

A Federal Appeals Court Has Reviewed a Three-Year Old Lawsuit Involving a Former Eastern Michigan University Student

By Jessica S. Grigsby on 01/30/12

A federal appeals court has reviewed a three-year old lawsuit involving a former Eastern Michigan University student that addresses whether counselors who refuse to work with gays and lesbians on religious grounds are in breach of professional ethics.

In 2009, the university expelled Julea Ward from its graduate counseling program after she refused for religious reasons to counsel a gay student about relationship problems, according to court documents.

Ward sued university officials, claiming her First Amendment guarantees to free speech and free practice of religion were violated.

Her case was tossed out by a lower court in 2010. Eastern Michigan's lawyers had argued successfully that the school expelled Ward because she violated American Counseling Association rules barring practitioners from discriminating on the basis of sexual orientation and from "imposing values that are inconsistent with counseling goals." The school also argued that internal policy prohibited it from referring the client to another student.

On Friday, however, the Cincinnati-based U.S. Court of Appeals for the Sixth Circuit reversed that ruling, stating that no such policy existed and a "reasonable jury could conclude that Ward's professors ejected her from the counseling program because of hostility toward her speech and faith." The appeals court sent the lawsuit back to federal district court for trial.

Ward entered the program in 2006 and was about four classes shy of graduation when the university assigned her to counsel a gay client. She asked her faculty supervisor to send the client to another student or to end the counseling if the sessions turned to relationship issues, according to court documents.

ACA ethics rules allow counselors to send clients elsewhere over clashes of values that create an "inability to be of professional assistance."

"What exactly did Ward do wrong in making the referral request?" the court asked in an opinion by Judge Jeffrey Sutton, an appointee of President George W. Bush. Ward requested the referral to avoid imposing her values on gay and lesbian clients, not the other way around, the court said.