitudes of openness that they ask for from students. We further count it vital not only to seek to maintain the highest standards of integrity ourselves, but also to protect the integrity of the whole community by actively refusing to tolerate or ignore dishonesty on the part of others.

It is, then, in the interest of promoting common understanding, mutual confidence, fairness, and clear expectations that we set down the following commitments and procedures, in the context of the larger purpose of helping to shape a more faithful Christian community.

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Commitments. The following commitments are to be understood as constituting essential guidelines, but not an exhaustive list of the forms academic integrity must take among us. These commitments underlie but do not supersede professional standards to which one may also be subject. In every instance where professional standards are more specific or rigorous than those specified here, the standards demanded by one's professional calling or degree program shall apply.

Academic integrity requires that as faculty,

- we will develop and use forms of assessment that are relevant to, and consistent with, the stated goals of a course;
- we will provide clear guidelines about acceptable collaboration; and in instances when collaboration is encouraged or required, we will spell out clearly how work is to be prepared for submission and on what basis grades will be assigned;
- we will clearly spell out our expectations for how students should acknowledge receiving suggestions on content and style of papers, including the use of editorial assistance;
- we will clearly spell out course policies on use of previous examinations for preparation for current examinations;
- we will carefully acknowledge our dependence on the ideas of others, including those of our students, in publications, and as appropriate in lectures and in materials distributed in class;
- we will evaluate work on its academic merit, not on the basis of the student's agreement or disagreement with the teacher's point of view;
- we will give students feedback on assignments and will not assign grades without providing comments on papers and essay examinations;
- we will return papers in a timely manner;
- we will follow accepted standards in the construction and grading of examinations;
- we will challenge academic dishonesty when it occurs;
- we will seek to assure consistency in applying these standards by consulting with colleagues as we deal with questions and issues about academic integrity within our professional work;
- we will faithfully adhere to academic policies of the institution, including those related to criteria for granting incompletes and to deadlines for accepting work.

Academic integrity requires that as students,

- we will produce all the work assigned in every course as our individual work, unless collaboration is required or expressly permitted by the instructor;
- we will obtain prior permission from the professor or professors involved in order to submit the same work in more than one course or to use work (in whole or in part) submitted in another course;
- we will avoid all forms of plagiarism;
- we will not submit as our own work papers obtained from another person (with or without that person's knowledge) or from other sources such as term paper companies or the Internet;
- we will give credit for all the major sources of our ideas, whether written or oral, formal or informal, published or unpublished;
- we will rigorously follow accepted standards of citation for quoting directly or indirectly from published or unpublished sources;
- we will not report work as completed that has not actually been done;

- we will consult with the professor prior to the completion of assigned work if we have any question about what constitutes dishonesty or inappropriate collaboration;
- we will faithfully adhere to academic policies of the institution, including those related to criteria for requesting incompletes and to deadlines for submitting work;
- we will not seek unfair academic advantage over other students by misrepresenting our life circumstances in order to obtain extensions of deadlines;
- we will not, in take-home or in-class examinations,
 - copy from the examination papers of other students;
 - allow other students to copy our work on exams;
 - read, without the instructor's consent, previous examinations or a copy of examination questions prior to taking the examination;
 - use materials such as notes or books, including dictionaries, without the express permission of the instructor;
 - have another student take an examination for us;
 - seek or accept unpermitted aid in take-home exams;
 - seek or accept information about the content or style of exams other than what is provided to the entire class by the instructor;
- we will not put pressure on a professor, before or after the grading process, to base grades on criteria other than academic standards.

Commitment to supporting and developing a community ethos of honesty requires of the whole Fuller community that,

- we will not make written assignments available to students for copying;
- we will not give unpermitted aid on take-home examinations;
- we will not make unauthorized copies of examinations available to students;
- we will report known violations of these standards of academic integrity to the faculty of the course involved.

학문적 정직성은 풀러 공동체가 학업을 하는데 있어서 서로를 신뢰할 수 있는 공동체가 되기를 소망하는 중요한 표현중 하나입니다. 학문적 정직성은 먼저 우리가 섬기는 진리의 하나님께서 우리를 진실하게 살도록 부르셨고, 그분의 임재 안에서 아무것도 숨길 수 없다는 확신에 근거하고 있습니다. 또한, 그리스도 안에서 형제 자매로 서로를 정직하게 대하며 서로에게 정직성을 기대한다는 확신에 근거합니다. 풀러 공동체는 이러한 학문적 정직성이 우리 안에 있어야만 한다고 믿으며 그것이 삶을 함께 세워 나가는 중요한 부분이라고 믿습니다.

풀러신학교 공동체는 지적 성장과 도덕적 성장을 함께 추구합니다. 따라서 풀러 공동체는 학업과 우리의 모든 삶에 있어 탁월성을 추구하는 것은 단순히 규칙을 지키는 수준을 넘어서 기독교인의 인격을 형성하는 차원이 됩니다. 그것은 신앙이 있는 사람일 뿐만 아니라 도덕적 지도자로서의 부르심에 헌신하는 의지를 표명하는 것입니다. 참된 영성이란 하나님의 뜻을 따라 행하는 구체적인 행동으로 드러납니다. 우리 자신과 우리의 학업을 신실하게 수행하지 못함은 자신의 성품과 신뢰를 훼손하는 것입니다. 그리고 결국 공동체내의 신뢰관계를 파괴하는 결과를 낳게 됩니다.

따라서, 교수와 학생으로서 우리가 행하는 일의 모든 영역에서 정직해야 합니다. 우리는 학점, 학위 또는 출판 등과 같은 소위 외적인 성공의 기준들보다, 개인의 신실함과 진실한 지성 활동 ("마음으로 하나님을 사랑")을 더 소중하게 여기는 공동체를 수립하고자 합니다. 우리는 교실 안팎에서 서로에 대한 공동 의무를 준수 해야합니다. 교수는 수업과 출판을 위해 구두와 문서 자료를 활용할 때 학생들 또한 구두와 문서 자료를 올바르게 사용하도록 역할의 모범이 되어 줄 책임이 있습니다. 우리는 스스로 정직성에 대한 최고 기준들을 유지하기 위해 노력할 뿐만 아니라, 적극적으로 공동체 일원들의 부정을 용납하거나 간과 하지 않음으로써 전체 공동체의 정직성을 보호하기 위해 노력하는 것이 더욱 중요하다고 믿습니다.

학문적 정직성을 위한 다음과 같은 서약과 절차를 만든 이유는 더욱 신실한 기독교 공동체를 형성

하고자 하는 큰 그림 안에서, 공통의 이해, 상호 신뢰, 공정성을 증진시키고자 하는 데 있습니다.

서약. 다음의 서약들은 반드시 있어야 하는 기준들이지만, 우리 공동체가 학문적 정직성을 위해 실천해야 할 모든 내용을 포괄하지는 않습니다. 이러한 서약들은 보다 전문적 기준들의 근거가 되는 하지만 전문적인 기준들을 완전히 대체 할 수는 없습니다. 이곳에 명시된 것보다 좀더 전문적인 기준이 필요할 경우에는, 전문적 영역과 학위과정이 요구하는 특별한 기준들이 적용될 수 있습니다.

교수에게는 다음과 같은 학문적 정직성이 요구 됩니다:

- 우리는 명시된 수업의 목표에 대해 적절하고 일관성 있는 평가 기준을 개발하고 사용할 것입니다;
- 우리는 학생들의 공동작업에 대한 명확한 지침을 제공합니다. 공동 작업이 권장되거나 필요한 경우에, 과제를 어떻게 준비해야 하는지 학점을 주는 근거는 무엇인지 분명하게 명시할 것입니다;
- 우리는 학생들이 소논문의 내용, 양식, 그리고 편집에 관련된 제안들을 어떻게 이해하며 받아들여야 하는지에 대해 분명하게 명시할 것입니다.
- 우리는 현재의 시험 준비를 위해 이전의 시험 자료를 사용하는 것에 대한 방침을 분명하게 제시할 것입니다;
- 우리는 학생들의 아이디어를 포함하여 출판과 강의실에서 사용하는 자료들의 출처를 정확하게 밝히는 것을 신중하게 인식할 것입니다.
- 우리는 학업평가를 교수의 관점과 학생의 관점 사이의 일치나 불일치에 근거하는 것이 아니라 학업성취에 따라 할 것입니다;
- 우리는 채점을 할 때 학생들에게 과제에 대한 피드백을 줄 것이며 논문과 논술형 시험에 대해 교수의 논평없이 채점하지 않을 것입니다.
- 우리는 정해진 시간에 소논문/과제물을 돌려줄 것입니다;
- 우리는 시험의 구성 및 학점에 있어서 제시된 기준을 따를 것입니다;
- 우리는 학문적 부정직이 발생했을 때 적절한 조치를 취할 것입니다;
- 우리는 전문적인 영역에서 학문적 정직성에 대한 문제나 질문들을 해결할 때 동료 교수들과 상의하여 이 기준들의 적용을 일관성 있게 처리할 것입니다.
- 우리는 “미완된 과제” (“incomplete”) 을 주는 문제와 과제 마감시한 문제에 대하여 학교 규정들을 충실하게 준수할 것입니다.

학생들에게 다음과 같은 학문적 정직성을 요구 합니다:

- 우리는 협력이 필요하거나 명시적으로 교수가 허용하지 않는 한, 모든 과목에 할당된 과제를 개인적으로 수행할 것입니다;
- 우리는 다른 과목에 제출했던 동일한 과제물 혹은 그 과제물(전체 또는 일부분) 을 사용할 때는 관련 교수 혹은 교수들의 사전 허가를 받을 것입니다;
- 우리는 모든 형태의 표절을 피할 것입니다;
- 우리는 타인 (그 사람이 알든지 모르든지) 으로부터 혹은 논문회사나 인터넷과 같은 출처에서 얻은 과제를 우리의 자신의 과제로 제출하지 않을 것입니다;
- 우리는 서면이든 구두이든, 공식이든 비공식이든, 출판 유무에 상관없이 우리 생각의 모든 출처를 분명히 밝힐 것입니다;
- 우리는 출판 유무에 상관없이 직접 또는 간접적 인용을 위한 출처 인용 기준을 엄격하게 따를 것입니다.
- 우리는 실제로 완성되지 않은 과제에 대해 이미 완료되었다고 보고하지 않을 것입니다;
- 우리는 다른 학생들과 공동 프로젝트를 할 때 어떤 경우가 부정직이나 부적절한 협력에 해당되는지를 미리 교수와 상의할 것입니다;
- 우리는 “미완된 과제” (“incomplete”) 요청과 과제 마감시한과 같은 기준들을 충실하게 준수할 것입니다;
- 우리는 마감 시간의 연장을 위해 우리의 상황을 거짓으로 보고하여 다른 학생들에 비해 불공정한 이득을 취하지 않을 것입니다;

- 개인적으로 집에서 치르는 시험 (take-home exam)이든 강의실에서 치르는 시험이든,
 - 다른 학생들의 시험지를 보고 베끼지 않을 것입니다;
 - 다른 학생들이 우리의 시험지를 보고 베끼도록 허용하지 않을 것입니다;
 - 시험을 치르기 전, 교수의 허락없이 이전 시험이나 시험 문제의 내용을 읽지 않을 것입니다;
 - 교수의 명시적인 허가없이, 사전을 포함한 노트나 책 같은 자료를 사용하지 않을 것입니다;
 - 다른 학생이 대신하여 시험을 치게 하지 않을 것입니다;
 - 개인적으로 집에서 치르는 시험 (take-home exam)의 경우 허락 되지 않는 도움을 구하거나 받지 않을 것입니다.
 - 교수가 전체 클래스에 제공한 시험의 내용이나 양식에 대한 정보 이외에는 요구하거나 받지 않을 것입니다;
 - 교수가 학점을 주기 전과 후에 학문적 기준이 아닌 다른 기준으로 학점을 주도록 교수를 압박하지 않을 것입니다.
- 풀러공동체에 전체가 정직성이라는 정신을 지키고 함약하기 위한 서약.
- 우리는 다른 학생들이 타인의 완성된 과제들을 복사하는 일이 없도록 주의할 것입니다;
 - 우리는 개인적으로 집에서 치르는 시험 (take-home exam)의 경우 허락되지 않은 도움을 제공하지 않을 것입니다;
 - 우리는 학생들에게 허가되지 않은 시험지 사본을 제공하지 않을 것입니다;
 - 우리는 학문적 정직성 위반이 발견될 경우 담당교수에게 보고 할 것입니다.

