



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 14, 2017

Keri Lowe  
President  
Compass College of Cinematic Arts  
41 Sheldon Blvd. SE  
Grand Rapids, MI 49503

Dear President Lowe:

I write in response to your October 27, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Compass College of Cinematic Arts (College) of Grand Rapids, Michigan, from Title IX of the Educational Amendments of 1972 (Title IX), 20 U.S.C. § 1681.

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 regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. 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.

Your request letter states that the College is "a faith-based film school." The College is "governed by a board of directors whose members must affirm the College's statement of faith, be members in good standing at a church that subscribes to the same theological doctrines as the College, and promote the mission of the College." The letter explains that "Board of Directors and the College understand the Bible to be the infallible Word of God." Your letter also cited the College's Statement of Belief and Allegiance, which states that all employees are expected to be "members in good standing of a Christian Church or affiliate church group that subscribes to the confessions of the [College's] Statement of Faith" and "Directors, faculty, senior administrators, and staff are expected to accept, incorporate and promote the mission and beliefs as noted in the [College's] Statement of Faith and Community Doctrine, in their work for the College."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations "to the extent that they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict [the College's] freedom to apply and enforce its beliefs about the sanctity of life." In support of this request, your letter cites to the College's Sex, Sexuality and Gender Identity Policy, which states: "We believe, in accordance with Scripture, that . . . our experience or preference of our sex and gender is not always that which God originally designed . . . [but] we do not affirm the adoption of an identity discordant with one's birth sex." Your letter further explains that the College "affirms that God's Word offers two life-

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enhancing choices for sexual intimacy: celibacy in singleness or faithfulness in Christian marriage between one man and one woman.” Your letter also cites to the College’s Diversity Statement, which states that, “consistent with a biblical interpretation of the value of life, the College expects members of its community to ‘uphold the God-given worth of human beings, from conception to death, as the unique image-bearers of God (Gen. 1:27; Psalm 8:3-8; 139:13-16).”

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions “to the extent they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict [the College’s] freedom to apply and enforce its beliefs about the sanctity of life”:

- 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);
- 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 marital or parental status);
- 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).

The College is exempt from these provisions to the extent that compliance would conflict with the controlling organization’s religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation 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,



Candice Jackson

Acting Assistant Secretary for Civil Rights