



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

July 20, 2022

Donald W. Sweeting, Ph.D., President
Colorado Christian University
8787 W. Alameda Ave.
Lakewood, CO 80226

Dear President Sweeting:

I write in response to your May 3, 2022, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Colorado Christian University ("CCU") in Lakewood, Colorado.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX and its implementing regulations at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

Your letter accurately recognizes that OCR has previously confirmed that CCU qualifies for a religious exemption to Title IX with regard to gender identity" and requests confirmation now of that exemption "with regard to same-sex romantic relationships." In support of that request, your letter states that "CCU is a nonprofit evangelical Christian university that is controlled by a religious organization" and explains that CCU's governing organization is its Board of Trustees, which "has published a mission for CCU that openly references and relies on religious tenets." Specifically, "CCU's mission, as determined and published by its Board, is encapsulated in CCU's mission statement, Statement of Convictions, and Strategic Priorities, all of which make clear and repeated references to the Christian tenants that motivate and guide CCU's actions and policies." (Internal citations omitted.). According to your letter, "all members of CCU's Board—including

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any non-Trustee members of Board committees—must sign the Statement of Faith as a condition of their appointment.”

Your letter explains that CCU “requires all of its faculty and employees to espouse a personal belief in the evangelical Christian faith. Further, every applicant for any employment position at CCU must sign an Application Acknowledgement agreeing to abide by CCU’s Statement of Faith...and Statement of Lifestyle Expectations in addition to agreeing to adhere to traditional biblical values.” The letter also states that “prospective employees must sign both of these documents before the hiring process is complete,” students who enroll at CCU “must sign the Statement of Faith before the enrollment process is complete,” and that “traditional undergraduate students must go one step further by signing CCU’s Lifestyle Covenant.”

Your letter states that “the religious tenets of CCU explicitly and unequivocally bar any form of same-sex romantic relationship” and that, as noted in CCU’s College of Undergraduate Studies Student Handbook, “CCU believes ‘the unambiguous rejection in scripture of same-sex sexual activity remains in force for believers today...[because] God created human beings to show forth God’s image as male and female in relationship (Gen 1:26-28), and the biblical ideal is the expression of sexuality within a heterosexual, lifelong, monogamous union (Mk 10:4-12).’” The letter further explains that “CCU sincerely believes that it is directed by the Bible to prohibit the practice of same-sex romantic relationships among its students and employees” and that “CCU sincerely believes that prohibiting the practice of same-sex romantic relationships among its students and employees is crucial for CCU to achieve its core objectives to ‘honor Christ and share the love of Christ on campus and around the world...[and to] teach students to trust the Bible [and] live holy lives...’” According to your letter, to “permit same-sex romantic relationships among its students and employees” would “not be consistent with the religious tenets of [CCU].”

For the above reasons, CCU requests assurance of its exemption from the following regulatory provisions “insofar as they are interpreted to reach discrimination on the basis of same-sex romantic relationships”:

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);

- 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-61 (governing employment).

CCU is exempt from these provisions to the extent that application of these provisions would conflict with the religious tenets of its controlling religious organization “insofar as they are interpreted to reach discrimination on the basis of same-sex romantic relationships.”

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'CEL', written in a cursive style.

Catherine E. Lhamon
Assistant Secretary for Civil Rights