



College
of
the Ozarks®

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Office of the President

June 9, 2017

Phone 417-690-2470

Ms. Candice Jackson, Acting Assistant Secretary
U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Re: College of the Ozarks' Request for Title IX Religious Exemption

Dear Ms. Jackson,

The College of the Ozarks is a four year, accredited Christian college whose vision is "to develop citizens of Christ-like character who are well-educated, hard-working, and patriotic."¹ It is affiliated with the Presbytery of Mid-America, Evangelical Presbyterian Church. College of the Ozarks has been committed to the historic Christian faith and the Protestant tradition from its founding and continues to remain so today.² It follows the doctrine expressed in the Apostles' Creed, Nicene Creed, and, most importantly, the authority of Scripture.

College of the Ozarks is completely controlled by its Board of Trustees.³ The Bylaws require the following as qualifications for its Trustees:

Trustees shall be dedicated Christians who express their commitment through active involvement in a local christian church and the living of a life that is appropriate for those who serve as role models for college students and for one another. Trustees shall share the College's faith commitment to the historic evangelical Christian faith and Protestant tradition. Trustees shall annually affirm adherence to the Apostles' and Nicene Creeds and dedication to the inspiration and authority of Scriptures.⁴

Furthermore, the Bylaws describe the purpose of the College as follows:

The purpose of the College of the Ozarks is to provide the advantages of a Christian education for youth of both sexes, especially for those found worthy, but who are

¹ Exhibit 3: College of the Ozarks Vision; Exhibit 1: Articles of Incorporation.

² Exhibit 11: History of the College of the Ozarks.

³ Exhibit 2: Bylaws, Article III, Section 1.

⁴ Exhibit 2: Bylaws, Article III, Section 2.



without sufficient means to procure such education. To carry out this purpose, the following goals have been defined: academic, vocational, Christian, patriotic, and cultural.⁵

College of the Ozarks' Christian beliefs permeate its hiring decisions, admission requirements, and daily academic and cultural environment. Faculty are expected to support the College's ethical and moral positions, including those on the sanctity of human life, traditional marriage, and religious liberty. Faculty are also expected to maintain active involvement in a local church and model Christian virtues for students.⁶ Faculty members' Christian commitment, evidenced by church membership and attendance, is considered as a part of the evaluation process.

The College's students clearly know that College of the Ozarks is a Christian institution which prioritizes the development of Christian character traits.⁷ The Student Handbook clearly describes its adherence to Christianity and the Christian goal.⁸ It includes the Apostles' and Nicene Creeds. Furthermore, the College requires chapel attendance and provides information on outside religious organizations.

As described clearly in the faculty, staff, and student handbooks, College of the Ozarks is guided by a long-standing traditional, biblical worldview which reflects the understanding that human sexuality is a gift from God, and that:

- sex assigned at birth is a person's God-given, objective gender, whether or not it differs from internal sense of "gender identity" (Genesis 1:27; Leviticus 18:22; Matthew 19:4; Romans 1:26-27; 1 Corinthians 6:9-10);
- sexual relations are for the purpose of the procreation of human life and the uniting and strengthening of the marital bond in self-giving love, purposes that are to be achieved solely through heterosexual relationships in marriage (Genesis 1:28; Exodus 20:14; Proverbs 5:15-23; Matthew 19:5; 1 Corinthians 6:12-20; 7:2-5; 1 Thessalonians 4:3).⁹

College of the Ozarks also believes in the sanctity of human life from the moment of conception.¹⁰ It clearly communicates its vision and expectation to faculty in the Employee Commitments brochure and in the application process as evidenced in the Faculty Applicant Questionnaire.¹¹ It continues to reinforce its expectation of adherence to

⁵Exhibit 2: Bylaws, Article II.

⁶ Exhibit 4: Faith and Practice Commitments, Faculty Handbook, p. 37.

⁷ Exhibit 9: Student Handbook, pages 65-67; Exhibit 10: Student Admission Documents.

⁸ Exhibit 9: Student Handbook, pages 65-67.

⁹ Exhibit 5: Lifestyle/Sexuality Policy (Faculty Handbook, p. 40; Staff Handbook, p. 2; Student Handbook, p. xvii).

¹⁰ Exhibit 4: Faith and Practice Commitments, Faculty Handbook, p. 37; Exhibit 8: Employee Commitments Brochure.

¹¹ Exhibit 8: Employee Commitments Brochures; Exhibit 7: Faculty Applicant Questionnaire.

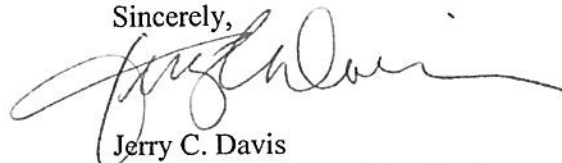
Christian principles in its faculty evaluation criteria.¹² These beliefs produce concern for the impact of possible Office for Civil Rights (OCR) interpretations of Title IX requirements.

Therefore, College of the Ozarks requests that your office acknowledge that the College is exempt from Title IX and the following implementing regulations (to the extent they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they conflict with the College's belief in and commitment to the sanctity of human life and marriage):

- 34 C.F.R. § 106.21 (Admission)
- 34 C.F.R. § 106.22 (Preference in Admission)
- 34 C.F.R. § 106.23 (Recruitment)
- 34 C.F.R. § 106.31 (Education Programs or Activities)
- 34 C.F.R. § 106.32 (Housing)
- 34 C.F.R. § 106.33 (Comparable Facilities)
- 34 C.F.R. § 106.34 (Access to Classes and Schools)
- 34 C.F.R. § 106.35 (Access to Institutions of Vocational Education)
- 34 C.F.R. § 106.36 (Counseling)
- 34 C.F.R. § 106.37 (Financial Assistance)
- 34 C.F.R. § 106.38 (Employment Assistance to Students)
- 34 C.F.R. § 106.39 (Health and Insurance Benefits and Services)
- 34 C.F.R. § 106.40 (Marital or Parental Status)
- 34 C.F.R. § 106.41 (Athletics)
- 34 C.F.R. § 106.42 (Textbooks and Curricular Material)
- 34 C.F.R. § 106.43 (Standards for Measuring Skill or Progress in Physical Education Classes)
- 34 C.F.R. § 106.51-61 (Relating to Employment)

Thank you for your prompt attention to this matter.

Sincerely,



Jerry C. Davis
President, College of the Ozarks

¹² Exhibit 6: Christian Commitment and Religious Character and Expectations, Faculty Handbook, p. 6-7; 21.