

Judge rules against Christian college in lawsuit claiming Biden rule would 'place males in girls' dorms'

Audrey Conklin
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A federal judge has ruled against a Christian [college](#) in [Missouri](#) arguing that a Biden administration rule would require the school to open women's dorm rooms and showers to biological males.

The College of the Ozarks sued the administration in April, arguing that a federal directive "requires private religious colleges to place biological males into female dormitories and to assign them as females' roommates," which goes against the school's rules prohibiting male students from female dorms and vice-versa.

District Judge Roseann Ketchann on Wednesday denied the college's motion for a temporary restraining order and preliminary injunction against the Department of Housing and Urban Development's (HUD) Fair Housing Act.

The Alliance Defending Freedom (ADF), a Christian nonprofit advocacy group that filed the lawsuit on behalf of the college, plans to challenge the judge's dismissal, Ryan Bangert, ADF's vice president of legal strategy, told Fox News.

"The Fair Housing Act hasn't changed. What has changed is HUD," Bangert said.

President Biden issued an [executive order](#) on his first day in office to prevent "discrimination on the basis of gender identity or sexual orientation," which directed federal agencies to interpret the word sex to include gender identity and sexual orientation.

While the [Fair Housing Act](#) does not include that language, the agency [announced](#) in February that it would "administer and enforce the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity."

What does that have to do with a Christian college in Missouri?

"If you have a male who identifies as female, that student must be allowed to access female dormitories" and bathrooms, Bangert explained.

If the school does not comply, it could face hefty fines of up to six figures.

The school does not charge tuition. All students are required to work while in school to pay for their education, and admissions are based on a target of having 90% of students qualify for financial aid.

The ADF and College of the Ozarks argue that HUD's directive "violates the Administrative Procedure Act," which allows the public to comment on the proposed rule, Bangert said. While Ketchann's written ruling is not yet available, Bangert said she does not believe the school has a claim under the APA.

"We disagree with that," Bangert said.

While the school "has long been guided by a Biblical worldview that all people should be treated with dignity, grace, and holy love, whatever their sexual beliefs," it also "teaches that sex as determined at birth is a person's God-given, objective gender, whether or not it differs from their internal sense of 'gender identity,'" the lawsuit states.

The school argues in the lawsuit that a temporary restraining order and preliminary injunction are necessary because the act, under Biden's order, "creates immediate upheaval within the College's continuing enforcement of its housing policies" that have been in place since its founding.

The College of the Ozarks is also currently engaged in housing plans for current and incoming students in the fall semester, and the school argues that the Biden directive "threatens massive penalties on the college for maintaining its policies and making statements about them."

"Our Constitution protects the right of faith-based institutions to operate according to their beliefs. It also protects our freedom by separating power and limiting government," the ADF said in its statement. "And in this case the government is clearly overreaching."

The alliance added: "Young women shouldn't be forced to share private spaces — including showers and dorm rooms — with males."