

To: Northwest Commission on Colleges and Universities
From: Faculty Council, Seattle Pacific University
RE: Accreditation Complaint regarding Board Governance at Seattle Pacific University
Date: 9/26/2022

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Executive Summary

The Faculty Council of Seattle Pacific University (SPU), the elected executive body of SPU's Faculty Senate, submit the following complaint regarding a pattern of actions by the Board of Trustees over the past two years (2020-2021 and 2021-2022) that, in our view, constitute an egregious violation of shared governance principles and demonstrate the undue influence of an external party on Board deliberations. We further claim that these actions constitute non-compliance with several standards related to Institutional Autonomy (2.A.1), Shared Governance (2.A.4), and Institutional Integrity (2.D.1, 2.D.2, and 2.D.3), as well as Eligibility Requirements related to Operational Focus and Independence, Non-Discrimination, Institutional Integrity, and Governing Board.¹

At the heart of this complaint is the Board's decision-making regarding a conduct policy that allows for discriminatory employment practices on the basis of same-sex sexual activity, even in the context of a monogamous marriage, and the steps taken by the Free Methodist Church, SPU's affiliated denomination, to interfere with the board's decision-making. This undue influence is possible because of the unique structure of SPU's Board of Trustees, which requires that 1/3 of all trustees hold the status of FMC Trustee—a status conferred by the denomination—and the actions of two individual trustees who hold positions of authority and obligation within the Free Methodist Church.

In short, we have deep concerns regarding the state of Board governance at SPU. Every institution of higher education needs to have governance that is aimed at the best long-term interest of the institution academically and financially, and with the best interests of the students, staff, and faculty in mind. SPU's Article of Incorporation grant that exclusive authority and control of the institution to SPU's Board of Trustees², a body that is distinct and separate from our affiliated denomination, the Free Methodist Church (FMC). However, during to the two years referenced above the FMC has undertaken actions that in our view can only be described as an undue influence from a non-controlling entity on the affairs of the independent SPU Board and University, especially in comparison to many prior years prior to 2021 of appropriate respect and arm's length deliberations. The recent political steps by the FMC in our opinion appear to be a negative trend in undue influence, which calls into question whether the Board is following good governance practices. This is creating deep divisions among administrators, faculty, students, and trustees, with trustees seemingly elevating the interests of the Free Methodist Church over and above the input and interests of faculty, senior administrators, students, and the financial health of the institution.

The concerning set of actions began when a lawsuit was filed against SPU in January 2021 alleging discriminatory hiring practices by someone who was not hired for a full-time faculty position. He claims he was not hired because he is gay. This lawsuit highlighted SPU's conduct

¹ A list of media reporting can be found here: Some media coverage can be found here: <https://scholars.spu.edu/spufacultyaction/local-and-national-media/>. This site is being continually updated by SPU's Faculty Council.

² "The responsibility for the governance and control of Seattle Pacific University rests exclusively with the Board of Trustees." (Article II, Section 2).

policy and associated Statement on Human Sexuality, neither of which were universally understood or known by the SPU community given that they had not been to that point featured in the hiring or onboarding process. There was intense discussion among faculty, staff, and administrators regarding the conduct policy, with the faculty overwhelmingly endorsing removing the policy and statement on human sexuality (75% in favor), and a majority of staff doing likewise (68%).

This information was presented to the Board of Trustees, along with theological justifications for removing the policy and an analysis of the financial consequences of not removing the policy. Prior to the Board of Trustees vote, however, the three Bishops of the Free Methodist Church, without a request from SPU's Board, wrote a letter warning of possible disaffiliation from the Free Methodist Church if SPU removed the conduct policy. One of those three Bishops also serves on the SPU Board of Trustees.

In March 2021, the Board voted to retain the policy, citing as justification "to remain in alignment with the board's understanding of SPU's statement of faith and to remain affiliated with the Free Methodist Church." In the immediate aftermath of this decision, then-President Dan Martin resigned, and the faculty passed A Statement of No Confidence in SPU's Board of Trustees by a vote of 72% in favor. The faculty also voted to form an LGBTQ+ Task Force to engage the Board in constructive dialogue.

The Board appointed Trustee Pete Menjares as Interim President beginning July 1, 2021, and at the beginning of the academic year 2021-22 Interim President Menjares hired Venture International (VI) to assist him and the Board in identifying key strategic issues, including an examination of the internal conflict regarding the conduct policy. In December, VI shared the results of their work with the Board and with the SPU community, which identified six issues that the institution needed to address. The employment policy was one of those issues. VI recommended the formation of a work group comprised of trustees, staff, and faculty to make recommendations on the conduct policy.

That working group worked intensively for four months and produced a report that detailed five options that the Board could consider in determining an institutional direction. There was consensus among the group that one the three "third way" options in the report offered the most viable path forward for SPU. The "third way" options would modify or eliminate the conduct policy while continuing affiliation with the Free Methodist Church. The Work Group made a presentation to the Board in late April 2022, with the intention of giving members of the Board several weeks to ask questions and individually deliberate on the best way forward before coming together at the May Board meeting to make a collective decision.

Upon receiving the report, two SPU trustees who were not on the work group, who also serve on the FMC Board of Administration (a policy-making body of the Free Methodist Church) brought a motion to the Board of Administration stating that "Any AFMEI institution that alters their hiring policy to permit the hiring of individuals living a lifestyle inconsistent with the Free

Methodist Book of Discipline's teachings on sexual purity will be considered to have disaffiliated with the denomination and will not be considered for any level of affiliation as long as this hiring policy is in place.” The FMC BoA passed this motion and communicated it to the seven AFMEI (Association of Free Methodist Educational Institutions) universities the second week of May. SPU was specifically mentioned as the catalyst for this resolution, and it effectively eliminated the possibility for SPU’s Board to adopt a “third way” option.

At the end of May 2022, the Board again voted to retain the conduct policy. Leading up to the vote, including on the day of, two trustees resigned, and two more would resign shortly thereafter. The faculty responded with a Statement to Endorse the “Third Way” Recommendation of LGBTQIA+ Work Group, approved with 80% in favor. The students began a continuous sit-in outside the administrative offices which lasted until July 1, 2022.

This pattern of action by the Board and leaders of FMC are evidence of non-compliance with several standards and eligibility requirements. Specifically:

- **Standard 2.A.1** requires that the institution “demonstrates an effective governance structure...” We submit that the actions of the Board of Trustees do not demonstrate an effective governance structure. Repeatedly the Board of Trustees disregarded the clear consensus advice of the faculty, senior leaders, administrators, deans, and students that the conduct policy was actively detrimental to the financial and academic health of the institution and created an environment that harmed students and student learning.
- **Standard 2.A.4** also requires that “The institution’s decision-making structures and processes, which are documented and publicly available, must include provisions for the consideration of the views of faculty, staff, administrators, and students on matters in which each has a direct and reasonable interest.” Not only does SPU not have such a documented process for the consideration of the views of faculty, staff, administrators, and students such matters, in this particular case it is clear that the detailed and voluminous views expressed faculty, staff, administrators, and students were not given due consideration in the Board’s decision-making regarding the conduct policy.
- **Standard 2.D.3** requires accredited institutions to “[adhere] to clearly defined policies that prohibit conflicts of interest on the part of members of the governing board(s), administration, faculty, and staff.” While the SPU Bylaws do contain provisions prohibiting financial conflicts of interest (Article XIII), the more problematic conflict of interest for SPU’s Board is with respect to the Free Methodist Church. What is clear from the Board’s actions over the past two years is that though the SPU Board is legally independent from the FMC, it is not functionally independent on important policy issues, particularly with respect to the conduct policy, and that the Board has neglected due consideration of the financial effects to SPU and shared governance principles in order to satisfy FMC imperatives.
- **Standard 2.D.1** requires that “The institution represents itself clearly, accurately, and consistently through its announcements, statements, and publications.” As stated, the University has a public-facing, Board-approved Statement of Faith that articulates the Christian identity of SPU, which makes no claim that SPU is a Free Methodist institution that maintains or holds to a Free Methodist interpretation of orthodoxy or Christianity.

Our policies are out of compliance with a great deal of what is required in the Free Methodist Book of Discipline. Moreover, at the time of hiring, and at tenure and promotion review, faculty are required to interact with the Statement of Faith, not Free Methodist teachings. SPU marketing materials make reference to Haven, the SPU-sponsored student club for LGBTQIA+ students and allies, and recent work by the Office of Inclusive Excellence was taken to promote LGBTQIA+ inclusion across campus. Thus, this decision is not consistent SPU's representations and communications, internally and externally, with respect to LGBTQIA+ inclusion.

- **Standard 2.D.2** requires that the institution “exemplifies high ethical standards in its management and operations...including fair and equitable treatment of students, faculty, administrators, staff, and other stakeholder constituencies.” We submit that the Board’s actions, particularly those of two Trustees connected to FMC, does not exemplify high ethical standards. The actions of the Board’s FMC Trustees were clearly aimed at undercutting the possibility of shared governance and the work of the LGBTQIA+ Work Group in order to get their desired result. Moreover, these actions did not treat students, faculty, administrators, and staff equitably, as the advice and will of these stakeholder groups were clearly disregarded in favor of FMC’s interests in maintaining the conduct policy.
- **Eligibility Requirement 2: Operational Focus and Independence** requires that the institution has sufficient independence to carry out its academic mission. We submit that the actions of the Board demonstrate that it lacks sufficient independence from the Free Methodist Church to make decisions in the best financial and academic interests of SPU.
- **Eligibility Requirement 7: Non-Discrimination** requires that institutions respond to the “educational needs and legitimate claims of constituencies it serves as determined by its mission.” The actions of the Board have created an atmosphere where queer students, staff, and faculty, fear discriminatory behavior and retaliation by the Board, contrary to the legitimate claims of SPU constituencies and educational needs of students.
- **Eligibility Requirement 8: Institutional Integrity** requires that institutions adheres to ethical standards. The actions of the Board do not meet ethical standards in its relationships to FMC, students, faculty, staff, outside vendors, internship sites, or secondary accreditors.
- **Eligibility Requirement 9: Governing Board**, requires that the Board act in a way to “ensure the institution’s mission is being achieved.” We submit that these actions do not comply with this requirement.

It is the view of Faculty Council that we have exhausted all possible avenues towards engaging constructively with the Board to resolve these issues, and as no formal grievance process exists to bring these complaints to the board, we submit them to NWCCU for evaluation and to provide the following relief:

1. The SPU Board of Trustees should amend the Bylaws to require only 25% FMC trustee membership on the SPU Board (instead of the current 33%). The 25% level is the minimum required percentage for denominational affiliate status by the FMC Book of Discipline and is the level other FMC denominational institutions (AFMEI) use.
2. The Board should eliminate the 75% super majority voting requirement set for various decisions throughout the Bylaws. A two-thirds (67%) majority should be sufficient requirement for all major decisions now requiring the 75%. The 75% requirement on

certain matters was established when the Board reduced the number of FMC trustees to the 33% membership requirement as complimentary provision to allow the FMC trustees to vote as a block to stop any action the FMC disagreed with. When viewed from the perspective of fiduciary duties of loyalty, care, and obedience that trustees are expected to follow using their individual and independent judgements, block voting by a related but not controlling entity is antithetical. No other AFMEI institution has a similar super majority voting requirement like SPU's, per our information.

3. The SPU Board of Trustees should develop a policy manual with clear expectations, behaviors, and processes that they believe constitute good governance. This should include criteria for trustee selection, and processes for receiving regular and substantive input from major constituents, such faculty, staff, and students, to assist in Board decision-making. This may include having faculty and student representation on the Board and Standing Committee.
4. Each member of the SPU Board of Trustees should have a performance review in the year prior to their eligibility for reappointment conducted by the Board Chair and reported to the Board committee responsible for renewing terms of trustees.
5. Prospective Trustees should interact and engage with SPU's Statement of Faith, in writing, as part of the vetting process.
6. Given the questions raised about the conflicting dual loyalties of Bishop Matt Whitehead and Mark Mason and their intervention using their FMC positions in the denomination, the Faculty Council respectfully request their resignation from the Board. It is the honorable thing to do after their actions. The Faculty Council does not disrespect or diminish in anyway Bishop Whitehead's primary loyalty to the Church and in fact the Council believes as a top leader and paid employee of the Church his primary loyalty has to be to the FMC. But because that is his primary loyalty, he will be viewed as having to put loyalty to SPU as secondary. To restore faith in the Board of Trustee the Faculty Council believes these two resignations are an important step to restoration of relationships. The Faculty Council wants to have FMC members on the Board to bring perspective from Wesleyan theology and Church interests to the Board's deliberations and thus the Council welcomes the vacated positions of Whitehead and Mason to be filled with new FMC trustees.
7. Recognizing the possibility that leaders of the national FMC denomination will have primary loyalty to FMC, the SPU Board of Trustees should disallow national denominational leaders (including FMC Bishops, members of the FMC Board of Administration, and FMC Executive Leadership Team) from serving as voting members of SPU's Board of Trustees
8. The SPU Board of Trustees should also provide the community an explanation of the information they relied upon to determine the financial and program consequences of their hiring policy decision, how the decision helps to solve the current financial challenges caused by declining enrollments, and also how the decision is consistent with SPU's Statement of Faith, Mission, and Vision, particularly outlining how it helps students to flourish and prepares them for service in the world.
9. Finally, the SPU Board of Trustees should follow through and answer, in writing, the questions submitted to them for the SPU Board of Trustee Town Hall, which is yet to be done.

It is our understanding that NWCCU has previously identified problems with governance and finances at SPU as recently as May 9, 2022. The situation since then has deteriorated significantly. The governance situation at SPU is dire and will continue to be so unless and until significant steps are taken to reduce or remove the influence of the Free Methodist Church on the Board of Trustees decision-making. We ask NWCCU to investigate the issues outlined here to determine whether SPU is in compliance with NWCCU standards and eligibility requirements and, if not, provide the requested relief.

1. Introduction

At the heart of this complaint is the Board's decision-making regarding a conduct policy that allows for discriminatory employment practices on the basis of same-sex sexual activity, even in the context of a monogamous marriage. This policy is sometimes referred to as "the hiring policy," "the discrimination policy," or "the conduct policy." Because it is officially part of the Employee Lifestyle Expectations in the Employee Handbook, it is best understood as a conduct policy whose violation, or anticipated violation, may result in the denial or termination of employment. To explain the set of issues related to shared governance and institutional independence, some brief background on SPU's identity, board structure, policies, and statements will prove helpful, particularly SPU's Statement of Faith, Employee Lifestyle Expectations, and Statement on Human Sexuality.

Seattle Pacific University (SPU) is an institution of higher learning affiliated with the Free Methodist Church and accredited by NWCCU. As a faith-based institution of higher learning, SPU has a robust and well-crafted Statement of Faith that articulates our central faith commitments (<https://spu.edu/about-spu/statement-of-faith>). This Statement of Faith was approved by the Board of Trustees in May 2004. It features prominently on SPU's website, and all regular faculty must engage with it as part of the hiring process, third-year review, and, if applicable, tenure and promotion reviews. Given its central role in hiring and faculty reviews, the Statement of Faith is a clear expression of SPU's faith identity and missional aims. Indeed, the Statement of Faith is necessary to understanding SPU's mission statement's claim that we are a "Christian university" (<https://spu.edu/about-spu/mission>). Importantly, as then-President Phil Eaton said, the faith statement is "less [about] defining the boundaries [of faith] than...in being clear about the center." ([Appendix I](#)). It has an open and capacious understanding of what a lived Christian faith can look like and allows for a variety of theological views on many important issues, including human sexuality.

SPU also has a set of [Employee Lifestyle Expectations](#). Among them is a policy that prohibits all regular faculty and staff from "Sexual behavior that is inconsistent with the University's understanding of Biblical standards, including cohabitation, extramarital sexual activity, and same-sex sexual activity. (See the University's [Statement on Human Sexuality](#))."³ Though this policy existed, it was unevenly enforced and not consistently highlighted during interviews or hiring, not displayed on the "Prospective Employees" website (<https://spu.edu/administration/human-resources/prospective-employees>), and required an SPU login to view until at least June 2021. A survey administered last year, Psychology of Protest, found that 48% of faculty were unaware of the conduct policy prior to being employed by SPU, and, on average, it took 4.32 years for faculty members, post-employment, to become aware of it ([Appendix II](#)). In terms of institutional identity and mission, the conduct policy and Statement on Human Sexuality are far less visible than the Statement of Faith. The Statement of Faith is prominently displayed on the SPU website, all employees must engage with it at the time of hiring, faculty must engage with it at hiring and reviews, and it informs SPU's mission as a Christian university. None of this is true of the Employee Lifestyle Expectations or Statement on Human Sexuality.

³ A much fuller history of each of these documents can be found at the SPU Faculty Action website. Click here for [Statement of Faith](#), [Conduct Policy](#), and [Statement of Human Sexuality](#).

It is also important to note the unique structure of the Board of Trustees because of the way this contributes to non-compliance with standards and requirements. The current Bylaws of Seattle Pacific University require that 33% of all Trustees be members of churches within the FMC denomination, referred to as “FMC Trustees” (Article III, Section 1.C). This structural requirement, which is beyond what is required by the denomination, encourages bloc voting by FMC Trustees in a way that undermines the independence of the Board Trustees. Another uniquely worrying feature of the Board’s current structure is that two of the current FMC Trustees also serve on the FMC Board of Administration (BOA), which is the governing body of the FMC denomination “responsible for policy, procedural, financial, and legal issues that arise during the interim between General Conference sessions” (<https://fmcusa.org/leaders/boa>). Moreover, one SPU Trustee is also a Bishop of the FMC denomination. This creates a duality of interests that raises serious questions about SPU’s independence from FMC. It should be noted that in the past, the FMC Bishop held a non-voting position on SPU’s Board. That changed in 2019 to allow a Bishop to serve on SPU’s Board of Trustees as a voting “FMC Trustee”.

This should provide the necessary context for actions of the Board, beginning in 2021, as it relates to the Employee Lifestyle Expectations and Statement on Human Sexuality.

2. Brief History of Actions that Suggest Non-Compliance

On **January 11, 2021** SPU was sued for employment discrimination by Jeux Rinedahl for failing to give full consideration to his application for tenure-track position in the nursing program because he was in a same-sex marriage and thus in violation of the University’s conduct policy (<https://thefalcon.online/9260/news/nursing-professor-sues-spu-for-discrimination/> and <https://www.king5.com/article/news/local/gay-teacher-sues-seattle-pacific-university-alleging-discrimination/281-e7c7297d-7370-4018-a228-c54178f7fe4a>). While this lawsuit was eventually settled in May 2022, it reopened the campus discussion of the conduct policy, and also elevated the profile of the conduct policy in the Seattle community.

Then-President Dan Martin launched a process for collecting information from the SPU community regarding the conduct policy. A survey sent to faculty and staff in January 2021 found that 75% of faculty agreed that SPU should not have a policy that prohibited those in same-sex marriages for employment, and 61% agreed that SPU should not have a statement on human sexuality at all (95% response-rate). On the staff side, 68% agreed that SPU should not have such a policy, and 53% agreed that SPU should not have a statement on human sexuality (53% response rate). ([Appendix III](#)).

The Board was also provided information on the possible negative financial and operational costs of maintaining the conduct policy from program directors, deans, and senior leaders. They warned that maintaining the policy would likely result in declining student enrollment, loss of internship and clinical placement sites, loss of corporate partnerships, and a decrease in donations from alumni and other partners. The Board was also informed that they could expect backlash from the SPU community if they voted to retain the policy, including the possibility that the faculty would vote no-confidence. We do not have the full scope of what was provided

to the Board by the administration, but a NWCCU evaluation team should have access to these statements as well as relevant Board book and Board meeting minutes.

Early in **March 2021**, SPU's Board of Trustees called a special session to consider changing the conduct policy. At this meeting, SPU Trustee Matt Whitehead read a letter to the Board signed by all three bishops of the Free Methodist Church (FMC). This letter stated that any change to the conduct policy at SPU would likely result in disaffiliation from FMC. Notably, Matt Whitehead is one of the three FMC bishops. We have requested to see this letter, but it has not been provided. The implication of that letter was that the Bishops had the authority to disaffiliate SPU, but the Faculty later learned that only the Free Methodist Board of Administration had that authority, and only as a preliminary measure, subject to the approval or reversal at the quadrennial General Meeting of FMC delegates.

On **April 12, 2021** then-Board Chair Cedric Davis announced to the SPU community that the Board had decided to retain the conduct policy and Statement on Human Sexuality. In his address, at the end of the employee forum (over zoom), he stated that the rationale for retaining the policy was, "to remain in alignment with the board's understanding of SPU's statement of faith and to remain affiliated with the Free Methodist Church." ([Appendix IV](#))

As we shall outline more fully in the complaint section, we are concerned with the way FMC interfered with Board's duties to give due consideration to the views of members of the SPU community, and to consider the fiduciary and academic effects of their decision for SPU. Instead, a significant factor in their decision was the threat of possible disaffiliation with FMC. Of course, we recognize that it is appropriate for the Board to seek input from the denomination on important policy questions, but in this case the problem is that the FMC Bishops inserted themselves into the decision-making by having one of their own members read a letter to the entire board in a way that prioritized denominational concerns over the expected negative financial and academic consequences of retaining the policy for SPU.

Among the most immediate consequences was that President Dan Martin resigned, effective **April 2, 2021**, in his ninth year of service. The stated rationale for his resignation was so that he could take a position at a health care foundation, though a recent news article stated that he resigned "after the school's board of trustees was unwilling to change anti-LGBTQ policies" (<https://lawrencekstimes.com/2022/07/12/new-ku-endowment-president/>). Provost Laura Hartley was appointed Executive in Charge while the Board searched for an Interim President.

Additionally, on **April 19, 2021**, SPU's Faculty Senate voted to issue a **Statement of No Confidence in the SPU Board of Trustees** ([Appendix V](#)). The vote had a 90% response rate (213 out of 236) with 72% voting in favor, 22% not in favor, and 6% abstaining. Because the campus was still mostly remote due to COVID-19, there was not much organized protest on-campus, but many online groups formed to resist and protest the decision. The online conversations suggested that the SPU community, at large, did not understand the Board's decision as simply affirming the policy *status quo*. Much of the discussion among faculty and staff focused on the apparent contradictions between 1) the university's Statement of Faith (a Board-approved document), which allowed for a broad and capacious understanding of the Christian faith at SPU, and 2) the conduct policy and Statement on Human Sexuality, which favored a very particular and traditional Christian interpretation of marriage and sexuality inconsistent with the sincere religious beliefs of most members of the SPU community. This was expressed quite well by two faculty members in the School of Theology in a joint statement sent to the SPU community

([Appendix VI](#)). The view of the SPU community, in general, was that the Board’s decision effectively reinterpreted our Statement of Faith by elevating a single moral value to primary doctrinal status and placing new and significant limits on what it meant for us to be a Christian university. It should be noted that SPU’s faculty and staff want SPU to remain a Christian university and retain its Christian identity as given in our Statement of Faith. The issue is not about whether we should be a Christian institution, but defining that Christian identity with this narrow and traditional understanding of marriage.

One week after the vote of no confidence, the Board of Trustees sent a written response ([Appendix VII](#)) that did not address any substantive concerns raised by faculty or articulate a clear rationale for retaining the policy. This deepened the sense that the Board was not engaging in good governance practices. Shared governance requires mutual accountability for decisions, which at the very least requires providing the reasons for significant policy decisions and transparent communication of the processes and rationale to the community.

In light of the Board’s apparent unresponsiveness and failure to adhere to good governance practices, the Faculty Senate approved the formation of an **LGBTQ+ Task Force** to engage the Board of Trustees on **May 6, 2021** ([Appendix VIII](#)). The aim of the task force was to get the Board to take faculty concerns seriously and reconsider their decision to retain the policy. On **May 24th**, four Trustees met with four members of Faculty Council, moderated by Executive-in-Charge Laura Hartley, to discuss what led to the faculty vote of confidence. At this meeting, Bishop Whitehead stated, for the first time to faculty, that SPU could not stay affiliated with FMC and revise the conduct policy.

In June 2021, the Board of Trustees appointed fellow trustee, Dr. Pete C. Menjares, as Interim President of SPU.

As the new academic year began in **September 2021**, the Board hired Venture International (VI), consultants with expertise in crisis management and higher ed governance. After interviewing trustees, senior leadership, faculty and staff, the consultants identified “six critical issues” facing the institution and they presented their findings to the Board at their November 2021 meeting and to faculty and staff at forums held in December 2021. Among the six critical issues were the conduct policy decision and the financial sustainability of the institution.

Later that same month, at the behest of the consultants, some Trustees met with the Faculty LGBTQ Task Force and with Faculty Council as a first step towards re-establishing mutual trust and working towards a meaningful solution to the significant rift caused by the Board’s decision to retain the conduct policy. These meetings appeared fruitful in developing the basis for the Board, administration, and faculty to work together to compose several “work groups,” modeled on shared governance principles, to address LGBTQ+ issues, financial sustainability, and shared governance. Each work group consisted of representatives from the board, administration, faculty, and staff.

In **late December**, membership of the LGBTQIA+ Work Group⁴ was finalized and announced to the SPU community. The Work Group was comprised of four faculty members, four staff members, and six members of the Board of Trustees, two in *ex officio* capacities (Interim

⁴ It should be noted that the LGBTQ Task Force is distinct from the LGBTQIA+ Work Group. The former was a faculty-only task force of Faculty Council; the latter was a composed of faculty, staff, administrators, and trustees.

President Pete Menajares and Board Chair Cedric Davis). The Work Group was co-chaired by Trustee Joshua Canada and Professor of Sociology Kevin Neuhouser. The group was also constructed to ensure that a broad spectrum of opinions on human sexuality was represented.

The LGBTQIA+ Work Group was “empowered to educate the Board, Faculty and staff on key issues, recommendations, and options,” and it was charged to answer the following questions:

In the face of diverse perspectives, what options might create a shared direction regarding sexual conduct expectations and employment policy (specifically with respect to LGBTQIA+ individuals) within a Free Methodist Christian context, and how do these potential options align with SPU’s mission and Statement of Faith?

In the face of diverse perspectives, what options might be considered to strengthen community, value and respect all people, and remain true to the SPU mission and faith values?

While the work was difficult, the experience of the group members was uniformly positive. As the introduction to the group’s final report noted:

the time the workgroup has spent as a faculty, staff, administrator, and trustee community has been rich and the relational approach to this process greatly differs from the transactional actions inherent in the 2021 board decision and faculty decision to vote no confidence. Regardless of the Board’s ultimate decision, this approach has garnered much goodwill and was a reminder that generative relationships between different areas of responsibility and governance are vital. (pg. 2)

On **April 22, 2022**, the LGBTQIA+ Work Group gave a PowerPoint presentation of their report and recommendations to the Board of Trustees in an online meeting. The report described and assessed five options the Board might take, ranging from the most traditional position reaffirming SPU’s prohibition on all same-sex relations to the most expansive position of affirming same-sex marital relations and queer identities as acceptable to God. Between these two poles, the report also outlined three variations of a “Third Way” option. The report detailed how well each option aligned with SPU’s mission and Statement of Faith, and it cataloged all the potential positive and negative effects each option augured for the university. As the preferred and most viable way forward for SPU, the Work Group recommended the Board adopt one of the three “third way” options that sought to maintain affiliation with the Free Methodist Church while also substantively altering the conduct policy and the Statement on Human Sexuality to allow hiring individuals in same-sex relationships. The report detailed numerous negative effects of maintaining the conduct policy, including financial losses related to student enrollment, donors, corporate partners, vendors, and others.

At this point, there was broad campus support for the work of the LGBTQIA+ Work Group, and cautious optimism that this model of shared governance would yield a more thoughtful decision-making process for the Board when reconsidering the policy. With remarkable restraint, students, staff, and faculty registered their respect for the process by refraining from any and all public protest or online discussion of the policy. However, the community’s confidence regarding shared governance was fractured when the Free Methodist Church inserted itself into the Board’s decision-making process.

In **early May**, two SPU Board of Trustee members, who also serve on the Free Methodist Church Board of Administration and who had been briefed on the LGBTIQ+ Work Group recommendation, brought a resolution to the Free Methodist Church USA Board of Administration (BOA) in a highly irregular and rushed process. The purpose of the resolution was to, as Bishop Whitehead later put it, “clarify” the Church’s position with respect to affiliated educational institutions and LGBTQ inclusion. As stated on their website, “The BOA is responsible for policy, procedural, financial, and legal issues that arise during the interim between General Conference sessions.” The process undertaken by the BOA was highly irregular, even excluding FMC elders from speaking to the Board of Administration on the resolution.

On **May 5**, the FMC BOA passed the resolution and provided the following interim ruling to all Affiliated Free Methodist Educational Institutions (AFMEI). Interim rulings are binding until they are considered by the General Conference.

Any AFMEI institution that alters their hiring policy to permit the hiring of individuals living a lifestyle inconsistent with the Free Methodist Book of Discipline's teachings on sexual purity will be considered to have disaffiliated with the denomination and will not be considered for any level of affiliation as long as this hiring policy is in place. This policy is considered to be in effect from this date until the next General Conference. A motion will be presented to the General Conference to clarify language in our Book of Discipline regarding the AFMEI and our commitments to one another.

In their communication to AFMEIs, the FMC BOA added that “the spirit of this motion is not an ultimatum, it is an effort to establish clarity for the SPU Board of Trustees and for all AFMEI campuses,” clearly singling out SPU as the catalyst for the ruling ([Appendix IX](#)).

There are three important aspects of this resolution as it pertains to SPU. First, it suggested to the Board that none of the “third way” options developed by the LGBTQIA+ Work Group could be implemented without severance from the Free Methodist Church. Indeed, the move quite clearly changed the rules of affiliation with FMC to require maintaining the policy—a move that is more reflective of the internal dynamics and needs of the denomination than the interests of SPU. By having the FMC BOA act before SPU’s Board of Trustees could make a decision on the merits of a “third way” option, the BOA (and the SPU Trustees that serve on it) effectively allowed denominational interests to play a central role, and contrary to the independent interests of SPU. Though the language of the interim ruling is rather vague, the Board clearly understood it to mean that SPU would be automatically disaffiliated from FMC should they change the conduct policy. This is evident in SPU’s lawsuit against Washington State Attorney General, Bob Ferguson filed in July 2022 ([Appendix X](#), see paragraph 34). We shall return to this lawsuit later.

Second, because the Board understood the conduct policy as also involving affiliation with FMC, any vote to change the policy would require a supermajority vote of 75% to change affiliation status, according to SPU’s Bylaws. Policy votes require only 51%.

Third, while Bishop Whitehead stated that FMC had made similar statements prior to the SPU Board’s initial decision, neither he nor the other bishops were empowered to make such a ruling on disaffiliation. The BOA’s interim ruling, on the other hand, is binding until the next General

Conference meeting of FMC. Until the next General Conference meeting (scheduled for summer 2023), which may choose not to affirm this ruling, it is the official policy of FMC to disaffiliate with any affiliated institution of higher education that changes its conduct policy to allow for the hiring of individuals in same-sex marriages, including SPU.

