

To: The Honorable Tim Walz, Governor of Minnesota  
The Honorable Melissa Hortman, Speaker of the Minnesota House of Representatives  
The Honorable Erin Murphy, Majority Leader, Minnesota Senate  
The Honorable Jamie Long, Majority Leader, Minnesota House of Representatives  
Minnesota State Capitol  
75 Rev Dr Martin Luther King Jr Blvd.  
St. Paul, MN 55155

From: Very Rev. James Burns, IVD, Ph.D., President, Saint Mary's University  
Rev. Andrew Denton, Ph.D., President, Crown College  
Rev. Brian Friedrich, Ph.D., President, Concordia University, St. Paul  
Rev. Doug Graham, D.Min., President, North Central University  
Rev. Richard Gurgel, President, Martin Luther College  
Corbin Hoonbeek, Ph.D., President, University of Northwestern – St. Paul  
Gene Pfeifer, Ph.D., President, Bethany Lutheran College

April 8, 2024

Dear Governor Walz, Speaker Hortman, Majority Leader Murphy, and Majority Leader Long:

**We write to convey our strong desire for the Minnesota Human Rights Act (MHRA) statute to include appropriate protections for religious organizations and institutions.**

In 1993, the Minnesota Human Rights Act was updated to include sexual orientation as a protected class, joining categories such as race, color, creed, religion, and sex. As part of that new inclusion, and recognizing different faith views on this topic, the Legislature included a religious exemption specific to sexual orientation.

In 2023, the Legislature added gender identity as a protected category to the MHRA. However, the language of the religious exemption language was not expressly extended to gender identity. We understand that, between May 2023 and January 2024, various members of the faith community made significant efforts to make that religious protection explicit. During a February 29, 2024, House Judiciary and Civil Law committee meeting, Representative Harry Niska inquired of the Department of Human Rights commissioner and the committee chair as to whether this lack of religious protection for gender identity was an unintended oversight, to which the committee chair responded that it was not an oversight. Furthermore, the committee chair indicated she was aware of the missing language. Attempts to expressly extend the religious exemption to gender identity have failed in both the respective House and Senate committees, both on party-line votes. With the "Urgency" designation, Rep. Niska introduced HF3926 on March 25, which was soon thereafter tabled with Leader Long's statement that there is still time for this matter to be addressed.

We agree that this is an urgent matter and ask that the legislative bodies resume this discussion, per Leader Long's statement. **We ask that you support the express extension of the religious exemption to gender identity in the Minnesota Human Rights Act by either correcting the amendments passed to the Minnesota Human Rights Act (see HF1655 / SF1886) that created a definition for gender identity (Minn. Stat. 363A.03, subd. 50) separate from its former location within the definition of sexual orientation (Minn. Stat. 363A, subd. 44) or voting to approve HF3926 and a corresponding Senate bill this legislative session.**

The MHRA's religious accommodations in Minn. Stat. §§ 363A.20, subd. 2 and 363A.26(2) related to sexual orientation should be clarified to include an express exemption for gender identity now that it has a

separate definition. Doing so would uphold the spirit of pluralism at the heart of the MHRA. Fortunately, fixing this matter only requires adding the three words “or gender identity” to Minn. Stat. §363A.26(2) after each use of the phrase “or sexual orientation” as follows:

Similarly, Minn. Stat. § 363A.20, subd. 2 should also be amended to read:

Subd. 2. **Religious or fraternal organization.** The provisions of section 363A.08 shall not apply to a religious or fraternal corporation, association, or society, with respect to qualifications based on religion, or sexual orientation, or gender identity, when religion, or sexual orientation, or gender identity shall be a bona fide occupational qualification for employment.

In short, the MHRA protects pluralism and allows Minnesota institutions that hold diverse values, including its private institutions of higher education, to live well alongside each other and to serve the diverse needs of Minnesota residents. Our faith-based colleges and universities are places of welcome, but also transformation according to principles that we do not create but that are given to us from the origins of our religious beliefs. The autonomy and flexibility to respond to these challenges according to our principles, especially regarding the identification of clergy and teachers to communicate their values of compassion in the light of truth, is guaranteed by the federal and Minnesota constitutions and should be expressly extended in the MHRA. The pluralism of values protected by the statutory framework on this matter prior to 2023 worked well for 30 years and can continue to guide a diverse community of colleges and universities to live out their differences in an equitable and inclusive manner. **We ask that you allow such pluralism to continue.**

Sincerely,

Very Rev. James Burns, IVD, Ph.D., President, Saint Mary’s University  
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