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*\*Pro hac vice application pending*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

ELIZABETH HUNTER, et al.,

*Plaintiffs,*

v.

U.S. DEPARTMENT OF EDUCATION,  
et al.,

*Defendants,*

WESTERN BAPTIST COLLEGE d/b/a/  
CORBAN UNIVERSITY; WILLIAM  
JESSUP UNIVERSITY; PHOENIX  
SEMINARY,

*[Proposed] Defendant-Intervenors.*

Case No. 6:21-cv-00474-AA

**DECLARATION OF BRIAN  
ARNOLD, PH.D. IN SUPPORT OF  
PROPOSED INTERVENORS'  
MOTION TO INTERVENE**

COMES NOW Brian Arnold, Ph.D. and declares as follows:

1. I am the President of Phoenix Seminary, and I have personal knowledge of all facts stated in this declaration. I am an individual having obtained the age of majority, and I am capable of making this declaration under 28 U.S.C. § 1746.

2. Phoenix Seminary is a Protestant, evangelical, graduate-level seminary located near the heart of Phoenix, Arizona. Phoenix Seminary is a school of divinity.

3. The founding of Phoenix Seminary is a testimony to God's provision and faithfulness. In August 1987, a dozen pastors and Christian leaders in Arizona gathered to discuss the need for a Phoenix-based Seminary. There was a strong sense that God had blessed the Phoenix area with a vital, growing Christian community in need of a local Seminary.

4. In October 1987, Western Seminary in Portland, Oregon partnered with churches in Phoenix to establish a local Seminary. And in the fall of 1988, Western Seminary Phoenix opened its doors. The first classes were held at Scottsdale Bible Church and Grace Community Church.

5. After several years of growing ministry, the local leadership of Western Seminary Phoenix saw the benefits of becoming a fully independent, inter-denominational Seminary. In July 1994, with the approval of the board of Western Seminary, Phoenix Seminary became an independent institution.

6. Today, Phoenix Seminary continues to be the only dual-accredited graduate-level theological Seminary with its main campus in Arizona.

7. Phoenix Seminary is committed to helping our students complete their degree programs with little or no debt, so we offer students a variety of academic and distinguished scholarships. We also partner with local churches to help lower the tuition costs associated with formal seminary training. Additionally, we recognize that the ministry of married couples is a team calling, so we allow spouses of students seeking a diploma or masters-level degree at the Seminary to enroll in credit or non-credit courses with no cost for tuition.

8. Phoenix Seminary also receives some “federal financial assistance” within the meaning of Title IX. For example, the Seminary participates in the federal direct student loan program. But because the Seminary is a religious educational institution, it is exempt from Title IX’s requirements to the extent that they conflict with the Seminary’s religious tenets. As explained more fully below, the Seminary has certain religious beliefs about marriage, sexuality, and gender that would conflict with Title IX’s requirements if the law’s prohibition of “sex” discrimination is interpreted to include “sexual orientation” or “gender identity.”

9. In short, Phoenix Seminary’s mission is to train men and women for Christ-centered ministry for the building up of healthy churches in Phoenix and the world.

10. The Seminary’s faculty consists of leading theologians and experienced ministry leaders—each of whom is dedicated to shaping the next generations of leaders for the church. And to help fulfill its mission, the Seminary partners with

local churches, ministries, and counseling agencies throughout the Southwest in training and equipping students for effective ministry.

11. Phoenix Seminary is a school of divinity committed to biblical scholarship at the highest level, offering the following degree programs: Doctor of Ministry (D.Min.); Master of Theology (Th.M.); Master of Divinity (M.Div.); Master of Arts in Counseling (M.A.C.); Master of Arts in Ministry (M.A.M.); Master of Arts (Biblical and Theological Studies); and Graduate Diploma in Biblical and Theological Studies.

12. The Seminary has graduated leaders who serve in the church, parachurch ministries, and professional counseling. And every graduate leaves with a Christ-centered, biblically-grounded education.

13. Phoenix Seminary seeks to promote the personal and spiritual growth of its students through the alignment of degree program student outcomes with the following educational values:

- **Theological Understanding through Biblical Study.** Phoenix Seminary believes the Word of God is foundational to life and ministry. Therefore, it provides education that stimulates increasing love, respect, and submission to the Word of God as well as accurate and appropriate handling of the Scriptures.
- **Character Development through Mentoring.** Phoenix Seminary believes godly character is paramount for successful Christian ministry. Therefore, it enables mentoring relationships that encourage personal integrity and Christ-like character.
- **Ministry Skills through Practice.** Phoenix Seminary believes ministry skills are formed in the classroom and proven in ministry practice outside the classroom. Therefore, it provides opportunities that develop essential skills for reducing marginalization and injustice of people groups by bridging cultural, socio-economic, ethnic, racial, and gender boundaries.