Esta política de integridad académica es una expresión del deseo de la comunidad de Fuller de clarificar las expectativas comunes que nos permitan operar como una comunidad que encarna el principio de confianza mutua con relación al logro de nuestras tareas académicas. Esta política está arraigada primeramente en la convicción de que el Dios a quien servimos, el Dios que es Verdad, nos ha llamado a ser veraces en la presencia de aquel a quien nada le es oculto; y en segundo lugar, en la convicción de que como hermanos y hermanas en Cristo, hemos sido llamados a tratar a los demás con integridad y esperar la integridad los unos de los otros. Consideramos que es crucial para nuestra vida común el establecer un entendimiento compartido de la forma en que la integridad académica debe de ser practicada entre nosotros.

El seminario Teológico de Fuller busca el promover tanto el crecimiento intelectual, como el moral. Por lo tanto, nuestro compromiso de ser irreprochables en nuestro trabajo académico, así como en el resto de nuestro comportamiento, va más allá de seguir reglas institucionales o aún el de mantener sanas relaciones interpersonales, convirtiéndose así en un asunto de la formación del carácter cristiano. El mantener este compromiso expresa nuestro empeño por ser lo que profesamos ser no sólo como personas de fe, sino también como personas llamadas a ser líderes morales. La espiritualidad genuina toma una forma concreta a través del comportamiento piadoso. La persona menoscaba su carácter y fiabilidad cuando no es veraz en la manera en que se presenta a sí misma y a su trabajo, y eventualmente termina por destruir las relaciones de confianza en una comunidad.

Por consiguiente, nosotros la facultad y los estudiantes, nos comprometemos del mismo modo a la honradez en todos los aspectos de nuestro trabajo. Buscamos establecer una comunidad que valora el compromiso intelectual serio (“amar a Dios con la mente”) y la fidelidad personal más que otras medidas de “éxito” tales como calificaciones, los títulos o las publicaciones. Tenemos una obligación mutua los unos con los otros, tanto dentro como fuera del salón de clase. La facultad es responsable de modelar en sus ponencias y publicaciones los mismos estándares para el uso de fuentes orales y escritas que esperan que los estudiantes empleen en sus trabajos orales y escritos, también tienen la responsabilidad de mostrar en ellas la misma franqueza que esperan de sus estudiantes. Además, consideramos vital no solo buscar mantener las normas máximas de integridad personal, sino que también proteger la integridad de toda la comunidad rehusándonos activamente a tolerar o ignorar la falta de honradez de otros.

Por ende, en el interés de promover la comprensión y confianza mutua, la imparcialidad y las expectativas claras, establecemos los siguientes compromisos y procedimientos en el contexto del propósito mayor de ayudar a la formación de una comunidad cristiana más fiel.

Compromisos. Se entiende que los siguientes compromisos constituyen directrices esenciales, sin embargo no son una lista exhaustiva de todas las formas de integridad académica que hay entre nosotros. Estos compromisos sustentan pero no reemplazan las normas profesionales a las cuales también podemos estar sujetos. En toda instancia en que existan normas profesionales más específicas o rigurosas que las se especifican aquí, las normas y estándares demandados por la vocación profesional o programa de título/grado específico serán aplicadas.

La integridad académica requiere que como facultad;

- Desarrollaremos y usaremos formas de evaluación que sean pertinentes y consecuentes con las metas indicadas para el curso.
- Proveeremos directrices claras acerca de la colaboración que es aceptable; y en casos en los cuales la colaboración sea promovida o requerida, comunicaremos claramente cómo se deberá preparar el trabajo antes de entregarse y cuáles serán las pautas para su evaluación.
- Comunicaremos claramente nuestras expectativas en relación a como los estudiantes deben indicar que recibieron sugerencias acerca del contenido y estilo de sus trabajos, incluyendo el uso de ayuda editorial.
- Explicaremos claramente las reglas del curso con relación al uso de exámenes dados en cursos previos como manera de preparación para exámenes actuales.
- Daremos crédito y reconocimiento de nuestra dependencia de las ideas de otros, incluyendo las ideas de nuestros estudiantes, en publicaciones, y de ser apropiado, en las ponencias y materiales distribuidos en clase.
- Evaluemos el trabajo en base a su mérito académico y no en base al grado de acuerdo o desacuerdo del estudiante con el punto de vista del maestro.
- Daremos retroalimentación a los estudiantes por sus tareas, y no asignaremos calificaciones sin proveer comentarios en los trabajos y evaluaciones escritas.
- Devolveremos los trabajos a tiempo.
- Seguiremos los estándares aprobados en la construcción y calificación de exámenes.
- Impugnaremos la falta de honestidad académica cuando ésta suceda.
- Buscaremos ser consistentes al aplicar estos estándares de conducta, consultando con nuestros colegas cuando tratemos con preguntas y asuntos de integridad académica dentro de nuestro trabajo profesional.
- Seguiremos fielmente las políticas académicas de la institución, incluyendo aquellas relacionadas con los criterio a seguir en casos de incompletos o plazos para la aceptación de trabajos.

La integridad académica requiere que como estudiantes;

- Produciremos todo el trabajo asignado para cada curso como nuestro trabajo individual, a menos que el curso expresamente requiera colaboración o bien, que el maestro claramente lo haya permitido;
- Obtendremos permisos previos del profesor o profesores involucrados para poder presentar el mismo trabajo en más de un curso o para usar un trabajo (entero o en parte) previamente presentado en otro curso;
- Evitaremos toda forma de plagio;
- No entregaremos como trabajos propios, aquellos que hemos obtenido de otra persona (con o sin el consentimiento de esa persona) o de otras fuentes tales como compañías que venden trabajos escritos o el internet;

- Daremos crédito de todas las fuentes primarias de nuestras ideas, sean escritas u orales, formales o informales, publicadas o no publicadas;
- Seguiremos rigurosamente los estándares aceptados para las citas directas o indirectas de fuentes publicadas o no publicadas;
- No informaremos que hemos completado trabajos que en realidad no hemos hecho;
- Consultaremos con el profesor cualquier duda de lo que se constituye una falta de honradez o colaboración inapropiada antes de completar un trabajo asignado;
- Seremos fieles a las normas académicas de la institución, incluyendo aquellas relacionadas con los criterio a seguir en casos de incompletos o plazos para la entrega de trabajos.
- No buscaremos obtener una ventaja académica injusta sobre los demás estudiantes al mal emplear las circunstancias de nuestra vida para obtener extensiones a las fechas límites para entregar trabajos;
- En relación a los exámenes tomados en casa o desarrollados en clase;
 - No copiaremos de los exámenes de otros estudiantes;
 - No permitiremos que otros estudiantes copien nuestros trabajo o nuestros exámenes;
 - No leeremos, sin el consentimiento del instructor, exámenes previos o copias de las preguntas del examen antes de tomarlo;
 - No usaremos materiales tales como notas o libros, incluyendo diccionarios, sin el permiso explícito del instructor;
 - No permitiremos que otro estudiante tome un examen en nuestro lugar;
 - No buscaremos ni aceptaremos ayuda no autorizada para los exámenes realizados en casa;
 - No buscaremos o aceptaremos información acerca del contenido o estilo de los exámenes a excepción de lo provisto por el profesor en la totalidad de la clase;
- No ejerceremos presión sobre el profesor, antes o durante el proceso de calificar, para que base las calificaciones en criterios diferentes a los estándares académicos.

El compromiso a apoyar y desarrollar la práctica de la honestidad comunitaria, requiere que toda la comunidad de Fuller;

- No proveeremos asignaciones escritas disponibles para que los estudiantes las copien;
- No proveeremos de ayuda no autorizada en la realización de exámenes en casa;
- No proveeremos copias no autorizadas de exámenes para distribuir a estudiantes;

Informaremos a la facultad del curso en cuestión toda violación a estos estándares de integridad académica.

CONTACT

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MARRIAGE AND DIVORCE - 공동체 기준-결혼과 이혼 - MATRIMONIO Y DIVORCIO

Out of its commitment to the stability and strength of marriages and families and out of concern about the prevailing breakdown of both in our time, Fuller Theological Seminary wishes, in the following statement, to affirm its commitments and policies with respect to God's will for the permanence of marriage and the tragic realities of divorce.

- I. As in all of its policies and practices, so also in its policy with respect to marriage and divorce, the seminary intends to embody the mind of Christ and the teaching of Holy Scripture. Christ teaches that God the Creator intended marriage to be an unconditional covenant between a woman and a man that unites them into one corporate body. Guided by the love and grace of God to all persons, each spouse vows to love, honor, and cherish the other in all circumstances without exception (Mark 10:2-12). Christ's teaching is clear in recalling the creation story. He says: "But from the beginning, God made them male and female. 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.' So they are no longer two but one flesh. Therefore, what God has joined together, let no one separate." The apostle Paul, having reaffirmed the Lord's teaching about the permanence of marriage, adds the richly suggestive metaphor of the marriage of a man and a woman as a mirror of the abiding union of Jesus Christ and his Body, the Church. From these words, it is clear that God wills marriage to be a permanent partnership of love. Surely God wills for every marriage something far richer than permanence. God wills that both partners subordinate their individual expectations to their shared growth into the disciplined maturity and wholeness of Christ. God wills that healthy marriages be pivotal supports for all other human relationships. God wills that a wife and husband model together the whole mind of Christ for human community. The concern of this statement, however, is with his will for the permanence of marriage. It is motivated by a desire that Christian marriages in particular survive the erosions of a culture in which pursuit of each individual's personal satisfaction has replaced lifetime commitment as the norm for marriage. Fuller Theological Seminary seeks to be a community of men and women, single and married, who are striving to make their lives reflect the healthy, generous, attractive, and enduring embodiments of God's unselfish love in a selfish world.
- II. Sensitive to the fragility of any marriage, and to the fact that the price of fidelity to the biblical ideal is often paid in the hard currency of patient courage, Fuller Theological Seminary intends to do whatever it can to encourage and comfort those members of the community who walk the path of fidelity in lonely need and turbulent pain. It is concerned not only to help people salvage their distressed marriages, but to be a community of support for all who strive to make their healthy

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marriages and their strong families even healthier and stronger than they are. The seminary expects that persons who are experiencing a troubled marriage will recognize the importance of this community of support and will make good use of seminary and other resources in their effort to bring healing and wholeness to their marriage.