On **May 6, 2022**, the SPU Board of Trustees received the full written report from the LGBTQIA+ Work Group, though now the “poison pill” ruling of FMC BOA had significantly altered the context of the Board’s decision since the Work Group’s initial presentation. Four days passed before SPU Faculty Council was informed of the FMC Board of Administration action on **May 10**. Faculty Council surmised that this action was meant to trigger the supermajority vote threshold. Prior to the Board meeting to reconsider the conduct policy, on **May 18**, SPU Faculty Council sent a letter to Interim President Menjares and Board Chair Cedric Davis requesting recusal of the two board members who serve on the FMC BoA from the conduct policy discussion and vote ([Appendix XI](#)). That letter was not shared with the entire board.

The SPU Board of Trustees spring meeting was held **May 19-20, 2022**. Executive sessions are open to only Trustees, so much of what is known about the decision-making and voting processes is based on information that has subsequently become public through the Town Hall held on May 26, 2022, announcements from the Board itself, or from public pronouncements from individual Trustees.

The issue of SPU’s employee conduct policy was split over two days. The first day, in executive session, the Board discussed the LGBTQIA+ Work Group report and recommendations. On the second day, the Board voted. The vote itself was split into two motions. The first motion was to retain SPU’s conduct policy. This motion required only a simple majority to pass, and if passed, it would moot the second motion. The second motion was to revise SPU’s conduct policy. This motion would require a supermajority of 75% to pass because it involved disaffiliation with FMC after the FMC BOA interim guidance.

The vote on the first motion occurred on **May 20** and passed with a “clear majority” (Town Hall, [Appendix XII](#)). Bishop Matt Whitehead and Mark Mason recused themselves from the vote, but it is not clear whether they also recused themselves from the discussion. Regardless, they had already used the FMC BOA to apply pressure to SPU’s Board of Trustees with the threat of disaffiliation. This is made clear in the Board’s announcement to retain the policy, released on **May 23** (<https://spu.edu/about-spu/press-room/Press/board-decision-employee-lifestyle-expectations>), which quoted Board Chair Cedric Davis as stating “the Board made a decision that it believed was most in line with the university’s mission and Statement of Faith and chose to have SPU remain in communion with its founding denomination, the Free Methodist Church USA, as a core part of its historical identity as a Christian university.” Cedric Davis would resign from the Board three days later, on **May 26**.

Moreover, Bishop Whitehead publicly stated in the May 26th Town Hall that “the denominational condition was important” and “certainly was a factor.”

Starting on **May 24, 2022**, students organized a sit-in outside the administrative offices. The sit-in ran continually until **July 1, 2022**.

On **May 26**, the Board held a [town hall](#) meeting with the SPU community to answer their pre-submitted questions about the decision. Trustee Dean Kato (incoming Board Chair), Trustee

Deborah Wilds (incoming Vice-Chair), Trustee and FMC Bishop Matt Whitehead, and Trustee and Interim President Pete Menjares participated. The session was moderated by Provost Laura Hartley and Faculty Chair Dr. April Middeljans, who both also curated the questions ([Appendix XII](#)). Many of the questions pertained to the economic and secondary accreditation consequences of the decision, the value of staying affiliated with FMC, and how the conduct policy comports with the Board's vision for SPU into the future. The trustees said that economics were considered but did not say how or provide specific data that informed their decision. Trustee Deborah Wild also stated that the decision was not made in the context of a strategic long-term vision for SPU.

Interim President and Trustee Pete Menjares declared to the Faculty Chair in the town hall, and later to protesting students, that he would ask SPU's Board to respond in writing to all the submitted questions. These concrete answers have yet to materialize, and faculty are concerned that the Board has done no detailed analysis of the financial and academic consequences of keeping the policy.

At the end of the Town Hall, Interim President Menjares publicly apologized for the breakdown in shared governance, stating,

“I am not going to speak for the church but I need to number one, say I'm sorry...to the work group. Because we went into this work with a commitment to one another, with a commitment to serving our students. We committed to confidentiality. We committed to integrity. We committed to good faith. We stacked hands. And so we said we'd go forward together. And I have to say publicly that the work group did all that it was asked to do, if not more. I cannot apologize for the church, but I can apologize. I did my best to manage up through the delivery of the report to the board. So, I kept my promise to ensure that that got to the trustees. The trustees did, in spite of the Board of Administration action, read and work through and discuss the report. I cannot control things that are out of my control. But I can certainly take responsibility for moving forward. And one of the things that I have continued to commit to is a vision for shared governance, that not just includes Board and Administration, but that includes faculty voice, staff voice and student voice. And so that's a commitment that I am making publicly. Right after this town hall, we have a meeting with the shared governance work group that we convened last month. And frankly, this is on the table to discuss, because shared governance, the ideal the vision for it has been severely tested. And now it's being questioned, whether it's even possible for that to become a reality of our community. And that is just truth.”

After several emergency Faculty Senate meetings, the faculty voted on **June 3** to approve the **Resolution to Endorse the “Third Way” Recommendation of the LGBTQIA+ Work Group** ([Appendix XIII](#)). Roughly 85% of faculty voted (190 out of 225) with 80% voting to approve, 15% voting to not approve, and 4% abstaining. This Resolution codified the faculty endorsement of the “third way” options, repudiated the Board's decision, and authorized the launching of a faculty Task Force on alternative affiliation for SPU. This would be the final action of Faculty Senate before the end of the academic year, which concluded on June 6. Given how the year ended, we expect more turmoil when the year starts.

On **July 27**, SPU filed a lawsuit against Washington State Attorney General Bob Ferguson in US District Court claiming that an investigation into SPU's conduct policy by the AG violated SPU's constitutional rights. The lawyers representing SPU are local counsel from Ellis, Li, and McKinstry and the national religious rights group Becket Law. The complaint makes several assertions inconsistent with SPU's actual historical practices and relationship to the Free Methodist Church. This lawsuit was filed without seeking input or providing notice to faculty, and with only limited consultation with other university stakeholders. Board Chair, Dean Kato, also published a letter to the editors of Inside Higher Ed (<https://www.insidehighered.com/views/2022/08/16/misrepresenting-why-seattle-pacific-sued-its-state-letter>), framing the conflict over the conduct policy as an issue of religious freedom, instead of an issue with good governance practices and denominational interference in SPU matters.

3. Board and Leadership Resignations and Transitions

It is also important to note the significant level of resignations and transitions that have occurred on the Board of Trustees itself while considering this policy as it suggests a breakdown in good governance practices and compliance with standards and eligibility requirements.

In March 2021, at the time the Board of Trustees initially voted to maintain the conduct policy, the Board had 18 Trustees, the largest amount permitted by SPU's Bylaws. The Board itself has experienced significant losses since then, most by resignation. Many former Trustees have also publicly distanced themselves from the Board's actions and decisions.

The first resignation occurred shortly after the initial decision; former **President Dan Martin**. As indicated previously, this was initially claimed to be related to an opportunity to take a position at a health care foundation, but it was later revealed to be related to the Board's vote not to revise SPU's conduct policy. It is unclear whether he was asked to resign or whether he resigned in protest of the decision. His last day at SPU was **April 2, 2021**.

On **May 13, 2021 Gary Ames**, a long-time member of the Board of Trustees and a powerful voice for change, unexpectedly died. He was also a mentor to many younger Board members, some of whom who had attended SPU as Ames's Scholars, receiving a need-based scholarship that bears his name.

On **June 30, 2021 Dennis Weibling** resigned from the Board. No announcement or rationale was provided to the community, which is typical of most resignations.

After the summer, the composition of the Board remained fairly stable. Two new members were added: **Joshua Canada**, who served as co-chair of the LGBTQIA+ Work Group, and **Jason Garcia**. (Both are FMC Trustees).

As the Board started the work of reconsidering the conduct policy in **Spring 2022**, there were significant resignations from the Board, suggesting a problematic decision-making process. **Tina Chang's** resignation from the Board was announced in **March 2022**. **Denise Martinez** resigned *during* the Spring Board meeting. After the vote of the Board to retain the conduct policy was announced, **Kevin Johnson** announced he would step down at the end of his term in June. He later publicly stated his opposition to the Board's decision on LinkedIn

<https://www.linkedin.com/feed/update/urn:li:activity:6935308631869452288/>). Then-Board Chair **Cedric Davis** resigned three days after the announcement. During the summer of 2022, **Mike McKee** and **Jason Garcia** resigned from the Board, and **Joyce Williams** was appointed.

At the time of this complaint, the Board lacks the mandated minimum number of Trustees, which is set by the Bylaws as twelve. Currently there are eleven Board members. The Bylaws further requires that 1/3 of Trustees be “FMC Trustees,” which are nominated by the FMC. The Board is currently one FMC Trustees short of the required minimum.

This shortage is even more notable given that three Trustees have been reappointed on an emergency one-year extension: Leslie VanderGriend, Mike Quinn, and Becky Gilliam. The Board also voted to reappoint both Mark Mason and Bishop Whitehead to a second three-year term, even after they interfered with the Board’s decisions regarding the conduct policy.

Also important here are the number of senior leaders who have resigned or announced their resignations. **Craig Kispert**, VP of Finance, resigned in December, 2021. **Sandy Mayo**, Vice Provost for Inclusive Excellence (Chief Diversity Officer), resigned in April, 2022. **Nate Mouttet**, VP of Enrollment Management and Marketing, resigned in July, 2022, and **Louise Furrow**, Vice President for University Advancement, will be resigning at the end of this year. That is four of seven senior leaders. An interim VP of Enrollment Management and Marketing was announced September 21, 2022. The position of Vice Provost for Inclusive Excellence (Chief Diversity Officer) remains unfilled, and without any search announced or any clear steps taken to put in interim leadership.

4. Complaint

SPU’s Faculty Council agrees with Interim President Menjares’s statement at the end of the Trustee Town Hall that the actions of the SPU Board of Trustees raise serious questions about the possibility of shared governance at SPU. Not only that, it is the view of SPU’s Faculty Council that the pattern of actions of the Board indicates non-compliance regarding numerous accreditation standards, including Institutional Autonomy (2.A.1), Shared Governance (2.A.4), Institutional Integrity (2.D.1, 2.D.2, and 2.D.3), as well as Eligibility Requirements related to Operational Focus and Independence, and Institutional Integrity. The following section will explain how specific actions of the Board indicate non-compliance with these accreditation standards and eligibility requirements. We are aware that there may be additional evidence that exists that would demonstrate compliance with these standards and eligibility requirements, but the evidence that we currently have suggests that SPU is not in compliance.

The Board is solely responsible for setting the policy at academic institutions. That governance must be aimed at the best long-term interests of the institution, academically and financially, with the best interests of students and faculty in mind, and free from undue interference from outside entities with their own aims and agendas.

4.1 Governance (Standards 2.A.1 and 2.A.4)

NWCCU Standard 2 requires that:

The institution articulates its commitment to a structure of governance that is inclusive in its planning and decision-making. Through its planning, operational activities, and allocation of resources, the institution demonstrates a commitment to student learning and achievement in an environment respectful of meaningful discourse.

Implicit in this requirement is not just an articulation of a commitment to a structure of governance, but the actual well-functioning of these governance mechanisms in practice to bring about student learning in a respectful environment. More specifically, **Standard 2.A.1** requires that the institution “demonstrates an effective governance structure...”

We submit that the actions of the Board of Trustees do not demonstrate an effective governance structure. Repeatedly the Board of Trustees disregarded the clear consensus advice of the faculty, senior leaders, administrators, deans, and students that the conduct policy was actively detrimental to the financial and academic health of the institution and created an environment that harmed students and student learning. We note that the Board has already been notified by NWCCU to address its governance practices. It has not done so. Although the Board hired consultants and took some positive steps toward inclusive governance by constructing the work groups, the problems of Board governance at SPU have only deepened, to the point where the faculty and students are openly opposed to the Board’s decisions and the Board itself cannot maintain the required number of Trustees, even after reappointing several members to emergency one-year extensions.

The primary issue is the way that the Board has permitted interference in their decision-making by the Free Methodist Church. Two SPU Trustees intentionally interfered in the Board’s ability to discern the best interests of SPU in considering the conduct policy. After receiving confidential information presented to the Board, they formulated and passed a resolution by the Free Methodist Church Board of Administration threatening disaffiliation should SPU’s Board revise the conduct policy as recommended by the LGBTQIA+ Work Group. This move clearly influenced the decision-making of the Board and appears to have been a bad-faith effort to prevent the Board from giving due consideration to the financial and academic best interests of the university.

This essentially elevated the concerns of FMC to police the boundaries of SPU’s Christian identity, contrary to SPU’s broad and capacious Statement of Faith, which allows for significant differences in theological understandings within the Christian tradition. The Statement of Faith is not a list of beliefs, but rather an articulation of four pillars that define the distinctive understanding of SPU as a Christian institution: historically orthodox, clearly evangelical, distinctively Wesleyan, and genuinely ecumenical.

Moreover, even after the problematic actions of Mark Mason and Matt Whitehead (more on that in the next section), both were reappointed by the Board to a second three-year term, indicating that the Board is not serious about remedying its own governance problems.

Standard 2.A.4 also requires that “The institution’s decision-making structures and processes, which are documented and publicly available, must include provisions for the consideration of

the views of faculty, staff, administrators, and students on matters in which each has a direct and reasonable interest.”

Not only does SPU not have such a documented process for the consideration of the views of faculty, staff, administrators, and students such matters, in this particular case it is clear that the detailed and voluminous views expressed faculty, staff, administrators, and students were not given due consideration in the Board’s decision-making regarding the conduct policy. Repeatedly the Board neglected to address the educational concerns of SPU in their decisions, and instead elevated the parochial concerns of FMC. In the Town Hall and other communications from the Board regarding the conduct policy, the concerns of university stakeholders –about the policy’s positive and negative financial effects, the material benefits of affiliation, and the policy’s effects on campus climate and reputation--were never clearly addressed, and when pressed for specific and concrete answers, the Trustees did not answer them in a way that demonstrated careful consideration of them. Our understanding is that it is the Board’s responsibility to *show* that they have given consideration to the views of university stakeholders. They have not done so.

In short, governance remains a serious concern at SPU, and the problems with Board governance have only worsened since NWCCU’s communication on May 9, 2022. The Board, in its current configuration, cannot demonstrate functional governance practices that prioritize the financial and academic interests of SPU and give due consideration to the concerns of university stakeholders and constituencies. The problems are so deep and so stark that both consultants the Board hired to address governance issues at SPU ended work by mutual agreement.

4.2 Institutional Integrity (2.D.1, 2.D.2, and 2.D.3)

In our view, one of the largest impediments to good board governance practices is built into the structure of the Board itself, and its relationship to the Free Methodist Church. The current structure allows the Free Methodist Church to exert undue influence on Board deliberations in ways that are contrary to the best interests of the university, but further the interests of the Free Methodist Church.

Standard 2.D.3 requires accredited institutions to “[adhere] to clearly defined policies that prohibit conflicts of interest on the part of members of the governing board(s), administration, faculty, and staff.” While the SPU Bylaws do contain provisions prohibiting financial conflicts of interest (Article XIII), the more problematic conflict of interest for SPU’s Board is with respect to the Free Methodist Church.

SPU is affiliated with the Free Methodist Church denomination. This is declared in both the SPU Articles of Incorporation and Bylaws. Affiliation itself does not imply lack of independence of the SPU Board of Trustees from FMC in considering what is best, financially and missionally for SPU. However, what is clear from the Board’s actions over the past two years is that though the SPU Board is legally independent from the FMC, it is not functionally independent on important policy issues, particularly with respect to the conduct policy, and that the Board has neglected due consideration of the financial effects to SPU and shared governance principles in order to satisfy FMC imperatives. Some of the issues here are structural, related to the composition of the SPU Board of Trustees; others relate to particular Trustees and their apparent conflicts of interest

in light of their dual roles on SPU's Board of Trustees and FMC Board of Administration; and others relate to Board governance practices.

The current Bylaws of Seattle Pacific University require that 33% of all Trustees be members of churches within the FMC denomination, referred to as "FMC Trustees" (Article III, Section 1.C). Moreover, the Bylaws grant FMC the *sole authority* to determine which Trustees shall count as FMC Trustees. This occurs in the nomination process (Article III, Section 1.C), but more troublingly, the FMC also has the sole authority to remove the FMC Trustee designation from any current member of the board (Article III, Section 1.D). The SPU Board of Trustees does not have the power to object to a change in designation, nor is there any process outlined that FMC must adhere to in removing the FMC Trustee designation.

This leads to two problems for SPU Board governance. First, the sole authority of FMC to withdraw FMC Trustee designation essentially grants FMC the power to manipulate the composition of the SPU Board of Trustees because if a current FMC Trustee of the SPU Board loses that designation, the Board is required to appoint at least one new FMC Trustee to satisfy the 33% FMC Trustee requirement. Second, it incentivizes, if not directly requires, that FMC Trustees vote as a bloc, which undermines the independence of SPU's Board on matters of policy. Instead of allowing for independent thinking and assessment of the good of SPU, FMC Trustees are incentivized to look to the interests of the FMC first, in order to stay in good standing with the FMC denomination. This is not a merely hypothetical concern; interviews with former Board members who resigned in the last year may prove enlightening on this score.

Moreover, disaffiliation requires a vote in favor of 75% of Trustees, a threshold that cannot be met if all FMC Trustees vote against it because they constitute at least 33% of board seats. The 33% rule in SPU's bylaws is also in excess of what is required by FMC for affiliation, which is 25%. So this structural bias towards church influence is not even dictated by the church.

This structural problem with the Board is partly what enables the problematic behavior of particular Board members as it relates to the Board's deliberations on the conduct policy. Two of the current FMC Trustees also serve on the FMC Board of Administration (BOA), which is "responsible for policy, procedural, financial, and legal issues that arise during the interim between General Conference sessions" (<https://fmcusa.org/leaders/boa>). These dual members are Matt Whitehead and Mark Mason. Furthermore, Matt Whitehead is also a Bishop of the FMC denomination. This creates a duality of interests that raises serious questions about SPU's independence from FMC, as the Bishop must be primarily concerned with interests of the FMC denomination, not SPU. Again, this is not merely hypothetical. During the SPU Board Town Hall, Bishop Whitehead repeatedly raised theological and historical points that did not reflect the interests of SPU as an independent institution of higher education. (see, for example, his statements at the Town Hall, [Appendix XII](#), pgs, 5-7) Moreover, the Board itself recognized this possibility of undue influence prior to 2019, when the Bylaws gave the Bishop of FMC only non-voting *ex officio* status on the Board. The Bylaws were changed in 2019 when Matt Whitehead was appointed Bishop, allowing him to serve as both Bishop and voting FMC Trustee on SPU's Board of Trustees. It should also be noted that Bishop Whitehead has served on the SPU Board of Trustees in various capacities for over 20 years, well in excess of the nine-year term limit typically imposed on Trustees.

If the Board had rejected any change to the conduct policy without any interference or threat from the FMC, they would have done much to show their autonomy, but they did not. The Board

allowed interference from FMC because two of its members were more concerned with the imperatives and prerogatives of the Free Methodist Church. This is a clear conflict of interest. Though not financial in nature, it is still to the detriment of SPU and good governance practices that promote the best interests of SPU and its constituencies. It removed the possibility of the Board to consider fully the five options carefully worked out by the LGBTQIA+ Work Group, and instead heavily tilted the field to FMC's desired outcome, which is to retain the conduct policy.

As stated before, the interference of the FMC on the Board is clear in communications from the Board itself, where they stressed that a primary consideration in their decision-making was in maintaining orthodoxy, as defined by FMC. Orthodoxy, however, is not a fiduciary issue, nor does maintaining the FMC's narrow interpretation of orthodoxy enable the University to meet its financial and academic obligations. Moreover, the reliance on orthodoxy in the case of the conduct policy misrepresents the actual relationship of SPU to FMC. SPU has never, historically, relied upon the Free Methodist Church's interpretation of orthodoxy (found in the FMC Book of Discipline) for its Christian identity. Even at the founding of the university in 1891, B.T. Roberts, Free Methodist Bishop and founder of the Free Methodist Church, wrote that, the new school [now Seattle Pacific University] should be "not too strictly denominational...rather it should be competitive with public education." (quoted in Donald McNichols, *Seattle Pacific University: A Growing Vision 1891-1991*: Seattle Pacific University, 1989; pg. 11). Rather, SPU has its own definition of orthodoxy, articulated in its Statement of Faith, approved by the Board in 2004 after extensive engagement with faculty and administrators. This statement takes no position on what constitutes the Christian view of marriage.

Again, the rationale provided by the Board for retaining the conduct policy demonstrates an elevation of the concerns, prerogatives, and interpretative views of FMC over and above the stated policies of SPU and the financial and academic obligations of the university.

The issues outlined here also, in our view, indicate non-compliance with **Standard 2.D.1** that requires that "The institution represents itself clearly, accurately, and consistently through its announcements, statements, and publications." As stated, the University has a public-facing, Board-approved Statement of Faith that articulates the Christian identity of SPU. SPU also has a public-facing statement of our affiliation with the Free Methodist Church and our founding by the Free Methodists, but there is no claim that SPU is a Free Methodist institution that maintains or holds to a Free Methodist interpretation of orthodoxy or Christianity. That is because we do not. Our policies are out of compliance with a great deal of what is required in the Free Methodist Book of Discipline, as is right and proper for an academic institution whose mission is to be "a Christian university fully committed to engaging the culture and changing the world by graduating people of competence and character, becoming people of wisdom, and modeling grace-filled community" (SPU Mission Statement). SPU is not an arm of the Free Methodist Church, and never was. Indeed, SPU was intentionally founded separate from FMC with its own Board of Trustees (Donald McNichols, *Seattle Pacific University: A Growing Vision 1891-1991*: Seattle Pacific University, 1989; pg. 11).

Moreover, there is inconsistency between the various employment policies, the hiring process, faculty contracts, and the Faculty Handbook. As mentioned in the introductory remarks, a near-majority of faculty at SPU were unaware of the existence of the conduct policy and Statement on Human Sexuality when accepting positions at SPU (48%), and the average amount of time

between starting at SPU and learning about the conduct policy was 4.32 years. This is because, historically, the conduct policy and the Statement on Human Sexuality have not been highlighted as a part of the hiring or onboarding process of new faculty members. Rather, prospective faculty members are asked to interact and engage with the Statement of Faith. Tenure-track faculty must also interact and engage with the Statement of Faith for pre-tenure review, tenure review, promotion review, and post-tenure review. These practices clearly foreground the importance of the Statement of Faith as defining SPU's understanding of being a Christian Institution.

The many faculty who have been hired over the last 20 years since the Statement of Faith was approved know that Trustee and FM Bishop Matt Whitehead has served on the Academic Affairs Committee of the Board for most of those years, and even chaired the Committee for several of those years and still is on the Committee to this day (the President's Office should have the exact time periods of his service.) He was the Superintendent Pacific NW Conference of the FMC for most of those years before becoming Bishop. The Academic Affairs Committee is the standing board committee that oversees hiring, promotion, granting of tenure, and faculty employment policies of the University. Not until the recent events starting in March 2021 have the faculty who have been hired or tenured been aware of what appears now to be the Board's policy on the role of the Statement of Human Sexuality. In contrasting fact, the Statement of Faith and Matt Whitehead's apparent endorsement of its four pillars including ecumenicism, seem to the faculty to be supportive to the a "big tent" acceptance of a variety of views on human sexual ethics within the Christian faith. In short, neither the Administration who are under the direction of the Committee, nor the Committee members including Matt Whitehead, ever asked the question of an individual's views on human sexuality and tenure was granted to faculty members who subscribed to a broader view of it. That is, one's views on human sexuality was never taken to be disqualifying for a faculty member to satisfy the vision and mission of SPU; rather, it was the quality of their interaction and engagement with the Statement of Faith they measured. To now claim that the conduct policy and the Statement on Human Sexuality are necessary for orthodoxy is inconsistent with prior practices of hiring and reviews.

Furthermore, up until the 2014-2015 academic year, the Faculty Handbook itself made no reference to the conduct policy or the Statement on Human Sexuality, and still does not explicitly do so. The conduct policy and related statement were, and continue to be, part of the Employee Handbook, which is distinct from the Faculty Handbook. Only in 2014-2015 did the Faculty Handbook indicate that policies in the Employee Handbook applied also to faculty by stating that "[c]ertain policies and procedures that apply generally to all employees of the University are maintained (and updated from time to time) by the Office of Human Resources are contained in the SPU Employee Handbook" (7.6.1). Similarly, faculty contracts do not explicitly address employee handbook. The high focus that the board is now putting on this policy is not consistent with the low-key nature of the conduct policy and Statement of Human Sexuality.

Additionally, the Office of Inclusive Excellence has been consistently working towards making the campus and university inclusive with respect to sexual orientation and sexual identity. Just this past year, the VP of Inclusive Excellence launched an update to the university electronic records system (Banner) to allow individuals to add their preferred pronouns as an affirmation of our Christian identity. According to the student government (known as ASSP, The Associated Students of Seattle Pacific), this development was welcomed by students. Relatedly, marketing material for the University aimed at prospective students indicated that SPU was a safe place for

exploring questions of human sexuality, and many prospective students were made aware of the student group Haven, a club for LGBTQIA+ students and allies at SPU.

Thus, the Board's actions to retain the conduct policy out of concern for FMC orthodoxy fails to be consistent, accurate, or clear about how it relates to the Christian identity of SPU. The Board's decision to elevate the conduct policy and Statement on Human Sexuality are inconsistent with other actions, programs, marketing materials, and other public-facing documents articulating the Christian identity of SPU.

Standard 2.D.2 requires that the institution “exemplifies high ethical standards in its management and operations...including fair and equitable treatment of students, faculty, administrators, staff, and other stakeholder constituencies.” We submit that the Board's actions, particularly those of two Trustees connected to FMC, does not exemplify high ethical standards. The actions of the Board's FMC Trustees was clearly aimed at undercutting the possibility of shared governance and the work of the LGBTQIA+ Work Group in order to get their desired result. Moreover, these actions did not treat students, faculty, administrators, and staff equitably, as the advice and will of these stakeholder groups were clearly disregarded in favor of FMC's interests in maintaining the conduct policy. This unethical behavior was furthered by the President as well, when he changed the wording of agreed upon language in a community-wide communication about the recommendations of the LGBTQIA+ Work Group, downplaying the consensus that the “third way” was the best way forward.

4.3 Eligibility Requirements

All NWCCU accredited institutions are required to meet the eligibility requirements on an ongoing basis. It is our view that the actions and decisions of the Board, as provided here, also indicate non-compliance with multiple eligibility requirements.

4.3.1 Operational Focus and Independence (2)

This requires that the institution has sufficient independence to carry out its academic mission. We submit that the actions of the Board demonstrate that it lacks sufficient independence from the Free Methodist Church to make decisions in the best financial and academic interests of SPU.

4.3.2 Non-Discrimination (7)

The actions of the Board have created an atmosphere where queer students, staff, and faculty, fear discriminatory behavior and retaliation by the Board. This fails to respond to the “educational needs and legitimate claims of constituencies it serves as determined by its mission.” This is evidenced by Climate Survey conducted through HEDS ([Appendix XIV](#))

4.3.3 Institutional Integrity (8)

The actions of the Board do not meet ethical standards in its relationships to FMC, students, faculty, staff, outside vendors, internship sites, or secondary accreditors.

4.3.4 Governing Board (9)

The actions of the Board indicate that the Board is not operating in a way that “ensure[s] the institution’s mission is being achieved,” which states that “Seattle Pacific University is a Christian university fully committed to engaging the culture and changing the world by graduating people of competence and character, becoming people of wisdom, and modeling grace-filled community.” This mission is not furthered by adopting a narrow interpretation of marriage or the qualifications of LGBTQIA+ individuals for employment.

5. Grievance Process

NWCCU rightly requires complaints first be addressed by applicable university grievance processes before consideration by NWCCU. As this complaint indicates non-compliance with accreditation standards and eligibility requirements by the Board of Trustees itself, no institutional grievance processes exist to address faculty concerns. Even in the absence of such grievance processes, however, the Faculty Senate has clearly expressed to the Board what it views as the many governance failures over the past two years in the **Statement of No Confidence in the Board of Trustees**, passed in April 2021, and **Resolution to Endorse the “Third Way” Recommendation of the LGBTQIA+ Work Group**, passed in June 2022. The Board of Trustees responded to vote of no-confidence with a short statement which failed to address any of the substantive concerns raised by faculty. No direct communication to the community has been made regarding the Resolution to Endorse the “Third Way,” though it is possible the Board is waiting to respond until after the fall quarter begins. Currently, it is the view of SPU’s Faculty Council that we have exhausted institutional avenues to engage constructively with the Board of Trustees on this issue. No litigation is being pursued by any member of Faculty Council pursuant to the claims made in this complaint.

6. Requested Relief

What appears to the Faculty Council to be questions about SPU compliance with NWCCU Standards and Policies which have been articulated above are believed to be partly the result of problematic structures and governance policies of the SPU Board of Trustees. First and foremost, our aim is for the SPU Board of Trustees to have sufficient institutional independence from the Free Methodist Church and freed from the interference of the FMC. The Faculty Council and the majority of faculty want there to be a “healthy” relationship between SPU and the FMC. As the founding and affiliated denomination, the Faculty Council believes that the perspective and views of Free Methodists should be “at the table” to inform the discussion so that all trustees can have this information to weigh along other factors before they vote as individual fiduciaries with their primary duty of loyalty to the institution, and without undue pressure from the FMC polity or denominational interests. We have confidence that a Board of committed Christian trustees can function well for the future interests of SPU and its Christian commitments. As a result of the events and Board actions of the last two years we have lost confidence in the relationship

between SPU and FMC. To that end, there are some structural and personnel changes that we believe would improve compliance with NWCCU governance standards.

