Legal Update Article

Applying Groff, Indiana District Court Rules in Favor of Employer in Religious Accommodation Claim

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Applying the U.S. Supreme Court's decision in *Groff v. DeJoy,* which clarified the standard for undue hardship in religious accommodation cases under Title VII of the Civil Rights Act, a federal district court in Indiana rejected a former employee's religious discrimination claims against Brownsburg Community School Corp. (BCSC) and granted summary judgment in favor of BCSC. *Kluge v. Brownsburg Community Sch. Corp.,* No. 1:19-cv-02462 (S.D. Ind. Apr. 30, 2024).

The court found that an accommodation that actually resulted in substantial harm to students, and an unreasonable risk of liability to the employer, was an undue burden to the employer as a matter of law.

Background

BCSC is a public school. It maintained a policy that required all high school teachers to call all students by their preferred names and pronouns registered in the school's official student database. John Kluge, a devout Christian and orchestra teacher at the time, objected on religious grounds to using the first names of transgender students to the extent he deemed those names not consistent with the student's sex recorded at birth. He requested an accommodation that would not conflict with his religious beliefs.

BCSC initially granted Kluge's request for an accommodation to refer to all students, not only transgender students, by their last name ("Last Names Only Accommodation"). However, the school later revoked the accommodation after determining the Last Names Only Accommodation not only negatively affected the well-being of transgender students, but also affected the learning environment for other students and faculty. Even students who did not identify as transgender or part of the LGBTQIA community felt uncomfortable being called by their last name. BCSC found the accommodation conflicted with its goal of "fostering a safe, inclusive learning environment for all students."

Kluge brought a Title VII religious discrimination claim for failure to accommodate his religious beliefs.

Court Applies *Groff* Standard

In *Groff,* 600 U.S. 447 (2023), the U.S. Supreme Court held that, to deny a religious accommodation under Title VII because of undue hardship, the employer must show the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of the employer's business. In determining whether an accommodation imposes an undue hardship on the business, the Supreme Court instructed courts to consider all relevant factors, including the specific accommodation in question and its practical impact in relation to the employer's nature, size, and

operating costs. The Supreme Court rejected any bright-line rule and held that lower courts should resolve whether a hardship would be substantial in the context of an employer's business on a case-by-case basis.

To assess whether there was a substantial burden on BCSC in providing the accommodation to Kluge, the court first analyzed the nature of BCSC's business. It found that BCSC's business was to provide education in a "supporting environment for students" and its mission extended to "fostering a safe, inclusive learning environment for all students and evaluating whether that mission is threatened by substantial student harm and the potential for liability."

Because BCSC's business was to maintain a supportive learning environment and the education of *all* students, the court agreed with BCSC that the Last Names Only Accommodation unduly burdened BCSC's ability to provide an education to all students. For example, BCSC provided declarations of two transgender students in Kluge's class who were negatively affected by his accommodation. It also provided additional evidence that many students, parents, and teachers complained about Kluge's behavior. Kluge did not dispute that refusing to call transgender students by their preferred name could cause emotional harm to the student that would be repeated every time a student joined his class.

BCSC also argued that the Last Names Only Accommodation imposed an undue hardship by exposing the school to an unreasonable risk of liability. Agreeing with BCSC, the court noted, "Title VII does not require an employer to grant a religious accommodation that would place it on the 'razor's edge' of liability." According to the court, the Last Names Only Accommodation placed the school corporation at "risk of substantial and disruptive litigation," which was especially serious for BCSC where violations of Title IX of the Education Amendments Act could jeopardize the entire school's funding.

Religious Accommodations Moving Forward

Employers should evaluate religious accommodations on a case-by-case, fact-specific basis. Although employees have the right to request accommodations for their sincerely held religious beliefs, employers can refuse such accommodations if they pose substantial increased costs in relation to the conduct of an employer's business.

Jackson Lewis attorneys are available to answer questions about the impact this decision has on employers and offer guidance on managing religious accommodations in a way that aligns with the employer's objectives and Title VII.