- III. The Fuller community intends to respond to its divorced members with a compassion that in no way compromises our conviction. We believe that God wills marriage to be permanent and that he is deeply grieved when any marriage fails. We do not intend to alter this conviction. In compassion, however, we recognize that, in our broken world, it may sometimes be the case that people do end their marriages. In accordance with Scripture and the theological heritage of the church, we must ascertain the circumstances and causes of the failure of the marriage. Some relevant circumstances taken together, and not as a checklist, may include personal motivations, history of the relationship, counseling efforts, questions of abuse, care of any children, remarriage, reconciliation efforts, and fidelity. While the seminary community does not reject members on the simple ground that they have experienced the pain of a broken covenant and a failed marriage, the seminary will review the circumstance and causes according to the seminary's Response Procedures for Alleged Violations of Community Standards.
- IV. The seminary attempts to respond redemptively to people within its community whose marriages have, in tragic fact, failed. It means to do so in ways that reflect both its commitment to the permanence of a marriage covenant and its compassion for those whose covenants have been broken by divorce. We do not intend to compromise the biblical ideal; we acknowledge that the breakup of a marriage always grieves God. Yet, compassion leads us to discern that, in our broken human condition, divorce may sometimes be an unavoidable last resort to end a cycle of pain and sin within an unwholesome marriage. In this delicate balance of commitment and compassion, Fuller Theological Seminary hopes to be a redemptive community in which those who have experienced the pain of a covenant broken, a love failed, a marriage lost, are renewed.
- V. The Fuller community remains convinced that Christ's ideal of permanent marriage must be reflected, however imperfectly, in the lives of its faculty, administration, board, students, and staff. For this reason, it has established certain procedures for evaluating the circumstances and causes of any divorce that may occur. It expects that a member of the seminary Board of Trustees, faculty, administration, student body, or staff experiencing a divorce will self-report the relevant circumstances of his/her divorce to his/her provost council level supervisor. The purpose of the review will be to help colleagues ascertain whether the reasons for the divorce and the mind of the colleague concerning it are such as to recommend his or her continuing to function as a member in the Fuller community. The review shall be attended with utmost concern for the special needs and rights of all parties to the divorce; it shall be private, collegial, and as fair as possible to all concerned. The review process is outlined in the seminary's Response Procedures and, under certain circumstances, could result in dismissal of a person from the seminary community. Likewise, when someone who has been invited to join the seminary's Board of Trustees, the faculty, or senior administration, has experienced divorce, the candidate is asked to participate with a committee of his or her potential colleagues in a review of the circumstances of the divorce before any appointment is made.
- VI. Finally, Fuller Theological Seminary applauds and encourages the creative efforts of those Christian agencies who, together with faithful Christian churches, are dedicated to the renewal and healing of marriage and family life in our society.

결혼과 가정이 주는 안정감과 가치를 소중히 여기면서, 한편으로는 우리 세대의 붕괴되어가고 있는 결혼과 가정에 대해 우려하면서, 풀러신학교는 결혼의 영속성과 이혼으로 인한 비극적인 현실에 관한 하나님의 뜻을 존중하며 다음과 같은 서약과 정책들을 지지합니다.

I. 다른모든 규범들과 마찬가지로 결혼과 이혼에 대한 규범에 대해서도, 풀러신학교는 그리스도의 정신과 성경의 가르침을 구현하고자 합니다.

창조주 하나님께서는 결혼을 여자와 남자를 하나의 몸으로 연합하는 조건없는 언약이 되게 하셨다고 그리스도는 가르치십니다. 모든 사람에게 주시는 하나님의 사랑과 은혜를 의지하여, 부부는 모든 상황에서 예외 없이 서로를 사랑하고 존중하고 아끼기로 서약해야 합니다 (막 10:2-12). 그리스도의 가르침은 창세기에 대한 그분의 언급에서 명백해집니다. 그리스도는 말씀하

십니다. "창조 때부터 저희를 남자와 여자로 만드셨으니 이리므로 사람이 그 부모를 떠나서 그 둘이 한 몸이 될지니라 이러한즉 이제 둘이 아니요 한 몸이니 그러므로 하나님이 짝지어 주신 것을 사람이 나누지 못할찌니라 하시더라."

사도 바울은 결혼의 영속성에 대한 주님의 가르침을 재확인하면서, 결혼에 대한 깊은 비유를 제시합니다. 남자와 여자의 결혼은 마치 예수 그리스도와 교회의 영속적인 연합과 같은 것이라는 것입니다. 이러한 말씀속에 하나님께서는 결혼이 영원한 사랑의 관계가 되기를 원하신다는 것이 분명합니다. 확실히 하나님께서는 모든 결혼이 단지 영속적인 것을 넘어 더 풍성해지기를 원합니다. 하나님께서는 건강한 결혼생활이 다른 모든 인간 관계의 중요한 중심이 되기를 원하십니다. 하나님은 아내와 남편이 함께 사회를 향한 그리스도의 마음을 드러내는 모델이 되기를 원하십니다. 하지만 본 규범의 원래의 목적은 결혼의 영속성에 대한 하나님의 뜻과 관련이 있습니다. 이러한 결혼에 대한 규범은 각 개인의 욕심으로 인해 평생헌신이라는 결혼에 대한 고유 가치가 무너지서는 안된다는 위기의식 속에서 나왔습니다.

풀러신학교는 자신들의 삶을 건강하고, 관대하고, 아름답고, 인내하는 하나님의 이타적 사랑을 이기적인 세상에서 구현해 나가려는 남성과 여성, 독신과 기혼자 모두의 공동체이기를 추구합니다

II. 결혼 생활이 갖는 연약함과 성경적인 결혼생활을 위해 치뤄야 할 인내의 대가가 필요함을 깊이 이해하면서, 풀러신학교는 고독과 고통 속에서도 성실함의 길을 걷는 부부들을 격려하고 위로 하기위해 최선을 다 할것입니다. 이러한 노력은 고통과 아픔에 처해 있는 부부의 문제를 해결하도록 돕는 것 뿐 아니라 건강하고 화목한 가족들이 더욱 더 건강하고 보다 더 화목한 가족들이 될 수 있도록 돕는데 기울여 질 것입니다. 풀러공동체는 결혼문제로 고통을 당하고 있는 분들이 공동체의 도움이 중요하다는 사실을 인식하고 그분들의 결혼생활이 치유되고 건전한 생활을 할수 있도록 신학교 및 기타 도움들을 잘 활용할 수 있기를 바랍니다.

III. 풀러 공동체는 우리의 믿음을 타협하지 않으면서 이혼한 구성원들을 신중하게 대처하길 원합니다. 우리는 영속적인 결혼이 하나님의 뜻이며 결혼이 실패 할 때 하나님께서 깊이 슬퍼 하심을 믿습니다. 여기에 대한 우리의 믿음은 절대 흔들리지 않을 것입니다. 하지만 공허한 마음으로 깨어진 세상을 바라볼 때 어쩔수 없이 이혼에 이를 수도 있다는 사실을 인식하고 있습니다. 성경과 교회의 신학적 유산에 따라, 우리는 결혼 실패의 상황과 원인을 파악해야 합니다. 이러한 상황은 단순한 분석적 차원을 넘어 개인 동기, 관계의 역사, 상담 활동, 학대의 문제, 자녀 양육, 재혼, 화해 노력, 그리고 성실함등의 복합적인 상황들을 포함합니다. 깨진 연약과 실패한 결혼의 고통을 경험했다는 단순한 이유로 구성원들을 차별 하지 않지만, 신학교는 "공동체 규범의 위반 혐위에 대한 신학교의 규범"에 따라 상황과 원인을 검토할 것입니다.

IV. 신학교는 결혼에 실패한 구성원들에게 구속적 (redemptive) 접근을 할 것입니다. 이러한 구속적인 접근은 결혼 연약의 영속성에 대한 헌신과 더불어 이혼으로 인해 깨어진 구성원들을 향한 연민을 반영하는 방식으로 진행될 것입니다. 하지만 우리는 결코 성경의 가르침을 손상할 의도는 없습니다. 왜냐하면 결혼의 깨어짐은 항상 하나님의 마음을 아프게 한다는 사실을 인정하기 때문입니다. 그러나 하나님의 공화심은 우리의 죄악된 상태로 인해 야기된 고통과 죄의 악순환을 끊기 위해 때때로 이혼은 불가피한 최후의 수단이 될 수도 있다는 것을 깨닫게 해 줍니다. 이러한 헌신과 공화심이라는 균형감 속에서, 풀러신학교는 깨진 연약, 실패한 사랑, 이혼의 고통을 경험한 사람들이 회복되는 구속적 공동체가 되기를 소망합니다.

V 풀러 공동체는 비록 불완전할 지라도 영속적 결혼이라는 그리스도의 이상을 해당 교직원, 행정직원, 이사회, 학생, 직원들의 삶 속에서 반영해야 한다고 확신합니다. 이런 이유 때문에, 발생할 수 있는 이혼의 상황과 원인을 평가하는 일련의 절차를 수립했습니다.

그것은 이혼을 겪고 있는 이사회 구성원, 교직원, 행정직원, 학생회, 또는 직원이 학장 수준의 관리자에게 이혼의 관련 상황을 자신들 스스로 보고하게 됩니다. 보고의 목적은 이혼을 한 배경과 그것에 대한 동료들의 생각들이 이혼한 당사자들이 풀러 공동체 내에서 하나의 구성원으로서 지속적으로 기능할 수 있도록 허락할 수 있는지의 여부를 확인하기 위함입니다. 보고를 하게 되면 당사자는 최대한 많은관심과 함께 특별한 필요와 권리를 받을 수 있습니다. 그것은 개인적이고 공동체적이고 가능한 모든 관련자들에게 최대한 공정하게 할 것입니다. 보고 과정은 신학교의 반응 절차에 요약되어 있으며, 특정 상황에서는 검토 결과에 따라 당사자가 신학교 공동체에서 떠나게 할 수도 있습니다.

마찬가지로, 이사회, 교수, 또는 고위 행정직 등에 동참하도록 초청을 받은 사람이 이혼을 경험한 경우라면, 후보를 임명하기 전, 예비 동료 위원회는 후보에게 이혼 상황에 대한 상황 검토를 요구합니다.

VI. 마지막으로, 풀러신학교는 신실한 기독교 교회들과 함께 우리 사회 내의 결혼과 가족 생활

의 치유와 갱신에 헌신하고 있는 기독교 단체들의 창조적인 노력에 찬사와 박수를 보냅니다.

Debido a su compromiso hacia la estabilidad y fortaleza de los matrimonios y familias, y por la preocupación ante el alto índice de rupturas y fracasos de éstos en nuestro tiempo, el Seminario Teológico Fuller desea por medio de las siguientes declaraciones, afirmar sus compromisos y principios con relación a la voluntad de Dios por la permanencia del matrimonio y las trágicas realidades del divorcio.

- Como en todas sus declaraciones y normas, asimismo en relación al matrimonio y el divorcio, el seminario se ha propuesto encarnar la mente de Cristo y la enseñanza de las Sagradas Escrituras.