1. The SPU Board of Trustees should amend the Bylaws to require only 25% FMC trustee membership on the SPU Board (instead of the current 33%). The 25% level is the minimum required percentage for denominational affiliate status by the FMC Book of Discipline and is the level other FMC denominational institutions (AFMEI) use.
2. The Board should eliminate the 75% super majority voting requirement set for various decisions throughout the Bylaws. A two-thirds (67%) majority should be sufficient requirement for all major decisions now requiring the 75%. The 75% requirement on certain matters was established when the Board reduced the number of FMC trustees to the 33% membership requirement as complimentary provision to allow the FMC trustees to vote as a block to stop any action the FMC disagreed with. When viewed from the perspective of fiduciary duties of loyalty, care, and obedience that trustees are expected to follow using their individual and independent judgements, block voting by a related but not controlling entity is antithetical. No other AFMEI institution has a similar super majority voting requirement like SPU's, per our information.
3. The SPU Board of Trustees should develop a policy manual with clear expectations, behaviors, and processes that they believe constitute good governance. This should include criteria for trustee selection, and processes for receiving regular and substantive input from major constituents, such faculty, staff, and students, to assist in Board decision-making. This may include having faculty and student representation on the Board and Standing Committee.
4. Each member of the SPU Board of Trustees should have a performance review in the year prior to their eligibility for reappointment conducted by the Board Chair and reported to the Board committee responsible for renewing terms of trustees.
5. Prospective Trustees should interact and engage with SPU's Statement of Faith, in writing, as part of the vetting process.
6. Given the questions raised about the conflicting dual loyalties of Bishop Matt Whitehead and Mark Mason and their intervention using their FMC positions in the denomination the Faculty Council respectfully request their resignation from the Board. It is the honorable thing to do after their actions. The Faculty Council does not disrespect or diminish in any way Bishop Whitehead's primary loyalty to the Church and in fact the Council believes as a top leader and paid employee of the Church his primary loyalty has to be to the FMC. But because that is his primary loyalty, he will be viewed as having to put loyalty to SPU as secondary. To restore faith in the Board of Trustee the Faculty Council believes these two resignations are an important step to restoration of relationships. As stated before, the Faculty Council wants to have FMC members on the Board to bring perspective from Wesleyan theology and Church interests to the Board's deliberations and thus the Council welcomes the vacated positions of Whitehead and Mason to be filled with new FMC trustees.
7. Recognizing the possibility that leaders of the national FMC denomination will have primary loyalty to FMC, the SPU Board of Trustees should disallow national denominational leaders (including FMC Bishops, members of the FMC Board of Administration, and FMC Executive Leadership Team) from serving as voting members of SPU's Board of Trustees.

8. The SPU Board of Trustees should also provide the community an explanation of the information they relied upon to determine the financial and program consequences of their hiring policy decision, how the decision helps to solve the current financial challenges caused by declining enrollments, and also how the decision is consistent with SPU's Statement of Faith, Mission, and Vision, particularly outlining how it helps students to flourish and prepares them for service in the world.
9. Finally, the SPU Board of Trustees should follow through and answer, in writing, the questions submitted to them for the SPU Board of Trustee Town Hall, which is yet to be done.

7. Attestation

This complaint to NWCCU was approved by SPU's Faculty Council on September 22, 2022 by a vote of 11 in favor, 1 opposed, and 1 abstaining.

Respectfully submitted,



Leland Saunders, Professor of Philosophy and Faculty Chair, on behalf of SPU's Faculty Council

Appendices

Appendix I

Rick Steele, Professor of Moral and Historical Theology, Presentation to the Board of Trustees on the History of the Statement of Faith at SPU (5/19/22)

The SPU Statement of Faith: A Primer
Richard B. Steele, Ph.D., Professor of Moral and Historical Theology
Board of Trustees Meeting, Thursday, May 19, 2022

Good evening, everyone. It is an honor and a pleasure to be with you this evening, and I would first like to thank you for your steadfast service to Seattle Pacific University during these trying times. Please know that you have been in my thoughts and prayers many times over these past months, and never more often or more intensely than during this past week, when you are faced with decisions of such far-reaching consequence for what it means for our beloved university. What President Menjares has asked me to share with you tonight is surely germane to your deliberations, though perhaps somewhat indirectly. I will *not* be addressing the matters of human sexuality or gender identity, and I will *not* be addressing the hiring policy or the lawsuits pertaining to it, or the budget deficit. Rather, I will be speaking about the SPU Statement of Faith, its history, its contents, and its intended uses in the life of our campus.

Some twenty years ago, the Board of Trustees approved a new *Mission* Statement for the University. Shortly thereafter, President Philip Eaton announced his desire for a parallel document, a *Faith* Statement. In autumn 2002, Phil convened a task force to draft this statement. The task force met regularly over the next eighteen months and submitted a final draft in April 2004. The task force had nine members, representing various campus constituencies: trustees, administration, faculty, staff, and students. I am the only member of the committee still employed fulltime here at SPU, though Dr. Doug Downing, then Chair of the Faculty and Associate Professor of Economics, still teaches parttime in the School of Business, Government and Economics. I was appointed as the School of Theology representative to the task force, although two other theologians, Dr. Les Steele, Professor of Christian Formation and Vice President of Academic Affairs, as well as Dr. Mark Abbot, senior pastor of First Free Methodist Church, also served. Three other members of the School of Theology, though not on the task force, played significant roles in the drafting of the Statement: Drs. Rob Wall, Professor of Scripture, Kerry Dearborn, Professor of Theology, and Randy Maddox, Professor of Wesleyan Studies. But it was the entire task force, not just the theologians, who put the Statement of Faith into its final form. It was a collegial effort. Phil unveiled the Statement in a memo to faculty and staff on April 19, 2004, copies of which have been distributed to you. The Board of Trustees approved the Statement on May 21, 2004. It has appeared prominently on the University website ever since.¹

Phil's memo indicated that the Statement would be used in the hiring process and in other situations "when we need to get our theological bearings." He also insisted that he was "less interested in defining the boundaries than ... in being clear about the center." These are important framing remarks. The Statement is intended to guide Christ-centered conversations about our staffing, our institutional ethos, and our educational mission, but not to enforce conformity on doctrinal details. Put sharply, the Statement's purpose is to secure both our *commitment to Christ* and our *freedom in Christ*. I hardly need to tell you how difficult it is for the members of a Christian community to balance those values—and yet how critical. A community that cherishes commitment to Christ without granting a measure of spiritual freedom to its

members risks becoming cramped and oppressive. Conversely, a community which, in granting its members a large measure of personal freedom, fails to call them to obedient discipleship, may lose its spiritual cohesion and moral clarity. The task force sought to chart a path between the Scylla of religious rigidity and the Charybdis of secular anarchy.

But how to do that? Our strategy was to identify four markers of SPU's religious identity: First, we are "historically orthodox," insofar as we "affirm the historic Christian faith, as attested in the divinely inspired and authoritative Scriptures of the Old and New Testaments, and as summarized, for example, in the Apostles' and Nicene Creeds." Second, we are "clearly evangelical," insofar as we "joyfully accept the task of proclaiming the evangel—God's good news—to the world." Third, we are "distinctively Wesleyan," insofar as we "share [the Wesleys'] conviction that God's saving purpose is the renewal of human hearts and lives in true holiness through the transforming work of the Holy Spirit." And fourth, we are "genuinely ecumenical," insofar as "we believe that theological diversity, when grounded in a common and vital faith in Christ, enriches learning and bears witness to our Lord's call for unity within the church."

That is how they are listed on the published Statement, and that is how they are often viewed—as a kind of checklist of *institutional characteristics*, a series of discrete boxes that candidates for employment must mark before they are hired. Although this view is not incorrect, it is simplistic and misleading. The four markers are better understood as a set of *procedural rules* for organizing campus life and managing campus debate on policy proposals and controversial topics. They are organically integrated and reciprocally interpretive. Each marker qualifies and clarifies what the other three are supposed to mean, and what they are *not* supposed to mean. Conversely, each marker is, in turn, qualified and clarified by what each of the other three says. The four markers thus stand related to each other, not like tin soldiers in marching order, but like the participants in a square dance, bowing to each other and holding hands with each other. According to our Faith Statement, we are "historically orthodox." But we are orthodox in a "clearly evangelical," "distinctively Wesleyan," and "genuinely ecumenical" way. For there are many kinds of Christianity that are "historically orthodox," in the sense that they have a high view of scripture and affirm the articles of the ancient creeds, but that don't claim to be "evangelical" or "Wesleyan" or "ecumenical." So, too, we call ourselves "evangelical." But we recognize that not all self-described evangelicals are as deeply rooted in the heritage of the ancient church, or as thoroughly shaped by Wesleyan piety, or as open to other branches of the worldwide church, as we claim to be. And precisely as a Wesleyan institution, we blend creedal orthodoxy, evangelical missiology, and ecumenical hospitality. Finally, our ecumenical sensibilities are supposed to prevent our orthodoxy from becoming narrow and doctrinaire, our evangelicalism from becoming strident and pushy, and our Wesleyanism from becoming clannish or sanctimonious. To drop or downplay any of these markers would disrupt the delicate symmetry and dynamic balance of the Statement and radically change who we are and what we aspire to be.

It is important to note that although all employees of this institution must state in their application that they "agree with and support" the Faith Statement, no one is required to sign

it. What this means in practice is that faculty and staff must promise in good conscience to be contributing members of a *campus community* that describes itself by means of the four markers and conducts its business accordingly. But they are not required to use all four markers to describe *themselves* as individuals. True, all of us must be “orthodox.” The ancient creeds *do* set some doctrinal boundaries. One of the deans told me recently that an applicant who was a Mormon or Jehovah’s Witness would get no further in the hiring process. But the creedal boundaries are wide in scope, and at SPU they have always been mildly policed. Furthermore, no employee must explicitly self-identify as an “evangelical,” or as a “Wesleyan,” or as a devotee of “ecumenism.” So, to repeat, the university’s Faith Statement intends to secure both our commitment to Christ and our freedom in Christ. It invites us to keep our institutional “square dance” orderly, while allowing plenty of room for individuals to *allemande*, and *promenade*, and *sashay* as conscience dictates.

How well has the Statement of Faith served its purpose—or rather, how well have we, the trustees, administration, faculty, and staff of SPU *used* the Statement as Phil Eaton hoped, namely “in our hiring process” and in helping us “get our theological bearings” on controversial issues? In my judgment, we have used it pretty well as a criterion of employability but less well as a regulative mechanism for debate. I would like to speak briefly to each of these.

In the years after the promulgation of the Statement, I served two terms on the Faculty Status Committee. I remember how often the Committee would review a file and conclude that the applicant had not responded to the University Faith Statement with much depth of understanding—even though, by the time of an applicant’s pre-tenure review, he or she had been here for at least three years! So, over and over again, the Status Committee would exhort applicants to beef up their personal faith narratives with more robust engagement with our four institutional identity markers. Finally, I said to my colleagues: “Folks, we’re teachers! If we give a test, and one student flunks it, we assume he didn’t study for it. But if twenty students flunk it, we realize that we didn’t teach the material properly. The same logic applies here. The problem isn’t with our younger colleagues, but with our failure to provide them with adequate theological coaching.” The committee accepted my logic—and promptly assigned me to fix the problem. So, in 2010, I began offering annual workshops on writing faith journey narratives for younger faculty. In 2015, my colleague, Dr. Dave Nienhuis took over. He runs two sessions on the SPU Faith Statement for the New Faculty Seminar, leads semi-annual workshops on writing journey narratives, and offers individual consultations for those who request them. The Status Committee has informed us that the general quality of faculty faith journey narratives has improved markedly, and that the writers have been engaging much more deeply and authentically with the University Faith Statement. So, if I had to give a grade for our university’s performance on using the Faith Statement in the hiring and professional development of faculty and staff, I’d cheerfully give us a B+. I hope that these coaching opportunities continue, and that future inservices, forums, and retreats will feature rigorous discussion of the Statement and its implications for curriculum, instruction, and campus life.

But as for our use of the Statement in helping us get our “theological bearings” on controversial policy issues, I feel we’ve earned nothing above a C-. I need to be cautious here, as my own participation in faculty governance has been largely restricted in recent years to Seminary business and secondary accreditation. So, it’s quite likely I’ve missed a great deal. But from what I’ve seen, attempts to bring our identity as an orthodox, evangelical, Wesleyan, and ecumenical institution to bear on concrete issues have been rare and half-hearted. One major reason for this is that a growing number of faculty find the terms we use to define our religious identity deeply problematic or completely meaningless. Please understand me: I believe that most current faculty and staff at SPU remain committed to the *content* of the Faith Statement, as delineated with such symmetry, subtlety, balance, and nuance in the explanatory paragraphs. But we have become aware that there has been a great deal of slippage in the way the headline terms are used in contemporary public discourse, and are chary about using them of ourselves, either individually or as an academic community.

For example, the headline of the first marker states, “We are historically orthodox.” Now, the word “orthodoxy” used to mean a set of beliefs that a group of people held to be objectively true. But the word now often refers to the subjective disposition of those who hold those beliefs—and it is seldom meant as a compliment! It betokens a narrow-minded defensiveness and a suspicion of all new ideas and information. That is surely *not* what we at SPU mean by affirming our orthodoxy! Rather, what we mean by it is the trinitarian faith of the New Testament and the early Ecumenical Councils. Similarly, our Statement says that “we are clearly evangelical,” and explains that “we joyfully accept the task of proclaiming God’s good news to the world.” As we use it, the word “evangelical” indicates an exuberant, energetic, and outward-looking faith. But as used by the press, the word often connotes religious insularity and self-righteousness—the attitude of a beleaguered “us” against the increasingly hostile or indifferent “them” of contemporary American society. This is grossly unfair, of course, to many people who call themselves evangelicals, including many of us here at SPU. But if the people we hope to reach with God’s good news misunderstand our self-description, they may reject our overtures without understanding our intentions. The third headline, “we are distinctively Wesleyan,” is problematic in a different way. “Wesleyanism” doesn’t seem to have much meaning at all these days to the wider public, either pejorative or descriptive. So, we don’t need to drop it, for fear that its use will confuse people. But we do need to rehabilitate it as the clearest designation of our distinctive religious heritage—and to do so, we also need to reinvigorate the doctrine and piety of classical Methodism, which the term is meant to name. The fourth headline states that “we are genuinely ecumenical.” What that is supposed to mean is that we at SPU are committed to working for the visible unity among the diverse worldwide family of Christ-followers. But American Christians often use the word “ecumenism” to mean little more than a tepid religious chumminess, in which everybody agrees that nobody should expect anybody to believe much of anything. Surely that’s not who we are or how we want the world to think of us!

In short, the theological content of the explanatory paragraphs of the four identity markers in our University Faith Statement is not in question. But the headline terms seem increasingly problematic. Perhaps we might reword them something like this:

1. We are a *trinitarian* Christian community.
2. We are a *missional* Christian community.
3. We are a *Wesleyan* Christian community.
4. We are a *globally minded* Christian community.

Yet changing the terminology so that we don't miscommunicate to external audiences is not enough. We need to do a better job than we have been doing lately in using our religious identity, as stated in the explanatory paragraphs of the Faith Statement, to guide our internal deliberations on policy matters. We need to honor the delicate symmetry that is intentionally built into the Statement, and indeed, to capitalize on its dynamic tensions to forge spiritual unity amidst the wide diversity of beliefs and practices among the members of our campus community. When you call yourself orthodox, I mustn't assume that you are a narrow-minded bigot. And when I call myself ecumenical, you mustn't assume that I'm wishy-washy on matters of Christian doctrine. Thinking the worst of each other is no basis for fruitful negotiation. When you call yourself an evangelical, I must remember that what that means is that you are joyfully mission-minded, for that's a trait that I, myself, long to exhibit. And when I call myself a Wesleyan, you should understand that I'm not professing denominational brand loyalty; I'm affirming a biblical theme that gave life to the Methodist revival of the eighteenth century and that is no less relevant today, namely, the Holy Spirit's power to cleanse and heal human souls. Seeing the best in each other turns disputants into prayer partners. We can all do better at this.

Some years ago, the great Methodist theologian, Nels Ferré, called Christians to occupy what he called the "extreme center" in human affairs.² Ferré was cautioning Christians against identifying themselves too closely with the theological and political dogmas of the radical Left or the radical Right. He insisted that Christians should not define themselves or each other by their location on a spectrum of human opinions, but by their common loyalty to Jesus and their common duty to love their neighbors. That is just what the SPU Statement of Faith calls us to, as well. When the words we use to define our loyalty to Jesus and our love for our neighbors are invested by the surrounding culture with alien meanings, or stripped of any meaning at all, then out of loyalty to Jesus and love for neighbor, we may need to revise our vocabulary to preserve our message. What we *can't* do is water down our message for fear of being rejected by our neighbors. Being Christian *means* running the risk of being rejected by those with whom we want to share the message—and yet continuing to proclaim that message boldly and to embody it faithfully precisely *because* we love our Lord and precisely *because* we love our neighbors for our Lord's sake. The key thing is to strive as a community to keep Christ at the "extreme center" of our life together, while granting freedom of conscience and a measure of lifestyle diversity to those who join us. As I read it, that is what our Faith Statement invites, challenges, and enables us to do. Thank you.

¹ <https://spu.edu/about-spu/statement-of-faith>

² Nels Ferré, *The Extreme Center* (Waco, TX: Word Books, 1973), especially Chapter 4, “Extremism Without Extremity,” pp. 36–45. It should be noted, however, the specific characteristics of the “reactionary right” and the “radical left” are somewhat different today than they were half a century ago, when Ferré was writing.

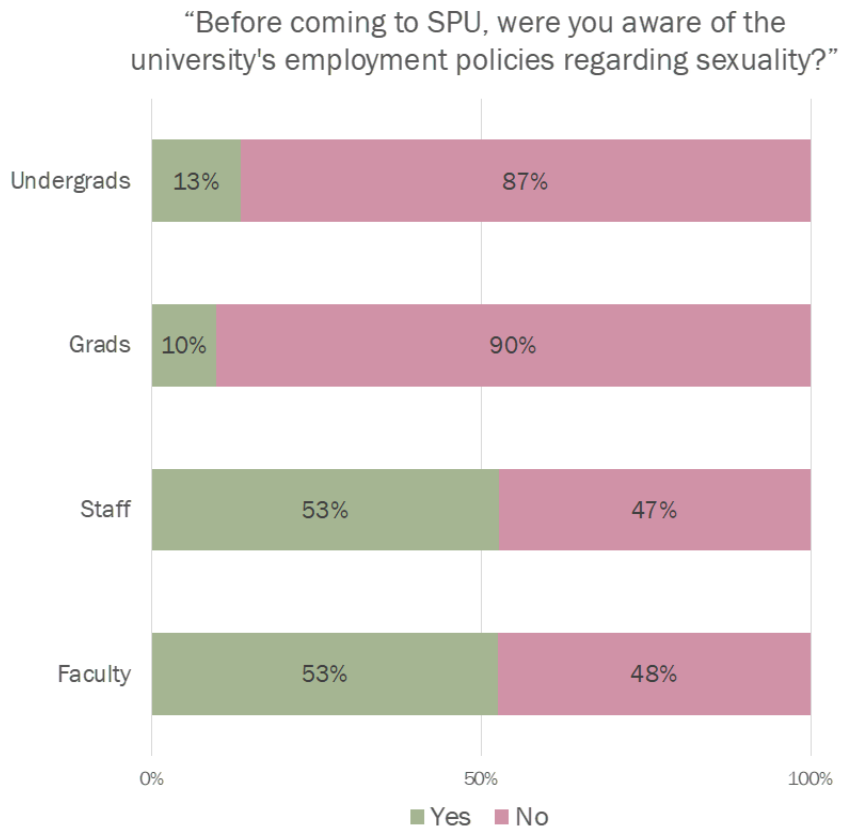
Appendix II

Results from Psychology of Protest Survey

The Psychology of Protest Survey was conducted between 7/3/21 and 3/30/22 as part of a longitudinal study of the attitudes, practices, and behaviors of those involved in protest against SPU's conduct policy.

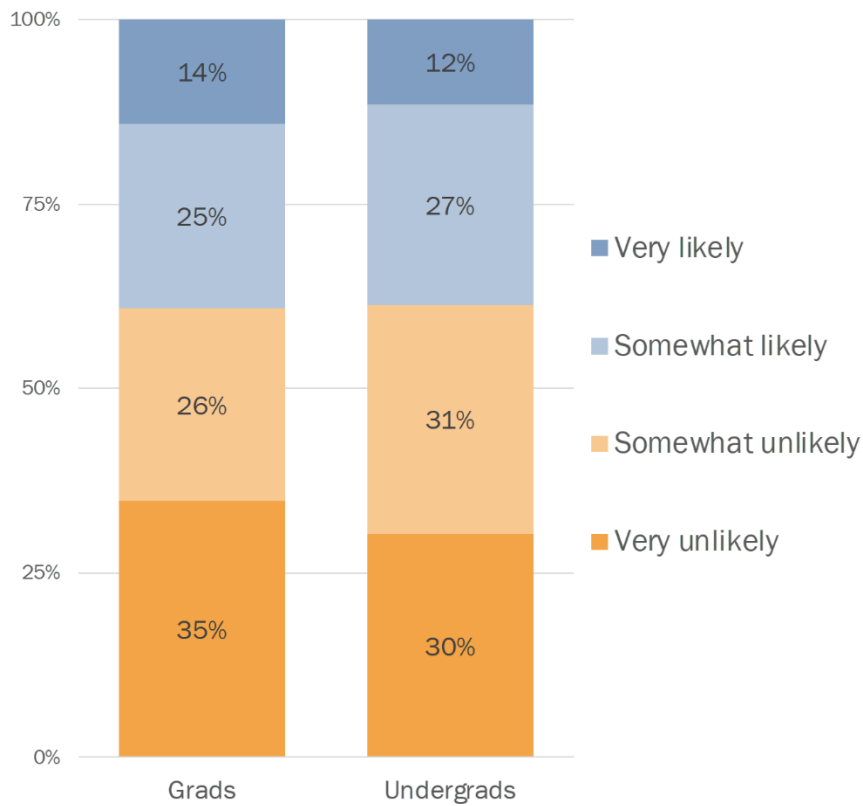
	Range of Dates of First Affiliation	Years to Learning about Policies Mean(StandardDeviation)
Employees (<i>n</i> = 41)	1983-2021	4.32 (6.98)
Students (<i>n</i> = 19)	1983-2021	6.48 (5.4)

A separate Voices of Campus Questionnaire survey was conducted 12/16/21-1/7/22 to provide additional information to senior leadership and found the following:



Further, you can see that a significant number would not have come to SPU had they known.

“Had you known about the employment policies, how likely is it that you’d have chosen to come here?”



Response Rates

Of the student respondents, 63% identified as Christian.

	Invites Sent	Responses Received	Response Rates
Faculty	227	82	36%
Staff	412	149	36%
Grads	744	162	22%
Undergrads	2,639	457	17%
Total	4,022	850	21%

Appendix III

SPU's Statement on Human Sexuality and Hiring Policies: Qualitative Analysis of Faculty and Staff Questionnaires provided by Debra L-Sequeira, Professor Emeriti of Communication (Summarized by the Provost's Office)

**SPU's Statement on Human Sexuality and Hiring Policies:
Qualitative Analysis of Faculty and Staff Questionnaires**
Debra-L Sequeira, Ph.D., Professor Emerita of Communication
February 17, 2021
(Summarized by the Office of the Provost)

Summary of Findings and Conclusions

In January 2021, Faculty and Staff Councils surveyed all regular, non-temporary faculty (236) and staff (367) regarding SPU's Statement on Human Sexuality and hiring practices. Responses to all questions were kept anonymous.

The survey contained these seven questions: 1) Do you believe that SPU should have an employment policy that treats same-sex marriage as conduct that is prohibited for employment? 2) Does the statement on human sexuality align with your personal views regarding human sexuality? 3) If you answered "no" or "undecided" on Question 2, please identify the specific sentence(s) or portion(s) of the statement that you disagree with or are undecided about. 4) Do you believe that SPU should have a statement on human sexuality to clarify what is or is not acceptable sexual behavior in a Christian life? 5) Please comment on your thoughts regarding sexual conduct as a condition of employment. 6) Please comment on your thoughts regarding the statement on human sexuality. Do we need one? Why or why not? What should it say/include? 7) The Board of Trustees may be interested in how current policies impact the wellbeing of our students and community, as well as SPU's reputation. Please comment on how current policies impact these areas. Examples, quotes, or narratives may be especially impactful, but please try to preserve anonymity to any anecdotes you provide.

Both faculty and staff questionnaires included the same set of seven questions and invited comments in response to four: Questions 3, 5, 6, and 7. Questions 1, 2, and 4 simply allowed "yes," "no," or "undecided" responses. Question 3, however, prompted comments only from those who responded "no" or "undecided" to Question 2. Questions 5, 6, and 7 were open-ended, inviting comments from any and all respondents to the surveys.

I agreed to report out the quantitative results from the questionnaires and conduct a qualitative analysis of all faculty and staff comments in response (366 pages of raw data).

Quantitative Results

There is no doubt that the current discussion on the human sexuality statement has energized faculty and staff. To have 225 out of 236 faculty respond to a Faculty Council questionnaire (95% return rate) and 194 out of 367 staff respond to the Staff Council questionnaire (53% return rate) is noteworthy. These are solid return rates in survey research.

Faculty. A majority of the faculty respondents (75%) believe that there should not be a policy that treats same-sex marriage as conduct that is prohibited for employment; 13% of faculty respondents believe that there should be such a policy; 11% were undecided. A smaller

majority, but a majority nevertheless (60%), of faculty report that the SPU “Statement on Human Sexuality” does not align with their own personal views of human sexuality; 30% report the statement does align with their personal views; and 10% were undecided. Finally, 61% of faculty respondents do not believe SPU should have a statement on human sexuality to clarify what is/is not acceptable behavior in Christian life; a minority of 22% believe there should be such a statement, while 17% reported themselves to be undecided.

Staff. A majority of the staff respondents (68%) also believe that there should not be a policy that treats same-sex marriage as conduct that is prohibited for employment; 25% of staff respondents believe that there should be such a policy; 8% were undecided. A smaller majority, but a majority nevertheless (58%), of staff report that the SPU statement on human sexuality does not align with their own personal views of human sexuality; 37% report the statement does align with their personal views; and 5% were undecided. Finally, 53% of staff respondents do not believe SPU should have a statement on human sexuality to clarify what is/is not acceptable conduct in Christian life; a minority of 36% believe there should be such a statement, while 11% reported themselves to be undecided.

Qualitative Findings

Faculty. Among those faculty who disagree with aspects of SPU’s statement on human sexuality, the most frequently repeated comments had to do with the restriction of the marriage covenant to relationships “between a man and a woman” and the respondents’ view that a “strict gender binary” of male and female is too limited (64% of comments on Question 3 mentioned one or both of these points). In addition, faculty in this group of respondents comment that although the statement supports “ancient and historic teaching of Christian scriptures and traditions,” they disagree that there is one Christian and biblical response to matters of human sexuality or that the Christian Church around the world speaks with one voice on these issues. A final point of disagreement with the statement calls into question that “marriage and family [are] central to the purpose of God.” Despite these points of disagreement with the statement, this group of faculty comments do affirm that marriage should be a monogamous relationship between two people (same-sex or opposite sex).

In response to Question 5, 68% of the faculty comments express disagreement that “sexual conduct” should be a condition of employment, beyond prohibition of illegal acts or violations of professional ethics, such as student/professor, employee/supervisor relationships. In other words, same-sex marriages in which monogamy is maintained should not exclude a person from employment. Other comments from this group of faculty assert that current policies around sexual conduct are unenforceable, impossible to police, and impact women disproportionately because their bodies alone can show evidence of sexual conduct (i.e., pregnancy).

On the other hand, 17% of faculty comments in response to Question 5 state that sexual conduct (including within same-sex marriages) should be considered a condition of employment and prohibited as per current policies. This group of faculty base their responses on their reading of Scripture, as well as the historic teachings and traditions of the Christian Church. If current policies prohibiting persons in same-sex marriages from employment are not upheld, comments

state that this could lead to a slippery slope away from biblical guidance. Some faculty in this group did acknowledge that while same sex orientation does exist and may not be sinful, homosexual behavior is a sin and detrimental to the central purpose of God: marriage and family.

Many of the faculty comments in response to Question 6 – whether or not SPU needs a statement on human sexuality – repeat points reported above. This is true for both groups: those who do and those who do not think such a statement is needed. A number of statement-not-needed comments add: that any statement on human sexuality would be academically suspect and exclusionary; that continuing to have a statement exposes the University to additional lawsuits; and that while the maxim holds true “in essentials, unity; in nonessentials, liberty, in all things, charity,” here: Christian faith is essential, human sexuality nonessential. (67% of comments on this question maintained that SPU did not need a statement on human sexuality). To the contrary, faculty comments supporting a statement hold that defining appropriate “moral, sexual behavior” is essential to Christian faith and the mission of SPU. (27% of comments hold that a statement on human sexuality is needed.)

Staff. By and large, staff comments in response to Questions 3, 5, and 6 echo those of the faculty. Staff disagree most frequently with those aspects of the statement on human sexuality that: restrict the marriage covenant to being “between a man and a woman” (42% of responses); assert a strictly binary view of gender as male and female (32%); and claim that the institution of marriage and family are “central” to the purposes of God (23%; note that staff responses on these three points of disagreement overlap, with many comments referencing more than one). But 10 staff comments (9% of the total) highlight a contrast not emphasized among faculty. They note the sanction in the *SPU Employee Handbook* on “sexually immoral behavior that is inconsistent with Biblical standards, including cohabitation and extramarital activity”; which these staff label “especially troubling” and dispute, arguing celibacy should not be mandated. In short, this group of staff respondents do not believe any monogamous relationship (legal or not) is prohibited in Scripture.

Similarly, a slim majority of staff comments hold that sexual conduct should not be a condition of employment (51%). This group is concerned that SPU might be “pushing the limits of employment law” and should only offer guidance on sexual conduct that follows state and federal law. They would rather the University find consensus around a “Christian ethic” than set boundaries for specific conduct or behavior.

By contrast, the minority of staff comments agreeing that sexual conduct should be considered as a condition of employment (27%), believe that both the Old and New Testaments are unequivocal about human sexuality. The level of certainty and conviction around biblical authority is more pronounced in staff responses than faculty. Those staff supporting current policies also comment that SPU employees should be held to a higher standard, especially those who teach and/or have direct contact with students. A small number of staff who believe SPU needs a statement on human sexuality, nevertheless would like it to be more affirming of those whose gender identity and sexuality do not conform to heteronormative standards (8%). Finally, staff respondents on both sides of the issue comment that if there is to be a statement on human

sexuality it should be more visibly prominent in SPU marketing materials than is currently the case.

Conclusions

There is a cultural conflict among faculty and staff at SPU: those who see their biblical and traditional values, beliefs, and practices being undermined by contemporary realities, over against those who hold more inclusive and expansive views of human sexuality.

A majority of faculty and staff respondents want to eliminate the statement on human sexuality, affirm same-sex marriage, and do not see marriage and family as “central to God’s purpose.” A minority of faculty and staff support the statement on human sexuality and current hiring policies, although some in this group acknowledge different sexual orientations while viewing homosexual behavior as a sin.

While it is true that role models of civility concerning issues that are hotly debated in the wider culture are difficult to find these days, one would hope that a Christian university could lead the way and raise up exemplary models.

