

EMPLOYER PROTECTION SERIES

Christian College and University Employer Protection Checklist

A leadership review for protecting religious mission, employment practices, benefits and regulatory readiness

USE THIS CHECKLIST WITH

- The president and executive leadership team
- General counsel or qualified outside counsel
- Human resources and benefits leaders
- The board or an appropriate board committee

How to Use This Checklist

For each question, select the status that best reflects the institution today. Base the answer on current, approved documents and actual practice, not on assumptions or informal understandings.

Status	Meaning	Score
Ready	Current documents and practices have been reviewed and are consistently implemented.	2
Review Needed	Some elements exist, but documentation, consistency, training or legal review is incomplete.	1
Priority Action	The institution cannot verify readiness or has identified a material gap.	0

LEADERSHIP SNAPSHOT

Institution	Review date	Review leader	Next board review

READINESS SCORE

Add the scores for all 12 questions. The score helps set priorities; it does not determine legal compliance or eligibility for any exemption or court protection.

20-24	Strong foundation: maintain annual review and test implementation.
12-19	Targeted work needed: assign owners and close documented gaps.
0-11	Immediate leadership review: prioritize counsel, governance and operational alignment.

THE 12 QUESTIONS

1. Is the institution's religious identity clearly and consistently documented?

2. Do governing documents and board practices protect the institution's mission?

3. Are faculty and staff expectations expressly connected to the religious mission?

4. Do hiring and interview practices preserve lawful mission alignment?

5. Has each potentially ministerial position been evaluated individually?

6. Does the employee handbook align with the institution's beliefs and current practices?
7. Are accommodations, pregnancy-related limitations and protected leave handled through a consistent process?

8. Has the institution verified what its health plan covers and excludes?

9. Have applicable CEA court protections been evaluated and properly implemented?

10. Are Title IX, federal-funding and religious-exemption positions documented and coordinated?

11. Are student employees, graduate assistants and other campus workers properly classified and managed?

12. Is the institution ready for an agency inquiry, employment charge or audit?

QUESTION 1 OF 12

Document the Institution's Religious Identity

WHY THIS MATTERS

Religious identity should be visible in the documents that govern the institution and in the practices that shape its community. Inconsistent or outdated language can weaken decision-making and create avoidable disputes.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ The charter, bylaws, mission statement and Statement of Faith use consistent language.
- ☐ Board-approved religious beliefs address the institution's actual areas of operation and community life.
- ☐ Faculty, staff and student-facing documents accurately describe the institution's religious character.
- ☐ Leadership can identify which body has authority to interpret or amend religious standards.

WARNING SIGNS

- › Religious commitments appear only on the website or in promotional materials.
- › Different documents use conflicting standards or undefined terms.
- › Policies have changed without corresponding board action.

NEXT ACTIONS

- ☐ Create a master inventory of controlling and public-facing documents.
- ☐ Ask counsel to review consistency, authority and applicable religious-organization considerations.
- ☐ Establish an annual board review cycle.

Owner	Due date
Notes	

QUESTION 2 OF 12

Align Governance With the Mission

WHY THIS MATTERS

A board must do more than approve a mission statement. Governance records should show that trustees understand, oversee and consistently apply the institution's religious commitments.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Trustee qualifications and duties reflect the religious mission.
- ☐ Board and committee charters assign responsibility for mission integrity and regulatory risk.
- ☐ Minutes document approval of material belief-based policies and institutional positions.
- ☐ Leadership has an escalation process for decisions involving doctrine, employment, benefits or student life.

WARNING SIGNS

- › Trustees receive no recurring briefing on religious-liberty or employment risks.
- › Management changes mission-sensitive policies without defined board oversight.
- › The institution cannot locate approval records for key policies.

NEXT ACTIONS

- ☐ Schedule a board briefing on mission and employer risk.
- ☐ Confirm which decisions require board, committee or executive approval.
- ☐ Retain governing records and policy histories in a controlled repository.