Cristo enseña que Dios el creador quiso desde el principio que el matrimonio fuese un pacto incondicional entre una mujer y un hombre que los uniese en un solo cuerpo. Guiados por el amor y la gracia de Dios hacia todas las personas, cada conyugue promete amar, honrar y apreciar al otro en toda circunstancia, sin excepción alguna (Marcos 10:2-12). La enseñanza de Cristo es clara al recordar la historia de la creación. Él dice; “Pero al principio de la creación, hombre y mujer los hizo Dios. Por esto dejará el hombre a su padre y a su madre, y se unirá a su mujer, y los dos serán una sola carne; así que no son ya más dos, sino uno. Por tanto, lo que Dios juntó, no lo separe el hombre”.

El apóstol Pablo, habiendo reafirmado la enseñanza del Señor acerca de la permanencia del matrimonio, añade una metáfora muy sugestiva del matrimonio entre un hombre y una mujer como un espejo de la unión permanente de Cristo y su cuerpo, la Iglesia. Estas palabras muestran claramente que la voluntad de Dios es que el matrimonio sea una relación permanente de amor. De seguro Dios quiere para todo matrimonio algo mucho más allá que solo la permanencia. Dios desea que ambos compañeros subordinen sus expectativas individuales a la madurez disciplinada y el crecimiento conjunto de la plenitud de Cristo. Es la voluntad de Dios que los matrimonios saludables sean el apoyo fundamental de todas las demás relaciones humanas. Dios quiere que la mujer y el hombre modelen juntos la plenitud de la mente de Cristo para la comunidad humana. La preocupación de esta declaración es, sin embargo, en relación con la voluntad de Dios por la permanencia del matrimonio. Esta declaración está motivada por el deseo de que los matrimonios cristianos, de manera particular, puedan sobrevivir los deterioros de una cultura que ha reemplazado un compromiso de vida como la norma matrimonial, por la búsqueda de la satisfacción personal.

El Seminario Teológico Fuller busca ser una comunidad de hombres y mujeres, solteros y casados, que se esfuercen por hacer de sus vidas un reflejo saludable, generoso, atractivo y duradero del amor no egoísta de Dios en medio de un mundo egoísta.

- Estando conscientes de la fragilidad del matrimonio y de que el costoso precio del ideal bíblico de la fidelidad se paga con la moneda del valor paciente, el Seminario Teológico Fuller busca hacer todo lo posible por alentar y consolar a los miembros de la comunidad que escogen caminar la ruta de la fidelidad en medio de la necesidad solitaria y el dolor turbulento. Está preocupado no solo con ayudar a salvar matrimonios atribulados, sino que también de ser una comunidad de apoyo para todos aquellos que se esfuercen por hacer de sus matrimonio fuertes y familias saludables, unos aún más fuertes y saludables. El seminario espera que aquellos que sufren en un matrimonio difícil puedan reconocer la importancia de esta comunidad de apoyo y aprovechen al seminario y otros recursos en su esfuerzo por traer sanidad y entereza a su matrimonio.
- La comunidad de Fuller intenta responder a sus miembros divorciados con una compasión que, de ninguna manera compromete nuestras convicciones. Creemos que Dios quiere que el matrimonio sea permanente y que le entristece grandemente cuando un matrimonio fracasa. No tenemos la intención de cambiar esta convicción. Sin embargo reconocemos con compasión que en nuestro mundo quebrantado en ocasiones las personas terminan sus matrimonios. De acuerdo a las Escrituras y a la herencia teológica de la Iglesia, debemos determinar las circunstancias y causas del fracaso matrimonial. Algunas circunstancias pertinentes vistas en conjunto, y no como una lista exhaustiva, podrían ser las motivaciones personales, la historia de la relación, los esfuerzos por obtener consejería, las cuestiones de abuso, el cuidado de los niños, un segundo matrimonio, esfuerzos de reconciliación y la fidelidad. Si bien, la comunidad del seminario no rechaza a miembros

simplemente porque hayan experimentado el dolor de una ruptura de un pacto y un fracaso matrimonial, el seminario si revisará las circunstancias y causas de acuerdo a sus procesos de respuesta a supuestas violaciones de las normas de la comunidad.

- Es la intención del seminario poder responder en manera redentora a aquellas personas de la comunidad cuyos matrimonios han trágicamente fallado. Esto busca hacerse de manera que se refleje tanto el compromiso hacia la permanencia del pacto matrimonial, como la compasión por aquellos cuyos pactos han sido rotos por el divorcio. No pretendemos comprometer el ideal bíblico; reconocemos que la ruptura de un matrimonio siempre entristece a Dios. Sin embargo, la compasión nos lleva a discernir que en nuestra condición humana quebrantada, el divorcio a veces es el último recurso para terminar el ciclo de dolor y pecado en un matrimonio malsano. En este delicado equilibrio entre el compromiso y la compasión, el Seminario Teológico Fuller espera ser una comunidad redentora en la cual aquellos que han experimentado el dolor de un pacto quebrado, un amor que ha fracasado, un matrimonio que se ha perdido, puedan ser renovados.
- La comunidad de Fuller está convencida de que el ideal de Cristo de la permanencia matrimonial debe de ser reflejado, aunque en manera imperfecta, en las vidas de la facultad, la administración, la junta de síndicos, los estudiantes y el personal. Por esta razón, se han establecido ciertos procedimientos para evaluar las causas y circunstancias de cualquier divorcio que pueda ocurrir.

Se espera que todo miembro de la junta de síndicos del seminario, la facultad, la administración, el grupo de estudiantes o el personal que se esté divorciando, comunique personalmente las circunstancias de su divorcio a su supervisor/a al nivel del consejo del provoste. El propósito de esta revisión será el de ayudar a los colegas a comprobar si las razones y sentimientos concernientes al divorcio son pertinentes a la permanencia de éste o ésta persona en su función como miembro de la comunidad de Fuller. El proceso de revisión tratará con sumo cuidado las necesidades especiales y derechos de todas las personas involucradas en el divorcio; será privado, colegiado, y lo más justo posible para todos los involucrados. El proceso de revisión está expuesto en los procedimientos de respuesta del seminario y, bajo algunas circunstancias, podrá resultar en el despido de una persona de la comunidad del seminario.

De igual manera, cuando se invite a alguien que haya experimentado un divorcio a participar en la junta de síndicos, la facultad, u otros niveles altos de administración, se le requerirá al candidato participar con un comité de sus potenciales colegas en una revisión de las circunstancias de su divorcio antes de darle el nombramiento.

- Por último, el Seminario Teológico de Fuller aplaude y anima los esfuerzos creativos de las agencias cristianas que, junto a iglesias cristianas fieles, se dedican a renovar y sanar el matrimonio y la vida familiar en nuestra sociedad.

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RESPECT FOR PEOPLE AND PROPERTY - 공동체 규범-사람과 재산에 대한 존중 - RESPETO POR LAS PERSONAS Y LA PROPIEDAD

As a community of Christians with special commitment to acting out love to one another, the seminary expects community behavior that demonstrates the highest standard of respect for people and property. Scripture is replete with exhortations to look out for the welfare of others and build up each other, to be good protectors and stewards of the possessions God has given us, and to be honest and keep one's word. The seminary is committed to fostering respectful interpersonal relationships regardless of gender, race, age, handicap, or national origin.

Basic standards for respectful conduct at Fuller are similar to those of other institutions of higher education in societies with the legal foundation of respect for people and property. The following are examples of behaviors that are not acceptable according to the standard on Respect for People and Property. These examples are not intended to identify all unacceptable behaviors, but to indicate the types of behavior which are clearly inconsistent with the behavioral expectations of the seminary. When willfully engaged in, serious, or repeated, they may be cause for disciplinary action. When appropriate, these may be reported to civil authorities for legal or other action.

Dishonesty: The seminary regards as unacceptable any lying, misrepresentation, or deception in representations an individual makes about one's self or others in any phase of seminary life.

Injurious or offensive action: Physical assault, infliction of psychological injury, and the spreading of malicious rumors are unacceptable. Prejudicial treatment based on gender, race, age, physical challenge, or national origin is both offensive and injurious. Persistent profane or obscene language is subject to disciplinary action.

Disruption: Acts by individuals or groups which substantially interfere with the rights of others or interfere with the normal activities of the seminary are unacceptable. Disruptive activities in classrooms, libraries, offices, other campus meeting or assembly areas, or in student residences are included.

Stealing or destruction of property: Theft of or damage to the property of another person or of the seminary is unacceptable. Defacing or rendering library material unusable shows little respect for people or property. Unauthorized possession or use of seminary materials or equipment is a form of stealing.

Purposeful violation of institutional policies: Purposeful violations include, but are not limited to, refusal to comply with contractual arrangements with seminary offices or services, refusal to follow seminary parking policies and/or pay parking violation fines, and unwillingness to abide by established policies in Fuller Housing.

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특별한 헌신으로 사랑을 실천하는 기독교 공동체로서 풀러신학교는 사람들과 재산에 대한 최고 수준의 존중을 보여줄 수 있는 공동체 기대하고 있습니다. 성경은 다른 사람들의 복지를 찾기 위해 노력하고, 서로를 세워주고, 하나님께서 우리에게 허락하신 소유물들에 대해 청지기와 보호자 역할을 가르치고 있습니다. 풀러신학교는 성별, 인종, 나이, 장애, 또는 국적에 관계없이 서로를 존중하는 대인 관계를 형성하기 위해 최선을 다하고 있습니다.

풀러신학교에서의 존중 행위에 대한 기본규범은 사람과 재산에 대한 존중의 법적 기초를 따르는 다른 고등 교육 기관들과 비슷합니다. 다음은 사람과 재산에 대한 존중의 기준에 따라 허용되지 않는 행동의 예들입니다. 이러한 예들은 허용되지 않는 모든 행동을 확인하는 데 있지 않고, 신학교가 기대하는 행동과 분명히 일치하지 않는 행동유형을 나타내기 위한 것입니다. 고의로 가담할 경우, 심각하거나 반복될 때, 그 예들은 징계 조치에 대한 원인이 될 수 있습니다. 적합한 경우 법적 또는 기타 조치를 위해 사법 당국에 신고될 수 있습니다.

부정직: 풀러 신학교는 학교 생활 전반에 걸쳐서 자신 또는 타인에 대해 거짓말, 허위 진술, 또는 속이는 행위를 부정적으로 간주 합니다.

위해또는공격적인행동: 물리적 폭행, 심리적으로 상처를 주는 행위, 그리고 악성 소문을 퍼뜨리는 것은 용납되지 않습니다. 성별, 인종, 나이, 신체 조건, 국적에 기초해서 차별적으로 대하는 것 또한 위해나 공격적인 행위로 간주 됩니다. 모욕적인 언어나, 음란한 언어를 지속적으로 사용하거나 남용하는 것은 징계 조치에 해당됩니다.

방해: 실질적으로 다른 사람의 권리를 침해하거나 신학교의 정상적인 활동을 방해하는 개인 또는 그룹의 행동은 용납되지 않습니다. 특히 강의실, 도서관, 사무실, 기타 캠퍼스 모임이나 집결 장소 또는 학생 기숙사에서 이러한 행위가 벌어질 때, 이 방해의 조항이 적용됩니다.