Appendix IV

Statement from BOT Chair Cedric Davis during an online SPU Employee Forum, April 12, 2021

In connection with the February board of trustees meeting, SPU faculty, staff and students submitted extensive comments regarding SPU's position on human sexuality. The board very much appreciates the thoughtful, compassionate dedication to the SPU community. And we have also devoted many hours to considering the issues that were raised. We have prayerfully reviewed SPU's mission statement, statement of faith and statement on human sexuality and reflected upon SPU's longstanding affiliation with the Free Methodist Church. We've heard from bishops of the Free Methodist Church and experts in a variety of disciplines. We have carefully considered the faculty and staff survey results and messages submitted by the SPU community. And we have heard from faculty, staff and students through your representatives. We have also heard the lament and the high value placed on treating all people with respect and dignity.

Throughout this process, the board of trustees was keenly aware of the desire of many in SPU's ecumenical community to modify SPU's hiring policies. At the same time, the board is cognizant of historic orthodoxy and the Wesleyan and evangelical tradition in SPU's 130 year history. And in SPU's Statement of faith.

After careful consideration and thoughtful review, to remain in alignment with the board's understanding of SPU's statement of faith and to remain affiliated with the Free Methodist Church, the board declined to change SPU's employment policy related to human sexuality. We do recognize[, we] very, very well understand that fellow Christians and other community members disagree in good faith on issues related to human sexuality, and that these convictions are deeply and sincerely held. We pray that as we live within the tension of this issue, that we can be in dialog with you all and others in the SPU community. We commit to continue to listen and to be in relationship with the SPU faculty, staff and students as we see God together and live out our calling to be a grace filled community.

Sincerely, from the entire board. I really appreciate, we really appreciate all that you all are doing within our community to make sure that everyone is, again, respected and shown dignity in how we carry out our work to be God's people and to be in community with one another.

Appendix V

Statement of No Confidence in SPU's Board of Trustees

SPU Board of Trustees,

The Faculty Senate of Seattle Pacific University voted for no-confidence in the SPU Board of Trustees on Monday, April 19, 2021. In a document approved on April 15, 2021 and put to vote over the weekend, the final results are as follows:

Of the 236 people who were surveyed, 213 responded, a 90% response rate.

72% of the faculty responded in favor of the vote of no-confidence; 22% of the faculty were not in favor of the motion; 6% abstained.

Please see the attached document for the full statement. Of note, Section II outlines specific steps the Board should take to help restore faculty confidence.

We request a response on how the Board intends to address each of the concerns in Section II by Monday, April 26th, 5:00 p.m. The faculty are prepared to continue expressing our concerns to the Board if a response is not received by this date.

Respectfully submitted,

The SPU Faculty Council

STATEMENT OF NO CONFIDENCE
in the SPU Board of Trustees
April 2021

To the Board of Trustees of Seattle Pacific University,

The Board's decision to maintain SPU's discriminatory hiring policy related to human sexuality, as well as its manner of delivering that decision, have regrettably compelled the faculty of SPU to pass a vote of no confidence in the SPU Board of Trustees. We presume that each member of the Board—like each one of us—wants this institution to thrive. We are all motivated by those fundamental duties that each Board member is legally bound by: the "Duty of Care" that requires us to use our best judgment in making decisions on behalf of the organization, the "Duty of Loyalty" that attempts to discern what is in the best interests of the institution, and the "Duty of Obedience" that ensures we adhere to SPU's Christian mission as well as to civil law. But we fear that the Board's actions imperil the ability of SPU and its community to flourish.

I. Faculty Concerns

The faculty are deeply concerned by the following:

- A. **The Board's Lack of Engagement with the Community.** Chair Davis has said the Board desires to be in dialog and in relationship with the SPU community. Yet this decision was presented with virtually no rationale or explanation and no opportunity for the community to ask questions or approach mutual understanding. The students, staff, and faculty provided the Board with voluminous testimonies and arguments from a range of perspectives. But the Board's terse monologue was entirely incommensurate with the spirit of "agreeing to submit our teachings and pronouncements to one another as followers of Christ," as the Statement on Human Sexuality puts it.
- B. **The Decision's Misalignment with the Perspective of the Community Majority.** Seventy-five percent of surveyed faculty and 68% of surveyed staff object to the discriminatory hiring policy. Substantial majorities also disagree with the Statement on Human Sexuality and would like to see the statement eliminated. Even many who agree with the Statement feel that eliminating the hiring policy is compatible with SPU's Statement of Faith. As an ecumenical educational institution, we value diversity of opinion and disagreement, and those can persist under many conditions. But in binding the institution to a policy that a robust majority of the community objects to on theological, missional and pragmatic grounds, the Board makes it extremely difficult to hold this community together, let alone steer it in a productive direction. As many have stated, the Board's decision undercuts the commitment to equity we market to prospective students, undermines the ethos of inclusion we aspire to establish in our classrooms, and violates the ethical standards our professional guilds demand of us.
- C. **The Apparent Dismissal of Harm.** Chair Davis has said that the Board heard and carefully considered the concerns of faculty and staff about the many ways that the hiring policy and Statement on Human Sexuality are causing harm to individuals in the community, particularly students—our primary charges. Yet the Board has provided no explanation of

how such harms might be ameliorated by holding to the policy (or to the university's affiliation with the Free Methodist Church); it merely thanks faculty for performing the agonizing labor of making students and others feel respected in spite of a policy that LGBTQ+ persons and their allies find fundamentally dehumanizing.

- D. **Legal, Financial, & Psychological Ramifications.** As many faculty, staff, and students have testified, maintaining the discriminatory hiring policy jeopardizes
1. The accreditation of multiple academic programs, such as the clinical psychology doctoral program
 2. The ability to secure and retain federal funding for research
 3. The ability to secure state and federal funding for student financial aid
 4. The ability to recruit and retain diverse, high-quality faculty
 5. The ability to recruit and retain diverse, high-quality students
 6. The ability to attract high-quality candidates for president, as few will be tempted to step into a position where the vision of the Board is so diametrically opposed to the vision of the faculty majority
 7. The integrity and security of search committees forced to discriminate against candidates in violation of their conscience, their Christian conviction, their training in equitable practices, and Washington state law
 8. The mental health (and in some cases survival) of students and employees who identify as LGBTQ+
 9. SPU's marketing strategies and reputation as an institution that champions Christ's radically inclusive love

II. Steps the Board Should Take to Help Restore Faculty Confidence

This statement of "no confidence" is not a declaration of antagonism. On the contrary, it is a call to the Board to engage faculty, staff, and students in deep, good faith discussion so that we may better understand one another and find a path forward that we can all walk together. To that end, as the first steps toward restoring faculty faith in the Board's stewardship, we ask the Board to enact the following before the end of the 2020-2021 academic year:

- A. Establish multiple opportunities for faculty and the full Board (not just representatives) to engage in meaningful back-and-forth dialogue—over Zoom or (preferably) in person.
- B. Provide within these dialogues a detailed rationale for the board's current decision.
- C. Re-establish the former practice of having faculty representatives participate in regular board deliberations.
- D. Propose a solution that eliminates the discriminatory hiring policy and more faithfully reflects and respects the full range of concerns represented by SPU's ecumenically diverse community.

Appendix VI

Message to the Board from David Nienhuis, Professor of New Testament and Associate Dean of Academic Programs, and Doug Strong, Paul T. Walls Professor Wesleyan Studies and Professor of the History of Christianity.

Message to SPU Board of Trustees and Faculty/Staff Colleagues
Dave Nienhuis and Doug Strong
April 14, 2021

Dear SPU Board of Trustees and Fellow SPU Colleagues:

The Board of Trustees presented its recent decision to the SPU faculty and staff on the basis of SPU's Faith Statement, but in doing so it seems to us that they have, in effect, declared the existing SPU Faith Statement invalid or, at least, inoperable. The claim was made (in the official statement by the Board) that SPU cannot change its hiring policy because of our "orthodox" and "Wesleyan" commitments. But in making its decision using this reasoning, the Board has restricted the meaning of these terms in a way that causes the carefully balanced integrity of our Faith Statement to collapse.

SPU's Faith Statement insists that SPU is both "orthodox" and "ecumenical." Including both of those terms together places SPU in a relatively unique posture among Christian institutions, a posture that others have sometimes referred to as "generous orthodoxy" and Wesleyans have often called a "catholic spirit." This generous orthodoxy may be the only way forward for Christians who wish to work together across historic church divisions. A generous orthodoxy recognizes that, though Christians may disagree on some matters of doctrine and practice, we nevertheless commit to holding that disagreement together on particular, shared ground—namely, on Christian Scripture as understood through the historic Christian creeds, which affirm that the God who creates, redeems, and sustains us is Triune. The "historically orthodox" marker of SPU's Faith Statement focuses exclusively on those things; and this is precisely why we are able to hire and promote folks from every branch of Christianity recognized as "orthodox" on those terms. Thus, for example, we are able to hire Roman Catholics alongside members of the Presbyterian Church USA, despite the fact that the official documents of these respective denominations interpret Christian orthodoxy differently on the matter of LGBTQIA inclusion. This apparent discrepancy is allowable because of the "generous orthodoxy" outlined in the Faith Statement.

When the Board of Trustees made their decision on the basis of their interpretation of "historic orthodoxy," however, they are making the claim that a range of Christian communions represented at SPU—which affirm gay marriage, for instance—are, in fact, "unorthodox." In doing so they have restricted "historic orthodoxy" to those groups that affirm a traditional stance on human sexuality; "orthodoxy" for the Board of Trustees is thus not understood to mean *we agree to meet around the scripture and the creeds in the name of the Triune God*; orthodoxy rather requires us to meet around *the scripture and the creeds in the name of the Triune God and a traditional stance on human sexuality*. If that is in fact the case, then on those terms SPU cannot be both "orthodox" and "ecumenical"—at least according to the ecumenical framework within which SPU currently operates.

The position was likewise bolstered by reference to our "Wesleyan" heritage. The SPU Faith Statement says that we stand within the Wesleyan-Holiness branch of Christianity, and that the

Free Methodist Church is our founding denomination. Thus, SPU does its work “informed by the theological legacy of John and Charles Wesley.” That theological legacy has, in fact, birthed a range of denominational traditions, and those denominations are themselves divided over questions of human sexuality. As we all know, denominations (which, by definition, are not and cannot be “ecumenical” and thus understandably require within themselves a less than generous orthodoxy) are splitting over this issue. Indeed, it was division over Christian attitudes toward marginalized peoples (the oppression of African Americans and poor white people, specifically) by folks committed to Wesley’s Holiness message that led to the nineteenth century founding of the Free Methodist denomination in the first place. Nevertheless, the Board of Trustees’ position claims that our “distinctively Wesleyan” heritage requires us *not* to change our policy, when in reality it is the *current Free Methodist position* on human sexuality that is being held forth as the sole representation of what it means to be “distinctively Wesleyan.”

As former President Dan Martin frequently reminded us, SPU is not a church or a denomination; it is a university, an institution that one of SPU’s founders identified as “Christian first, Free Methodist second.” Because we are a university and not a church, we can do some things that a church cannot do: that is, we can become a place of meeting for Christians of every different church family. Where else in our society can Christians find such a place?! Where else can Christians prayerfully seek God’s truth amidst our divisions? Most churches today certainly are not providing this space. This is the distinctive gift of a Christian university that is deeply grounded in a Faith Statement like our own. And it should not be missed that it is precisely the “distinctively Wesleyan,” catholic-spirited view of things that allows us to be a place that affirms the possibility of being orthodox and ecumenical at the same time.

In sum, the Board of Trustees’ decision appears to demand a Faith Statement that is not *Orthodox, Evangelical, Wesleyan, and Ecumenical*, but rather a statement that is narrowly *Orthodox, Evangelical*, and specifically twenty-first century *Free Methodist*. Consequently, we believe that all constituents of SPU—Board, faculty, and staff—should strongly reaffirm all markers of the carefully balanced Faith Statement we actually have, the one that was approved by the Board of Trustees on May 21, 2004—because that Faith Statement has effectively guided our hiring practices and shaped our communal life since that time.

Dr. David Nienhuis
Dr. Douglas Strong

Appendix VII

Board Response to No Confidence Vote

From: *SPU Board of Trustees <SPU-Board@spu.edu>

Sent: Monday, April 26, 2021 3:24 PM

To: Provost

Subject: Board of Trustees Response to Faculty



Board of Trustees

The SPU Board of Trustees would like to take the opportunity to respond to the recent Faculty Vote of No Confidence. We are deeply aware of and impacted by the disappointment, pain, and anger many in our community are experiencing as a direct result of the Board's decision. We recognize that there are many who have given much of their life to this institution and feel their voice means nothing. We have also heard from others who agree with the Board's decision and yet are afraid to share this perspective. Almost all of the SPU community is sitting in discomfort or pain in this moment. The Board cherishes this institution and sincerely regrets that we appear out of touch to so many. Regrettably the existence of active litigation against the University has a significant impact on what the Board can share. The Board did not arrive at its decision quickly or lightly, and the Board is not changing the University's employment policy related to human sexuality. However, the Board will be convening with a goal of working out a process for dialogue with the community.

Respectfully,
Cedric Davis
Board Chair

Board of Trustees
SEATTLE PACIFIC UNIVERSITY
3307 3rd Ave. W.
Seattle, WA 98119-1950, U.S.A.

Appendix VIII

Charge to the LGBTQ Faculty Task Force

May 6, 2021

Faculty Senate

Faculty Task Force (motion voted and approved by Senate)

A faculty task force shall be formed to engage the Board concerning the demands of the Vote of No Confidence. It shall be composed of 5 - 8 faculty members. Preferably, the members will be drawn primarily (at least 75%) from senior, tenured Faculty. These can (but need not) be members of Faculty Council. Nominees will be solicited, and will be approved by Faculty Council.

Included in its charge are the following:

- a. pursue, in a manner reflecting the broad range of Faculty sentiment, a *positive* response from the Board of Trustees regarding the demands of the Faculty Senate No Confidence Vote;
- b. discern a course of actions, and a timeline for them, that the Faculty may take in case of Board intransigence;
- c. add effective Faculty voice to the search for an Interim and official President of the University; and
- d. coordinate with other university constituencies (e.g. staff, students, administrators, alumni) where and when appropriate for the achievement of these goals.

Appendix IX

Communication from FMC BOA to SPU

From: FMC Bishops <FMCBishops@fmcusa.org>

Sent: Thursday, May 5, 2022 3:44 PM

To: jreynolds@lapu.edu; abarton@apu.edu; ajm210@apu.edu; brent.ellis@arbor.edu; menjaresp@spu.edu; porterfieldd@roberts.edu; lenny.favara@centralchristian.edu; Suzanne.davis@greenville.edu

Cc: Susan.Agel02@gmail.com; Bishop Linda Adams <linda.adams@fmcusa.org>; Bishop Keith Cowart <keith.cowart@fmcusa.org>; Bishop Matt Whitehead <Matt.Whitehead@fmcusa.org>

Subject: AFMEI

Dear Presidents of Association of Free Methodist Educational Institutions:

On behalf of the Free Methodist Church, USA, Board of Administration, greetings in the name of Jesus! We continue to pray for you in your leadership as Presidents of AFMEI colleges and universities. As a denomination, we wish to increase our level of partnership with you and hope to have more conversations to this end. It is in this spirit of partnership that we want to let you know of a recent action taken by the Free Methodist Church Board of Administration (BOA). As you may or may not be aware, it is the responsibility of the BOA to determine policies between quadrennial Free Methodist General Conferences. To that end the denominational Board of Administration overwhelmingly passed the following motion:

Any AFMEI institution that alters their hiring policy to permit the hiring of individuals living a lifestyle inconsistent with the Free Methodist Book of Discipline's teachings on sexual purity will be considered to have disaffiliated with the denomination and will not be considered for any level of affiliation as long as this hiring policy is in place. This policy is considered to be in effect from this date until the next General Conference. A motion will be presented to the General Conference to clarify language in our Book of Discipline regarding the AFMEI and our commitments to one another.

As I'm sure you understand, and we discussed when we were together in Scottsdale, the spirit of this motion is not an ultimatum, it is an effort to establish clarity for the SPU Board of Trustees and for all of our AFMEI campuses. We want to be clear as to our standards as a denomination.

We pray that the Holy Spirit will be present and strengthen you in your important role. We look forward to continue working together to strengthen the relationship and doing our best to assist you in your mission.

In Christ,

Susan Agel, Chair, Free Methodist Church, USA, Board of Administration

Bishop Linda Adams

Bishop Keith Cowart

Bishop Matt Whitehead



Appendix X

SPU Complaint filed in Federal District Court Against Washington AG Bob Ferguson

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

SEATTLE PACIFIC UNIVERSITY,

Plaintiff,

vs.

ROBERT FERGUSON, in his official
capacity as Attorney General of
Washington,

Defendant.

NO. 3:22-CV-05540

COMPLAINT

NATURE OF THE ACTION

1. Seattle Pacific University is a Christian university fully committed to engaging the culture and changing the world by graduating people of competence and character, becoming people of wisdom, and modeling grace-filled community. For more than 130 years, Seattle Pacific has carried out its mission of Christian education and service in the Pacific Northwest.

2. Now that mission is under fire—and government investigation—by Washington’s attorney general.

3. Seattle Pacific University, like many religious universities, is navigating complex issues regarding Christian teachings on justice, love, marriage, and human sexuality. Seattle Pacific holds to traditional Christian beliefs regarding marriage and sexuality, in alignment with the Free Methodist Church.

1 4. As part of its religious commitment, Seattle Pacific expects its faculty,
2 staff and leadership to agree with the University’s statement of faith and to live out
3 that faith as a model for others, including by living according to the University’s
4 religious teachings on marriage. Seattle Pacific relies on its faculty, staff, and leadership
5 to provide a Christian higher education by integrating faith and learning.

6 5. The U.S. Constitution recognizes and protects the right of Seattle Pacific
7 University to decide matters of faith and doctrine, to hire employees who share its
8 religious beliefs, and to select and retain ministers free from government interference.

9 6. Defendant does not recognize that right. Despite the Constitution’s clear
10 prohibition on interference in matters of church governance, including entangling
11 investigations of religious employment decisions and the selection of ministers,
12 Washington’s attorney general has launched a probe that does just that.

13 7. The attorney general has taken the position that policies like Seattle
14 Pacific’s, which ask leaders to follow a religious organization’s teachings, are unlawful
15 and unwelcome in Washington.

16 8. The attorney general is wielding state power to interfere with the
17 religious beliefs of a religious university, and a church, whose beliefs he disagrees
18 with. He is using the powers of his office (and even powers not granted to his office)
19 to pressure and retaliate against Seattle Pacific University. But governmental attempts
20 to probe the mind of a religious institution are a blatant form of entanglement barred
21 by both Religion Clauses of the First Amendment. Such “[s]tate interference ...
22 obviously violate[s] the free exercise of religion,” and such “attempt[s] by government
23 to dictate or even to influence [religious] matters ... constitute one of the central
24 attributes of an establishment of religion.” *Our Lady of Guadalupe Sch. v. Morrissey-*
25 *Berru*, 140 S. Ct. 2049, 2060 (2020).

26 9. The Constitution prohibits government retaliation against speech and
27 religious exercise. But in retaliation for Seattle Pacific’s religious speech and exercise,

1 the attorney general has launched a probe seeking information on internal religious
2 matters and decisions, detailed review of religious hiring practices, communications
3 with ministerial employees, and even the selection of the University's president, senior
4 leadership, and board of trustees. The attorney general's probe inquires into
5 confidential religious matters and is beyond the scope of authority granted under state
6 law and the federal constitution.

7 10. Without relief, the University will suffer irreparable harm.

8 JURISDICTION AND VENUE

9 11. This action arises under the Constitution and laws of the United States.
10 The Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

11 12. This Court has personal jurisdiction over Defendant because Defendant
12 is a state official, and state officials have their principal place of business in Thurston
13 County, Washington.

14 13. The Court has authority to issue the declaratory and injunctive relief
15 sought under 28 U.S.C. §§ 2201 and 2202.

16 14. Venue lies in this district under 28 U.S.C. §§ 1391(b)(1) and (2).

17 IDENTIFICATION OF PARTIES

18 15. Seattle Pacific University ("the University") is a private institution of
19 higher education affiliated with the Free Methodist Church USA.

20 16. Robert Ferguson is the attorney general of the State of Washington, and
21 is sued in his official capacity only.

22 FACTUAL ALLEGATIONS

23 1. *Seattle Pacific University and Its History of Faith and Service*

24 17. Seattle Pacific University is a private, Christian liberal arts university in
25 Seattle. It is committed to graduating people of competence and character, becoming
26 people of wisdom, and modeling a grace-filled community.

1 18. Seattle Pacific University has long served the Seattle community. It is
2 committed to a transformative and holistic student experience, creating an
3 environment where students can thrive. It has created programs that help students
4 who lack resources to find affordable meals, hosted events to educate the local
5 evangelical community on racial justice, and repeatedly hosted a community of men
6 and women experiencing homelessness. Seattle Pacific was the first university to offer
7 discounted tuition to eligible community-college students wanting to transfer to a
8 university.

9 19. The University is committed to serving a diverse community. It grounds
10 the work of diversity in the gospel of Jesus Christ. Seattle Pacific University was
11 originally incorporated as “Trustees of Seattle Seminary” by articles of incorporation
12 dated June 23, 1891. As stated in the original articles of incorporation, the purpose of
13 the corporation is to “found, maintain, conduct and operate an institution of learning
14 ... under the auspices of the Free Methodist Church.”

15 20. The Free Methodist Church is an evangelical Protestant denomination
16 with ministries in the United States and in 100 countries around the world. The
17 denomination is a longstanding member of the National Association of Evangelicals.
18 Theologically, the Free Methodist Church is Wesleyan Arminian and can best be
19 described by these five value statements entitled “The Free Methodist Way”: Life--
20 Giving Holiness, Love-Driven Justice, Christ-Compelled Multiplication, Cross-
21 Cultural Collaboration, and God-Given Revelation. Free Methodists believe in the
22 historic central tenets of Christianity as expressed in the Apostles’ Creed and the
23 Nicene Creed.

24 21. The Free Methodist Church was founded in 1860 by B.T. Roberts, a
25 Methodist Episcopal minister. Roberts was an abolitionist who believed that all people
26 are made in the image of God and possess inherent dignity. The name “Free”
27 Methodist derives from Roberts’ opposition to slavery, as well as clergy domination,

1 secret societies, pew rents, and other practices he deemed contrary to the teachings of
2 the Bible and John Wesley.

3 22. Free Methodists believe God’s salvation is available to all. Free
4 Methodists emphasize acts of mercy and Christian living as an outward expression of
5 God’s inward transformation. Such outward expression is a manifestation of the Holy
6 Spirit’s work and critical to evangelism.

7 23. The Free Methodist Church ordains clergy, but it is not a “high” church
8 with a strong clergy-laity distinction; it expects all Christians to live out and model the
9 faith. “Free” of clergy domination, is reflected, for example, in Free Methodist
10 structure, where lay Christians have equal representation in the denomination’s
11 government. For example, the Board of Administration must be made up of equal
12 numbers of clergy and lay members.

13 24. Historically, Free Methodists spoke out against the institutions of
14 slavery and class distinctions. Free Methodists reject anything in law, persons, or
15 institutions that violates the dignity of persons created in God’s image. Free
16 Methodists are committed to the dignity and worth of all humans, regardless of
17 gender, race, ethnicity, color, socioeconomic status, disability, or any other
18 distinctions, including membership in the LGBTQ community. Free Methodists
19 respect all persons as made in God’s image and deserving of fairness and equity. Free
20 Methodists regard racism as a particularly egregious affront to the dignity and worth
21 of persons because all persons are created in the image of God. They stand against the
22 evil of racism and oppose it in all its forms.

23 25. Free Methodists believe sexual intimacy is a gift from God and is a great
24 blessing in the sanctity of marriage between one man and one woman. They believe
25 that premarital sexual intimacy robs the marital union of this exclusive bond and that
26 extramarital intimacy is adultery and betrays the marriage bond. Free Methodists
27 further believe that same-sex sexual intimacy is not in keeping with God’s best

1 intention for the human family. These views on sexual intimacy have been the
2 consistent position of the Free Methodist Church since its founding in 1860.

3 26. The University began its existence associated with the Free Methodist
4 Church, and that relationship continues to this day. Free Methodists believe strongly
5 in Christian liberal arts education; within forty years of its 1860 founding, the church
6 had established a number of colleges, including Seattle Pacific University. The Free
7 Methodist Church recognizes the University as one of the church's denominational
8 institutions. This means it is an educational institution of higher education whose
9 commitments are consistent with the history, theology, mission, and character of the
10 Free Methodist Church.

11 27. The University's President must also be a member of the Free Methodist
12 Church.

13 28. The University's bylaws require at least one-third of all members of the
14 University's Board of Trustees to be members of the Free Methodist Church. Each year,
15 every Trustee must reaffirm the Trustee's "continued commitment to the mission and
16 faith statement of the University" Bylaws, Article III, Section 6. If a Trustee is
17 unable or unwilling to provide the affirmation, the Chair of the Board of Trustees must
18 take appropriate action, which may include proposing the resignation or removal of
19 the Trustee.

20 29. The University has adopted policies, a mission statement, and a
21 statement of faith consistent with its Christian beliefs. SPU's Statement of Faith is
22 structured around four pillars: "historically orthodox, clearly evangelical, distinctively
23 Wesleyan, and genuinely ecumenical." SPU's guiding policies include its religious
24 beliefs about human sexuality, which are included in its employee conduct policies.
25 Those beliefs are explained in more depth in the University's Statement on Human
26 Sexuality, attached as Exhibit B.

1 30. The Statement on Human Sexuality is a statement of religious belief and
2 practice, emphasizing that the University “affirm[s] the fundamental worth of all
3 human persons,” and describing the University’s beliefs about “God’s plan for human
4 flourishing,” including marriage, singleness, family, and the treatment of others. It
5 rejects sexual harassment and sexual exploitation as harmful to others, and emphasizes
6 the obligation to “to interact with one another with great responsibility, respect, and
7 with unselfish love.” It also states the basis for and the definitions of the University’s
8 beliefs about marriage and human sexuality, including that marriage is a covenant
9 between a man and a woman, and that sexual experience is intended between a man
10 and a woman in marriage. The Statement emphasizes that discussions of sexuality and
11 religious belief “must be treated with personal and spiritual sensitivity and with
12 scholarly care.”

13 31. The University requires all of its regular faculty and its staff (other than
14 student employees and temporary employees) to affirm its Statement of Faith and
15 mission statement, and to also abide by certain lifestyle expectations in keeping with
16 the University’s religious beliefs. One of these standards prohibits regular faculty and
17 other employees from engaging in sexual intimacy outside of marriage (with marriage
18 recognized as a marriage between one man and one woman). This view of marriage is
19 the University’s sincere religious belief and aligns with the beliefs of the Free
20 Methodist Church.

21 32. The University’s regular faculty and employees are key to enabling the
22 University to fulfill its religious mission. And part of their role is to express and model
23 a vibrant, growing Christian faith.

24 33. The University can fulfill its religious mission only with a faculty of
25 Christians who affirm the University’s Statement of Faith, who affirm the University’s
26 mission, who live out their Christian faith, and who bring their faith into all aspects of
27 their lives, including their teaching and scholarship.

1 34. If the University changed its employment policies to permit employment
2 of Christians in same-sex marriages, the University would be automatically
3 disaffiliated from the Free Methodist Church. The University would no longer be a
4 denominational institution. Disaffiliation would occur whether the University made
5 this change voluntarily or under compulsion of law. This would result in the loss of a
6 religious affiliation that has existed for over 130 years.

7 2. *The Current Controversy*

8 35. The Board of Trustees is committed to upholding the University's
9 religious beliefs and values. Within the University and its faith community, some
10 believe the University should permit covenanted same-sex marriages. Those
11 discussions have and will continue within the Church and at the University. The
12 University understands that these are difficult discussions, and believes they should
13 be carried out in love, within the family of believers who are, with God's help and
14 grace, able to hold the tension of deep disagreement within the strong bounds of a
15 common faith. The University seeks the freedom to hold theological discussions and
16 make determinations of faith, doctrine, and policy without government interference.

17 36. The University community has engaged in these discussions and
18 determinations over the past several years. Recently, several public events have
19 brought additional attention to and scrutiny of the University's religious beliefs and
20 practices.

21 37. While discussions and determinations were ongoing, in January 2021,
22 Seattle Pacific University was sued by a faculty applicant alleging sexual orientation
23 discrimination. That case (which was settled) sparked debate within the community.
24 In March 2021, the University was discussed, alongside many other evangelical
25 universities, in a lawsuit challenging the Title IX exemption for religious colleges and
26 universities as unconstitutional. *Hunter v. Dept. of Education*, No. 21-00474 (D. Ore.).
27 That lawsuit remains pending.

1 38. In 2021, some faculty members and students publicly called on the Board
2 to change the University's statement on human sexuality. Faculty members took what
3 was described as a "no-confidence vote" in the Board.

4 39. A working group of students, faculty, and trustees came together to
5 study the issue. In May 2022, the group presented its recommendations, which
6 outlined different options available to the University. After this review process, the
7 Board voted to retain its existing employee conduct policies, which are consistent with
8 the Statement on Human Sexuality.

9 40. On May 26, 2022, the day following the Board's announcement, students
10 organized a sit-in at the University President's office, calling for changes to the
11 statement on human sexuality. National news outlets ran stories about the controversy
12 on May 30, 2022. *See, e.g., Students protest against Seattle university's ban on hiring LGBTQ*
13 *employees*, NPR (May 30, 2022, 5:00 AM), <https://perma.cc/ED7B-HJNN>.

14 41. Upon information and belief, some students complained to Washington
15 Attorney General Bob Ferguson, asking that the Attorney General take legal actions
16 against the University's Board of Trustees.

17 3. *The Probe*

18 42. Just over a week after the media coverage, on June 8, 2022, the office of
19 the attorney general sent a letter to Seattle Pacific University. The letter announces a
20 probe into the University and demands prompt production of voluminous and
21 sensitive internal information on the University's religious policies and their
22 application to any and all faculty, staff, and administrators. A true and correct copy of
23 that letter is attached as Exhibit A.

24 43. The letter states that it was sent due to information that the University
25 discriminates based upon sexual orientation, "including by prohibiting same-sex
26 marriage and activity." Ex. A at 1. The letter also seeks information relating to "faculty,
27 staff, or administrators." Ex. A at 2.

1 44. The letter demands sensitive private information regarding hiring
2 decisions, discipline, and employment disputes with “any” faculty, staff, or
3 administrators, including ministerial employees, as defined by *Hosanna-Tabor v. EEOC*,
4 565 U.S. 171 (2012), and *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049
5 (2020).

6 45. The letter demands sensitive personal and religious associational data,
7 including the names and contact information of “each prospective, current, or former
8 faculty, staff, or administrator to whom the University applied the policies.” Based
9 upon this statement and knowledge of previous investigations, the University believes
10 that the attorney general’s office will seek to communicate directly with ministerial
11 employees or prospective, current, or former senior leadership of the University,
12 inquiring into the University’s religious and doctrinal decisions, without regard to
13 whether those individuals held ministerial roles at the University.