Owner	Due date
Notes	

QUESTION 3 OF 12

Connect Faculty and Staff Expectations to Mission

WHY THIS MATTERS

Mission expectations are more defensible and more workable when employees receive clear notice, understand how their roles advance the mission and see standards applied consistently.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Job descriptions explain how the position supports the religious mission.
- ☐ Offer letters, contracts, handbooks and annual acknowledgments use consistent expectations.
- ☐ Faculty governance and academic policies align with employment documents.
- ☐ Performance and discipline processes document mission-related expectations and apply them consistently.

WARNING SIGNS

- › Expectations are implied rather than written.
- › Faculty documents conflict with HR policies.
- › Similar conduct receives different treatment across departments.

NEXT ACTIONS

- ☐ Audit a representative sample of faculty and staff files.
- ☐ Update templates before the next hiring cycle.
- ☐ Train supervisors to document expectations and decisions consistently.

Owner	Due date
Notes	

QUESTION 4 OF 12

Review Faith Based Hiring Practices

WHY THIS MATTERS

Religious institutions may have important protections, but the scope and application can depend on the organization, role, law and facts. A defined process helps prevent overstatement and inconsistency.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Applications and interview questions are job-related and approved.
- ☐ Decision-makers understand which religious criteria apply to each role.
- ☐ Interview notes record legitimate criteria without speculation or prohibited inquiries.
- ☐ Rejection and selection records are retained under a consistent schedule.

WARNING SIGNS

- › Interviewers improvise questions about religion, family or health.
- › Hiring criteria differ from the posted job description.
- › No one can explain the basis for a faith-related employment decision.

NEXT ACTIONS

- ☐ Use the CEA Faith-Based Hiring Guide and Interview Documentation Checklist.
- ☐ Train everyone who interviews candidates.
- ☐ Route sensitive decisions for HR and counsel review.

Owner	Due date
Notes	

QUESTION 5 OF 12

Evaluate Potentially Ministerial Roles Individually

WHY THIS MATTERS

The ministerial exception is a constitutional doctrine applied through a fact-specific analysis. Titles alone do not decide whether a position is ministerial.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Each potentially ministerial role has a current job description.
- ☐ The review considers the employee's functions, religious responsibilities, formation and institutional role.
- ☐ The institution does not assume that every faculty member (or only ordained employees) qualifies.
- ☐ Legal review is documented for disputed or high-impact classifications.

WARNING SIGNS

- › All employees share a generic ministerial label.
- › Job descriptions omit actual religious functions.
- › A classification was copied from another institution without review.

NEXT ACTIONS

- ☐ Use the CEA Ministerial Role Classification Review Tool.
- ☐ Prioritize leadership, theology, chapel, spiritual formation and mission-integrated faculty roles.
- ☐ Update classifications when duties materially change.

Owner	Due date
Notes	

QUESTION 6 OF 12

Audit the Employee Handbook and Related Policies

WHY THIS MATTERS

A handbook should reflect both current practice and the institution's religious commitments. Contradictions between policies, contracts and actual decisions create unnecessary risk.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ The handbook is reviewed annually and after material legal or operational changes.
- ☐ Religious identity, conduct, accommodation, leave, complaint and discipline provisions work together.
- ☐ Faculty handbooks, contracts, benefit documents and student-worker policies do not conflict.
- ☐ State-specific requirements are addressed where the institution employs people.

WARNING SIGNS

- › The handbook contains copied corporate language inconsistent with the mission.
- › Policies promise procedures the institution does not follow.
- › Multi-state employees receive only the home-state handbook.

NEXT ACTIONS

- ☐ Complete the CEA Handbook Audit Checklist.
- ☐ Create a document crosswalk identifying conflicts and missing provisions.
- ☐ Obtain qualified counsel review before adoption.