절도및자산파괴: 타인이나 풀러신학교의 자산을 절도하거나, 손상을 입히는 것은 용납될 수 없습니다. 도서관 자료의 외관을 손상하거나 사용할 수 없도록 만드는 행위도 타인이나 공공재산에 피해를 주는 행위이기에 용납될 수 없습니다. 풀러신학교에 속한 자산 혹은 장비를 허가 없이 사용하거나 소유하는 것도 절도의 한 형태로 간주됩니다.

학교규정의의도적위반: 의도적 위반에 해당되는 행동은 학교의 사무실, 또는 각종 공공 서비스에 대한 계약준수 거부, 학교의 주차장 규정/또는 주차 위반 벌금의 지불 거부, 그리고, 풀러 하우스의 준칙들을 따르지 않는 것 등을 의미합니다. 그러나, 위에 언급된 사항 외에도, 상황에 따라서 의도적 위반으로 규정할 수 있는 경우들이 있음을 양지 바랍니다.

Como comunidad de cristianos que tienen un compromiso especial de actuar en amor los unos con los otros, el seminario espera un comportamiento comunitario que muestre el más alto nivel de respeto hacia las personas y la propiedad. Las Escrituras están repletas de exhortaciones sobre la búsqueda del bienestar de los demás y el apoyo mutuo, a ser buenos protectores y mayordomos de las posesiones que Dios nos ha dado y al ser honestos y cumplir con nuestra palabra. El seminario está comprometido a fomentar las relaciones interpersonales respetuosas sin hacer distinciones de género, raza, edad o trasfondo nacional.

Las normas básicas de conducta respetuosa en Fuller son similares a las de otras instituciones de enseñanza superior presentes en sociedades que tienen el fundamento legal de respeto por las personas y la propiedad. Los siguientes son ejemplos de comportamientos que no son aceptables de acuerdo a los estándares de respeto a las personas y la propiedad. Estos ejemplos no pretenden identificar todos los comportamientos inaceptables, sino que sirven como indicadores de los tipos de comportamientos claramente inconsistentes con las expectativas de comportamiento del seminario. La práctica deliberada de estos comportamientos, en seriedad o constancia, podrán ser causa de una acción disciplinaria. De ser apropiado, podrán ser reportados a las autoridades civiles para acciones legales u otro tipo de acción.

Deshonestidad: El seminario considera inaceptable cualquier mentira, representación falsa o engaño en declaraciones que un individuo haga acerca de sí mismo u otras personas en cualquier fase de la vida del seminario.

Acciones perjudiciales u ofensivas: Las agresiones físicas, el causar daños psicológicos y el difundir calumnias son inaceptables. El trato perjudicial basado en género, raza, edad, dificultades físicas o origen nacional, es tanto ofensivo como injurioso. La persistencia del lenguaje profano y obsceno será motivo de acciones disciplinarias.

Disrupciones: Las acciones de individuos o grupos que interfieran considerablemente con los derechos de otros, o las actividades normales del seminario, son inaceptables. Se incluyen actividades que interrumpen el desarrollo de una clase, la biblioteca, las oficinas, otras reuniones en el plantel, recintos del seminario o lugares de asamblea, o las residencias de los estudiantes.

Robos o destrucciones a la propiedad: El robo o el daño a la propiedad de individuos o del seminario es inaceptable. El mutilar o dañar los materiales de la biblioteca muestra poco respeto hacia las personas o la propiedad. La posesión o el uso desautorizado de materiales o recursos del seminario es considerado una forma de robo.

Violación deliberada de las normas institucionales: Las violaciones deliberadas incluyen, entre otros, el rehusar cumplir acuerdos con las oficinas y servicios del seminario, rehusar seguir las reglas de estacionamiento y/o pago de multas por violaciones, y la indisposición a cumplir con las reglas establecidas por la oficina de vivienda de Fuller.

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SEXUAL STANDARDS - 공동체 규범 · 성에 대한 기준들 · ESTÁNDARES SEXUALES

Fuller Theological Seminary believes that sexual union must be reserved for marriage, which is the covenant union between one man and one woman, and that sexual abstinence is required for the unmarried. The seminary believes premarital, extramarital, and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Consequently, the seminary expects all members of its community--students, faculty, administrators/managers, staff, and trustees--to abstain from what it holds to be unbiblical sexual practices.

풀러신학교는 성적결합이란 한 남자와 한 여자 사이의 언약적 결합을 의미하는 결혼안에서만 행해야 함을 믿습니다. 그래서 미혼자들에게 성적 금욕은 반드시 필요합니다. 또한 풀러신학교는 혼전, 혼외, 그리고 노골적인 성적 행위를 담고 있는 동성애적 형태들은 성경의 가르침과는 일치하지 않는다고 믿습니다. 따라서 공동체의 구성원들인 학생, 교직원, 행정직원/관리자, 직원과 이사들 모두가 비성경적 성행위를 하지 않게 되기를 바랍니다.

El Seminario Teológico de Fuller cree que la unión sexual debe de ser reservada para el matrimonio, que es la unión pactada entre un hombre y una mujer, y que se requiere la abstinencia sexual entre los solteros. El seminario cree que las conductas explícitas de sexo premarital, extramarital y homosexual son inconsistentes con la enseñanza de las Escrituras. Por consiguiente, el seminario espera que todos los miembros de su comunidad – estudiantes, facultad, administradores/gerentes, personal y síndicos – se abstengan de lo que afirma como práctica sexual no bíblica.

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SUBSTANCE ABUSE - 공동체 규범·약물 남용 - ABUSO DE ALCOHOL Y DROGAS

Fuller Theological Seminary is committed to maintaining an alcohol and drug-free environment, one conducive to the promotion of wellness and positive self-development of all members of its community. In keeping with this objective, the seminary will ensure that all of its campuses, workplaces, and activities are safe and free from the problems and risks associated with the unauthorized use and abuse of alcohol and the illegal use and abuse of drugs.

Out of respect for our bodies as temples of the Holy Spirit, as good stewards of our relationships with one another, and in relation to our individual and communal fitness for ministry, the unlawful manufacture, distribution, dispensing, possession or use of alcohol or illicit drugs by any member of the Fuller community on Fuller property or as part of any of its activities is prohibited. While the use of alcohol by adults is lawful, alcohol use by adults is prohibited on the Fuller campuses, outside of the privacy of an individual's Fuller provided housing.

Drug abuse has spread to every level of society in the United States. All drugs are toxic or poisonous if abused. Health risks of drug abuse include, but are not limited to, sleep disorders, confusion, hallucinations, paranoia, depression, impotence, liver damage, cardiac irregularities, hepatitis, and neurological damage. Abuse of either alcohol or drugs during pregnancy increases the risk of birth defects, spontaneous abortion, and stillbirths.

Alcohol is a depressant. It depresses the central nervous system and can cause serious, irreversible physical damage. Excessive drinking damages the liver, resulting in cirrhosis. Chronic alcohol abuse also causes hypertension, cardiac irregularities, ulcers, pancreatitis, kidney disease, and cancer of the esophagus, liver, bladder, and lungs.

The good news is that alcoholism and drug abuse and addiction are treatable. Generally, a recovering alcoholic or drug abuser may never safely drink or use drugs again, but can lead a normal, productive life as long as he or she maintains total abstinence. Confidential limited counseling and referral to treatment programs may be available to Fuller students and employees from the Fuller Psychological & Family Services. Eligible employees may also contact their Employee Assistance Program for referrals. The costs of these programs are dependent upon the type of treatment desired. Students and faculty should consult with their insurance carriers with individual questions regarding coverage of treatment.

Incidents on the Fuller campus or incidents involving members of the Fuller community may be reported to civil authorities for legal action. Local, state, and federal laws establish a variety of penalties for the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, which includes alcohol as well as illicit drugs. These legal sanctions, upon conviction, may

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range from the payment of a small fine and probation to imprisonment for up to one year or a \$5,000 fine, or both. Federal laws have increased the penalties for the illegal distribution of drugs to include life imprisonment and fines in excess of \$1,000,000.

In addition, corrective action for students may include disciplinary action up to and including immediate termination of student status. Corrective action for employees may include disciplinary action up to and including immediate termination from employment.

풀러신학교는 술 및 마약이 없는 주변 환경을 만들어 나가는 데 최선을 다하고 있습니다. 이러한 환경을 만들어 나가고 유지해 가는 것은 학교 공동체 전 구성원들의 복지와 긍정적 자기개발을 증진시키는데 공헌할 수 있다고 믿습니다. 이를 위해 풀러신학교는 술과 약물의 무단 사용 및 남용에 연관된 각종 문제와 위협으로 부터, 모든 캠퍼스와 일터가 안전할 수 있도록 최선을 다하겠습니다.

우리의 몸은 성령이 거하는 성전이기때, 또한 상호 관계에 대해서도 청지기적 사명이 있음을 이해하고, 사역을 위해 개인적으로나 공동체적으로 준비되어야 하기 때문에, 풀러 공동체의 구성원이 학교의 모든 사유지에서 술이나 약물의 불법 제조, 유통, 분배, 소유하는 것을 금지합니다. 성인의 술 사용은 합법적이지만, 모든 풀러 캠퍼스 내에서의 술 사용은 금지되어 있습니다. 단, 풀러신학교가 제공한 각 개인의 기숙사는 개인의 프라이버시가 존재하는 공간이기때 술 사용이 허용될 수 있습니다.

약물 남용은 미국 사회의 모든 부분에 퍼져있습니다. 모든 약물은 남용할 경우 독성이 있거나 유해합니다. 약물남용이 건강에 미치는 위험은 수면 장애, 착란, 환각, 편집증, 우울증, 발기 부전, 간 손상, 심장 위반, 간염, 및 신경 손상 위험을 포함하지만 이런 위험수준을 뛰어 넘을 수도 있습니다. 임신 중에 술이나 약물의 남용은 출생시 결함을 가질 위험, 자연 유산, 그리고 사산의 위험을 증가시킵니다.

술은 일종의 저하제 혹은 억제제 입니다. 술은 중추 신경계를 둔하게 하고 회복될 수 없을 정도로 심각한 물리적 손상을 일으킬 수 있습니다. 과도한 음주는 간을 손상시키고 간경변을 초래합니다. 또한, 만성 알코올 남용은 고혈압, 불규칙적 심장박동, 궤양, 췌장염, 신장 질환, 그리고 식도, 간, 방광, 그리고 폐에 암을 유발합니다.

그러나, 기억할 것은 알콜중독과 약물 남용, 그리고 중독의 문제는 치료될 수 있다는 것입니다. 일반적으로 회복 중에 있는 알콜 중독자나 약물 남용자는 다시는 약물들을 사용할 수도 있지만, 잘 조절이 된다면, 술이나 약물 없이도 정상적이고 보다 생산적인 생활을 할 수 있습니다. 풀러신학교 교수진은 풀러신학교 심리 센터에 있는 기밀 상담 및 치료 프로그램을 이용할 수 있습니다. 이러한 프로그램에 대한 비용은 필요한 치료의 종류에 따라 정해지며, 또한 개인의 경제 상황, 즉 슬라이딩 임금제(임금이 고정되어 있지 않고 경제 상황에 따라 변하는 제도) 하에서 임금의 변화를 초래할만한 분명한 개인의 상황에 따라 결정됩니다. 교수진은 치료의 범위에 대해서는 각 개인의 보험회사와 상의를 해야 합니다.

