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CROSS-APPENDIX A

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

EVA PALMER,)	
Plaintiff,)	
)	
v.)	
)	Case No. 6:20cv00031
LIBERTY)	
UNIVERSITY,)	
Defendant.)	
)	

DECLARATION OF SCOTT HAYES

Pursuant to 28 U.S.C. § 1746, Scott Hayes, makes the following declaration to the Court:

1. I am over the age of eighteen (18) and have personal knowledge of the statements contained in this declaration.

2. I am the Dean of the School of Communication & the Arts (“SCA”) of Liberty University, Inc. (“Liberty” or “the University”), which was previously referred to as the School of Visual & Performing Arts. I have held this position since March of 2017. In addition to my management duties as Dean, I also teach resident and online courses. I served as the Associate Dean from August of 2013 until I became the Dean. I have been a professor in some capacity at other universities since 1997.

3. I have a B.F.A. in Theatre from the University of California at Santa Barbara, an M.F.A. in Theatre from Florida State University/Asolo Conservatory of Actor Training, and a Ph.D. in Communication from Regent University.

4. Liberty is one of the largest Christian universities in the world. Liberty aligns with the evangelical tradition. Liberty has students who attend classes in person (also known as “resident students”) and students who attend classes virtually. Liberty serves over 13,000 students at its campus in Lynchburg, Virginia and over 90,000 students around the world via its online courses. Liberty offers more than 300 programs of study and all courses are taught from a biblical worldview and designed in line with Liberty’s mission to develop Christ-centered men and women. Undergraduate students are required to take three courses in religion in order to graduate. Relevant portions of Liberty’s 2015-2016 Undergraduate Course Catalogue are incorporated as **Exhibit A**.

5. Liberty’s mission is to develop Christ-centered men and women with the values, knowledge, and skills essential for impacting the world. We refer to this in short as we “Train Champions for Christ.” This mission supports a two-fold purpose: Liberty trains students to be champions in fulfillment of Liberty’s work for Christ; and Liberty trains students so that they can serve as champions for the cause of Christ. Liberty’s Doctrinal Statement codifies Liberty’s beliefs about God, humanity, and the world as a whole and serves as a governing document for all of Liberty’s operations. Liberty further expresses its commitment to providing a Christian worldview through its

Philosophy of Education. Liberty's stated purpose includes, among others, promoting the synthesis of academic knowledge and a Christian worldview in order to foster the maturing of spiritual, intellectual, social, and physical value-driven behavior. Commitment to a biblical worldview and responsible stewardship are two of Liberty's stated core values. In accordance with Liberty University's Statement of Mission and Purpose, the Gospel is at the core of who we are as a University. Liberty's Doctrinal Statement, Statement of Purpose, Values, Philosophy of Education, and Mission Statement are incorporated as **Exhibit B**.

6. The University's name, "Liberty," comes from a Bible verse: "[W]here the Spirit of Lord is, there is liberty."

7. Liberty was originally formed under the auspices of Thomas Road Baptist Church ("the Church"), a Baptist church in Lynchburg, Virginia. The Church is featured on the University Seal and is depicted aflame with the fire of the Gospel, against the background of an open Bible.

8. The University also maintains an Office of Spiritual Development ("OSD"). The OSD puts on and oversees spiritual development activities that relate to the University. For example, convocation is held three times per week, faith-oriented guests are brought in to speak on campus, faculty and students can be involved in a "shepherding" process to orient new students to the faith. The Executive Director of the OSD also serves as the Campus Pastor.

9. Faculty at Liberty are not only experts in their substantive field, but they must be experts in Christ as they are expected to use their platforms as

educators to spread the Christian faith and Gospel. This is what separates Liberty from any secular university. Many students choose to attend to Liberty because they seek the opportunity to be spiritually mentored and to learn how to integrate a Christian perspective into their respective disciplines. Liberty's faculty must be able to meet this expectation. Many times faculty are given the opportunity to spread the Christian faith and evangelize to a non-Christian as there is no requirement for a student to be a Christian to attend to the University.

10. To ensure that all faculty are willing and able to meet Liberty's expectations, applicants for faculty positions go through a rigorous hiring process. Specifically, they are screened by a Faculty Interview Committee, which consists of faculty and faculty-management from various schools at the University so the panelists are not limited to the discipline in which the applicant is applying. On numerous occasions, I have been a member of one of these committees. The committees delve into three key areas with applicants: their Biblical Worldview (e.g., their religious beliefs, their perspectives about scripture, etc.); Spiritual Disciplines (e.g., how the applicant stays spiritually strong, how they continue to grow as a Christian, etc.); and Teaching Excellence (e.g., their qualifications, research, how they would integrate Christian worldviews into the classroom, etc.)