14. Phoenix Seminary has adopted a Statement of Faith. That statement provides, among other things, that the Bible is “the authoritative Word of God,” that “all human beings are lost and sinful by nature,” that “salvation can only be accomplished by God’s grace through regeneration and justification by the Holy Spirit,” and that the Holy Spirit “empower[s] the believer for godly living and service.”

15. All students, faculty, and staff must agree with the Statement of Faith. And faculty must affirm without reservation the Seminary’s “Faculty Teaching Position,” a more extensive and detailed statement of doctrine and belief.

16. Phoenix Seminary welcomes all applicants who give evidence of a commitment to Jesus Christ and whose lives demonstrate consistency with the Bible’s teachings. Because Phoenix Seminary is preparing students for religious ministry, an applicant’s character and moral conduct are important components in considering all applications for admission.

17. To that end, Phoenix Seminary has adopted standards of conduct expected of students, faculty, and employees. These standards address, among other things, the issues of marriage, sexuality, and gender.

18. Indeed, the Seminary believes that sexual expression pleasing to God is that which fulfills his intention in creation. The Seminary holds the position and teaches its students throughout its degree programs that this sexual expression is (1) faithfulness in marriage between a man and a woman or (2) chastity in singleness. The Seminary thus prohibits sexual relations outside of marriage.

19. Phoenix Seminary is committed to Scripture's teaching on the nature of marriage. This teaching holds marriage to be a witness to the permanent bond between Christ and His Church. So, if a student is experiencing marital difficulties, the Seminary strongly encourages that student to see his or her mentor, a faculty member, or the Dean of Students for spiritual direction and counsel. Through its faculty and staff, the Seminary regularly advises and counsels students about sensitive issues concerning marriage and sexuality. This counseling is done consistently with biblical teachings on those topics and the Seminary's religious beliefs.

20. Relatedly, the Phoenix Seminary Board of Directors adopted a specific Statement on Marriage, Gender and Sexuality in 2015. The Statement provides, in relevant part, that:

- We believe that God wonderfully and immutably creates each person as male or female. These two distinct, complementary and genetically distinct genders as determined at birth together reflect the image and nature of God (Genesis 1:26-27).
- We believe that the term "marriage" has only one meaning: the uniting of one man and one woman in a single, exclusive union, as delineated in Scripture (Genesis 2:18-25). Sexual expression that pleases God is that which fulfills his intention at creation. The Seminary holds the position that such sexual expression is: (1) faithfulness in marriage between a man and a woman, or (2) chastity in singleness.
- We believe that in order to preserve the function and integrity of Phoenix Seminary as an extension and manifestation of the Body of Christ, and to provide a biblical role model to the Phoenix Seminary family and the larger community, it is imperative that all persons employed by Phoenix Seminary in any capacity (faculty, administrative staff, student teaching assistants), or who serve as volunteers, agree to and abide by this Statement on Marriage, Gender, and Sexuality (Matthew 5:16; Philippians 2:14-16; 1 Thessalonians 5:22).

21. Because compliance with high standards of conduct is fundamental to the religious mission and objectives of Phoenix Seminary, all students, faculty, and employees who fail or refuse to comply with the Seminary's standards of conduct are subject to discipline, including dismissal from the Seminary when appropriate.

22. Moreover, many courses taught at Phoenix Seminary address the issues of marriage, sexuality, and gender.

23. For example, the Seminary's counseling program takes an integrative approach to Christian counseling and requires students to complete courses in "marriage and family counseling" and "human sexuality."

24. The course on marriage and family counseling studies the major theories and models of marriage, couple, and family counseling, with an emphasis on assessing and intervening with marriages, couples, and families.

25. The course on human sexuality consists of an in-depth look at human sexuality including physiology, sexuality and singleness, marital sexuality, homosexuality, sexual addiction, and sexual abuse.

26. The Seminary also offers a course on "Christian Ethics," which lays a biblical foundation for moral decision making and addresses various contemporary issues such as homosexuality, sexual abuse, pornography, sexual healing, abortion, divorce and remarriage, among others.

27. And the Seminary's course on "Biblical Theology of Law, Politics and Government" examines the Bible's teachings on the purpose of civil government, the kinds of laws a government should make, and how governments should function. It

applies these teachings to contemporary political issues such as the freedom of religion and the definition of marriage.

28. The Seminary teaches all its courses and instructs its students in these important topics in accordance with its religious beliefs.

29. Furthermore, consistent with its religious beliefs, the Seminary separates its restrooms by biological sex and only uses pronouns that are consistent with its students' and employees' biological sex.

30. The Seminary is "controlled by a religious organization" for purposes of the religious exemption to Title IX. The Seminary is a school of divinity. The Seminary has a doctrinal statement and code of conduct, along with a statement that members of the institution community must affirm its statement of faith and comply with its conduct requirements.

31. The Seminary is a recipient of federal funds, and a loss of such funding would diminish both the Seminary's ability to fulfil its mission and its students' ability to attend the school of their choice.

I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 9th day of April 2021, in Scottsdale, Arizona



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Brian Arnold, Ph.D.  
President  
Phoenix Seminary