14 46. The letter purports to investigate the discipline of “administrators,”
15 which would encompass the University’s senior leadership and trustees, investigating
16 their decisions regarding faith and doctrine.

17 47. The letter inquires into matters of religious policy and doctrine, and
18 promises further inquiry into how those policies are carried out.

19 48. The letter clearly indicates that the attorney general considers
20 “prohibiting same-sex marriage and activity” to be in violation of the law. See *id.* The
21 First Amendment protects the ability of religious organizations to follow the teachings
22 of their faith on marriage and sexual relationships outside marriage, and to maintain
23 policies consistent with those beliefs. See, e.g., *Bostock v. Clayton County*, 140 S. Ct. 1731,
24 1754 (2020) (recognizing “the promise of the free exercise of religion enshrined in our
25 Constitution; that guarantee lies at the heart of our pluralistic society,” including in
26 employment decisions); *Obergefell v. Hodges*, 576 U.S. 644, 679–80 (2015) (“The First
27 Amendment ensures that religious organizations and persons are given proper

1 protection as they seek to teach the principles that are so fulfilling and so central to
2 their lives and faiths . . .”).

3 49. Upon information and belief, the probe has the purpose of influencing
4 the University in its application and understanding of church teaching, and
5 encouraging the University to take one side of a particular question of religious
6 doctrine. The First Amendment’s “Religion Clauses protect the right of churches and
7 other religious institutions to decide matters ‘of faith and doctrine’ without
8 government intrusion,” and prohibit “any attempt by government” to even
9 “influence” such matters. *Our Lady*, 140 S. Ct. at 2060 (emphasis added).

10 50. The probe is not limited to a single dispute or employee, but seeks to
11 regulate and surveil a religious school’s relationships with all its employees and
12 leaders. Nothing in the letter places any constitutional limitation on the probe,
13 including the probe of ministerial employees and administrators, nor even
14 acknowledges the principle of religious autonomy for religious institutions, including
15 the ministerial exception and other constitutional limitations on the attorney general’s
16 powers.

17 51. The letter closes by asking the University to preserve documents and sign
18 a certification, under penalty of perjury, attesting that it will do so. Attorneys from the
19 attorney general’s office subsequently contacted University counsel directly to seek
20 assurances that the University had begun a litigation hold. This certification indicates
21 that the documents requested in the letter are only the beginning, not the end, of the
22 documents that the attorney general will seek during the probe.

23 52. The probe interferes with the relationship between Seattle Pacific and
24 the leadership of the Free Methodist Church. For example, the letter seeks information
25 related to “administrators” of the University, which may include the University
26 President and its Trustees. The President must be a member of the Free Methodist
27 Church. The Trustees also include members of the Free Methodist Church and one of

1 the three elected Bishops of the Free Methodist Church. The probe also seeks
2 documents related to the University's policies and implementation of those policies,
3 which may include communications with the Bishop and with other leaders in the Free
4 Methodist Church.

5 53. The University is exempt from Title VII under 42 U.S.C. § 2000e-1(a) and
6 2 U.S.C. § 2000e-2(e).

7 54. The University is not an "employer" under the Washington Law Against
8 Discrimination (WLAD), since it is a religious organization not organized for private
9 profit. Wash. Rev. Code Ann. § 49.60.040.

10 55. The letter relies on the WLAD, but makes no mention of the religious
11 exemption to that law. Ex. A at 1. Although the Washington Supreme Court has called
12 the exemption into question under the privileges and immunities clause of the
13 Washington constitution, it has not addressed the federal constitutional questions
14 raised by that decision, and has recognized that "religious institutions are insulated
15 from government intrusion on matters of 'church government,' which includes
16 religious entities' internal management decisions, such as the selection of individuals
17 who play key roles." *Woods v. Seattle's Union Gospel Mission*, 197 Wash. 2d 231, 248
18 (2021), *cert. denied*, 142 S. Ct. 1094 (2022).

19 56. The probe is being carried out without regard to those statutory
20 exemptions or Constitutional limitations.

21 57. The probe attempts to interfere with internal religious decision making.
22 For example, it interferes in the University's decisions regarding its relationship with
23 the Free Methodist Church, its relationships with ministerial employees, and its
24 discussions within the University community on the best way to live out its faith
25 commitments.

26 58. The University responded to the letter and sought clarification on the
27 scope of the probe and the attorney general's interpretation of federal and state law.

1 The attorney general’s office has not narrowed the probe, but instead objected that
2 Seattle Pacific did not provide the requested documents. Rather than provide
3 responses to serious questions of law and legal authority, the attorney general’s office
4 called them “rhetorical questions.” The response also emphasized the Attorney
5 General’s personal oversight of the probe.

6 59. The attorney general aggressively and selectively prosecutes claims of
7 discrimination by religious individuals and entities, arguing that they are not
8 protected by the state or federal Constitutions. For example, the attorney general
9 argued in favor of penalizing Arlene’s Flowers under the WLAD over First
10 Amendment defenses, and used it publicly as an example of the office’s priorities. The
11 attorney general has also taken the position in the United States Supreme Court that
12 other religious exemptions and accommodations are unlawful.

13 60. Without relief, the University will be subjected to and is already being
14 subjected to a government probe into internal religious matters, interference with
15 internal religious discussions and decisions, interference with the relationship with
16 ministerial employees, and chilling of religious exercise and free expression. Based
17 upon the letter and prior conduct by the attorney general’s office, the University
18 believes that if it does not comply with the unconstitutional probe, then it will face
19 serious penalties and litigation against Constitutionally protected actions.

20 **CLAIMS**

21 **Count I**

22 **Violation of U.S. Const. Amend. I: Free Speech and Free Exercise Clauses**
23 **42 U.S.C. § 1983**
24 **First Amendment Retaliation**

25 61. All preceding paragraphs are incorporated by reference.

26 62. Government actors may not retaliate against citizens for the exercise of
27 their First Amendment rights.

1 establishment of religion. The First Amendment outlaws such intrusion.” Our Lady,
2 140 S. Ct. at 2060.

3 72. Defendant’s probe infringes on the University’s First Amendment right
4 to govern itself according to religious principles, frame its policies and doctrine, and
5 select its employees and leaders according to those religious principles without
6 government interference.

7 **Count III**
8 **Violation of U.S. Const. Amend. I: Establishment and Free Exercise Clauses**
9 **42 U.S.C. § 1983**
10 **Church Autonomy: Improper Investigation into Religious Matters**

11 73. All preceding paragraphs are incorporated by reference.

12 74. Under the Free Exercise and Establishment Clauses of the First
13 Amendment, government may not engage in entangling inquiries into religious
14 matters, since the “very process of inquiry” can “impinge on rights guaranteed by the
15 Religion Clauses.” *NLRB v. Catholic Bishop*, 440 U.S. 490, 502 (1979). In *Catholic Bishop*,
16 that meant the National Labor Relations Board did not have jurisdiction over claims of
17 unfair labor practices at religious schools. *See id.*; *see also Serbian E. Orthodox Diocese v.*
18 *Milivojevich*, 426 U.S. 696, 717-18 (1976) (“detailed review” of church proceeding was
19 “impermissible under the First and Fourteenth Amendments”).

20 75. Government actors may not intervene in an “internal ecclesiastical
21 dispute and dialogue protected by the First Amendment.” *Bryce v. Episcopal Church in*
22 *the Diocese of Colorado*, 289 F.3d 648, 659 (10th Cir. 2002).

23 76. Church autonomy also forbids the “forced disclosure” of religious
24 organizations’ “internal communications.” *See Whole Woman’s Health v. Smith*, 896 F.3d
25 362, 374 (5th Cir. 2018). Forcing the University to hand over these internal documents
26 would “interfere[] with [their] decision-making processes on a matter of intense
27 doctrinal concern” and intrude on their “self-government.” *See id.* at 373.

1 85. The attorney general does not state that any complaint has been received
2 by a person who claims unlawful employment discrimination.

3 86. Yet the attorney general has launched an extensive probe into the
4 University.

5 87. The University is not aware of any similar probes against other
6 universities in the state, nor against other employers without receipt of an actual
7 complaint.

8 88. The attorney general is not acting according to generally applicable
9 policy, but is pursuing this probe based upon the publicly stated stances of the
10 University.

11 89. This is not a generally applicable policy, and therefore must face strict
12 scrutiny under the Free Exercise Clause.

13 90. The attorney general does not have a compelling interest in the probe.

14 91. The probe is not the least restrictive means of pursuing the attorney
15 general's interests.

16 **Count VI**
17 **Violation of U.S. Const. Amend. I: Free Exercise Clause**
18 **42 U.S.C. § 1983**
19 **Not Generally Applicable**

20 92. All preceding paragraphs are incorporated by reference.

21 93. The attorney general claims to be applying the WLAD against the
22 University.

23 94. The WLAD contains multiple exemptions. It exempts religious non-
24 profit organizations and small employers from its prohibition on employment
25 discrimination, private clubs and fraternal organizations from its prohibition on public
26 accommodations discrimination, and religious crematories and mausoleums from its
27 prohibition on public accommodations discrimination, among other exemptions.

1 95. As construed by the attorney general, the WLAD does not contain an
2 exemption for the University's religious exercise of hiring employees who share its
3 faith.

4 96. Therefore its application to the University's religious policies and
5 decision making must face strict scrutiny.

6 97. The attorney general does not have a compelling interest in the probe,
7 nor in applying the WLAD to the University's religious employment practices.

8 98. The probe is not the least restrictive means of pursuing the attorney
9 general's interests.

10 **Count VII**
11 **Violation of U.S. const. Amend. I: Establishment Clause**
12 **42 U.S.C. § 1983**
13 **Denominational Preference**

14 99. All preceding paragraphs are incorporated by reference.

15 100. "The clearest command of the Establishment Clause is that one religious
16 denomination cannot be officially preferred over another." *Larson v. Valente*, 456 U.S.
17 228, 244 (1982).

18 101. Defendant has treated the University differently due to its religious
19 denominational affiliation.

20 102. Defendant has no compelling interest in treating the University
21 differently due to its denominational affiliation.

22 103. Defendant has not used the least restrictive means available to achieve
23 his interests.

24 **Count VIII**
25 **Violation of U.S. Const. Amend. I: Free Exercise Clause**
26 **42 U.S.C. § 1983**
27 **Not Neutral**

104. All preceding paragraphs are incorporated by reference.

105. The attorney general is using the powers of his office to pressure the
University to change its religious beliefs and practices.

1 106. The attorney general is taking sides in a religious dispute.

2 107. The attorney general is selectively enforcing Washington law. State law
3 vests enforcement power in the state Human Rights Commission, but instead
4 Defendant has arrogated the power to investigate and enforce the WLAD,
5 sidestepping the statutory process.

6 108. The attorney general does not state that any complaint has been received
7 by a person who has experienced unlawful employment discrimination.

8 109. Yet the attorney general has launched a probe into the University.

9 110. The University is not aware of any similar probes against other
10 universities in the state, nor against other employers without receipt of an actual
11 complaint.

12 111. Defendant's actions are not neutral with regard to religion.

13 112. Defendant has treated the University differently with regard to its
14 religious beliefs.

15 113. Defendant has treated the University differently due to its religious
16 denomination.

17 114. Defendant has exceeded his power under state and federal law in order
18 to punish the University for maintaining religious beliefs that Defendant opposes.

19 115. Defendant has no compelling interest in treating the University non-
20 neutrally.

21 116. Defendant has not used the least restrictive means available to achieve
22 his interests.

23 **Count IX**
24 **Violation of U.S. Const. Amend. I: Free Speech, Free Exercise**
25 **and Assembly Clauses**
26 **42 U.S.C. § 1983**
27 **Right of Assembly**

117. All preceding paragraphs are incorporated by reference.

1 118. Seattle Pacific University chooses faculty, staff, and leaders who share its
2 faith as part of its religious exercise.

3 119. The University is engaged in religious association and assembly with
4 others who share its faith.

5 120. The University associates and assembles with the Free Methodist Church
6 as an expression of its faith.

7 121. The attorney general's probe infringes on the University's First
8 Amendment right "peaceably to assemble" to engage in otherwise lawful religious
9 exercise and speech activities with persons of their choosing. *See Thomas v. Collins*, 323
10 U.S. 516, 530-40 (1945).

11 122. Absent injunctive and declaratory relief, the University will be
12 irreparably harmed.

13 **Count X**
14 **Violation of U.S. Const. Amend. I: Free Speech and Free Exercise Clauses**
15 **42 U.S.C. § 1983**
16 **Right of Expressive Association**

17 123. All preceding paragraphs are incorporated by reference.

18 124. Seattle Pacific University chooses faculty, staff, and leaders who share its
19 faith as part of its expression of its religious beliefs.

20 125. Seattle Pacific University associates with the Free Methodist Church as
21 an expression of its religious beliefs.

22 126. The attorney general's actions are an attempt to prohibit that expressive
23 association.

24 127. The attorney general's actions have a chilling effect on the University's
25 expressive association, by requiring it to make decisions about employment under a
26 cloud of government investigation and impending penalties.

27 128. If the University was unable to select employees who share its religious
beliefs, the University's expression would be irreparably harmed.

1 129. If the University was required to select employees who do not agree with
2 its faith and conduct standards, it would be disaffiliated from the Free Methodist
3 Church.

4 130. The attorney general's probe infringes on the University's First
5 Amendment right to associate with others for the purpose of expression.

6 131. Absent injunctive and declaratory relief, the University will be
7 irreparably harmed.

8 **PRAYER FOR RELIEF**

9 Wherefore, Plaintiff requests that the Court:

10 a. Declare that the First Amendment to the United States Constitution
11 protects the autonomy of Seattle Pacific University to make decisions regarding faith
12 and doctrine free from governmental interference;

13 b. Declare that the First Amendment to the United States Constitution
14 protects the ability of Seattle Pacific University to make decisions regarding its
15 ministerial employees free from governmental interference;

16 c. Declare that the First Amendment to the United States Constitution
17 protects the ability of Seattle Pacific University to make employment decisions based
18 on its sincerely held religious beliefs;

19 d. Declare that the Washington Law Against Discrimination cannot be
20 applied to Seattle Pacific University in a manner that violates the University's rights
21 under the United States Constitution;

22 e. Issue a preliminary and then permanent injunction prohibiting the
23 attorney general from continuing with the current probe and otherwise interfering in
24 matters of church governance and the University's relationships with ministerial
25 employees;

26 f. Award Plaintiffs the costs of this action and reasonable attorney's fees;
27 and

1 g. Award such other and further relief as the Court deems equitable and
2 just.

3 DATED this July 27, 2022

4 ELLIS, LI & MCKINSTRY PLLC

5 By: /s/ Nathaniel L. Taylor

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Appendix XI

Request from Faculty Council for Recusal of Two Trustees from Conduct Policy Vote

Seattle Pacific University
May 18, 2022

From: SPU Faculty Chair April Middeljans and SPU's Faculty Council
To: SPU Board Chair Cedric Davis and SPU's Interim President Pete Menjares

On behalf of Faculty Council and Faculty Senate, I write to convey the grave concerns that faculty from all corners of the university have expressed (to us and to one another) regarding the recent actions taken by two Board of Trustee members. The following letter lays out the context of institutional progress in which these actions occurred, our concerned perception of how these actions undermine that progress, and a request from faculty regarding how the Board might respond to these actions.

Context

Over a year ago, our university's theological and cultural disagreements concerning the employment of LGBTQ+ persons opened a network of rifts amongst students, staff, faculty, administrators, and trustees. It revealed many differing conceptions about how we approach the interpretation of scripture; how we understand the diversity of student experiences and needs on campus; what we see as SPU's mission within its geographical context; and what the relationship between a Christian university, the Christian church, and secular culture should be. Because we had not been sufficiently conversing with one another for many years about these divergent perspectives, and because many factors (such as the pandemic and the president's resignation) exacerbated the difficulty of communicating with one another, the conflict reached a point where faculty lost confidence in the Board's leadership.

In the context of this deep miscommunication and mistrust, the SPU community as a whole decided that we must radically engage one another on this issue and others in order to more deeply understand each other's faith, values, labor, roles, and responsibilities. This difficult process of relationship-building was crucial not only to restoring trust but to improving our vantage point for determining how to preserve and sustain this university, which has been an agent for God's kingdom since 1891, and to which we are all deeply committed.

Against many odds and with the help of expert and dedicated consultants, we agreed to form work groups comprised of representatives from the Board, administration, staff, and faculty. Such an embodiment of shared governance is extremely rare for institutions of any kind, and a tremendous achievement in its own right. The understanding for all parties was that this shared governance process would provide a confidential space where members from all parts of the university could earnestly and authentically search for mutually acceptable pathways toward a common goal. Furthermore, although these groups were not authorized to decide SPU policy, they would provide a robust mechanism of input directly to the Board for the many decisions it needs to make.

The hours spent in these groups have been long, and the conversations have been emotionally charged and at times extremely difficult. Yet the reports of personal interactions within in these

groups have been strongly positive. I can personally attest that all the members of the LGBTQ+ Work Group, while having distinctly different personal views, were consistently candid and transparent. Furthermore, the fact that this particular group—dealing with the university’s most contentious current issue—could come to broad consensus about potential options forward provides strong evidence that the SPU community can indeed come together for the common good, in what many have called a “unity that is deeper than agreement.” Something new and potentially transformative has just begun to take root here.

Concern

Given this substantial, hard-won progress, faculty are exceedingly dispirited concerning recent events.

As you know, the LGBTQ+ Work Group presented a PowerPoint of its report and recommendations to the Board on April 22. The PowerPoint included the Work Group’s suggestion that even if SPU were to change its conduct policy to allow for the hiring of individuals in same-sex marriages, SPU could still potentially stay affiliated with the Free Methodist Church at the *affiliated* and *associate* levels; according to the 2019 Book of Discipline (§4800-4830), these levels require educational institutions to conform with the Articles of Religion (which SPU does), but they do not have explicit requirements about conduct policies for those institutions.

At some point shortly after the April 22nd presentation to the Board, it is our understanding that one or both members of the SPU Board of Trustees who also serve on the FMC Board of Administration (BoA) brought a resolution to the BoA. Subsequent to deliberations on that resolution, in the first week of May, the BoA announced to its Association of Free Methodist Educational Institutions (AFMEI) that they had passed the following motion:

- *Any AFMEI institution that alters their hiring policy to permit the hiring of individuals living a lifestyle inconsistent with the Free Methodist Book of Discipline's teachings on sexual purity will be considered to have disaffiliated with the denomination and will not be considered for any level of affiliation as long as this hiring policy is in place. This policy is considered to be in effect from this date until the next General Conference. A motion will be presented to the General Conference to clarify language in our Book of Discipline regarding the AFMEI and its commitments to the Free Methodist Church.*

This new policy effectively dead-ends a potential pathway of “shared direction” (to quote the Work Group’s charge) before the SPU Board of Trustees has had a chance to deliberate on—or seek further conversation about—that pathway.

We do not know the motives for these individuals’ actions; they may have been well-intentioned. But even those who are not parliamentary experts would be hard-pressed not to conclude that these actions give the strong appearance of a *conflict* or *duality of interest* that “might reasonably appear to impair the Trustee’s independent, unbiased judgment in the discharge of the Trustee’s responsibilities to the University” (Art. XIII, Sec. 1 of the SPU Bylaws).

The Work Group brought its report to the Board in full transparency and good faith; it operated with a “duty of care” (using its best judgment), a “duty of loyalty” (discerning what is in the best interests of the institution), and a “duty of obedience” (ensuring it adhered to SPU’s Christian mission as well as with civil law). The expectation for every Work Group has been that the Board would honor this work and apply these same standards to its own deliberations. But the actions of these two Trustees have been interpreted by many in the SPU community as placing the interests of the church above the interests of the university.

Request

In light of what has occurred—and in response to a petition from senior faculty who regard these events as constituting a conflict of interest and an attempt to manipulate the outcome of the Board’s decision process—we respectfully request that the Board consider recusing these individuals from both the discussion and vote regarding the LGBTQ+ policy decision, as outlined in Art. XIII Sec. 3 of the SPU Bylaws.

If either of the Trustees in question remains for the discussion and vote, the SPU community will certainly perceive this as allowing undue influence or even direct and targeted interference from the church. This perception will not only undermine the legitimacy and authority of any decision the Board makes but will also corrode the community’s confidence in their own representatives. The vast majority of faculty, staff, and students have not had the privilege of interacting directly with Board members. They know only what their representatives report. Our constant refrain to the community has been “trust the process; there is substantial hope for progress.” These events compromise everyone’s credibility and threaten to disintegrate the community’s already fragile faith in the overall project of shared governance.

Faculty Council has sent you this letter privately in lieu of making a public statement, but we invite you to share its content with the full Board, especially if there is a need to have a vote regarding recusal. Given our many positive experiences with Board members over the past year, we are confident that the Board as a whole is taking this matter extremely seriously. We also recognize that the authority for the decision to recuse lies entirely with the Board. But we want to express very clearly on behalf of the SPU faculty—and indeed the entire community—how much these actions corrupt our confidence in the Board and the shared governance process as a whole.

In Christ,

April Middeljans, Faculty Chair and Professor of English and Cultural Studies
Leland Saunders, Chair-Elect and Professor of Philosophy
Carlene Brown, Immediate Past Chair and Professor of Music

Peg Achterman, Professor of Communication
Dale Cannavan, Professor of Exercise Science
Ryan Ellis, Professor of Music
Vicki Eveland, Professor of Marketing

Greg Fritzberg, Professor of Education
Brian Gill, Professor of Mathematics
John Hossler, Professor of Mathematics
Jeff Keuss, Professor of Christian Ministry, Theology, and Culture
Patrick McDonald, Professor of Philosophy
Heidi Monroe, Professor of Nursing
Lane Seeley, Professor of Physics
Jenny Vaydich, Professor of Psychology

Appendix XII

Transcript from Town Hall

BoT Town Hall 05/26/22

Thu, 5/26 3:18PM • 1:04:02

SUMMARY KEYWORDS

spu, board, question, students, policy, audience, decision, vote, institution, terms, shared governance, trustees, faculty, methodist church, community, denomination, university, church, required, faith

SPEAKERS

unknown board member, President Pete Menjares, Matt Whitehead, Audience member, Provost Laura Hartley, Deborah Wilds, April Middeljans, Dean Kato, Dean Brian Lugioyo

April Middeljans 00:00

Provost Hartley and I were asked by colleagues on senior leadership and faculty counsel to co moderate this. And our approach was to identify the most common categories of questions, and then to select specific questions that best expressed ideas in those categories. And kudos to students who really are articulate on these questions. So you're going to see a lot of questions from students today. And we felt it was important to read the questions as they were actually posed, rather than summarizing them or imposing our language on them. So in some cases, we'll be reading multiple questions before asking the trustees to respond just in order to cover multiple facets of a topic. And, as Provost Hartley said, there are a lot of questions, we may not get to them all. So I invite the trustees to return for a later forum, if that turns out to be the case. And before we begin, Dean Brian Lugioyo will lead us in prayer.

Dean Brian Lugioyo 01:08

Let's stand for the prayer. Pray with me. Lord Jesus, we invoke your name in this time, this time of anger, pain, disappointment, of frustration, and of deep disagreement. Lord Jesus, your people have been from the beginning, a people in conflict. And today we feel that conflict acutely in our heart rates, in our tears, in our anxious breaths, in our sharp voices, in our tense bodies. We feel so much, Lord, in this place right now. We feel each other. Help us acknowledge what we feel. Lord Jesus, you are--you are Lord seated at the right hand of the Father. Today's Ascension Day, we ask that you lead us, you guide us now. So that all of us might faithfully find our hope in you and your reign. For Jesus, you are Lord forever. And yours is the governance everyone here seeks. Father, we pray this through and with our Lord Jesus Christ, your son who lives and reigns with you, and the Holy Spirit, one God forever and ever. And God's people said "Amen."

Laura Hartley 02:54

One thing I failed to say is that while we will not get through all the questions today, all of the questions will be collated and sent to the board. So you should know that if you asked a question and it doesn't get asked, it will be seen by the board. As we--before we launch into questions we're gonna give the trustees who are able to be with us here today, just a very brief moment, like a minute or less, to

introduce themselves. And then President Menjares is gonna come and say just a couple of introductory remarks. So do you want to get us started?

Dean Kato 03:25

Good morning. Thank you for taking time to be here this morning. My name is Dean Kato, and I have never been paid by SPU, but I feel a strong connection to the university. I've had the privilege of serving in volunteer roles in a number of different areas working with the business school, Faith and Co., and mentoring there as well as the Social Ventures Program. I've worked with the engineering department, and have for several decades served on their advisory board. I've worked with, study abroad, I've worked with the Career for Center and Calling. And so I feel a very, very strong and deep connection to the university.

Deborah Wilds 04:13

Good morning. My name is Deborah Wilds, and my background is in education, and primarily college access. My relationship with SPU began probably about 15 years ago, when I was in philanthropy. And I worked, too, with Gary Ames, who set up the Ames Scholars Program. I had some expertise in scholarship work, and I did some consulting to help him and the administration at that time set up the Ames Scholarship Program. Since then, I've been just in the (?) community, mainly from the perspective of-of philanthropy. I was part of the Christian College Coalition. I've been on the Board of Trustees for seven years, I've served on the trusteeship committee, and on the executive committee now, as well as our academic affairs, and a student experience committee. This is an institution-- I'm not a graduate of a Christian college, I didn't have that opportunity. But this is an institution that I deeply love and care about, and just want to see it go forward.

Matt Whitehead 05:36

Good morning. My name is Matt Whitehead. And I serve as one of the three bishops for the Free Methodist Church here in the USA. I have been on the SPU board since 1995. My roots here are very deep. Both my wife and I graduated from here, our daughters-- two daughters both graduated from here and they were, on my wife's side, fifth generation SPU alums, and on my side, fourth generation SPU alums. So a lot of--a lot of roots. My mother in law, taught math here for 39 years. My wife just retired after serving on staff here for 27 years and was working in a part time role as as a consultant.

President Pete Menjares 06:28

Good morning. We also have one trustee who is en route to be with us this morning. He is a forensic scientist, and his job required him to be on a particular special assignment this morning. But Dr. George Parker is working his way to the platform, and he'll be here as soon as he can. Also, Cedric Davis, Board Chair, sends his regrets. He could not be here with us this morning. And I was reminded that each of our trustees serves as volunteers. They are not employees of the university. They have jobs, they have families, they have lives. And there are times when those realities simply do not allow them to be present with us. But I'm grateful for these three, who have willingly accepted the invitation to be here this morning. All of you know that I also wear two hats. I'm not only the Interim President, I still serve on the board myself. The President, according to our bylaws, always serves on the board ex-officio. And so there is always presidential presence on the board. Just a couple of comments as we begin our time this morning. Without a doubt, this is an important moment in the life of our community,

and perhaps even the history of our institution. And even though these trustees have accepted this invitation, and have willingly accepted the opportunity to engage with you to answer questions, to the best of their ability, no one trustee speaks for the entire board. And so our comments will be preferenced that way. But this will also give you an opportunity to gain some insight into how boards work, how individual members of boards function, and make unique contributions to decisions. Also, this is an opportunity for these trustees to deepen what was said in the board announcement that came out on Monday. Also, the Free Methodist Church has been seen as the only reason for this decision. And while that is very important, it's also important to note the depth of rationale for making the decision. It's also important to note that we are going to move forward with the decision. But we're here today to further explain to the campus what that decision means and how we desire to move forward as a community. Let's begin.

April Middeljans 09:11

So I thought it would be good to start with a little bit of introductory content, I want to make sure everybody here is working with the same information. And this context will also help inform some of the questions that come up there--people have different information and different questions coming from that. And there has been a lot of confusion and many questions surrounding some of the procedural actions and decisions taken by the board leading up to this vote to maintain the conduct policy. So I thought it would be helpful for the community to have more clarity on the facts of the situation. So I'm going to present the facts as I understand them and any of you are welcome to interrupt or correct me if you want to just make sure we have the same facts. And after we come to that common understanding, there will be a number of follow up questions from--from the community. So on April 22, the co-chairs of the LGBTQ+ Workgroup met with the board over zoom, to present a PowerPoint explaining the group's final report and recommendations. The report outlined five potential options SPU could take regarding the LGBTQ+ conflict. Of these five the group recommended a set of options called "the third way". The third way envisions SPU as a place in which students, faculty and staff can engage both rigorously and charitably, with a full range of Christian perspectives. The third way also assumed that this university would not take a stance either traditional or affirming but was going to create a place where that inquiry which is central to a university's job could take place. The third way also argued that changing the conduct policy is necessary to earnestly and authentically engage that full range of Christian perspectives. But we also suggested that despite changing the Conduct Policy, SPU could still potentially stay affiliated with the Free Methodist Church, based on the wording of its own Book of Discipline. Two members of SPU's board also serve on the Board of Administration for the Free Methodist Church. At some point shortly after the April 22 presentation, one or both of these members brought a resolution to the church's board of administration. As a result of that resolution, in the first week of May, the church's board announced that any Free Methodist school that changes its conduct policy in a way that does not align with the Book of Discipline's teaching on sexual purity will "be considered to have disaffiliated with the denomination". This pronouncement from the church led to a pressing question about the percentage of votes needed to authorize a change in the policy. Normally, a vote to change the policy would require a threshold of 51%. But because the church had now equated a change in policy with disaffiliation, the board determined that the vote threshold to change the policy needed to be 75%. Since this is the threshold required by the board's bylaws for disaffiliating from the church--So in this case, a minimum of only four votes was needed to maintain the

policy. And so I want to give you a moment to say whether I've accurately summarized the facts, if there's any ways that I might have misrepresented anything about what happened.

Dean Kato 12:58

April, I believe that's correct.

Deborah Wilds 13:00

I'm just--it is correct, but I think it's also important for the community to know that, the board actually-- the board actually set up the LBGTQ+ task-taskforce (Audience laughter) along with, along with several other task force that we were looking at financial sustainability and shared governance. This was in response-- the board also, as most of you know, we took a vote last year. And so this was a part of that process to really revisit the question. So the broader context is, it was a vote last year to uphold our hiring policy. We moved forward with the LBGTQ task force, along with our financial sustainability task force, along with our shared governance task force. So I wanted you to have the proper context.

Matt Whitehead 14:06

I think what you're referencing is essentially correct, I would add just a couple of points of clarification on the process. So prior to the board decision a year ago, February, denominational leadership, the Free Methodist bishops, uh, communicated directly with the SPU board to say, if the board changes its hiring policy, it will bring about disaffiliation with the denomination. So that isn't a message that has changed. The question was raised about whether or not there was clarity in the language in our policy manual, we call the Book of Discipline. And as I mentioned, there is some ambiguity around language, and because of the potential conflict of interest that was referenced, uh, the other board member and myself recused ourselves from the vote that happened two weeks ago. So we were not in the room for the, for the vote or the debate on the vote. But I can speak to the process leading up to the decision a year ago, February, where the denomination was clear in saying, if this happens, it will break the relationship.

