



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 18, 2017

D. Joel Wiggins  
President  
Crown College  
8700 College View Drive  
St. Bonifacius, MN 55375-9001

Dear President Wiggins:

I write in response to your May 25, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR) in which you requested a religious exemption for Crown College (College) of St. Bonifacius, Minnesota, from Title IX of the Education 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 provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to 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 explains that the College is a college of the Christian and Missionary Alliance (C&MA) and is "connected and subordinate to" the C&MA." The College's Bylaws provide that "if the College were ever to reject the doctrines or teachings of the C&MA, the College's property would revert to the denomination." Your letter also notes that, "[t]he College is governed by a board of directors, of which two-thirds must be comprised of C&MA church members." Your letter further explains that "both the C&MA and the College affirm that the C&MA Statement of Faith provides the most comprehensive expression of the system of doctrine taught in the Bible."

Your letter requests exemption "from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail the College's freedom to respond to transgender individuals in accordance with its theologically-grounded convictions."

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

The letter cites the College's Policy on Human Sexuality and Gender Identification which provides that the "creation of humanity in two distinct sexes, male and female, was and is God's original and continuing intent." That policy further explains that, because of the College's "beliefs and guidance from God's word, [the College] require[s] and expect[s] each member of [the College's] community to live in alignment with his or her birth sex. This includes, but is not limited to, using facilities in accordance with one's birth sex."

Your letter also requests exemption from Title IX to the extent that it prohibits discrimination based on sexual orientation because that would be "inconsistent with the theological commitment of Crown College." The letter explains that, although "[t]he College, in service to the Church, welcomes those of professed Christian faith who experience same sex attraction," "it also affirms with the C&MA that sexual activities with members of the same sex are sinful and are not to be condoned as acceptable expressions of one's sexuality." Your letter notes that the C&MA has stated that "[t]he act of homosexuality is a sin according to God's Word." The letter cites the College's Policy on Human Sexuality and Gender Identification, which provides that, "Crown upholds that sexual intimacy is a gift of God to be expressed exclusively within marriage between one woman and one man. Engaging in sexual intimacy outside the covenant of the marriage relationship, such as premarital sex, adultery, or same-sex sexual intimacy is unacceptable for members of the Crown College Community." (Citations omitted.)

Your request also "seeks exemption from the Title IX regulations prohibiting marital status discrimination, to the extent that these regulations apply to the College's policies on divorce and remarriage." Your letter cites an instructional statement from C&MA, which explains that divorce and remarriage are only permissible under limited circumstances, such as when one's spouse "has been guilty of adultery," when one's spouse "abandons the marriage," or when "the parties made no profession of faith prior to or at the time of the divorce."

Lastly, your letter requests exemption from Title IX and its implementing regulations to the extent they restrict the College's freedom to apply and enforce its Statement on Human Life, which provides that, "Life begins at conception. We are opposed to the destruction of innocent life through abortion on demand."

Your letter states that, for these reasons, the College is requesting an exemption from the following regulatory provisions "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 divorce policy and its Statement of Human 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);
- 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 and 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 they would require the College to treat marital status, homosexuality, gender identity, and abortion in a manner that is inconsistent with the religious tenets of the College's controlling organization.

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 granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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

Sincerely,



Catherine E. Lhamon

Assistant Secretary for Civil Rights