Owner	Due date
Notes	

QUESTION 7 OF 12

Use a Consistent Accommodation and Leave Process

WHY THIS MATTERS

Religious accommodations, pregnancy-related limitations, disability matters and protected leave require prompt, individualized review. Supervisors should not make informal promises or denials.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Employees know how and where to make requests.
- ☐ HR documents the request, interactive process, alternatives and decision.
- ☐ Managers know how to preserve confidentiality and escalate promptly.
- ☐ The institution coordinates overlapping federal, state and local requirements.

WARNING SIGNS

- › Requests are handled differently by department.
- › A manager rejects a request based on inconvenience without documented analysis.
- › Medical or religious information is stored in ordinary personnel files.

NEXT ACTIONS

- ☐ Use the CEA Religious Accommodation Response Guide and applicable PWFA resources.
- ☐ Train managers on intake and escalation scripts.
- ☐ Test the process annually with a tabletop exercise.

Owner	Due date
Notes	

QUESTION 8 OF 12

Verify Health Plan Coverage and Administration

WHY THIS MATTERS

Plan summaries may not reveal every covered service, exclusion, drug or administrative practice. Institutions should understand what the governing plan documents require and how vendors administer them.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Leadership has reviewed the governing plan document, not only marketing summaries.
- ☐ The institution has asked its broker, carrier or TPA about mission-sensitive services, drugs and procedures.
- ☐ Vendor responses and requested plan changes are documented.
- ☐ Employee communications accurately describe coverage and exclusions.

WARNING SIGNS

- › Leadership assumes a faith-aligned label answers every coverage question.
- › The plan document, summary and vendor practices do not match.
- › No review occurs before renewal.

NEXT ACTIONS

- ☐ Conduct a documented plan review before renewal.
- ☐ Identify the plan sponsor, fiduciary decision-makers and responsible vendors.
- ☐ Escalate unresolved coverage or administration questions to qualified benefits counsel.

Owner	Due date
Notes	

QUESTION 9 OF 12

Evaluate and Implement Applicable CEA Court Protections

WHY THIS MATTERS

CEA has secured significant federal court relief for qualifying members, but protection is not automatic. Eligibility, active membership, affirmation of CEA's Statement of Faith and correct implementation matter.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ The institution has confirmed eligibility and maintains active CEA membership.
- ☐ Required faith and membership documents are complete and current.
- ☐ Leadership understands the specific federal mandates addressed by the applicable court orders.
- ☐ Plan vendors and internal decision-makers have received any necessary implementation instructions.

WARNING SIGNS

- › The institution assumes membership protects every employment or benefits dispute.
- › A carrier or TPA has not acknowledged implementation instructions.
- › Membership or Statement of Faith records are incomplete.

NEXT ACTIONS

- ☐ Review CEA's current Legal Wins materials and member implementation documents.
- ☐ Confirm implementation with CEA and appropriate counsel.
- ☐ Recheck protection when plans, vendors, policies or membership status change.

Owner	Due date
Notes	

QUESTION 10 OF 12

Coordinate Title IX, Federal Funding and Religious Exemption Positions

WHY THIS MATTERS

Title IX and other federal-funding obligations can intersect with religious identity, employment, athletics, housing and student life. The institution should not wait for a complaint to determine its position.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ Leadership has identified every material source of federal funding and related assurances.
- ☐ The institution has documented the factual and legal basis for any religious exemption it may invoke.
- ☐ Title IX policies, public statements, student materials and employment practices are coordinated.
- ☐ Responsible leaders understand when to involve counsel and the board.

WARNING SIGNS

- › Different offices give conflicting answers about federal obligations.
- › The institution relies on an old exemption analysis without reviewing current law or facts.
- › Public policies contradict governing religious documents.

NEXT ACTIONS

- ☐ Conduct a coordinated review with higher-education counsel.
- ☐ Create an inventory of federal funding, certifications and responsible offices.
- ☐ Brief trustees on material conflicts, documentation and response protocols.