Provost Laura Hartley 15:22

Okay, thank you. Thank you for those comments. I'm gonna--we're gonna go ahead and start with the submitted comments. So just a reminder to all of you that we are reading here are comments as they were submitted. So this isn't April or myself, these are coming from faculty, staff and students. So the first questions, two questions, from-both from faculty members. "On what question exactly did the board vote? Was it the question of whether to revise employee lifestyle expectations? Or was it a question of SPU's affiliation with the Free Methodist Church, or was it both. In which case I'd like to know if separate votes were taken, or if they were somehow treated as a single question?" And similarly, another faculty member has commented, "If the board changed the subject to be about our Free Methodist Church affiliation, as well as its own goalposts to require a three quarter vote, all in one meeting, we need to know this."

Dean Kato 15:27

So the vote was--that was taken--first, we unpacked the options that April, Dr. Middeljans, made reference to in terms of the five options. Those five options were not structured in terms of what the board would vote on, per se. So the motion that was made, and the vote that was taken, was based on

lifestyle expectations, which is identical to what was done a year ago in terms of the content of the motion. It did not have to do with disaffiliation or affiliation with the church.

Deborah Wilds 16:59

And it was at the 50% level, it didn't require--because we voted on the lifestyle expectations. And we sought legal counsel around what that vote--how to frame that vote. Because the board, the majority of the board--there was not, it was not a unanimous vote. But the majority of the board voted to affirm the lifestyle expectations. It never came up for vote, whether to disaffiliate with the church. That didn't come up for vote, because we had voted to confirm the lifestyle expectations.

Provost Laura Hartley 17:50

Okay, so just for clarity, the vote was a 51% vote?

unknown board member 17:55

Yes.

Provost Laura Hartley 17:56

Okay, that's helpful.

Dean Kato 17:59

The allowance--or the requirement of 75% never came into play, because there was a clear majority of trustees who voted that position. Taking into consideration the recuses.

Provost Laura Hartley 18:14

Okay. So a sort of related question on the deliberation process. Can you please explain how the third way idea is out of alignment with SPU's mission and statement of faith, referencing the emails sent that said the board made a decision that it believed was most in line with the university's mission and faith statement? This is a question from a staff member.

Matt Whitehead 18:38

Yeah, let me try to speak to that and invite my colleagues as well. We've all taken some notes or have some notes prepared. So we want to--we want to try to be clear. The way that I would describe the process of the decision a year ago, February, again, I wasn't in the room for this most recent vote really is anchored by our--our statement of faith. And I obviously, hope that you are all aware of the tenets of the statement of faith that we are historically Orthodox, and the sense of the board in that previous decision was that the position of the Christian church for ages has been in line with SPU's current policies. And in fact, the world church, by and large, we would say is in harmony with the current position of the SPU board. We also believe--and I would say from my perspective, as well, that our decision was anchored, in our sense, of the authority of Scripture. The second tenet--(Audience booing). The second tenet that we talked about is distinctively Wesleyan, that is a part of our historical framework, part of who we are an institution, was founded in the ongoing life of the institution. And there just is not a current understanding in Wesleyan theology or in sister institutions that are Wesleyan, Wesleyan holiness, where this decision would--would be appropriate or would be in any way supported by our theological position for the denomination. (Audience member: Ask our theology

department!) The third tenet is currently Evangelical, and we recognize that the Evangelical church is divided on this issue. We know the campus is deeply divided on the issue. But again, we are- (Audience uproar)--we did not believe it was within the mainstream of evangelicalism and our understanding of what that means to change the policy. And then finally (Audience booing) finally, we are genuinely ecumenical (Audience uproar, Audience member: No you're not!). There are four pillars of our faith statement, there isn't just one. And again, we recognize that there are a wide variety of understandings of what it means to be ecumenical. In the history of this institution, it means that people from a variety of religious backgrounds are welcomed, that our institution is non-sectarian in terms of our history. (Audience murmuring)

April Middeljans 22:07

Matt, it might be helpful if you could provide more explanation of how that- ecumenical piece, how you're understanding that. With this policy in place, how those things are in congruence.

Matt Whitehead 22:28

Well, the four pillars are held together, they're held in tension, one isn't more important than the other. My perspective would be that the understanding of the word ecumenical is also something that is clearly up for debate. The way that we would see that is that, as I said earlier, SPU is a welcoming place for a wide variety of denominations, and Catholics, others can be welcomed into the SPU community. (Audience objections)

April Middeljans 22:58

We will get to the "welcome" questions in a minute. Okay. All right. So let's-- a couple more questions about affiliation. "How does--" this is a question from a student-- Um, "how does maintaining our relationship with the Free Methodist denomination benefit the lives of students, faculty and staff? (Audience cheering and clapping) Do these benefits outweigh the benefits of changing the university's stance on human sexuality?" Another question related to that is "Is affiliation with a church body such as the Free Methodist Church required for SPU to continue to preferentially hire followers of Christ?" So, concrete benefits of maintaining this affiliation, and is this affiliation required?

Matt Whitehead 24:03

Yeah, let me let me try to respond and then I can come back and clarify if needed. I think there is rationale about the importance of a denominational connection. Clearly, that was a part of the board's discussion and decision a year ago, February, that the denominational condition was important. But I think as President Menjares mentioned, it was not the only factor. And I know there's been some conversation or narrative on campus that that was the deciding issue. Again, I can't speak to his most recent decision, but it certainly was a factor. But I would say in that discussion a year ago in February, it was not the deciding factor. So let me share what I would describe as a four word pictures about the value of belonging to a denomination. Again, you-you may not agree, I suspect you won't. But-- (Audience murmuring)--right, I'm getting there. So, in terms of the value of belonging to specifically the Free Methodist Church, I believe there's a--there's a whole understanding of the roots of the institution, both historically and theologically, that guide the institution into the future. I think also, there's appropriate---what I would just again, I'm use--I'm mixing metaphors here-- scaffolding, in terms of the context of the university and its future, that the 130 year old relationship with the denomination provides

a means to go forward together as we deal with these very, very difficult challenging questions (Audience member: That's not an answer. Other audience member: Let's hear from your colleagues!). I think also, another word that I would use is posture, that the posture of the relationship provides clarity and going forward together, I would also say, just honestly, we've got a lot of work to do, in terms of helping to define the relationship, helping make it better and stronger. And I think one of the things that comes out of this crisis, particularly, is an opportunity to do that. The last thing--(Audience member: What are the physical benefits?) Last thing that I would say is, I believe the relationship with the denomination because of the 130 year history really lays out a pathway that we can go together in unity. And one of the statements that was referencing LGBTQ+ taskforce report, which by the way, was outstanding in the work that we did-- (Audience jeering)--was a, was a statement that was made: "Can there be a unity deeper than agreement?" And I think that's a question that we're asking as a denomination, it's a question, obviously, that we're asking here as well. (Audience member: We need to hear from someone who voted. Other audience member: Answer the question! Other audience member: What are the benefits? Are there financial benefits?)

Provost Laura Hartley 27:25

I'm gonna move on to the next set of questions. (Audience disruption). These are questions about what influenced the decision itself. So the claim has been made that it wasn't just--you wanna answer?

Dean Kato 27:42

If I may, because several people have asked in terms of affirming or not affirming God's statement. Again, I can't speak for other board members, or how they voted, or how I voted, but I do support what Matt just was saying. (Audience booing. Audience member: So you support his non answer? It was a non answer.)

Provost Laura Hartley 28:04

The question was asked whether affiliation with any church is required for SPU to continue to be preferential in our hiring of Christians?

Deborah Wilds 28:22

You know that--that's going to be a question that's going to be tested going forward. It's going to be a question that's going to be tested going forward. Right now, it does not. There's no--it is linked in terms of us being--SPU being--a church affiliated institution. So there is a link between that and our ability to prefer and be preferential in hiring Christians. So yes, there's a link there. There's an exception, it's called the ministerial exception. And so there's a link because we are a church affiliated institution. Okay, but that--that's the legal--I understand that. But that is the legal grounds on which SPU stands in terms of being able to prefer Christians in-in these hiring practices. So there is a link. (Audience uproar).

Matt Whitehead 29:23

The only thing I would add, is there are certainly Christian colleges that are not affiliated with denominations. (Audience cheering and clapping). So I think the answer to the question is that if SPU would choose to not affiliate with Free Methodist Church, obviously the bylaws would have to be

changed, there would have to be changes in terms of the articles--(Audience cheering. Audience member: Change!)

Provost Laura Hartley 30:04

So the, you've all made the claim that while the affiliation with the church was a factor, it wasn't the only factor. And so a couple of questions here about what didn't factor into your thinking, and this first one was a little bit long. So just bear with me. These are all three questions that are coming from students. So the first is this, "What is exactly the reason for the decision? You stood and listened to a collective of queer students on this campus share their vulnerable experiences with you, and express how these policies have caused physical and emotional harm, and still chose to continue forward with the decision. Why has there been a continuous roundabout of responses, including 'we are all in this together, and we will get through this together'? Who is we? The staff, students, faculty, and larger community has continued to push for liberation. And the board has continued to deflect action with conversation. I realize that I'm speaking--(Audience cheering)--I realize I'm speaking to a board that consists of a large number of people of color and diverse perspectives. So my question is why choose to actively oppress despite knowing and listening to how these policies have oppressed your students? I'm highly disappointed and feel--" (Audience cheering and clapping). So that's one question. The second question is this: "Did the vote of no confidence signed by over 70% of faculty last spring, effect the board's decision making in any way when it came-when it came to this conclusion? In other words, did the extreme dissatisfaction of SPU's faculty factor into the decision making process at all?" And then finally, I know this is a lot. But finally, "Would the outcome have been different if the Free Methodist Church hadn't put out the statement right before the vote?"

Deborah Wilds 32:14

It's very difficult for some of us, because this wasn't a unanimous vote. It wasn't a unanimous vote. So there were different perspectives represented on the board. And I believe in my heart of hearts that board members all voted their conscience in terms of what they believe would be best for SPU. And yes, we did listen to the students. And I was the one who said, let's go out and talk to the students and hear from them. (Audience member: Thank you.) And the vote of no confidence, the turmoil that has taken place because of the vote, has deeply affected all of us. And to some extent, it probably affected the votes of some of us more so than the votes of others. We are individuals, we are not a monolith as a board. So there were differing opinions that got expressed. But we voted, and the vote carried was to affirm the policy. So since we are a board, we speak with one voice, and that's just, we speak with one voice, even though-even though we may have disagreement. And so in that sense, maybe there's something deeper than agreement. And I just--I pray and hope that it is our faith in first God, and then our faith in one another that will carry us through. I know that may sound hollow, but-- (Audience disruption)--it may sound hollow. But honestly, that's why I'm sitting here today. Because I care about this community. I care about all of you. And I truly believe that our other board members do as well. (Audience disruption) There were differences--here were differences. I cannot--I can't--I can only be here for myself, all of us are here for ourselves, to speak to you and to try to explain this as best as we can. It's hard--I can't hear you. (Audience member: No one else wants to say anything to those questions? And I appreciate your voice. You guys have nothing to say to those three questions?)

Dean Kato 34:47

In terms of an individual student's experience, there is work to do here on campus. There's nothing acceptable about the experiences of many. The board vote is not intended to represent hate-- (Audience uproar, incredulous laughing. Audience member: Are you kidding me?!) An individual's experience here at the university requires that we provide an engaging, loving environment there's work to do--(Audience uproar. Audience member: Then do something! Other audience member: You don't care about us!)

April Middeljans 35:34

This next set of questions will maybe move us into more specific territory in response to that. So, these are some questions from faculty and students regarding the board's statement about welcome and support. So the SPU Board of Trustees recently wrote, "SPU remains committed to diversity, equity and inclusion for undergraduate and graduate students, welcoming and supporting each student, including our LGBTQIA+ students." The question is: "What does welcome and support concretely mean to the board? How will the board act on these commitments of diversity, equity, and inclusion on behalf of current LGBTQI+ students this academic year? What commitments of diversity, equity, inclusion does the board make for staff and faculty?" And two more related questions on that, and I'll try to go back and summarize. "Anti-LGBT policies contribute to poor mental health outcomes in students, including increased suicidality in queer students who reported negative school climate. How does the Board of Trustees plan to support students whose mental health is being impacted by the result of your recent decision? And has already been impacted as a result of past homophobic, transphobic, and anti-LGBT+ policies in place at SPU?" And then the third question, "How do you plan to invest in spiritual formation of queer your students without, or at least with extremely few, openly queer professors? How do you suggest-- (Audience cheering and clapping)--queer students find mentorship and guidance in their faith journey?" So mentorship for queer students, mental health, for queer students, and concrete definitions of welcoming and support.

President Pete Menjares 37:41

I will take a stab at that one. The--I know the board as it worked through the various options and talked about all the other challenges that are facing the university at the moment has to look at the entire institution. And the people of the institution are primary. We know that we have responsibility for not just stewarding the mission, but we are having tremendous responsibility to steward the people as well as the resources of the institution. And we are one of the most diverse Christian colleges in North America. And it's not just race and ethnicity. We also understand that we have a large number of sexual minorities. And I've been very honest from the very beginning that I have a lot of learning to do. And for me, one of the benefits of commissioning this LGBTQIA+ work group was part of an educative process. As an academic, as a teacher, as an educator myself, I believe it's really important that when we make decisions that we understand, that we have all the data, we have all the information, that we have all the material we need to make informed decisions. (Audience member: Then what have you learned?) So this was not a flippant decision. And so we look out and we think about some of our challenges just amongst the campus climate. And campus climate becomes a very important topic for us to consider because as a board, the board expects the leadership and the management and the faculty and the staff to help ensure a healthy campus climate for all students. So whether you're Black, Asian, Latinx, white, regardless of your background, we have to ensure that the campus climate is going to be such that all students have the right conditions to thrive. Now the sexual minority LGBTQIA+ issue is one

that we have to pay very close attention to. And one of the things I was impressed with as a result of this last round of engagement on the part of the board was having access to more research and having access to the fact that these students are vulnerable, that these students are at risk. We had a doctoral student conduct a study that we ensured got before the LGBTQIA+ workgroup to inform their process so that those results get to the board as well. And so it's important to say that this is, yes, it's learning. And we're not learning fast enough. (Audience clapping) But secondly, learning--practical, tangible products. Now the taskforce itself, as well as the work group was given a very specific task. They were to look at these issues in light of the hiring policy, in context with the relationship to the Free Methodist Church. Now we have to go one step further. So if we're looking at it from a policy perspective, now we have to start thinking in terms of programs, and we have to start thinking in terms of funding, and what this is going to look like, we have an opportunity right now, we just lost our vice provost for diversity, equity and inclusion. And as I met with Dr. Sandy Mayo, I was one of those individuals that helped shape that office seven years ago. But now we have an opportunity to not only redefine what diversity, equity and inclusion means for our community, we have an opportunity to expand. And one of the ways that we can do that would be to, we have number one, we have to have the right people around the table. We're gonna have to begin thinking in terms of what practical next steps do we articulate, identify, commit to, so we can ensure that whatever programming, whatever efforts we're going to commit to get done. I know that it's going to require not just an administration to do this, it's going to require people from across the campus. (Audience uproar) University, which wants to come alongside and help with regard to understanding the spiritual formation of our students in this regard as well. So it's both nine dimensional and it's complex. We're committed to move forward with your--(audience uproar. Audience member: Answer the question!)

Provost Laura Hartley 42:37

So we're going to shift a little bit now and talk about kind of some of the impacts and kind of moving forward and how we move forward as an institution. So there are a set of questions relating to board vision and direction for the future. So two questions both from staff. The first is how does this decision connect with your vision for the next season of SPU's history, say in 10 to 25 years? Could you plot for us the course that you would like to see the institution take and how this decision supports that future? So this is the first question. And the second question, as the board moves forward with approving new trustees and also searches for the next President, will personal alignment with the Free Methodist view of human sexuality be a litmus test for candidates for both the board and the presidency? If not, how will the board ensure that this does not to take place?

Dean Kato 43:42

In terms of the board's vision, one of the commitments we made at the end of our last board meeting is to convene a committee people from members of the board as well as others speech words to work on in this future tense on a vision statement. It has been something that's been a question for some time, but gentlemanly and it is something that we commit to in terms of making a priority, both for the board and for the institution. (Audience interruption) As to whether for presidential search, this position will be a litmus test, there are going to be criteria for presidential search. I think I can safely say this, in and of itself will not be a litmus to say, you must or you must not adhere to this perspective. It will be part of the consideration. It'll be part of what will be established as a job description search criteria for the new president.

Deborah Wilds 45:01

So, you also--you don't know this but-- Dean is the Incoming Chair of the Board. And I'm the vice chair, one of the responsibilities that the Vice Chair is to lead the work around board recruitment. And honestly one of the reasons I accepted that role was so that we can have the diversity of opinion on the board. And that is my hope. That is my hope. And that is what I will work for (Audience clapping) I am one board member, but I will work towards having a diversity of opinion on the board. We are-we will seek diverse candidates with different backgrounds, different opinions, in terms of our nomination process and election process. (audience yelling) You know, I cannot- I have been hearing loss, and when you yell, I cannot hear what you're saying, honestly. So it's not helpful at all. We are here to try and talk and, again, explain ourselves. Honestly, I've been in your position. I respect you standing for exactly what you believe in. I respect that deeply. But it's hard for us to share with you our thinking and our attainments when you're yelling back at us.

April Middeljans 46:29

So George Parker just came in welcome, George. And I just wanted to--before we move on to the next question--just so some clarity in terms of the decision on the policy, was that made in the midst of discussion of the vision for SPU? Or did you ___ [incomprehensible]

Deborah Wilds 46:47

No, we still have that work to do. So, the big-- in terms of a long term vision? I think, Dean said, one of the--our goal was to launch the workgroups. And then both, again, the financial sustainability workgroup, the L+ workgroup, and our shared governance workgroup. The next step is to create a strategic plan for the next three to five years and I know our provost and our president are beginning to work with that, with our department chairs, but we still have that vision work to do. And it will be a group that's made up of board, faculty, administration, and hopefully students, but we have to put that together.

April Middeljans 47:41

And so mention of that the financial sustainability workgroup leads to our next set of questions that are coming from staff and faculty. So three questions, similar themes here. It's clear from surveys of the SPU community, as well as reactions to past decisions, that deciding to maintain the current hiring policies will most likely have a larger impact on SPU's finances, in terms of lower enrollment, faculty staff attrition, etc, than any other decision would have. How does this balance against the board's fiduciary duties to the university, and what plans strategies or financial support do they propose considering SPU's already expensive financial difficulties? Second one, the board has a fiduciary duty to SPU to not place the institution under unnecessary risks. I'm certain you were warned of the potential financial risks associated with this decision. As a result of your decision and the likely financial fallout, people in this room will likely lose their jobs. What do you want to say to them? And then thirdly, the board has been informed that the following programs have already been significantly harmed by the maintenance of the policy and will continue to be so: art, music, music therapy, MFA-creative writing, health sciences, the School of Psychology, family and community, especially clinical psychology, nursing, which lost all of its graduate faculty (audience cheering), and education, (audience interjection: and theatre!) And theatre. Sorry, then there's others that are not on this list. This list includes programs

that are integral to SPU's liberal arts curriculum, programs that have high national reputations, programs that are unique in the state of Washington, programs that attract large numbers of students. Why did the board decide keeping the policy was worth the risk of severely damaging or outright losing these programs? (Audience cheering) So, to summarize: this risk to programs, people potentially losing their jobs, and what do we say about that? And how did this question of fiduciary responsibility weigh in the decision on the health?

President Pete Menjares 50:21

I'll take a first stab at it. But that's a lot of questions. Dr. Middeljans, thank you for summarizing at the end. This is what we would call a perfect storm, where not only are there community and cultural challenges that we're facing, but the current higher ed landscape is such that enrollments are very- enrollments are very unpredictable. And just this morning in the one of the publication's, it's citing again, last year, 4.1% decrease in enrollments nationwide. And so, this university has been on an eight year slide in enrollment, which has resulted in a significant budget deficit. And whether this cultural issue was at stake or not, or the mission affiliation with the church question was at stake or not, we would have to be working through the hard work of getting a balanced budget, and ensuring that we're not just cutting programs, but that we're investing in programs that are going to carry us into the future. There are two sides to that, that balance sheet, revenue and expenses. And we have to start thinking in terms of how we will generate revenue, if in fact, we are not able to grow our enrollment. And so we've been very fortunate to have very wise skilled individuals, not just managing our budget, but also managing our foundation, and our endowment. And so we have been fortunate to reap the benefit of that practically. But we're going to have to begin to think even more creatively. And as Dr. Wilds mentioned just a moment ago, we commissioned four Blue Ribbon groups to begin helping us think through the details of all that that means. So we have received pages and pages of recommendations. On the academic side of things, our Dean's, our department chairs, our Vice Provost and our provost have been working really, really hard to look at cost, expense, revenue, all of the program issues that we're having to look at. And so we will be moving into a new phase of evaluating our academic programs, called program prioritization and reallocation process. And that's going to help us look at the viability and the potential of growth in our academic programs. So just administratively, just practically we have to look at those things. Because that's the only way we will have to be able to not only achieve a balanced budget, but ensure the financial future of the university. The other piece of that, of course, has to do with- we really do our best as trustees, as part of the fiduciary responsibility to weigh risks and benefits. And when the L...GBTQIA plus workgroups submitted their options for the board to consider, it did include tables of risks and benefits. And that's what a board has to weigh. And so when you take it all into consideration, this is a very complex, difficult time, not just for Seattle Pacific University, but for all higher education. Unless you're one of the elite schools and the moment. We are literally having to lean in and figure this out. Absolutely, very quickly, because we don't have a lot of time to waste.

April Middeljans 53:52

Pete, just to follow up. The question was: Was that--you say that's something we *have* to look at, but was that something that was looked at as part of the discussion about policies.

President Pete Menjares 54:04

Yes. You have all the details.

Audience member 54:08

respectfully President Menjares...

President Pete Menjares 54:09

We are looking at a lot of those details now so...

Audience member 54:12

respectful, respectfully, President Menjares. LGBTQ (Audience cheering) Respectfully, President Menjares.

Provost Laura Hartley 54:20

We have just a couple of minutes left and we have a couple more questions. We're not-I'm sorry...

Audience member 54:25

It's not a question. It's not a question.

Provost Laura Hartley 54:27

You will have time after. (audience: let her speak!) Folks, I want to get to a few more questions that were submitted.

Audience member 54:39

It's a single sentence Provost Hartley. Respectfully Dr. Menjares. LGBTQIA issues are not a cultural issue. They are a human rights issues. (Intense Audience cheering and feet pounding on ground)

President Pete Menjares 55:04

Thank you. And I do believe that.

Provost Laura Hartley 55:11

Alright, we have two more sets of questions that I hope we have time to get to one. This next question is a long one but a single question. It directly follows from the fiduciary responsibility question. And it's about mitigating negative impacts over the course—and it's from a faculty member. Over the course of many years, the board approved an admission strategy was switched on to recruit a more diverse student body, more first gen students, more of whom are not Free Methodist nor white. They also approved a rebranding strategy emphasizing both faith and the Seattle advantage without realizing or caring about the tension this creates given the board's narrow Free Methodist understanding of Christian faith about sexual morality, which it demands in its employee lifestyle policy. Since the board continues to double down on its FMC lifestyle policy, what more will the board do to help SPU manage what is increasingly an unsustainable situation? Will it recruit more donors? More FMC students? Will it defend SPU from the increasingly critical voices within conservative evangelicalism, which hurt our PR in our recruitment efforts among our traditional base, will it resource its faculty who have to carry daily the emotional and spiritual burden of constantly caring for our students in the face of what they perceive as hostile and hateful policies reaffirmed by the board? Will it do anything positive to help us out? Or will it just continue to make our work harder pouring fuel on our burning institution? (Audience clapping)

What are the concrete things that the board is willing to do to help with the financial sustainability of the institution?

Dean Kato 57:08

The question asked is a yes or no question. I'm going to say yes.

April Middeljans 57:13

What are some of the concrete ways that the board will help not just financially, but mitigating this, this burden that's caused by the policy in terms of what students are carrying faculty are carrying, staff are carrying?

Dean Kato 57:30

As Dr. Menjares mentioned, this is part of a very large complex issue. And part of one thing that I want to respond to--there was part of the question that was stated regarding narrow theology or narrow teaching that we're requiring. And I want respectfully take issue with that. People have commented in here as to your theology department. And I don't see that there is narrow theology being taught nor that we're requiring that. (Audience: that's the point!) So in terms of tangible items that we are going to engage in, we are--we are going to individually as trustees, engage networks that we're in, we're going to be addressing to the extent that we can, those exactly the list of challenges that you mentioned, financial and otherwise, that are--they are going to be challenges. And again, they're part of the larger picture. It's not amorphous in terms of this one issue is going to either solve or create all of our problems. And so. (Audience: concrete! concrete. Examples?) Well, there's part of it that I don't know.

April Middeljans 58:53

All right. I want to squeeze one last question in here about shared governance and trust. This decision swiftly and completely--this is from staff. This decision swiftly and completely disregarded the recommendations of the LGBTQ plus workgroup. (Audience cheering) And thus betrayed any remaining trust or hope for shared governance. (Audience clapping). How do you propose to repair this or perhaps better, do plan to move away from shared governance language since the Free Methodist Church clearly has more say campus policies than anyone else on campus? (Audience cheering)

President Pete Menjares 59:50

I am not going to speak for the church but I need to number one, say I'm sorry...to the workgroup. Because we went into this work with a commitment to one another, with a commitment to serving our students. We committed to confidentiality. We committed to integrity. We committed to good faith. We stacked hands. And so we said we'd go forward together. And I have to say publicly that the workgroup did all that it was asked to do, if not more. (Intense Audience cheering) I cannot apologize for the church, but I can apologize. I did my best to manage up through the delivery of the report to the board. So I kept my promise to ensure that that got to the trustees. The trustees did, in spite of the Board of Administration action, read and work through and discuss the report. I cannot control things that are out of my control. But I can certainly take responsibility for moving forward. And one of the things that I have continued to commit to is a vision for shared governance, that not just includes board and administration, but that includes faculty voice, staff voice and student voice. And so that's a commitment that I am making publicly. Right after this town hall, we have a meeting with the shared

governance work group that we convened last month. And frankly, this is on the table to discuss, because shared governance, the ideal the vision for it has been severely tested. And now it's being questioned, whether it's even possible for that to become a reality of our community. And that is just truth. So I do believe that part of our vision has to include a commitment to building community that allows end users an opportunity to speak into decision making and to have an influence and to have a seat at the table. We've got to figure out what that will be and what it will look like and we have an opportunity to do so.

Matt Whitehead 1:02:31

Do have time to comment? Or I would just say and again I know you're not going to agree with this that I don't believe that denomination has had an undue influence (Audience jeering) There's 130 year history of a relationship (Audience: we don't care) the action of the denominational board was to clarify a question that was raised on this campus so it wasn't with any other motive than to be clear on what we have said. (Audience jeering).

Provost Laura Hartley 1:03:25

Okay, we have come to the end of our time. so any other comments that any of you want to make? I just don't want to cut anybody off.

Provost Laura Hartley 1:03:38

Thank you all for being here today. Thank you for being here.

Appendix XIII

Resolution to Endorse the “Third Way” Recommendation of LGBTQIA+ Work Group



June 4, 2022

From: Seattle Pacific University Faculty Council

To: Seattle Pacific University Board of Trustees, Faculty, Administrators, Staff, Students, Emeriti, and Alumni

On June 3, 2022, the Seattle Pacific University Faculty Senate passed the following resolution in response to the SPU Board of Trustees' [decision](#) on May 20th to maintain a sexual conduct policy that prohibits the employment of individuals in same-sex marriages.

The Board's decision came after more than a year of controversy over this policy. The conflict was sparked in January 2021 by a lawsuit brought against SPU by an employee alleging discrimination. Surveys in late January 2021 demonstrated that 75% of faculty and 68% of staff desired SPU to eliminate the policy. In April 2021, the Board announced that they had voted to maintain the policy, and SPU Faculty responded that month with a "Statement of No Confidence in the SPU Board of Trustees." In the fall of 2021, the Board hired consultants to assess the institutional conflict and work on communication between the Board and the SPU community; as a result, several shared governance work groups were formed, including a work group focused on the conflict over LGBTQIA+ questions. This work group analyzed several options the university could take and presented their analysis and recommendation to the Board on April 22, 2022. Before the Board met to discuss these options, two members of the Board brought a resolution to the Free Methodist Church USA Board of Administration, which then declared that any Free Methodist educational institution "that alters their hiring policy to permit the hiring of individuals living a lifestyle inconsistent with the FMC *Book of Discipline's* teachings on sexual purity" cannot stay affiliated in any way with the FMC. The Board then met in May and decided once again to maintain the policy.

Of the 225 members of Faculty Senate, 197 members voted electronically on the resolution below. Of those who voted, 80% voted *Yes*, 15% voted *No*, and 4% abstained. Faculty voted on the resolution with the understanding that members of the SPU community have permission to share this document outside of SPU.

