

Massachusetts Supreme Judicial Court Narrows the Application of the Ministerial Exception to Anti-Discrimination Laws

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On March 5, 2021, the Massachusetts Supreme Judicial Court (SJC) ruled in *DeWeese-Boyd v. Gordon College, et. al.* that an associate professor at a private, Christian liberal arts college did not constitute a ministerial employee and could pursue claims against the college under various Massachusetts anti-discrimination laws. The decision has far-reaching implications for religious employers in Massachusetts, as the SJC significantly narrowed the application of the so-called ministerial exception to Massachusetts anti-discrimination laws and clarified that not all educators at religious institutions qualify as ministers under the law.

In *DeWeese-Boyd*, the plaintiff, a tenured Associate Professor at Gordon College (the “College”), alleged that the College discriminated against her on the basis of her association with LGBTQ+ persons, and retaliated against her for speaking out against the College’s policies and practices related to individuals who identified as members of the LGBTQ+ community. She claimed, among other things, that the College denied her application for a promotion to full professor because of her opposition to the College’s views on LGBTQ+ persons and its policies prohibiting sexual activity outside the context of a heterosexual marriage, which she claimed violated the Massachusetts Fair Employment Practices Act (Mass. Gen. Laws c. 151B) and the Massachusetts Civil Rights Act. The College argued that the plaintiff’s discrimination and retaliation claims were barred by the ministerial exception, a legal doctrine that bars the application of state and federal anti-discrimination laws to religious institutions’ employment relationships with their ministers.

The SJC concluded that the plaintiff’s position as an associate professor, while based at a religious institution, did not qualify her as a minister under the law. The crux of the Court’s analysis focused on whether the plaintiff’s job title and job duties in practice related to educating her students in the faith, and required her to take an active religious role. The Court found that the plaintiff was first and foremost a professor of social work. While the mission of the school and its principles required her to integrate the Christian faith into her work, the plaintiff did not spiritually mentor her students, engage in any prayer or worship, and did not specifically teach religious doctrine or the Bible. The Court also noted that the plaintiff did not hold a ministerial title, did not view herself as a minister, and did not receive any religious training. Accordingly, the Court found that the plaintiff did not fall within the ministerial exception, and therefore her discrimination and retaliation claims against the College were not barred.

The Court’s decision provides helpful insight into factors that impact the application of the ministerial exception in Massachusetts. Given the delicate balance between religious freedom and the state’s interest in preventing discrimination, this decision indicates that courts will engage in a thorough analysis to ensure that the exception is applied sparingly, and after careful analysis. However, the decision makes clear that religious institutions cannot make blanket claims for the application of the doctrine for all of its employees, but only those who are in fact “ministers” of their faith in both name and practice. For employees who do not fall within the SJC’s narrow definition of that term, Massachusetts religious employers’ employment actions will be governed by state anti-discrimination laws.

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