



**MICHIGAN  
CATHOLIC**  
CONFERENCE

## **ANALYSIS OF FAIR AND EQUAL MICHIGAN Impacted Church Ministries and Activities**

*The following analysis and examples are based on feedback received from legal counsel, the U.S. Conference of Catholic Bishops, diocesan attorneys, and the Michigan Catholic Conference Social Policy Committee, which is comprised of diocesan social service officers.*

The proposed Fair and Equal Michigan ballot question seeks to amend the state's Elliott-Larsen Civil Rights Act. The Act prevents discrimination in housing, employment, education, and public accommodations. Fair and Equal Michigan is proposing to redefine the protected class of "sex" to include "gender, sexual orientation and gender identity and expression." This amendment will likely create significant moral, ethical, and legal challenges for the Catholic Church and her ministries for years to come, due to the Church's teaching that males and females were made in the image and likeness of God and are biologically different than one another:

1. The definition of religion would be reduced to "the religious beliefs of an individual," and would not protect faith-based actions or speech, departing from existing state and federal laws.
2. Church teachings and practices based on the biological differences could be challenged.
3. Catholic Charities agencies may be subjected to lawsuits for refusing to participate in placements or services that violate Church teaching.
4. Lay employees at Catholic parishes, schools, and agencies would be allowed to engage in speech inconsistent with Church teachings and to assert a claim for discrimination if an employment decision were to be made based on that inconsistent speech or conduct.

The following ministries or activities would likely be impacted if the proposed amendment becomes law:

- Homeless youth shelters
- Independent living homes for youth aging out of the foster care system (boys and girls)
- Caseworker and teacher hiring
- Mental health counseling
- Foster care and adoption placements
- Any variety of state contracts for service programs
- Guidelines for school locker rooms and bathrooms
- Administration of athletic programs
- Shared time instruction, which allows a nonpublic student to enroll in "non-essential" elective courses at a public school
- School curriculum, especially regarding Catholic teaching about the human person and the biological differences between males and females.