11. Additionally, after a faculty member is hired, they go through a detailed orientation. This orientation includes faith-based workshops that specifically connect worldview to one's substantive

discipline and assists the faculty member in integrating the Christian worldview into the classroom. Examples of these faith-based workshops are included in the following link: <https://watch.liberty.edu/channel/channelid/1011775> 81. While the videos have only been used for the last few years, the videos serve to codify the long-standing live workshops that Liberty put on for faculty. There is a test that is administered after faculty watch these videos. All faculty go through additional faith-based workshops before every fall and spring academic semesters. Throughout the year, faculty also have the ability to work with Liberty's Center for Teaching Excellence ("CTE") to attend lunch-and-learns or engage in other faith-based learning exercises that assist them with better integrating the Christian worldview in the classroom and evangelizing to students. Examples of faith-based learning courses that Ms. Palmer took are incorporated as **Exhibit C**.

12. Liberty's Faculty Handbook lays out Liberty's policies for faculty to follow. Liberty's Faculty Handbook incorporates its Philosophy of Education, Statement of Mission and Purpose, Statement on Worldview, Faculty and the Mission of Liberty University, Ethical Responsibilities of Faculty, and the Doctrinal Statement. All of these policies reference and set Liberty's expectations that Faculty integrate the Christian worldview into the classroom and that spreading the Gospel is at the center of every faculty member's responsibilities. Relevant portions of Liberty's Faculty Handbook are incorporated as **Exhibit D**.

13. All Faculty Handbook policies are incorporated into Faculty Employment Agreements and in such Agreements, faculty agree to abide by the rules, policies, and regulations as stated in the Faculty Handbook. Ms. Eva Palmer's 2017 Employment Agreement is incorporated as **Exhibit E**.

14. In order to ensure that faculty are meeting Liberty's expectations with regard to evangelizing and spreading the Christian faith, faculty are evaluated each semester on how "The instructor exhibited commitment to Christian principles." Students rate faculty on this expectation as either "strongly agree," "agree," "neither agree or disagree," "disagree," "strongly disagree." The ratings are then turned into a numerical calculation for administrators on a scale between one (1) and four (4), with four being the best. Faculty also must self-reflect each year on how they meet this expectation and what they can do better over the next semester. The faculty Chairs and Deans of each school also rate and evaluate each faculty member on these principles. Faculty who fail to meet these expectations are coached and encouraged to undergo further training with CTE and other faith-leaders, and, if necessary, are disciplined up to and including termination.

15. Faculty are not expressly *required* to engage in specific religious conduct in the classroom, such as praying with students, reading Bible verses, holding devotionals, and attending services with students. Rather, faculty are given substantial authority to carry out Liberty's mission and meet Liberty's expectations such that they exhibit commitment to

Christian principles, integrate the Christian worldview into the classroom, and spread the Gospel. Faculty therefore often engage in religious conduct in the classroom, which, for instance, includes but is not limited to praying with students, sharing their faith with students, reading Bible verses and excerpts to students, mentoring students spiritually, guiding students to Christ in one-on-one settings, holding devotionals, accompanying students to services, and challenging students to progress in their spiritual discipline. It is hard to measure how often each faculty member spends on doing such activities; however, faculty are supposed to be exemplifying Liberty's Christian perspective 100% of time in their work and private lives. Moreover, faculty spend a fair amount of time conveying to students how the students can better incorporate Christianity into their substantive disciplines by way of changing how a student thinks to incorporate a Christian worldview. Thus, based on faculty impact, students should have such a worldview 100% of the time.

16. It is further expected that every faculty member is a Christian who believes that he or she is called to teach. It is rare that faculty do not meet Liberty's expectations to integrate a Christian worldview into the classroom as most faculty choose Liberty because they have the opportunity to spread the faith to students unlike at a secular institution.

17. As the Dean (and formerly an Associate Dean) of the SCA, I ensure my faculty met Liberty's expectations to integrate a Christian worldview into the classroom. I expect my faculty to provide a model

for students by conducting themselves as followers and believers of Christ consistent with our Doctrinal Statement, and by sharing their faith and spreading the Gospel. We generally start faculty meetings with a prayer. All faculty at Liberty are held to the same standards in integrating the Christian worldview and carrying out our mission.

