
**Federal Court Report**

**Teacher Who Wouldn’t Use Transgender Students’ Preferred Names Loses Claims**

11/2/2021

By Christine M. Burke - Lorenger & Carnell PLC
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A public school system was not required to accommodate the religious beliefs of a teacher by permitting him to call students by only their last names when he wouldn't call transgender students by their preferred names, a federal district court in Indiana held.

The plaintiff, a high school music teacher working for the Brownsburg Community School Corp., brought a lawsuit in connection with the district's requirement that staff members call transgender students by their preferred names. The plaintiff, who is Christian and is a church elder, said he believed that God created people as either men or women, gender is fixed, and it is sinful to "encourage students in transgenderism." He sought a religious accommodation whereby he would be permitted to address all students—not just transgender students—by their last names only.

Initially, the school granted the plaintiff's accommodation request. Soon after the school year began, administrators at Brownsburg High School, where the plaintiff taught, started receiving complaints about his use of last names to address students. Transgender students, who felt targeted because all the students understood the reason the plaintiff had switched to using last names, expressed that the plaintiff's unwillingness to call them by their preferred names was insulting and disrespectful. Several teachers and classmates of the transgender students also complained that the accommodation was causing the transgender students to suffer emotional harm.

By midway through the school year, as the complaints continued, school administrators determined that the last-names-only accommodation was no longer appropriate. The school informed the plaintiff that he could either refer to all students by their preferred names as required by school policy or resign.

The plaintiff resigned and filed suit under Title VII of the Civil Rights Act of 1964. He claimed that the school system had retaliated against him for having requested the last-names-only accommodation and had discriminated against him by withdrawing the accommodation, effectively forcing his resignation.

The court found in the school's favor on both counts. It assumed without deciding that the plaintiff's religious beliefs against referring to transgender students by their preferred names were sincerely held. The court then determined that the plaintiff's beliefs objectively conflicted with the school's name policy, rejecting the school board's argument that calling students by their preferred names was a purely administrative task.

Nonetheless, the court concluded that the school could not accommodate the plaintiff's religious beliefs without incurring an undue hardship. The court's ruling focused on the school's custodial and protective role in the lives of students.

The court found that the plaintiff's refusal to use transgender students' preferred names interfered with the school's role because of the harm it caused the students. This interference was significant because although there were not many transgender students at the school, the school system had an obligation to meet the needs of all its students, not just most of them.

The court also held that the last-names-only accommodation constituted an undue hardship because it created a potential liability for the school. Transgender students affected by the accommodation could assert claims of discrimination under Title IX of the Education Amendments of 1972.

Finally, the court found that the plaintiff's retaliation claim failed because the school's withdrawal of the accommodation was directly linked to the complaints about it and not to any retaliatory motive against the plaintiff for having sought an accommodation.

*Kluge v. Brownsburg Community School Corp.*, S.D. Ind., No. 1:19-cv-2462 (July 12, 2021).

**Professional Pointer:** Although set in the educational context, this case provides guidance for all employers facing religious objections from employees refusing to call transgender co-workers by their preferred names or pronouns. Employers may be able to show that possible accommodations in these scenarios would impose an undue hardship because of the risk of discrimination claims from the transgender employees adversely affected by the accommodation.

*Christine M. Burke is an attorney with [Lorenger & Carnell PLC](https://worklaw.com/firms/lorenger-carnell-plc), the Worklaw® Network member firm in Alexandria, Va.*