



Federal Judge: Christian College Must Allow Biological Males to Share Dorms, Showers With Females

A federal judge has denied a request from the College of the Ozarks to be exempted from a Biden administration directive that allows biological men who “identify” as female to live in women’s dormitories and share private spaces such as shower facilities with them.

Federal Judge Roseann Ketchmark ruled against the Christian school on May 19, saying that the court could not offer a remedy to the school because there was no specific injury. In other words, wait till young women showering with mentally confused men get harassed, and then we’ll talk. Ketchmark denied the school’s request for an injunction and temporary restraining order as its lawsuit against the Biden administration proceeds.



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Since colleges get government money through student loans, grants and contracts, they are subject to fair-housing laws that ensure LGBTQ people are “protected from discrimination” in federally funded housing, even if it means, apparently, discriminating against people who identify with their biological sex.

The college filed a lawsuit against the Biden administration in April after the Department of Housing and Urban Development (HUD) issued [a directive](#) stating that it “will administer and enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity,” that would require colleges and universities to open dorm rooms and other sex-specific spaces to individuals of the opposite sex.

The directive came after President Biden issued his [“Executive Order](#) on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.”

The school had argued that the government cannot force a private religious school to place males in female dormitories and called the directive a violation of the school’s religious beliefs.

“For decades, the College has prohibited male students from living in female dormitories, and vice versa, regardless of whether those students identify with their biological sex. The College likewise separates intimate spaces such as showers and bathrooms in its dormitories,” the school’s [lawsuit](#) reads.

The lawsuit claims the “agencies participating in the Fair Housing Act Assistance Program must either administer a law that explicitly prohibits discrimination because of gender identity and sexual orientation or must apply its fair housing law in a manner consistent with *Bostock*,” referring to a 2020



Written by [Veronika Kyrylenko](#) on May 22, 2021

Supreme Court decision.

The Biden administration's discrimination guidance came down after the Supreme Court [ruled](#) last year in *Bostock v. Clayton County* that the Civil Rights Act of 1964 meant an employee could not be terminated on the basis of sexual orientation or gender identity, because that is a form of sex discrimination.

As [reported](#) by *OzarkFirst*, at the public hearing, the college's lawyers with Alliance Defending Freedom (ADF) also argued biological sex should be the only definition of sex. Ryan Bangert, with the senior counsel of ADF, said Biden's act could cause harm.

"Policy pushed forward by President Biden, forces the College of the Ozarks to open its dormitories, to members of the opposite sex," said Bangert. "The Fair Housing Act has long prohibited discrimination on several grounds, including sex. But by redefining sex, the Biden administration is twisting the fair housing act to harm young women directly."

"There is no doubt that this [HUD directive] is creating serious consequences," said Julie Blake, another ADF attorney.

In the hearing, Blake argued the directive was a "rule change" that was enforceable and the college wanted to address it prior to any complaint. "The college need not wait for an actual prosecution or enforcement action before challenging a law's constitutionality."

Lawyers for the Justice Department [defended](#) the Biden administration's policy.

James Luh, an attorney with the Justice Department, said the college should have to show there was a greater degree of harm from the anti-discrimination policy, saying the school doesn't show sufficient injury to get into court. He added the college hasn't cited a real complaint.

Failing to abide by the Biden administration directive puts the College of the Ozarks at risk of being hit with up to six-figure fines, [according](#) to the college's Chief Communications Officer Valerie Coleman.

School administrators said they expect to appeal Ketchmark's decision.

"While we are disappointed in today's ruling, we expect to appeal so that schools are not forced to open girls' dorms to males and violate their religious beliefs," Coleman [said](#) and promised to continue to fight.

Colleges have recently become a battleground in the aggressive push for LGBTQ privileges. Earlier in April, the National Collegiate Athletic Association (NCAA), the nonprofit that governs college sports, [threatened](#) to pull championship games from schools in states that pass anti-LGBTQ laws. And in late March, LGBTQ students filed a federal [class action](#) suit against the U.S. Department of Education claiming that they had suffered discrimination at 25 Christian colleges. The plaintiffs claim that the colleges are violating their right to be free of discrimination while the schools maintain that they are entitled to a religious exemption from the federal civil-rights law known as Title IX.

This entire situation serves to illustrate the problem with private schools, such as Christian colleges, taking federal money. If they do so, they are subject to federal regulations. As the old saying goes, "He who pays the piper, calls the tune."



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