지역, 주, 그리고 연방법은 통제하에 있는 물질, 즉 술이나 약물들을 불법적으로 제조 하거나, 유통, 분배, 소유 또는 사용하는 것에 대한 다양한 처벌규정을 세워놓았습니다. 이러한 법적 제재는 유죄 판결의 경우 작은 액수의 벌금과 집행 유예에서부터 최대 일 년까지의 징역 또는 벌금 5,000불, 혹은 징역과 벌금 두가지를 모두 부과할 수 있습니다. 연방법은 의약품의 불법 유통에 대한 처벌을 중신형과 100만달러를 넘는 벌금을 부과하고 있습니다.

풀러신학교 캠퍼스에서 발생한 사건이나 풀러 공동체의 구성원이 포함된 사건들은 법적 조치를 위해 사법 당국에 신고될 수 있습니다.

El Seminario Teológico Fuller está comprometido a mantener un ambiente sin alcohol ni drogas, un ambiente que conduzca a la promoción del bienestar y al auto-desarrollo positivo de todos los miembros de la comunidad. Con este objetivo en mente, el seminario se asegurará de que todos sus recintos o lugares de trabajo sean sitios seguros y libres de los problemas y riesgos asociados con el uso y el abuso no autorizado del alcohol y las drogas.

Por respeto a nuestros cuerpos como templos del Espíritu Santo, como símbolo de mayordomía en nuestras relaciones los unos con los otros, y en relación a nuestra aptitud individual y comunal para el ministerio, la producción ilegal, distribución, oferta, posesión o uso de alcohol o drogas ilegales por parte de cualquier miembro de la comunidad de Fuller, en la propiedad de Fuller, queda prohibida. Si bien el uso del alcohol por parte de adultos es legal, el consumo de alcohol por miembros adultos de la comunidad en los recintos de Fuller queda prohibido, a menos que sea en la vivienda privada de aquellos estudiantes que residen en las propiedades de Fuller.

El abuso de las drogas se ha propagado a todos los niveles de la sociedad en los Estados Unidos. Todas las drogas son tóxicas y venenosas en consumos abusivos. Los riesgos de salud por el abuso de drogas incluyen, pero no se limitan a, trastornos del sueño, confusión, alucinaciones, paranoia, depresión, impotencia, daño al hígado, irregularidades cardíacas, hepatitis, y daño neurológico. El abuso del alcohol o drogas durante el embarazo aumenta el riesgo de anomalías en el desarrollo del bebé, abortos espontáneos, y muertes fetales.

El alcohol es un depresor. Deprime el sistema nervioso y puede causar daños físicos serios e irreversibles. El consumo excesivo de alcohol daña el hígado, pudiendo resultar en una cirrosis. El abuso crónico del alcohol también puede causar hipertensión, irregularidades cardíacas, úlceras, pancreatitis, enfermedades al riñón, y cáncer al esófago, hígado, vejiga y pulmones.

La buena noticia es que el alcoholismo y el abuso de drogas son adicciones tratables. Generalmente, un alcohólico o drogadicto recuperado nunca podrá volver a hacer un uso saludable de dichas sustancias, pero sí podrá vivir una vida normal y productiva en la medida que se mantenga en total abstinencia. El Centro Psicológico de Fuller puede disponer de consejería confidencial y programas de tratamiento para el profesorado de Fuller. Los costos variarán dependiendo de las necesidades del tratamiento y las capacidades de pago del cliente. El profesorado deberá consultar con su compañía de seguro médico acerca de las coberturas específicas para el tratamiento.

Las leyes locales, estatales y federales establecen una serie de penalidades para la manufactura, distribución, dispensación, posesión o uso ilegal de sustancias controladas, las cuales incluyen tanto el alcohol como las drogas ilícitas. Estas sanciones legales, en caso de condena, pueden ir desde el pago de una pequeña multa y la libertad condicional, hasta un año de cárcel o una multa de 5,000 dólares, o ambos. Las leyes federales han aumentado las penalidades para la distribución ilegal de drogas, incluyendo la cadena perpetua y las multas que exceden un \$1,000,000.

Incidentes de esta índole que ocurran en los recintos de Fuller o que involucren a personas de la comunidad de Fuller podrán ser reportados a las autoridades civiles para el curso de acciones legales.

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POLICY AGAINST SEXUAL HARASSMENT - 공동체 규범·성희롱에 대한 규정 - NORMAS CONTRA EL ACOSO SEXUAL

The two great commandments are these: “You shall love the Lord your God with all your heart . . . soul . . . and mind” and, “You shall love your neighbor as yourself” (Matt. 22:37, 39). As man and woman are made in the image of God (Gen. 1:27), so in Christ there is neither male nor female (Gal. 3:28). Followers of Jesus are not to lord it over one another (Matt. 20:25-27), but are to be in mutual submission (Eph. 5:21). Christians manifest these truths by their mutual service and love in the Body of Christ.

Sexual harassment is a violation of Christ’s commandment to love our neighbor as ourselves. It denies the image of God in the other, and it negates our oneness in Christ. Sexual harassment often involves an abuse of power. It invariably interferes with shared ministry and rends the Body of Christ.

With these things in mind, together with the realization that when one member suffers, all suffer together (1 Cor. 12:26), Fuller Theological Seminary establishes the following policy with regard to sexual harassment.

Fuller Theological Seminary expects that the dignity of all people, female and male, will be revered and celebrated in behavior, attitude, and the use of language by each member of the seminary community. This expectation is grounded in the belief that Scripture affirms mutuality and care for the other, explicitly forbids behavior which arises from the abuse of power, and teaches that men and women together are created in God’s image and for God’s glory. The seminary is therefore committed to creating and maintaining a community in which students, faculty, administrators/managers, and staff can study and work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual harassment.

Sexual harassment is a barrier to learning in the classroom and to productivity in the workplace. Faculty, administrators/managers, supervisors, staff, students, and trustees have the responsibility for participation in the creation of a campus environment free from sexual harassment, an environment that bears joyful witness to the God-given worth of all persons. Every member of the Fuller community should be aware that the seminary is strongly opposed to sexual harassment and that such behavior is prohibited both by seminary policy and by federal and state laws.

This policy against sexual harassment applies to all members of the seminary community, including students, faculty, administrators/managers, staff-level employees, and trustees. It also extends to the seminary’s agents, as well as to vendors, independent contractors, and others doing business with the

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seminary. This policy is also one of the seven Statements of Community Standards applicable to all members of the Fuller community, and as such, adherence to it is a continuing condition of enrollment and employment.

Definition of Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct based on sex or of a sexual nature, up to and including sexual assault, constitute sexual harassment when one or more of the following apply:

1. submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other seminary activity;
2. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making any academic or employment decision affecting that individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in instructional, employment-related, or other seminary activity; or
4. such conduct has the purpose or effect of creating an intimidating, hostile, or offensive academic or work environment from the standpoint of a reasonable person of the same sex as the individual affected.

Sexual harassment is conduct based on sex or of a sexual nature, whether directed toward a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendos, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," displaying sexually explicit printed or visual material in the absence of a valid educational purpose, and physical contact such as patting, pinching, hugging, or brushing against another person's body. Both men and women may be victims of sexual harassment. One person may be sexually harassing another person and not be aware of it. For example, it is possible that joking and/or other related behavior based on sex or of a sexual nature may be unwelcome to another person and constitute sexual harassment, but the person who initiates the joking may not be aware of its impact on the other person.

See also **Policy Against Sexual Misconduct** (<https://www.fuller.edu/about/institutional-reports-and-documents/institutional-policies-procedures-and-resources/#misconduct>)

우선 다음에 나오는 두 개의 큰 계명을 기억하십시오. "네 마음을 다하고 목숨을 다하고 뜻을 다하여 주 너의 하나님을 사랑하라" 그리고 "네 이웃을 네 몸과 같이 사랑하라." (마 22:37, 39) 남자와 여자는 하나님의 형상을 따라 만들어졌기에(창 1:27) 그리스도 안에서 남성이나, 여성을 구분하여 차별하는 것은 옳지 못합니다.(갈 3:28) 예수님을 따르는 자들의 관심은 서로에게 주인 행세하는 데 있지 않고 (마 20:25-27) 서로에게 복종하는 데 있습니다(엡5: 21). 그리스도인들은 그리스도의 몸 안에서 서로를 섬기고 사랑하므로 이러한 진리를 구현하도록 부름 받은 사람들입니다.

성희롱은 우리 이웃을 우리 몸처럼 사랑하라는 그리스도의 계명에 위배됩니다. 그것은 다른 사람에게 있는 하나님의 이미지를 부정하는 것일뿐만 아니라, 그리스도 안에서 우리의 하나됨을 깨뜨릴 수 있습니다. 또한 성희롱은 종종 권력의 남용에서도 기인하기도 합니다. 그것은 사역의 연합성을 파괴하여, 그리스도의 몸을 분열시키는 결과를 초래합니다.

위에 언급한 사항들과 함께, 한 구성원의 고통은 모든 구성원의 문제가 될 수 있기에 (고전 12:26) 풀러신학교는 성희롱에 대해 다음과 같은 규정을 가지고 있습니다.

풀러신학교는 남성과 여성, 모든 이들의 존엄성이 공동체의 각 구성원의 언어나 행동, 그리고, 태도 안에서 존중되고 고양되기를 바랍니다. 이 바램은 성경이 타인에 대한 상호관계와 돌봄을 주장하고 있고, 권력의 남용에서 기인하는 행동을 분명히 금지하고 있으며, 남성과 여성은 하나님의 형상을 따라 하나님의 영광을 위해 창조되었다는 믿음에 근거하고 있습니다. 풀러신학교는 학생, 교직원, 행정직원/ 관리자 및 직원들이 성희롱을 포함한 모든 형태의 괴롭힘, 착취, 또는 위압감이 없는 분위기 속에서 함께 공부하고 일할 수 있는 공동체를 만들고 유지해 가는 일에 헌신되어 있습니다.

성희롱은 강의실에서의 배움과 일터에서의 생산성을 저해합니다. 교직원, 행정직원/ 관리자, 감독자, 직원, 학생, 재단 이사들은 성희롱이 없는 캠퍼스와 모든 사람에게 하나님이 부여하신 가치가 지켜지고 있는 환경을 만들기 위해 함께 노력할 책임이 있습니다. 풀러 공동체의 모든 구성원은 풀러신학교가 성희롱을 강력하게 반대한다는 사실과 그러한 행동이 신학교의 정책과 연방 및 주 법에 의해 금지되어 있다는 사실을 분명히 인식해야 합니다.

성희롱에 대한 정책은 학생, 교직원, 행정직원/ 관리자, 파타임과 풀타임을 포함한 피고용자들 그리고 이사들을 포함한 공동체의 모든 구성원에게 적용됩니다. 또한 이 정책은 외부에서 온 상업관련 종사자들, 학교에 소속되어 있지 않는 외부의 계약자들, 그리고 본 학교와 비즈니스 관계에 있는 사람들뿐만 아니라, 본 학교의 에이전트들에게도 적용됩니다. 이 정책은 풀러 공동체의 모든 구성원에 적용되는 “공동체의 7가지 규범” 중 하나이며, 그에 따른 준수는 학교 등록과 고용의 지속적인 조건이 됩니다.