18. Ms. Palmer was an art professor in the SCA. Ms. Palmer was already at the University in an Associate Professor role when I started working here as she joined the University faculty in 1986. Based on my interactions with Ms. Palmer and my observations of her with students and other faculty members, she is a follower of Christ and a good Christian. She frequently participated in discussions of faith with other faculty members and prayed with them and for them as well. Ms. Palmer attended Christian missions, conferences focused on the intersection of art and Christianity, and she even attended an archeological dig in Israel. Ms. Palmer saw herself as a spiritual mentor to Liberty's students. She prayed with students, discussed Christ and the Gospel in class, shared her faith, and worked one-on-one to spiritually mentor students. Ms. Palmer generally received above-average scores on her student evaluations in the area of "The instructor exhibited commitment to Christian principles." Based on my understanding of her activities, she also held devotionals in class and attended services or convocation with students.

19. Having the platform to evangelize appeared important to Ms. Palmer. In fact, in her promotional

materials from Associate Professor to Professor, she emphasized that she had actually earned more than 30 credit hours toward a Doctor of Ministry degree through Liberty's School of Divinity (formerly known as Liberty Baptist Theological Seminary) and had started the process to continue her studies toward that degree. Ms. Palmer was also very active in taking mission trips to, in her words, "set an example for our students." Ms. Palmer attended a faith-based archeological dig in Israel. Ms. Palmer also recognized how important Christianity was to the arts. She did not just see herself as an art teacher, but as a messenger of Christ through her teaching of art. I reviewed and assessed her promotional materials for full professor in 2015 and 2016. In her own words, she stated, "I have served Liberty University for many years with a vision from God for an art degree program with a Biblical worldview." (See Ex. F at LU_01513). In fact, she concluded her statement for promotion by stating:

It is a blessing to be part of what God is doing at Liberty University. To God be the glory for everything that is accomplished for the work of His Kingdom as we train Champions for Christ. Our department theme for the year is "intentional spiritual preparation." As Dr. Mintle recently said, "we should intentionally find a way to bolster students spiritually as we prepare students to go into the world."

(See Ex. F at LU01415). Relevant portions of her promotional materials are incorporated as **Exhibit F**.

20. Liberty also requires that any faculty member seeking a promotion must explain how the faculty member integrates a Biblical worldview into his/her teaching/administrative responsibilities so that Liberty can evaluate and assess their contribution to the University's mission. Ms. Palmer explained how she met such expectation. Specifically, she stated:

I integrate principles and concepts from Scripture, make Scripture references, pray with my classes and individuals, and set the example in my own standard of living. I have completed coursework for a Doctor of Ministry degree, and continue to pursue ministry training opportunities such as taking the Precept courses so that I can accurately apply Scriptural truth to all areas of life including my passion for art.

Without faith it is impossible to please God. Jesus taught His disciples there is one power - that of faith. Therefore. I ask Him to speak His Word, "have faith in God", into the depths of my soul. This a the foundation for living out my calling to teach at Liberty University. In everything I do, in everything I teach, I strive to incorporate this deep sense of faith as I integrate the talents God has given me and try to pass them on the next generation of Christian artists.

I formed ZETA CHI, LU chapter of KAPPA PI, International Honorary Art Fraternity, and was the founding sponsor of CWA, Concerned Women of America (Prayer and Action organization started by Beverly LaHaye). I continue to serve as sponsor for both organizations.

God blessed the university, and Dr. Falwell instructed the administration to develop an art major. In the Fall of 2005, I was transferred from the Fine Arts Department to the School of Communication. I served on a committee to submit a proposal for a Bachelor of Science degree in COMS/Art. This greatly benefited the university and provided for our art students to be able to complete their tenure of study at Liberty rather than transferring to another university. We grew exponentially, and became a separate department (VCAR) in The School of Communication.

I have started the process to continue my studies at the Liberty Baptist Theological Seminary. Since the MFA is a terminal degree, it is not necessary to earn a doctorate; however, I desire to continue to grow both academically and spiritually.