Owner	Due date
Notes	

QUESTION 11 OF 12

Classify and Manage Student and Campus Workers

WHY THIS MATTERS

Students, graduate assistants, resident staff, interns, coaches and adjuncts may have different roles, but labels do not replace a wage-and-hour or employment analysis.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ The institution has inventoried student and campus worker categories.
- ☐ Employee, volunteer, trainee and scholarship relationships are documented.
- ☐ Timekeeping, pay, overtime and exemption decisions are reviewed under applicable law.
- ☐ Supervisors understand restrictions on off-the-clock work and informal arrangements.

WARNING SIGNS

- › Departments create paid or unpaid roles without HR review.
- › Stipends are treated as a complete classification analysis.
- › Work hours are not recorded where required.

NEXT ACTIONS

- ☐ Review each worker category with HR and counsel.
- ☐ Use the Department of Labor's higher-education guidance as a starting point.
- ☐ Centralize approval for new student, intern and volunteer arrangements.

Owner	Due date
Notes	

QUESTION 12 OF 12

Prepare for Complaints, Investigations and Audits

WHY THIS MATTERS

A prompt, disciplined response can preserve documents, protect privileges and prevent inconsistent statements. Preparation should cover employment charges, wage-and-hour inquiries, benefit issues and tax matters.

Current status: ☐ Ready ☐ Review Needed ☐ Priority Action

WHAT TO VERIFY

- ☐ The institution has a written response team and escalation tree.
- ☐ Reception, security, managers and HR know what to do when an agency contacts the institution.
- ☐ Document holds, records access and employee interview protocols are defined.
- ☐ Leadership has current contact information for counsel, benefits advisors and CEA resources.

WARNING SIGNS

- › Multiple people may respond independently to an investigator.
- › Records are dispersed across departments without retention controls.
- › No tabletop exercise has tested the response plan.

NEXT ACTIONS

- ☐ Use the CEA EEOC and DOL response resources.
- ☐ Run an annual agency-response fire drill.
- ☐ Correct missing records, unclear ownership and communication gaps.

Owner	Due date
Notes	

Thirty Day Leadership Action Plan

Use the results to select no more than five priority actions. Assign one accountable owner and a realistic deadline to each action.

Priority action	Owner	Deadline	Counsel or board review	Complete
				☐
				☐
				☐
				☐
				☐

RECOMMENDED ANNUAL REVIEW CALENDAR

- First quarter: board mission and religious-identity review
- Before benefits renewal: health-plan coverage and CEA implementation review
- Second quarter: hiring, handbook and classification audit
- After any material legal or operational change: targeted counsel review
- Third quarter: accommodation, agency-response and manager training

WHEN TO INVOLVE COUNSEL PROMPTLY

- An agency charge, subpoena, audit request or demand letter arrives.
 - A carrier, TPA or plan document conflicts with a requested religious limitation.
- A proposed decision turns on religious doctrine, a claimed exemption or ministerial status.
 - Federal funding, Title IX, accreditation or state law creates a potential mission conflict.
- An employee requests an accommodation involving a conflict with institutional beliefs.
 - Leadership is considering termination, discipline or denial of a request in a sensitive matter.

IMPORTANT NOTICE

This checklist is an educational resource and does not provide legal advice or create an attorney-client relationship. Laws, regulations, court orders and agency interpretations can change, and their application depends on the institution's facts, location, funding, documents, workforce and practices. Institutions should consult qualified legal counsel regarding their particular circumstances. CEA membership and court protections are subject to eligibility, active membership, affirmation of CEA's Statement of Faith, the scope of the applicable court orders and proper implementation.

FEDERAL REFERENCE POINTS

U.S. Equal Employment Opportunity Commission: Section 12: Religious Discrimination

<https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination>

U.S. Department of Labor: Fact Sheet 17S: Higher Education Institutions and Overtime Pay Under the FLSA

<https://www.dol.gov/agencies/whd/fact-sheets/17s-overtime-educational-institutions>

Internal Revenue Service: Exempt Organizations Employment Tax Resources

<https://www.irs.gov/charities-non-profits/exempt-organizations-employment-tax-resources>