SPU Faculty Senate Resolution
to Endorse the “Third Way” Recommendation of the SPU LGBTQIA+ Work Group

June 3, 2022

WHEREAS the Seattle Pacific University LGBTQIA+ Work Group—comprised of faculty, staff, administration, and board members holding a diverse spectrum of views, knowledge, and experiences regarding human sexuality—*modeled shared governance ideals* by working together in good faith for months to come to a mutually acceptable recommended direction for the Board of Trustees to address the current LGBTQIA+ controversies on campus, and

WHEREAS this recommended direction, called the “Third Way,” establishes that as an institution of Christian higher learning, SPU has a mission and purpose distinct from that of a Christian church; i.e., while churches may commit to a side or “stand” in theological debates for the sake of providing moral clarity to their congregants, a Christian university must train its students in a process of critical inquiry, continually questioning and probing our way towards truth, remaining committed to Christian faith while avoiding the sectarianism that has divided the Christian community, and

WHEREAS the Third Way concludes that to maintain a posture of educational invitation that supports the University’s mission “to engage the culture,” “to graduate people of competence and character,” and to “model grace-filled community,” SPU must eliminate the conduct policy in its Employee Lifestyle Expectations that prohibits employment of individuals in same-sex marriages and thus prevents students from benefiting from the widest range of wisdom, experience, and mentorship that could be offered by Christian faculty, and

WHEREAS in revising this conduct policy, the Third Way remains consistent with the SPU community’s understanding of the four pillars of its Statement of Faith, which call us to be

- orthodox, requiring not excessive legalism but an adherence to Scripture and doctrinal essentials that keeps Jesus and his command to love at the gravitational center of all we do, always balancing commitment *to* Christ with a spiritual freedom of conscience *in* Christ;
- evangelical, requiring not a subscription to a specific ideological perspective but a joyful proclamation to the world of the good news of Christ’s saving grace and love for all humanity;
- Wesleyan, requiring not a narrow piety but an expansive social holiness that blends acts of piety with acts of charity, embracing rather than excluding, demonstrating God’s free grace that is *in* all and *for* all;

- ecumenical, requiring not a mere tolerance of theological diversity but an active engagement of different beliefs and practices that enriches each person's faith and brings us visibly and tangibly closer together in Christ and his Church, and

WHEREAS the Third Way maintains the principle of monogamous marriage as supportive of human flourishing, in line with universal Christian teaching, and

WHEREAS in advocating revision of the conduct policy, the Third Way nevertheless articulated both the desire and a means of remaining in affiliation with its founding denomination the Free Methodist Church USA, although the FMC Board of Administration rejected these good faith overtures before the Board of Trustees could consider and debate the work group's recommended direction, and

WHEREAS surveys of SPU's faculty, staff, and students from 2021 and 2022 have demonstrated supermajority support for eliminating the conduct policy, not only for missional and financial reasons, but because the policy's existence, regardless of all loving intent, could be said to insult the humanity of individuals in the community who identify as LGBTQIA+, and

WHEREAS the recommendation to revise the conduct policy not only remains in alignment with SPU's mission and ethos but also recognizes that our geographical and legal context makes it difficult to maintain the conduct policy without damaging relations with Seattle partners and constricting many key programs in the university, and

WHEREAS the SPU Board of Trustees, against the recommended direction of the LGBTQIA+ Work Group, decided to retain SPU's current Employee Lifestyle Expectation regarding sexual conduct, arguing that it was in line with the SPU's mission and Statement of Faith and would allow SPU to remain in communion with the Free Methodist Church, and

WHEREAS serious questions about the Board's duty of care have arisen in light of Board member statements in a town hall on May 26, 2022, which

- provided vague answers as to how maintaining the conduct policy was in line with SPU's mission,
- admitted the Board voted to maintain the conduct policy despite having no articulated strategic vision for the university, and
- could not articulate what financial and generative support the Free Methodist Church would provide to SPU as a result of requiring us to maintain the policy under threat of disaffiliation,

NOW, THEREFORE, BE IT RESOLVED THAT THE SPU FACULTY SENATE

1. Affirms that Christian churches and Christian educational institutions have different constituencies, responsibilities, and missions, and that SPU must therefore have autonomy to establish policies that help the institution flourish by supporting its people, protecting its educational assets, and advancing its institutional goals;
2. Affirms the assertion in the LGBTQIA+ Work Group report that a key feature of SPU's missional identity has always been "to form a community around core convictions while making space for difference and divergence," as expressed within the University's capacious and invitational Statement of Faith;
3. Endorses the SPU LGBTQIA+ Work Group's "Third Way" recommendations to
 - Position SPU as a *grace-filled learning community* that recognizes, respects and invites inquiry into the diversity of Christian opinion on same-sex relations and gender identity, and
 - Revise the employee conduct policy to allow for same-sex sexual activity within the context of marriage, thus making individuals in same-sex marriages eligible for employment;
4. Repudiates the Board's decision to maintain the conduct policy against the consensus of the LGBTQIA+ Work Group and the majority opinion of the SPU community;
5. Urges the Free Methodist Church USA to engage in direct conversation with SPU faculty and administration in order to find a mutually sustainable path forward for both institutions; and
6. Authorizes Faculty Council to establish an Alternative Affiliation Task Force to explore the feasibility of affiliation with Christian denominations other than the Free Methodist Church.

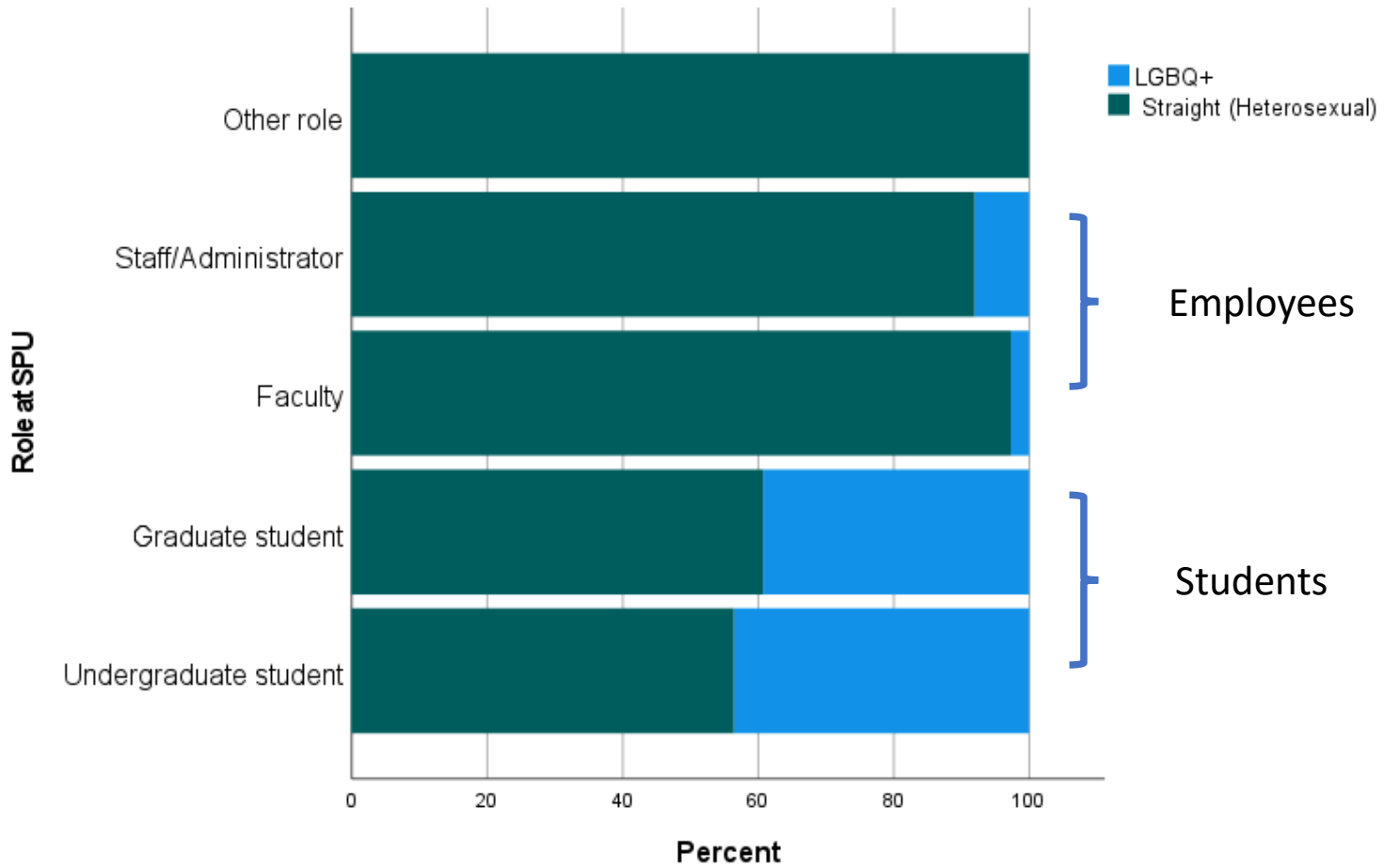
Appendix XIV

Climate Survey responses conducted through HEDS

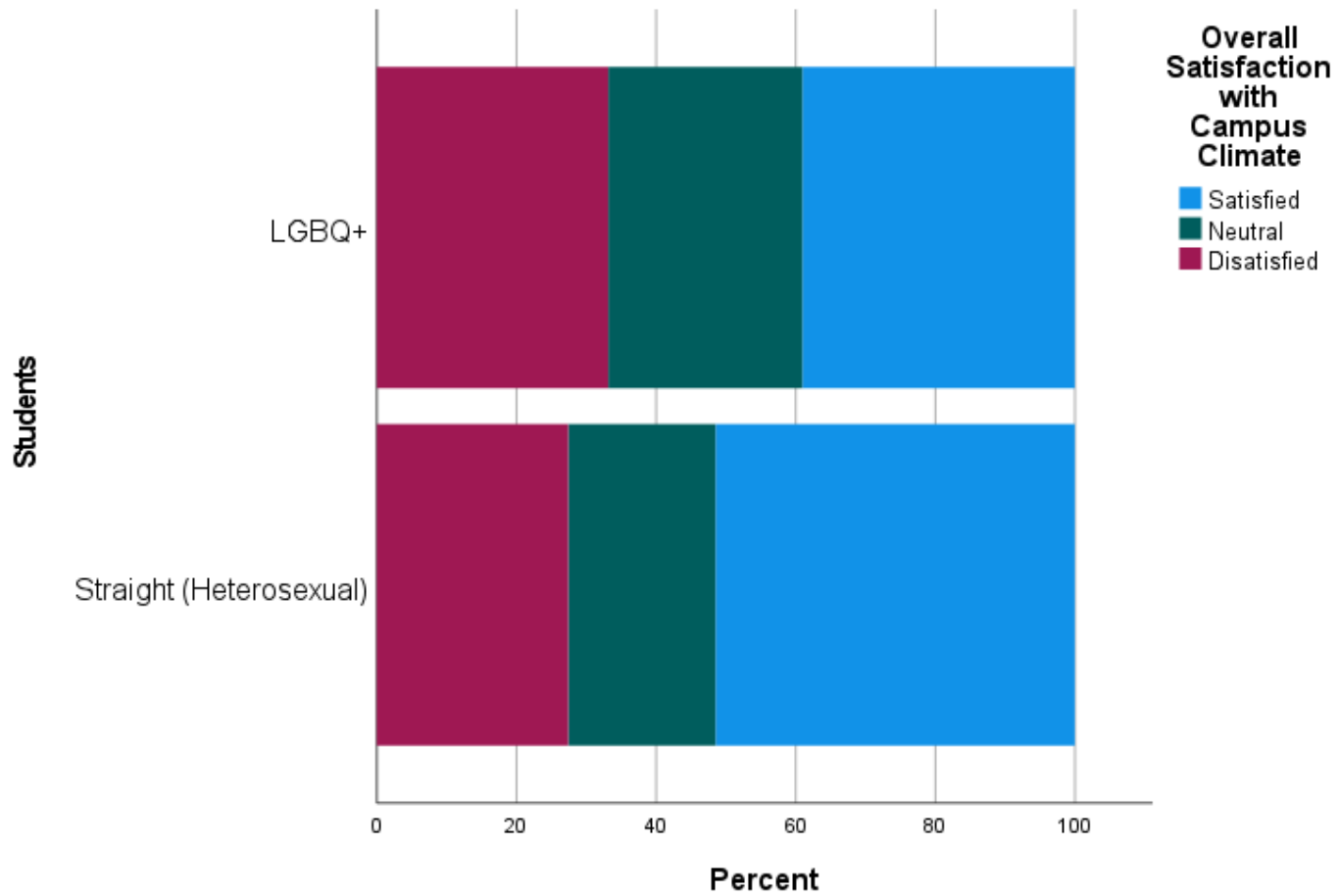
Campus Climate Survey Results by Respondent Sexual Orientation

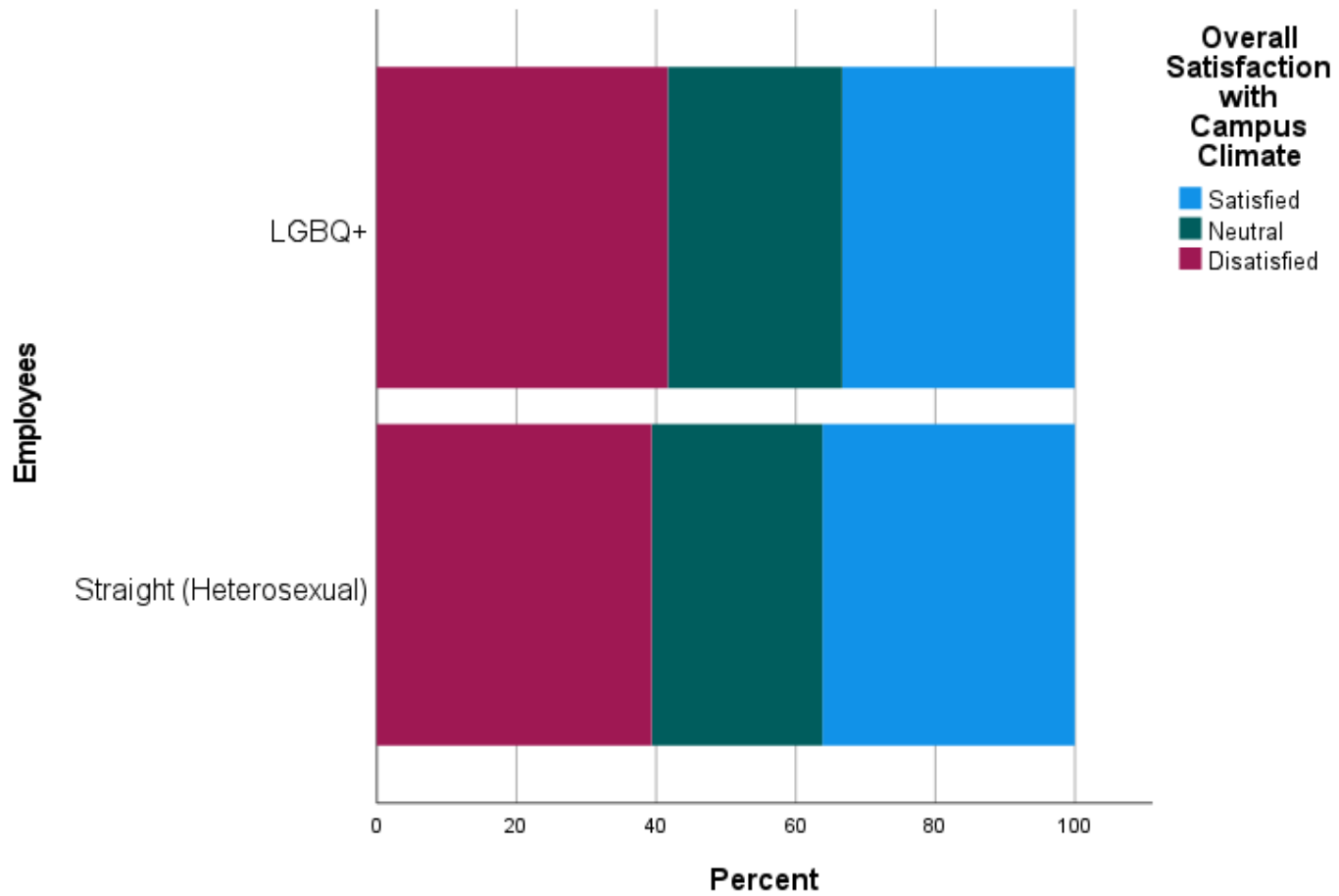
**Role at SPU * RECODE - Which term best describes your sexual orientation?
Crosstabulation**

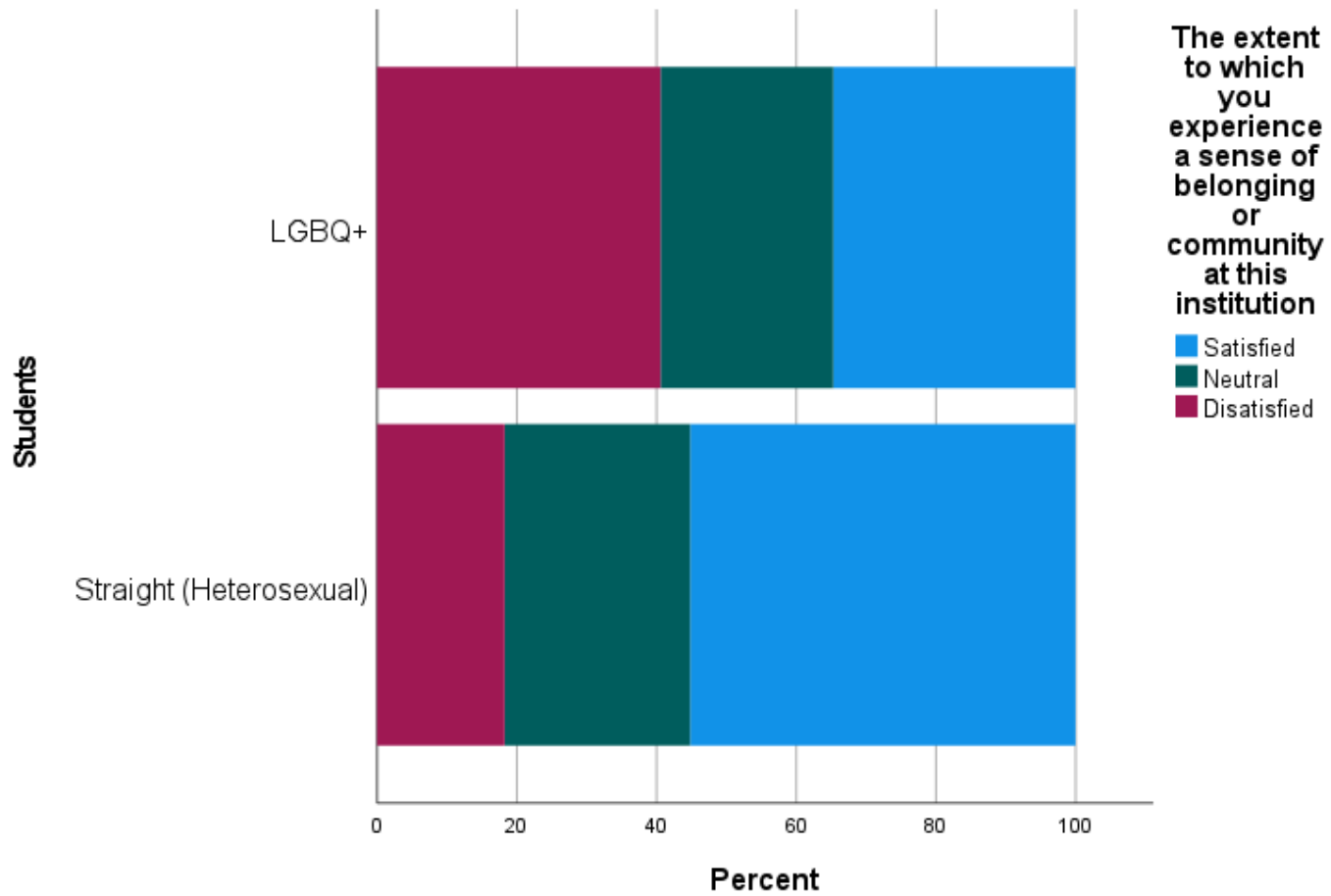
Role at SPU			LGBQ+	Straight (Heterosexual)	Total
Undergraduate student	Count		126	163	289
			43.6%	56.4%	100.0%
Graduate student	Count		44	68	112
			39.3%	60.7%	100.0%
Faculty	Count		4	142	146
			2.7%	97.3%	100.0%
Staff/Administrator	Count		20	228	248
			8.1%	91.9%	100.0%
Other role	Count		0	10	10
			0.0%	100.0%	100.0%
Total	Count		194	611	805
			24.1%	75.9%	100.0%

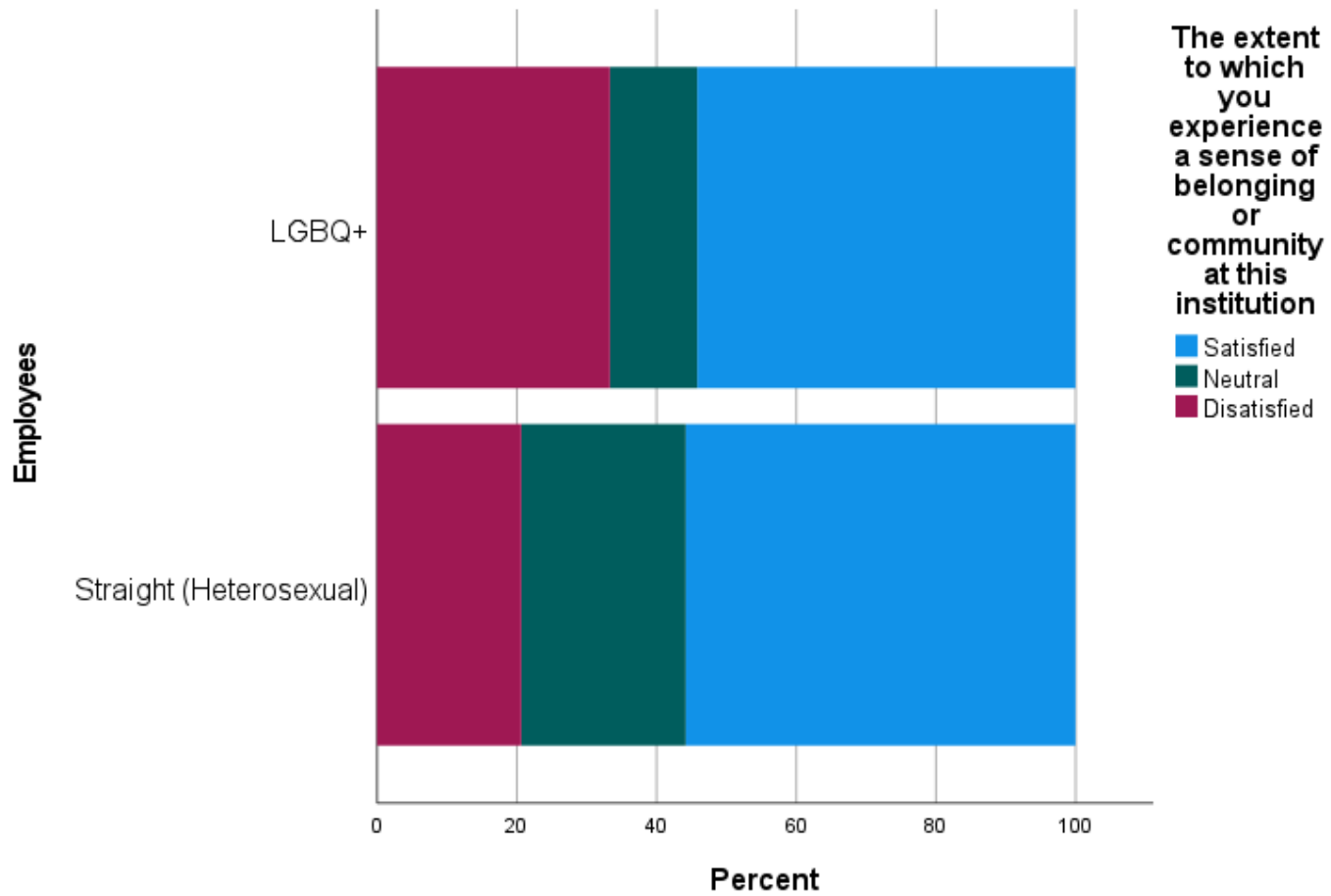


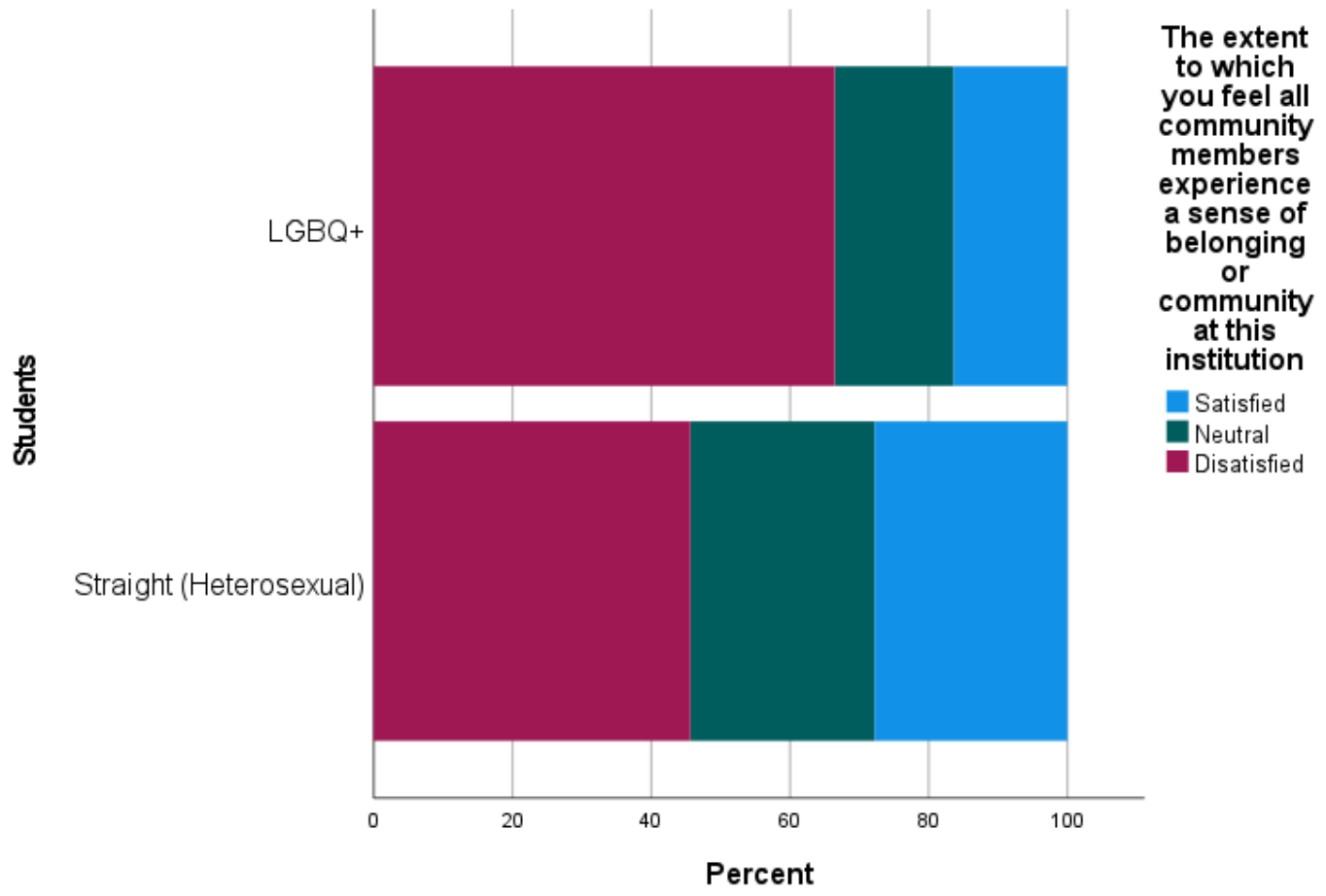
Following charts show aggregated results for students, employees; "Other role" excluded