성희롱의 정의: 다음에 나오는 조항들 중에 한가지 혹은 그 이상에 해당되는 불쾌한 성적 접근, 그리고, 성적인 어떤 행동에 대한 요청, 혹은 성별이나 성적 성향에 기초해서, 언어적, 시각적, 신체적 행동을 요청하는 행위, 그리고, 성폭력까지를 성희롱이라고 정의할 수 있습니다.

1. 교육이라는 핑계로, 고용에 대한 대가성으로, 또한 그 외의 풀러신학교의 활동에 참여하는 중에, 위에 언급된 행동들을 어쩔 수 없이 명시적으로 혹은 암묵적으로 따라야 했을 경우
2. 위에 언급된 행동에 대해 마지못해 굴복하거나 혹은 거절한 것이 그 사람의 학업이나 취업 결정에 영향을 미치는 평가 자료로 사용되는 경우
3. 위에 언급된 행동이 한 개인으로 하여금 교육이나 취업과 연관된 활동, 그리고, 그 밖에 다른 풀러신학교와 연관된 활동에서 어떤 역할을 하거나, 참여하는 것을 방해하려는 목적 혹은 그런 의도를 가지고 있다고 판단되는 경우
4. 위에 언급된 행동이 피해자와 동일한 성(性)의 입장에서 그 상황을 합리적으로 판단했을때, 가해자의 행동이 학업이나 노동환경을 위협적, 적대적 또는 모욕적으로 만들 목적과 의도를 가지고 있다고 판단이 되는 경우

성희롱은 이성이나 여성이 대상이든, 혹은 동성이나 남성이 대상이든, 기본적으로 성 혹은 성적 경향에 기초한 행동입니다. 일반적으로 노골적인 성적 제안, 성적 암시, 넌지시 던지는 성적인 표현들, 그리고, 타당한 교육목적 없이 성적으로 노골적인 인쇄물이나 시각자료를 제시하면서 던지는 “농담” 또는 “놀리는 행위,” “짓궂은 장난” 등이 성희롱에 해당되는 행동들입니다. 그리고, 더듬기, 꼬집기, 포옹, 또는 다른 사람의 몸에 몸을 비비는 등의 신체적 접촉도 성희롱에 포함될 수 있습니다. 남성과 여성 모두 성희롱의 피해자가 될 수 있습니다. 한편, 한 사람이 성적으로 다른 사람을 괴롭히고도 그것이 성희롱에 해당되는 지 모르는 경우가 있을 수 있습니다. 예를 들어, 농담 및/또는 성 또는 성적 성향에 따른 기타의 관련 행동이 다른 사람에게 불쾌감을 주게 되면, 그것이 성희롱으로 규정될 수 있지만, 그러한 농담이나 행동을 시작한 사람은 자신의 행동이 다른 사람에게 미치는 영향을 인식하지 못하는 경우가 있다는 것입니다.

Estos son los dos grandes mandamientos: “Amarás al Señor tu Dios con todo tu corazón, con toda tu alma y con toda tu mente” y “Amarás a tu prójimo como a ti mismo” (Mateo 22:27,39). Así como el hombre y la mujer son hechos a la imagen de Dios (Génesis 1:27), así también en Cristo no hay varón ni mujer (Gálatas 3:28). Los seguidores de Cristo no deben enseñorearse los unos a los otros (Mateo 20:25-27), sino que deben de someterse los unos a los otros (Efesios 5:21). Los cristianos manifiestan estas verdades a través del servicio mutuo y amor en el cuerpo de Cristo.

El acoso sexual es una violación al mandato de Cristo de amar al prójimo como a nosotros mismos. Niega la imagen de Dios en el otro, y al mismo niega nuestra unión en Cristo. El acoso sexual a menudo involucra el abuso de poder. Éste interfiere invariablemente con el ministerio compartido, desgarrando el cuerpo de Cristo.

Con estas cosas en mente, y tomando en cuenta de que cuando un miembro del cuerpo sufre, todos sufrimos con él (1 Corintios 12:26), el Seminario Teológico de Fuller ha establecido las siguientes políticas en relación al acoso sexual.

El seminario Teológico de Fuller espera que la dignidad de todas las personas, hombres y mujeres, sea respetada y celebrada a través de las conductas, actitudes, y el uso del lenguaje de cada miembro de la comunidad del seminario. Esta expectativa está basada en la creencia de que las Escrituras afirman la reciprocidad y el cuidado por el otro, prohíben expresamente los comportamientos asociados al abuso de poder y enseñan que, hombres y mujeres en conjunto, han sido creados a la imagen de Dios y para la gloria de Dios. Por lo tanto, el seminario está comprometido a la creación y mantención de una comunidad en la cual sus estudiantes, profesorado, gerentes/administradores, y empleados, puedan estudiar y trabajar unidos en una atmósfera libre de toda clase de acoso, explotación e intimidación, incluyendo el acoso sexual.

El acoso sexual es una barrera para el aprendizaje en el salón de clases y para la productividad en el lugar de trabajo. El profesorado, los gerentes/administradores, supervisores, empleados, estudiantes y síndicos tienen la responsabilidad de participar en la creación de un ambiente libre de acoso sexual, un ambiente que da testimonio gozoso del valor que Dios ha dado a las personas. Todo miembro de la comunidad de Fuller deberá estar consciente de que el seminario se opone rotundamente al acoso sexual, y que tales comportamientos están prohibidos tanto por las políticas del seminario, como por las leyes estatales y federales.

Estas políticas en contra del acoso sexual aplican a todos los miembros de la comunidad del seminario, incluyendo a los estudiantes, el profesorado, gerentes/administradores, empleados, y síndicos. También aplican a los agentes del seminario, así como a los vendedores, contratistas independientes, y todos quienes hagan negocios con el seminario. Esta política es a la vez una de las siete declaraciones de estándares comunitarios aplicables a la totalidad de los miembros de la comunidad de Fuller, y por lo tanto, seguirla es una condición constante para el estudio y el empleo.

Definición de acoso sexual: Insinuaciones sexuales no deseadas, pedir favores sexuales, y otras conductas verbales, visuales o físicas que se basen en el sexo o de naturaleza sexual, hasta o, incluyendo, el asalto sexual. Se considera acoso sexual cuando uno o más de los siguientes cosas están presentes;

1. la sumisión a dichas conductas, ya sea de manera explícita o implícita, se hace requisito o condición para la enseñanza, el empleo, o la participación en las actividades del seminario;
2. la sumisión o el rechazo de tal conducta por un individuo es usado como base para evaluaciones y decisiones académicas o laborales que afectan al individuo;
3. tales conductas tienen como propósito o efecto el interferir irrazonablemente en el rendimiento o la participación del individuo en actividades de instrucción, empleo u otras relacionadas con el seminario; o
4. tales conductas tienen como propósito o efecto el crear un ambiente de estudio o trabajo intimidante, hostil u ofensivo desde la perspectiva de una persona prudente que sea del mismo sexo de la persona afectada.

El acoso sexual es una conducta basada en el sexo o de índole sexual, ya sea que este dirigida hacia una persona del sexo opuesto o bien hacia alguien del mismo sexo, y puede incluir propuestas sexuales explícitas, insinuaciones sexuales, comentarios de doble sentido, bromas con contenido sexual, bromas pesadas, el mostrar material impreso o visual con contenido explícitamente sexual que no esté ligado a objetivos educativos válidos, y el contacto físico, como por ejemplo, las palmadas, pellizcos, abrazos o roces con el cuerpo de otra persona. Tanto los hombres como las mujeres pueden llegar ser víctimas del acoso sexual. Una persona puede estar acosando sexualmente a otra persona sin estar consciente de ello. Por ejemplo, es posible hacer bromas y/u otros comportamientos basados en contenido sexual o de naturaleza sexual que sean inoportunos para la otra persona y por tanto constituyan acoso sexual, sin embargo, la persona que realizó tales acciones puede no estar consciente del impacto que éstas tuvieron en el otro.

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POLICY AGAINST UNLAWFUL DISCRIMINATION - 공동체 규범·불법적 차별 반대 정책 · NORMAS CONTRA LA DISCRIMINACIÓN ILEGAL

Fuller Theological Seminary is committed to providing and modeling a learning, working, living, and community environment that is free of unlawful discrimination in all of its policies, practices, procedures, and programs. This commitment extends to the seminary's administration of its educational policies, admissions, employment, educational programs, and activities. In keeping with this commitment, the seminary does not discriminate on the basis of race, color, national origin, ancestry, sex, marital status, military and veteran status, medical condition, physical disability, mental disability, genetic characteristic or information, citizenship, gender, gender identity, gender expression, pregnancy, or age.

Fuller Theological Seminary also does not discriminate on the basis of sexual orientation. The seminary does lawfully discriminate on the basis of sexual conduct that violates its biblically based *Community Standard Statement on Sexual Standards*. The seminary believes that sexual union must be reserved for marriage, which is the covenant union between one man and one woman. The seminary believes premarital, extramarital, and homosexual forms of explicit sexual conduct to be inconsistent with the teaching of Scripture. Therefore, the seminary expects members of its community to abstain from what it holds to be unbiblical sexual practices.

Fuller Theological Seminary also does lawfully discriminate on the basis of religion. The seminary is dedicated to the preparation of men and women for the manifold ministries of Christ and his Church. Under the authority of Scripture, the seminary seeks to fulfill its commitment to ministry through graduate education, professional development, and spiritual formation. In all of its activities, including instruction, nurture, worship, service, research, and publication, the seminary strives for excellence in the service of Jesus Christ, under the guidance and power of the Holy Spirit, to the glory of the Father. As a religious employer, all teaching and management positions in the seminary are restricted to persons who will affirm in writing the Statement of Faith of Fuller Theological Seminary. These restricted positions are leadership positions, where adherence to the Christian beliefs, doctrines, and tenets affirmed by the seminary is a foundational part of the employee's essential functions. These leadership positions involve representing and interpreting the mission and the objectives and activities of the seminary to other employees, students, and/or off-campus constituencies, as well as religious duties which are central to the Christian mission, Christian objectives, and Christian activities of the seminary. The seminary also reserves the right to seek, hire, retain, and promote individuals who support the mission and goals of the institution and whose conduct is consistent with its understanding of Scripture.

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The ethical standards of Fuller Theological Seminary are guided by an understanding of Scripture and a commitment to its authority regarding all matters of Christian Faith and living. This understanding of Scripture and commitment to its authority directly relates not only to the seminary's admission, educational, and employment policies, but also to the seminary's core mission, values and identity. Since its establishment in 1947, the seminary has been an openly and pervasively sectarian Christian educational institution. The seminary's Statement of Faith is the distinctive component of its Articles of Incorporation, which were originally filed in California in 1951. The Statement of Faith is the defining principle within the seminary's governing bylaws and the unifying pillar supporting faculty governance. Under God and subject to biblical authority, the faculty, administrators/managers, and trustees bear concerted witness to the Statement of Faith, to which they subscribe, which they hold to be essential to their ministry, and which is the foundation upon which the seminary is based. As set forth in the seminary's *Doctrinal Perspective*, the seminary stands for the fundamentals of the faith as taught in Holy Scripture and handed down by the Church. As set forth in the seminary's *Evangelical Commitment*, the faculty, administrators/managers, trustees, and students of the seminary believe that Jesus Christ, as revealed in Holy Scripture and proclaimed in the power of the Holy Spirit, is the only ground for a person's reconciliation with God. As set forth in the seminary's *Mission Beyond the Mission*, faculty, administrators/managers, and trustees at the seminary see their role in the educational ministry of Fuller Theological Seminary as part of their larger ministry, which is common to all Christians, of serving Christ as obedient disciples in the church and in the world.