I have served Liberty University for many years with a vision from God for an art degree

program with a Biblical worldview and one in which students are exposed to world-class facilities, professors and curriculum. Another service which has benefitted the University as a whole is curriculum, planning and assessment. I feel privileged to have played an integral role in the development of the new Bachelor of Fine Arts and Master of Fine Arts programs that are slated to begin in the Spring 2015 semester. The entire department of Studio and Digital Arts developed syllabi, projects, and rubrics for the BFA and MFA. Most recently I have been involved in an action plan to formulate some specific curriculum enhancements that are being implemented in the Fall 2014 semester. With these additional programs and enhancements, I believe Liberty University can have a major impact in art and culture both nationally and internationally from a Biblical worldview.

Looking toward the future, some goals include completing the Doctor of Ministries degree at the Liberty Baptist Theological Seminary to help fulfill my desire to continue to grow academically and spiritually.

I believe I have more than satisfied the requirements for promotion to Professor. My ongoing personal and professional development as an artist and teacher, and my

contributions to the department and the University as a whole, qualify me for the promotion I am seeking. As one can perceive, the SADA department is experiencing exponential growth which has and is requiring extensive work from the faculty. It is a blessing to be part of what God is doing at Liberty University. To God be the glory for everything that is accomplished for the work of His Kingdom as we train Champions for Christ.

(See Ex. F at LU_01510-01511).)

21. In further support of her promotion, Ms. Palmer submitted an essay she wrote titled, "A Christian Philosophy of Education." (See Ex. F at LU_01564 – 01569). Ms. Palmer made clear in her essay that the role of a Christian educator was to further spiritually mentor students:

The Christian teacher can be sensitive to the spiritual needs of his students, in the areas of salvation, fellowship, and Christian growth. He can recognize the true nature of the student and counsel or discipline accordingly. The unsaved teacher does not have the ultimate answers to life and cannot meet the spiritual needs of his students. Central in secular education is the study of man and his environment. Sociology, anthropology, social sciences and natural sciences are given priority. In Christian education, God, the Bible and God's requirements are central. The

purpose of Christian education is that the student may know God and do His will. Jesus was the perfect example, for his ultimate purpose was to do His father's will. The Christian school must meet the needs of the student at his level of growth, physically, mentally, socially and spiritually. . . . The goal of the Christian education is to communicate God's truth, in order that the student can realize there is a purpose for life, and that purpose is to know God and to fulfill His will. (See Ex. F at LU_01564-01569).

22.Ms. Palmer provided an example of how she integrated the Biblical worldview into her art classes in her promotional materials. Specifically, she compared her pottery and ceramics to certain Biblical lessons learned in Jeremiah 18. (See Ex. F at LU_01570 – 01571).

23.Ms. Palmer's students saw her as a spiritual mentor. In support of her promotional materials, she submitted letters of reference from former students detailing just this. For instance, one student wrote:

Professor Palmer exhibited the same consistency in her spiritual guidance of the classroom. Considering Liberty's mission of "training champions for Christ", this leadership quality cannot be overvalued. I still remember her opening ever [sic] class with the statement "good morning young champions" before leading us in prayer. This clear alignment with both the ecclesiastical and institutional priorities of Liberty

University embodies the leadership and cooperative effort that will see this institution's primary convictions realized. Professor Palmer is a leader, a mentor, a prayer warrior and a true sister in Christ to her students having gone before them in both the excellence of her professional ability and the vibrancy of her personal relationship with the Lord.

(See Ex. F. at LU_01525). Another student reiterated her commitment to the University's Christian mission. (See Ex. F at LU_01527). Another commented that "Her influence on me from those years has been lasting and memorable. During those formative years for me, she showed me how to be an authentic creative individual and a conservative bible believing Christian without conflict. She will continue to demonstrate to students that in Christ we can live our entire lives with hope and vitality." (See Ex. F. at LU_01526).

24. Ms. Palmer played an integral role in the development of the new Bachelor of Fine Arts and Master of Fine Arts programs that began in in the spring 2015 semester. She helped create the program, including the Course Catalogue. In creating this program, she was required to put together Primary Learning Outcomes ("PLOs.") for students engaged in the program. One of her four PLOs was that students would be able to "[i]ntegrate a Christian worldview into best practices for creating visual imagery." The 2015-2016 Course Catalogue is incorporated as **Exhibit G**.

25. There is no question Ms. Palmer was spiritually mature. She was a follower of Christ and was committed to carrying out the University's mission by using her platform as an educator to share her faith and spread the Gospel. There is no question she saw herself as a messenger of the faith for her students.

I, SCOTT HAYES, declare under the penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of July, 2021.

A handwritten signature in black ink, appearing to read "Scott Hayes", written in a cursive style.