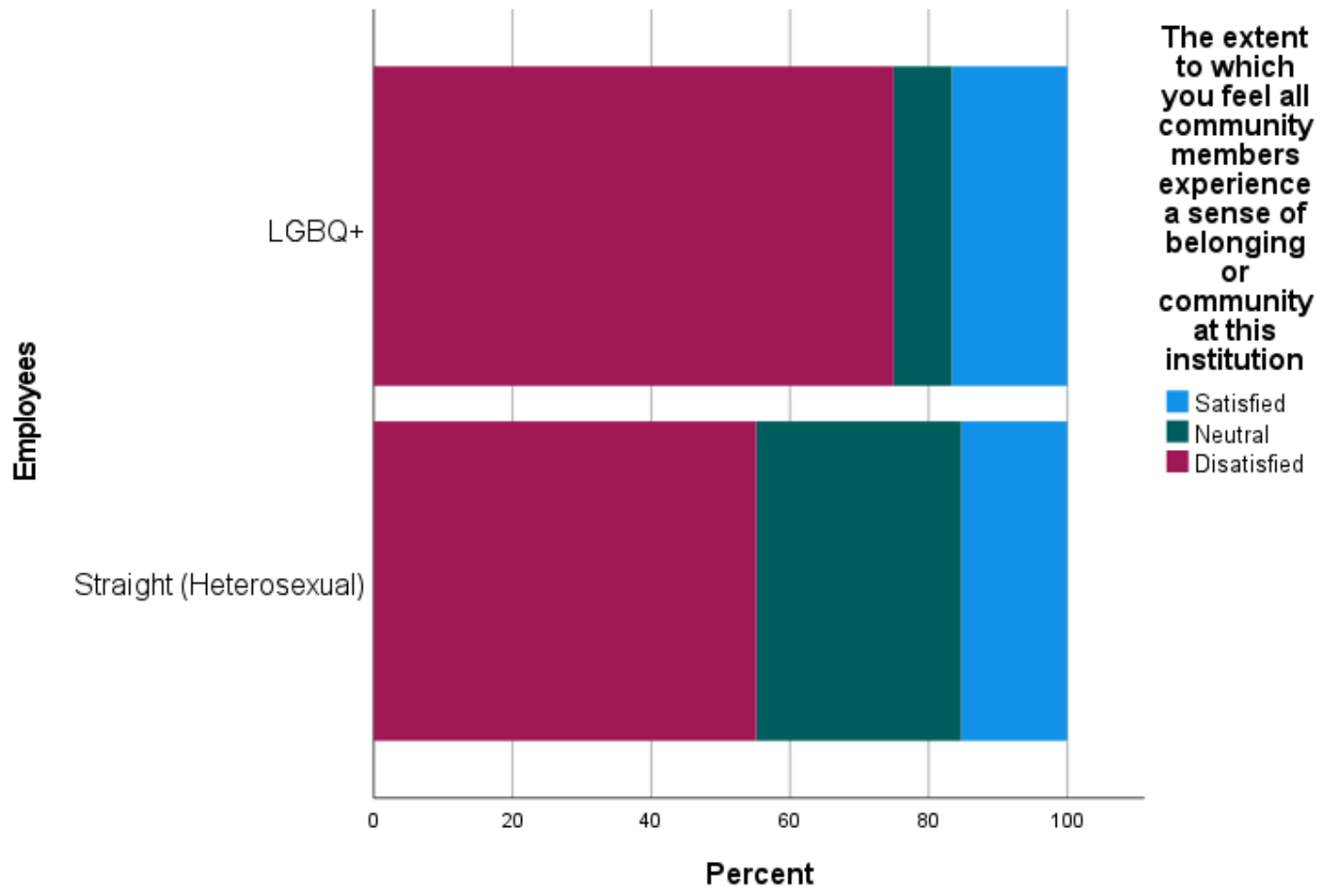






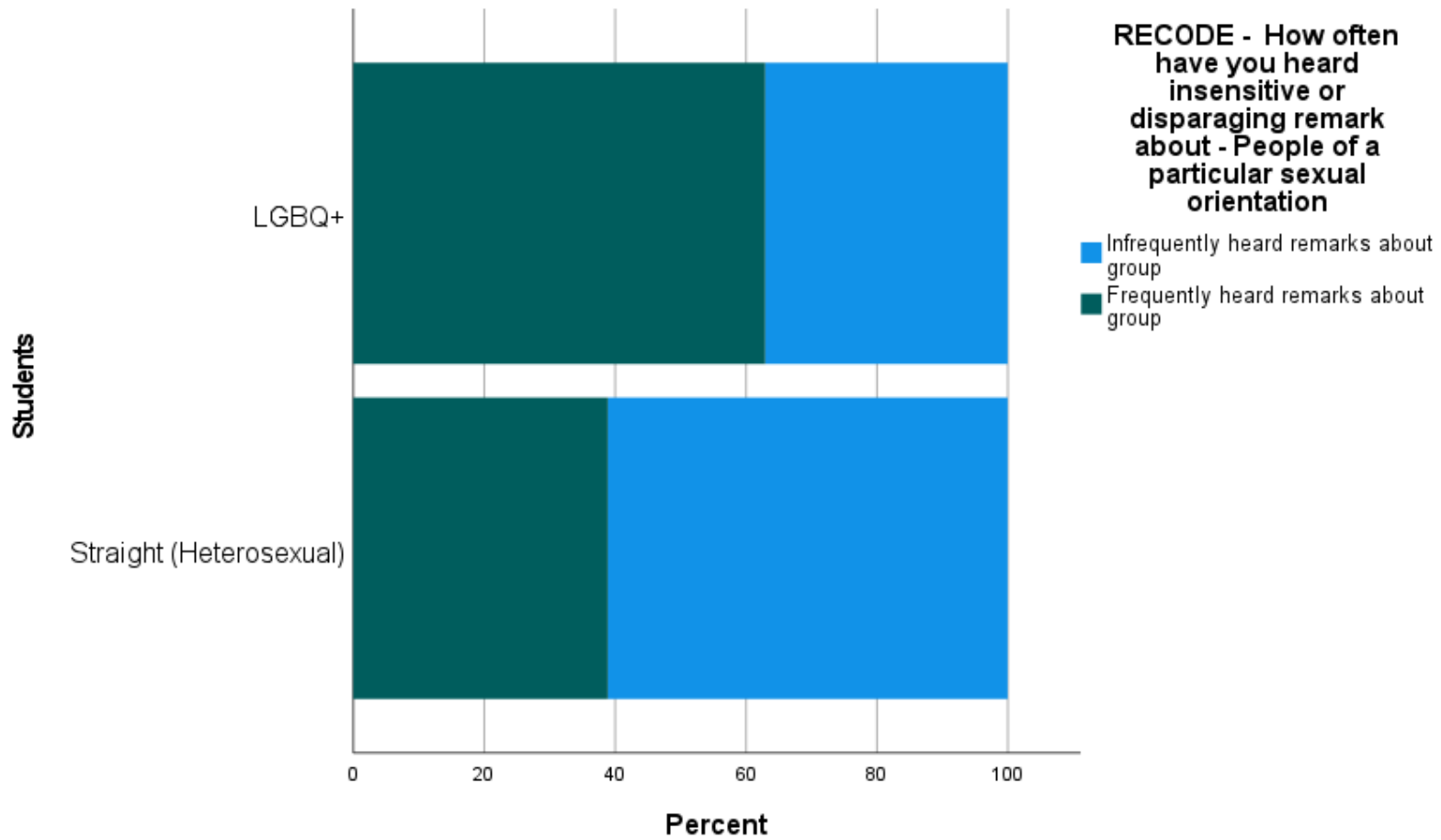


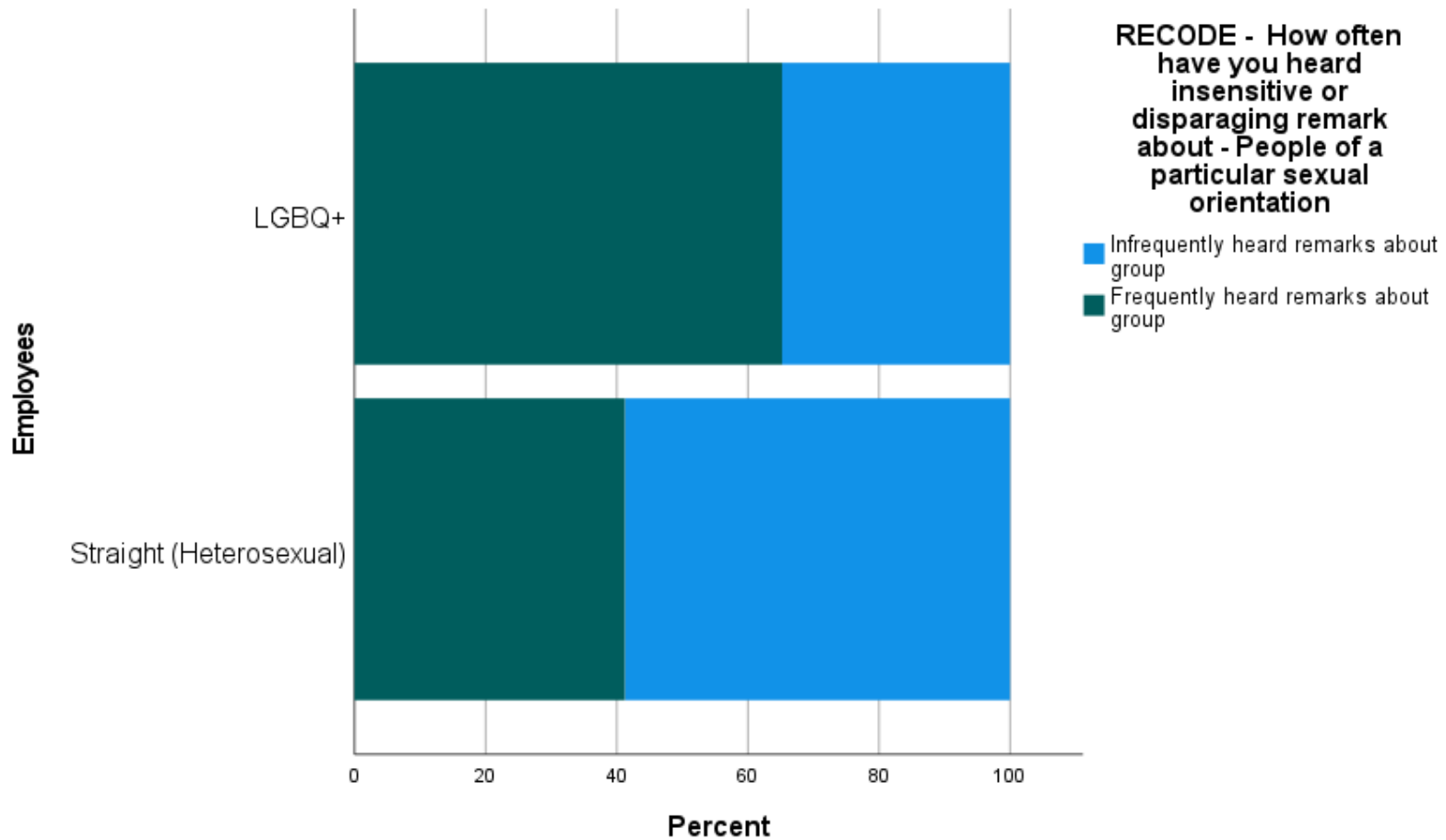


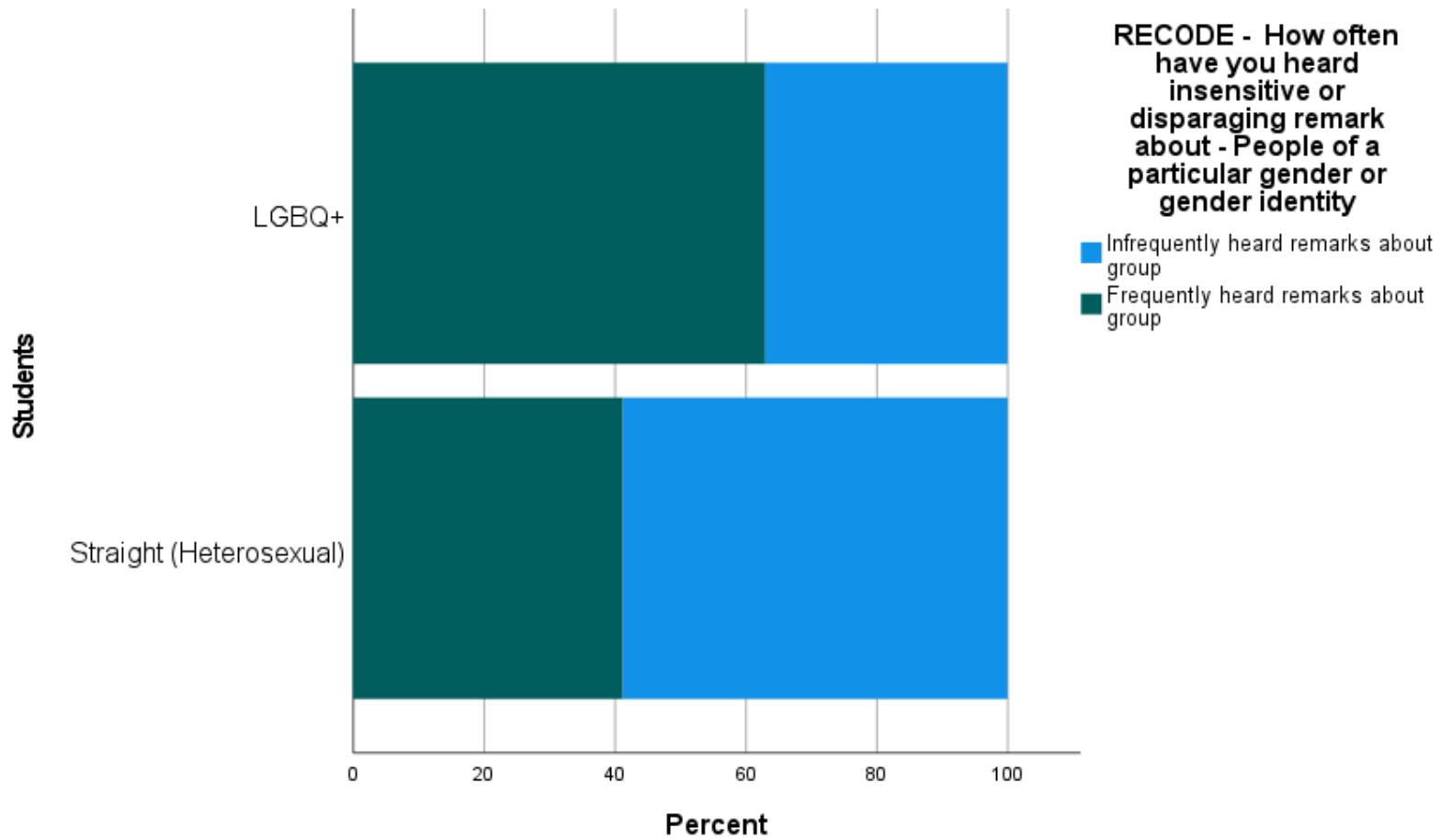


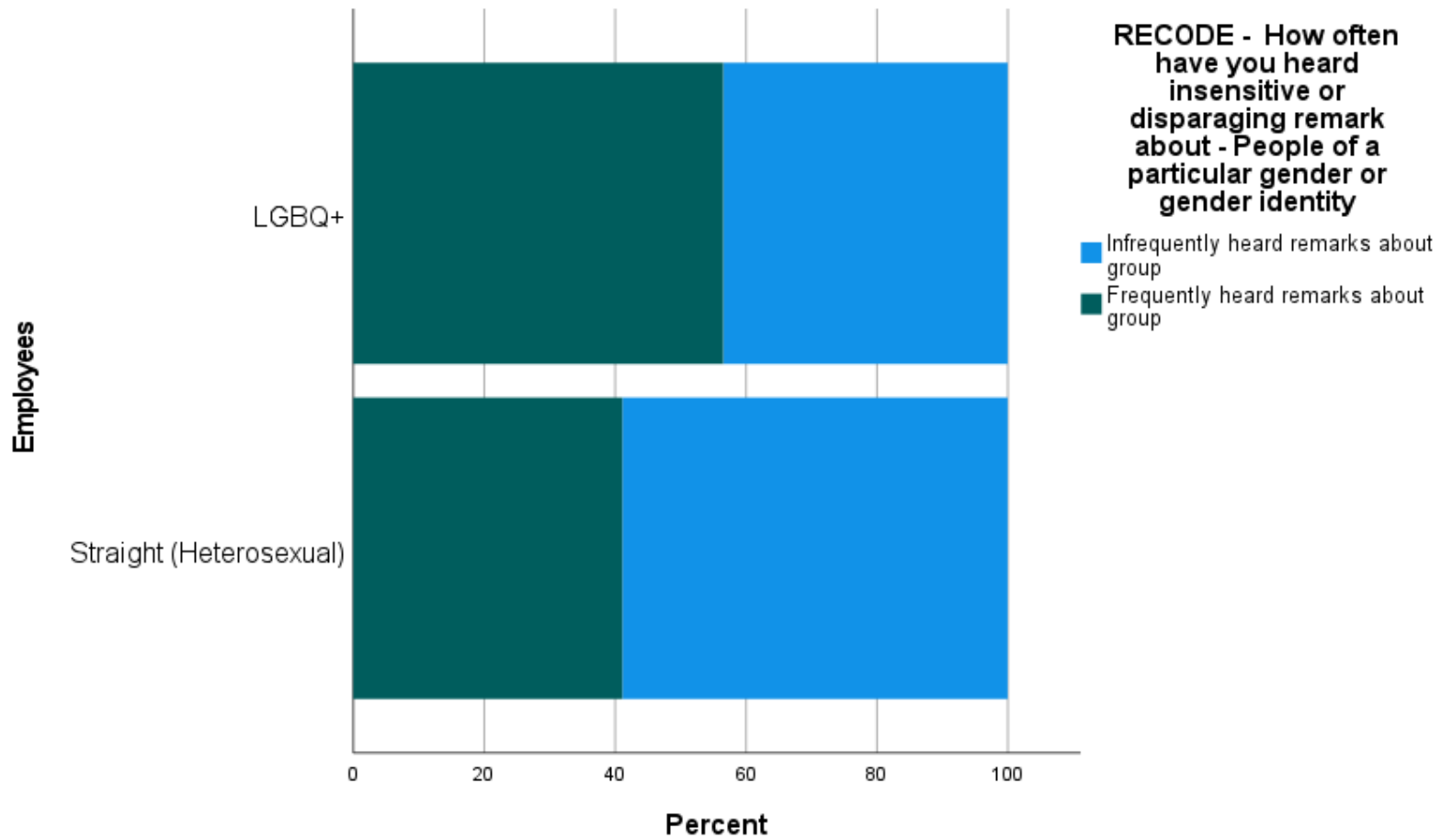
The extent to which you feel all community members experience a sense of belonging or community at this institution

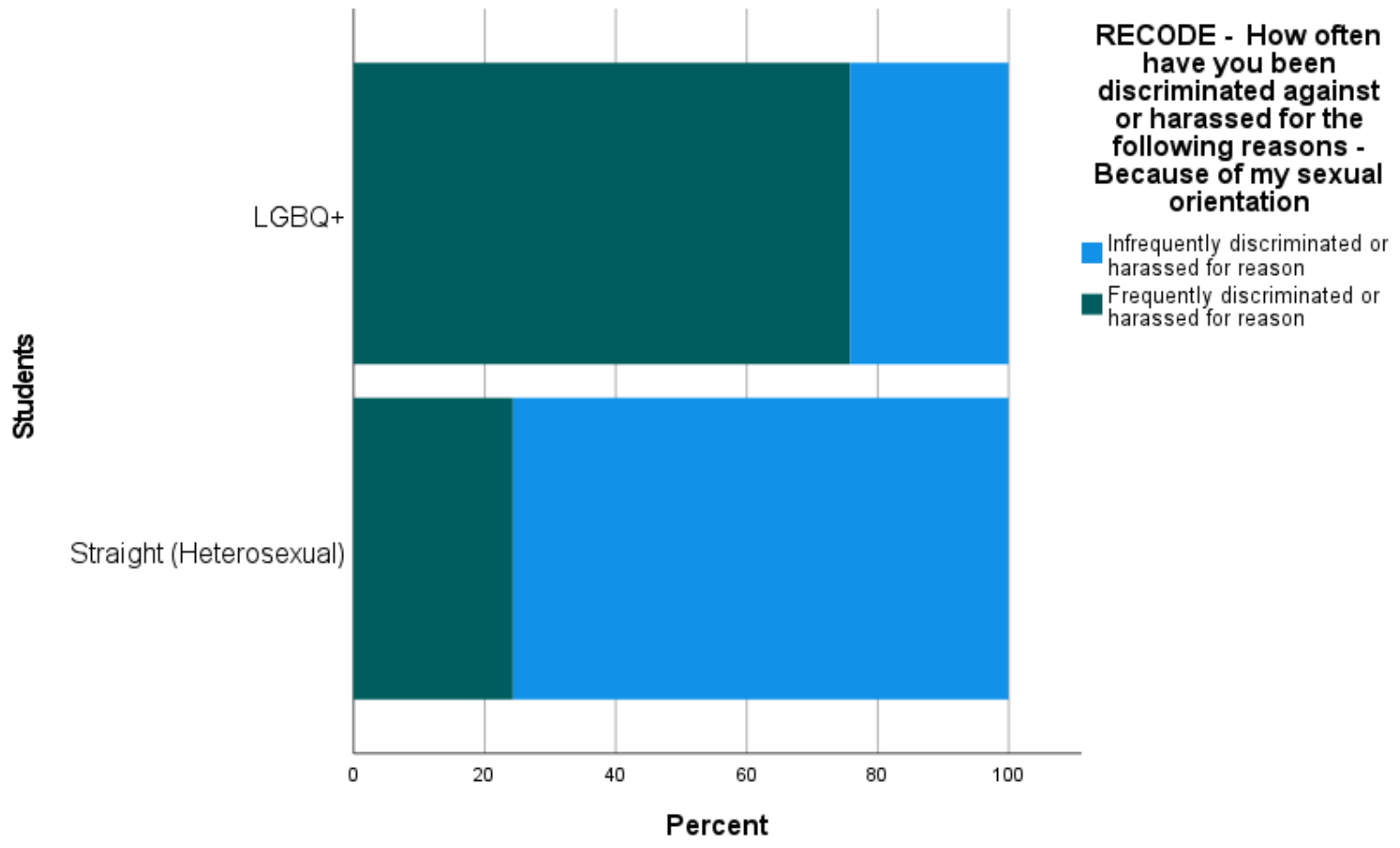
- Satisfied
- Neutral
- Disatisfied

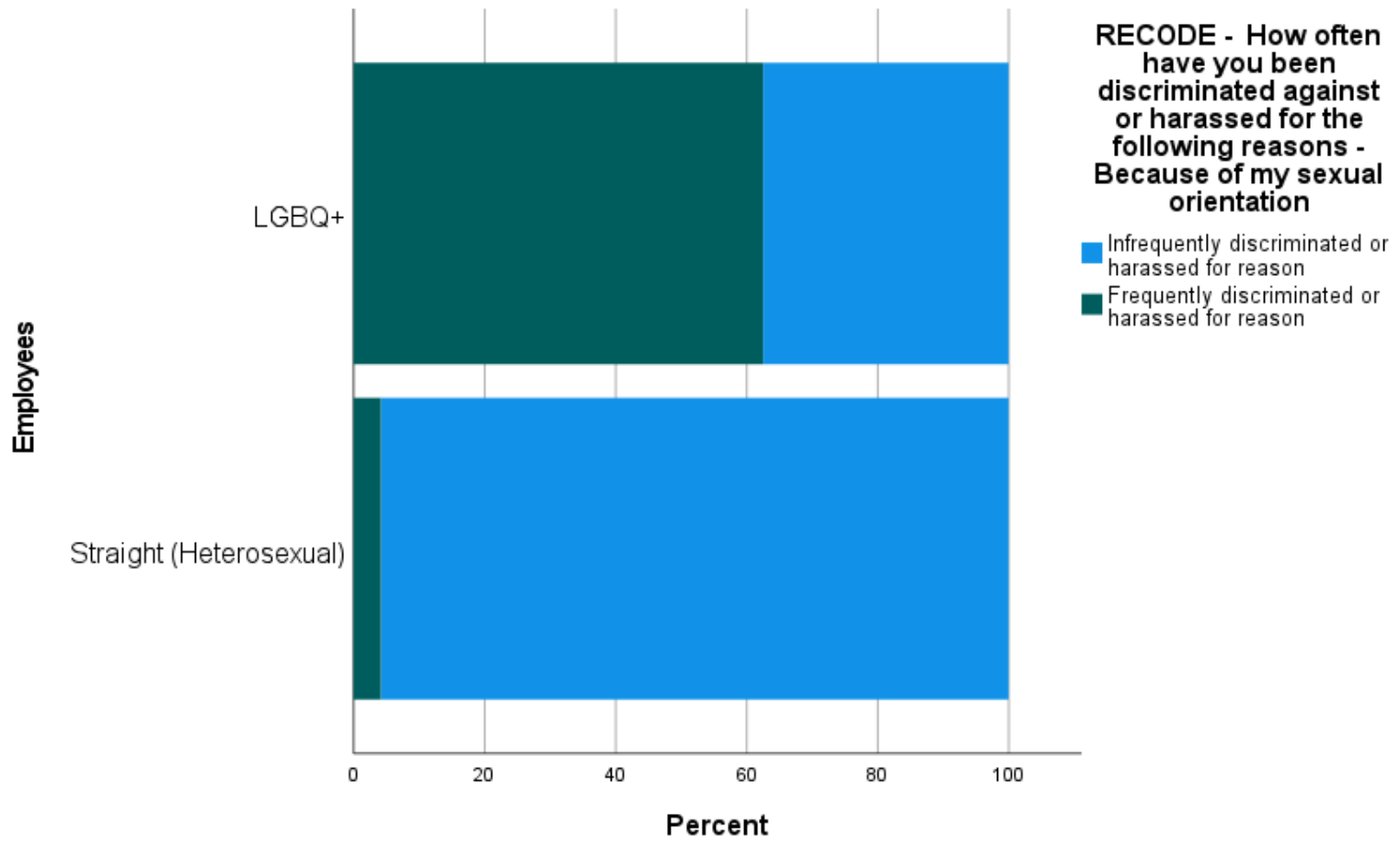


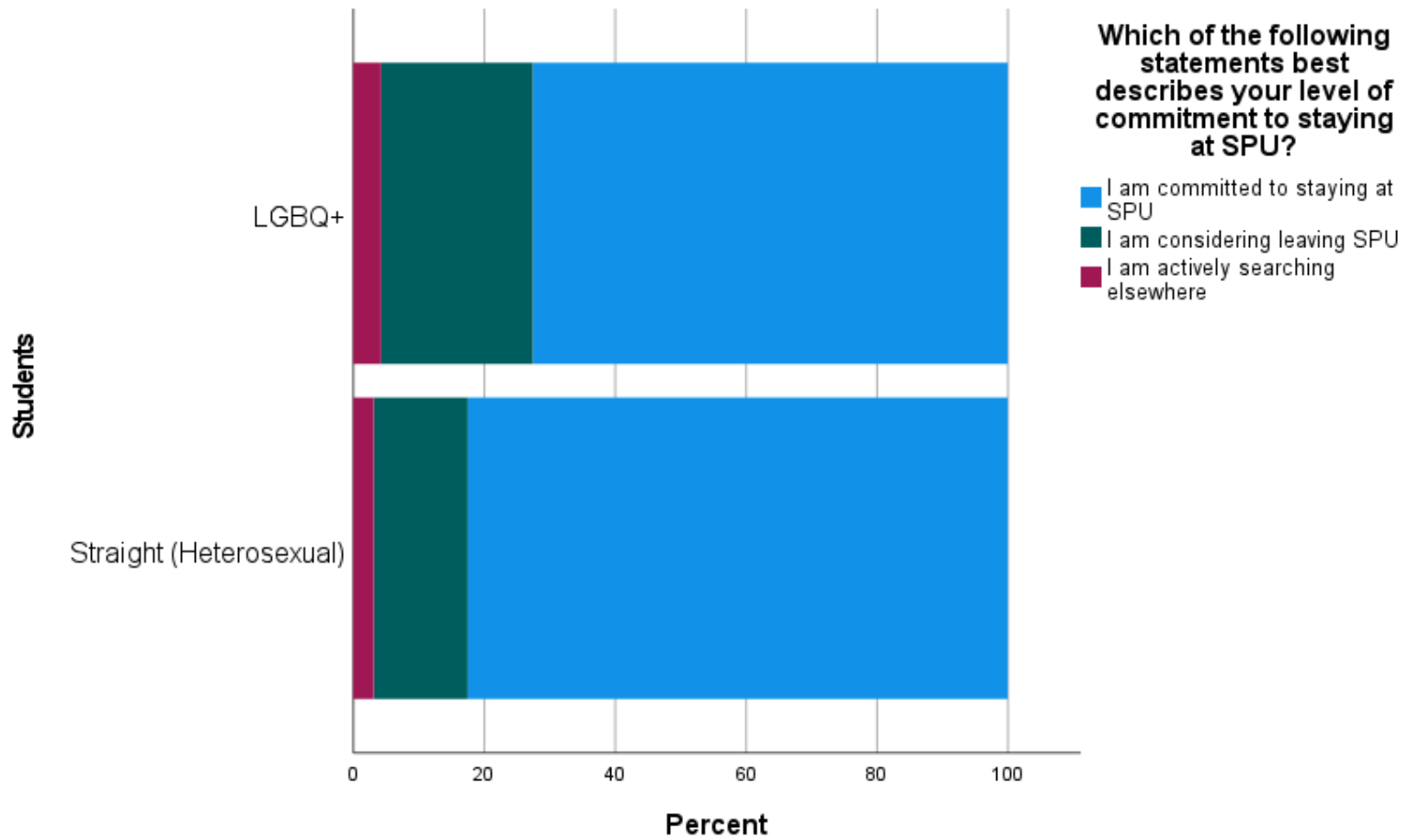


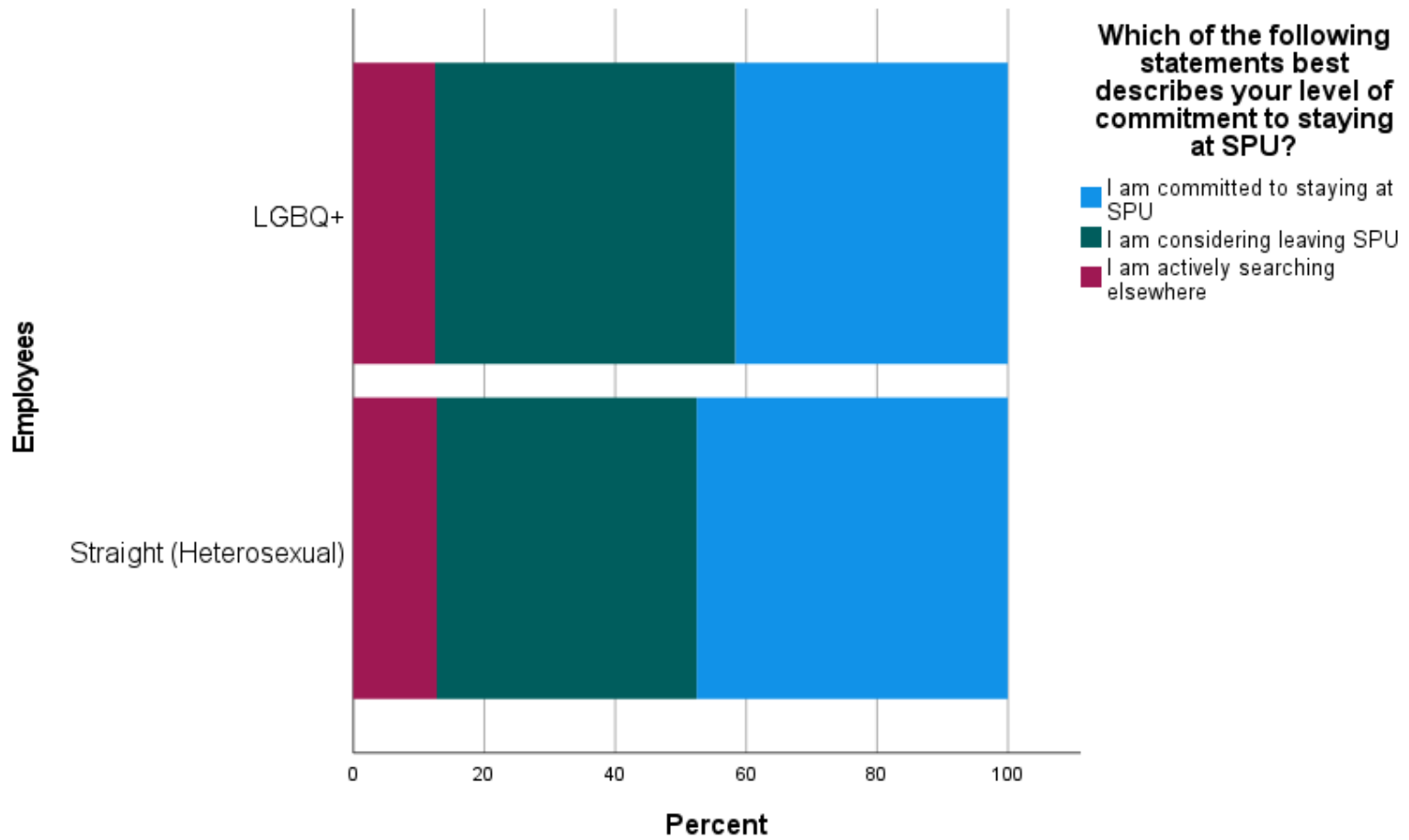












Campus Climate Survey Results by Respondent Gender Identity

Role at SPU * RECODE- combines gender and transgender questions Crosstabulation

			RECODE- combines gender and transgender questions			
			Man (cisgender)	Woman (cisgender)	Non-binary and/or transgender	Total
Role at SPU	Undergraduate student	Count	74	189	24	287
			25.8%	65.9%	8.4%	100.0%
	Graduate student	Count	28	76	4	108
			25.9%	70.4%	3.7%	100.0%
	Faculty	Count	66	77	1	144
			45.8%	53.5%	0.7%	100.0%
	Staff/Administrator	Count	81	174	2	257
			31.5%	67.7%	0.8%	100.0%
	Other role	Count	7	3	0	10
			70.0%	30.0%	0.0%	100.0%
Total		Count	256	519	31	806
			31.8%	64.4%	3.8%	100.0%