This policy against unlawful discrimination applies to all members of the seminary community, including students, faculty, administrators/managers, staff, and trustees. This policy is also one of the seven Statements of Community Standards applicable to all members of the Fuller community, and as such, adherence to it is a continuing condition of admission and employment.

See also Policy Against Sexual Misconduct (<https://www.fuller.edu/about/institutional-reports-and-documents/institutional-policies-procedures-and-resources/#misconduct>)

풀러신학교는 모든 정책, 관행, 절차, 및 프로그램에 있어 불법적 차별이 없이 배우고 일하고 생활 하는 그런 공동체의 환경을 제공하고 만들기 위해 최선을 다하고 있습니다. 이러한 기준은 신학교의 교육 정책, 입학, 취업, 교육 프로그램 및 활동까지 적용됩니다. 이를 위해, 본 학교는 인종, 피부색, 국적, 조상, 성별, 결혼 상태, 병역 상태, 군필 여부, 건강 상태, 장애, 임신, 또는 연령에 근거하여 차별하지 않습니다.

풀러신학교는 성적 취향에 근거하여서는 차별을 하지 않습니다. 단지 성적 취향에 따른 성행위가 성경에 근거된 “성적 기준에 관한 공동체 규범” 을 위반 할 경우에 법에 의거해서 차별을 합니다. 성적 결합은 결혼을 위해 유보되어야 하며 결혼은 한 남자와 한 여자 사이의 연약적 결합임을 기억해야 합니다. 풀러신학교는 혼전, 혼외, 그리고 노골적인 성적 행위를 담지하고 있는 동성애의 제 형태들은 성경의 가르침과 일치하지 않다고 믿습니다. 그러므로 풀러신학교는 공동체의 구성원들이 이러한 비성경적인 성행위를 삼가하기를 기대합니다.

풀러신학교는 종교단체라는 의미에서 다른 단체와 구별됩니다. 풀러신학교는 그리스도와 교회의 다양한 사역을 위해 사람들을 준비시키는 일에 헌신하고 있습니다. 풀러신학교는 성경의 권위 안에서 대학원 교육, 전문성 개발, 그리고 영성형성을 통해 신학교 사역을 충실히 이행해나가기 위해 노력하고 있습니다. 풀러신학교는 성령의 인도와 능력을 통해 교육, 예배, 서비스, 연구 및 출판을 포함한 모든 활동에서, 예수 그리스도를 탁월하게 섬기고, 하나님께 영광을 돌리기 위해 노력합니다. 종교기관으로서의 풀러신학교 모든 교육 및 관리 직책들은 “풀러신학교 신앙 고백”에 서면으로 동의한 사람들에게 한해서만 주어집니다. 이러한 규정에 해당되는 직책들은 리더십에 해당되는 직책들이며, 무엇보다도 기독교 신념, 교리 그리고 풀러 신학교가 세운 신조에 대한 준수가 요구되는 직책입니다. 리더십 직책들은 다른 피고용인, 학생및/또는 오프 캠퍼스 관계자들에게 풀러신학교의 사명, 목표, 그리고 자신들의 활동들에 대해 본이 되어야 될 뿐 아니라, 해석을 해 주는 일들을 해야 합니다. 풀러신학교는 또한 학교의 사명과 목표를 지지하고, 풀러신학교가 가지고 있는 성경에 대한 이해와 일치하는 사람들을 모집하고, 고용하며, 유지하고, 승진시킬 수 있는 권리를 가집니다.

풀러신학교의 윤리 기준들은 기독교 신앙과 삶에 관한 모든 문제에 관해 성경적인 이해를 추구함과 동시에 성경의 권위로 부터 그 가이드라인이 설정됩니다. 이러한 성경적인 이해를 가지는 것과 성경의 권위에 대한 헌신은 입학, 교육, 및 고용 정책뿐만 아니라 신학교의 핵심 사명, 가치와 정체성에 직접적으로 연관이 되어 있습니다. 풀러신학교는 1947년에 설립된 이후, 초교파적인 입장이 있는 기독교 교육 기관이었습니다. 풀러신학교의 신앙 성명서는 캘리포니아에서 1951년에 처음으로

로 제출된 “법인단체에 관련된 조항”이 가지고 있는 독특한 구성요소를 가지고 있습니다. 신앙 성명서는 신학교를 운영하는 여러 세부적 정관들에 대해 어떤 원칙적 역할을 하며, 교수진들에 의한 관리행위를 지원하는 통합적인 중추역할을 합니다. 하나님과 성경의 권위에 순종하면서, 풀러신학교의 교수진, 행정직원 및 관리자, 그리고, 이사들은 “신앙고백문”에 대해 일치된 증언을 하며, 동의를 합니다. 풀러신학교는 “신앙고백문”을 모든 사역의 핵심으로 여기며, 근본토대라고 믿습니다.

풀러신학교의 “교리적 관점”에 명시되었듯이, 풀러신학교는 성경이 가르쳐 왔고, 교회에 의해 계승되어져 왔던 신앙의 원칙들을 지지합니다. 또한 교직원, 행정직원/관리자, 이사, 그리고 신학교의 학생들은 풀러신학교의 “복음주의 헌신”에 규정된대로, 성경이 계시하고, 성령의 능력으로 선포된 예수 그리스도만이 인간과 하나님 사이의 화해를 이룰 수 있는 유일한 근거라고 믿습니다. 한편, 풀러신학교의 “사명 너머의 사명”에서는 교회와 세상안에서 순종하는 제자의 모습으로 예수 그리스도를 따라가는 것이 모든 기독교인들의 사명임과 동시에 교수진, 행정직원/ 관리자 및 신학교의 이사들에게 주어지는 가장 큰 의미의 사역임을 믿습니다. 풀러 신학교 안에서의 교육 사역은 이러한 가장 큰 의미의 사역의 한 부분이 되는 것입니다.

불법적인 차별에 반대하는 이러한 정책은 학생, 교직원, 행정직원/ 관리자, 직원, 이사 등 신학교 공동체의 모든 구성원에게 적용됩니다. 이 정책은 또한 풀러공동체의 모든 구성원에 적용되는 “7가지 공동체 규범” 중에 하나이며, 입학과 고용을 위해서는 반드시 이 규정을 지켜야 합니다.

El Seminario Teológico Fuller está comprometido a proveer y modelar un ambiente de estudio, trabajo, vida y comunidad que esté libre de discriminaciones ilegales en todas sus políticas, prácticas, procedimientos y programas. Este compromiso se extiende a la administración del seminario de sus políticas educativas, admisiones, empleo, los programas educativos y las actividades. Para mantener este compromiso, el seminario no discrimina sobre la base de raza, color de piel, origen nacional, ascendencia, sexo, estatus marital, estatus de servicio militar, estatus de veterano, condición médica, discapacidades, embarazo o edad.

El Seminario Teológico de Fuller tampoco discrimina a base de la orientación sexual. El seminario si discrimina legalmente a base de conductas sexuales que violen las normas bíblicas expuestas en la Declaración de los Estándares Comunitarios relativos al comportamiento sexual. El seminario cree que la unión sexual debe de ser reservada para el matrimonio; la unión pactada entre un hombre y una mujer. El seminario cree que las conductas explícitas de sexo premarital, extramarital y homosexual son inconsistentes con la enseñanza de las Escrituras. Por consiguiente, el seminario espera que los miembros de su comunidad se abstengan de lo que se considera una práctica sexual no bíblica.

El Seminario Teológico Fuller también discrimina legalmente en base a la religión. El seminario se dedica a preparar a hombres y mujeres para los multiformes ministerios de Cristo y su Iglesia. Bajo la autoridad de las Escrituras, el seminario busca cumplir con su compromiso al ministerio, a través de la educación a nivel de post-grado, el desarrollo profesional y formación espiritual. En todas sus actividades, incluyendo la enseñanza, el cuidado pastoral, la adoración, el servicio, investigación y publicación, el seminario busca la excelencia en su servicio a Jesucristo, bajo la dirección y el poder del Espíritu Santo, para la gloria del Dios Padre. Como empleador religioso, todos los puestos de enseñanza y administración del seminario están restringidos a personas que afirman por escrito la “Declaración de Fe” del Seminario Teológico de Fuller. Estos puestos restringidos son puestos de liderazgo en los que la adherencia a las creencias cristianas, las doctrinas y los dogmas sostenidos por el seminario, serán parte fundamental de las funciones esenciales del empleado. Estos puestos de liderazgo involucran el representar e interpretar la misión, los objetivos y las actividades del seminario ante otros empleados, estudiantes y de personas relacionadas con el seminario fuera del plantel, como también el desarrollar deberes religiosos centrales para la misión cristiana, los objetivos cristianos y las actividades cristianas del seminario. El seminario también se reserva el derecho de buscar, contratar, retener y promover a los individuos que apoyan la misión y las metas de la institución y cuya conducta es consistente con su interpretación de las Escrituras.

Los estándares éticos del seminario teológico de Fuller se guían por una interpretación de las Escrituras y un compromiso a su autoridad sobre todo asunto de fe y vida cristiana. Este entendimiento de las escrituras y el compromiso a su autoridad está directamente relacionada no sólo con los procesos de admisión y las políticas de educación y empleo, sino que también con la misión, los valores y la identidad central del seminario. Desde su fundación en 1947 el seminario ha sido abierta y claramente una institución académica cristiana sectaria. La declaración de fe del seminario es el elemento distintivo de sus Artículos de Incorporación, que se registraron originalmente en California en 1951. La

Declaración de Fe es principio definitivo dentro las reglas gobernantes del seminario y es la columna unificadora que sostiene el gobierno de la facultad. Bajo la autoridad de Dios y sujetos a la autoridad bíblica, el profesorado, los administradores/gerentes y los síndicos dan testimonio conjunto de la Declaración de Fe, a la cual se subscriben, consideran esencial para su ministerio y que sirve como fundamento sobre el cual se basa el seminario. Como se establece en la *Perspectiva Doctrinal* del seminario, el seminario sostiene los fundamentos de la fe que son enseñados en las Santas Escrituras y legados por la Iglesia. Como se establece en el *Compromiso Evangélico* del seminario, el profesorado, gerentes/administradores, síndicos y estudiantes del seminario creen que Jesucristo, como ha sido revelado en las Escrituras y proclamado en el poder del Espíritu Santo, es el único sustento para la reconciliación de una persona con Dios. Como se establece en *La Misión más allá de la Misión* del seminario, la facultad, gerentes/administradores, y síndicos del seminario, ven su rol en el ministerio educativo del Seminario Teológico de Fuller como parte de su ministerio mayor, común a todos los cristianos, de servir a Cristo como discípulos obedientes en la iglesia y en el mundo.

Estas políticas en contra de la discriminación ilegal aplican a todos los miembros de la comunidad del seminario incluyendo estudiantes, profesorado, los gerentes/administradores, empleados y los síndicos. Estas políticas son igualmente parte de las siete Declaraciones de Estándares Comunitarios de Fuller, aplicables a todos los miembros de su comunidad y por lo tanto, la adherencia a ella es un requisito constante para la admisión o el empleo.

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