



12 September 2017

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

RE: Erskine College and Theological Seminary Request for Religious Exemption from Certain Applications of Title IX

Dear Ms. Jackson,

As President of both Erskine College and Erskine Theological Seminary, two educational institutions that together form one corporate entity, (“Erskine”), I am the “highest ranking official of the institution” 34-C.F.R.§106.12 (b), and I hereby request that the U.S. Department of Education’s Office of Civil Rights confirm that Erskine College and Theological Seminary is exempt from certain applications of Title IX to the extent that such applications “would not be consistent with the religious tenets” of the organization, as provided for in 20 U.S.C.§ 1681(a)(3) and 34 C.F.R.§106.12.

Erskine Theological Seminary was founded in 1837 by the Associate Reformed Presbyterian Church (the “Church”). The Seminary, an agency of the Church, provides graduate theological studies according to Reformed Presbyterian doctrine as defined by the Westminster Confession and the Westminster Larger and Shorter Catechisms. Its professors train pastors, chaplains, and missionaries for Christian service. The motto of Erskine Theological Seminary is “For Christ and His Church.”

Erskine College was founded two years later in 1839 on the same site with the express purpose of providing postsecondary education in the context of the Reformed Presbyterian faith. Erskine College, also an agency of the Church, receives leadership, guidance, and support from the Church’s General Synod, which selects members of the Board of Trustees.<sup>1</sup> The Seminary and the College form one combined institution of higher Christian education led by one President and one Board of Trustees, who serve under the authority of the Associate Reformed Presbyterian Church.<sup>2</sup>

---

<sup>1</sup> The selection of College board members is outlined in the *Policy Manual of the Erskine College and Seminary Board of Trustees*, page 17, section 4.5.

<sup>2</sup> The College’s relationship to the Church is outlined in the ARP Church’s *Manual of Authorities and Duties for Officers and Agencies and Rules of Order*. Refer to the following link, page 45-48: <http://arpchurch.org/wp-content/uploads/2015/09/Manual-of-Authorities-and-Duties.pdf>.

Erskine is under the authority of the Church. Erskine's bylaws require that the General Synod of the Church appoint 15 of the 17 members of the Board of Trustees. The President of the Erskine Alumni Association and the moderator of the Church's General Synod serve as the remaining two Trustees.<sup>3</sup> The Associate Reformed Presbyterian Church General Synod has expressed Erskine's purpose and principles as an agency of the Church. In a document entitled "Philosophy of Higher Christian Education," the Synod states its directives for the College and the Seminary:

Taking their perspective from the Biblical view of God, man and the world as expressed in The Standards of the Associate Reformed Presbyterian Church, our institutions of Christian higher education have a responsibility to stress Christian doctrine as well as Christian ethics; Christian commitment as well as academic excellence. Our calling in Christian higher education is to create an environment that exposes the college community to the truth of God's redemptive love and to equip its members for lives of useful service, whether in the full-time ministries of the Church, or in some other worthy calling.<sup>4</sup>

This statement indicates the Church's mandate for a demonstration of both academic excellence and adherence to Biblical principles as articulated in Church documents in the operation of Erskine College and Erskine Theological Seminary.

Erskine upholds the same religious beliefs adopted by the Church. Erskine employees affirm that the Bible is God's inerrant Word, infallible in all matters of religious faith and practice. Furthermore, in The Standards of the Associate Reformed Presbyterian Church,<sup>5</sup> the denomination affirms that The Westminster Confession of Faith and the Westminster Larger and Shorter Catechisms express and support the system of doctrine taught in the Bible. The Associate Reformed Presbyterian Church, Erskine College, and Erskine Theological Seminary endorse a Biblical view of God, human beings, and reality as explained in these historic Reformation documents.

More specifically, Erskine and the Church hold the following beliefs:

#### Statement on Human Sexuality

Amidst recent cultural and political shifts indicating changes of opinion about moral standards, human sexuality, and gender definitions, Erskine's Board of Trustees has prepared a policy document entitled "Erskine College and Theological Seminary Statement on Human Sexuality" adopted by the Erskine College Board of Trustees on February 20, 2015. The statement defines the Biblical view of human sexuality as follows:

We believe the Bible teaches that monogamous marriage between a man and a woman is God's intended design for humanity and that sexual intimacy has its proper place only within the context of marriage. The scriptural view of human sexuality is that God formed man and woman in His image (Gen. 1:27-28), and these two were to become one

---

<sup>3</sup>*Policy Manual of the Erskine College and Seminary Board of Trustees*, section 4.5.

<sup>4</sup> The *Philosophy of Christian Higher Education* was adopted by General Synod on June 7, 1978.

<sup>5</sup> Adopted by the Associate Reformed Synod at Greencastle, May 31<sup>st</sup>, 1799.

flesh (Gen. 2:23-24). Christ affirms that marital union is to be between a man and woman (Matt. 19:4-6). The Bible teaches that monogamous marriage between a man and a woman is God's intended design for humanity and that sexual intimacy has its proper place only within the context of marriage (I Thess. 4:3-5; Col. 3:5-7). Sexual relations outside of marriage or between persons of the same sex are spoken of in scripture as sin and contrary to the will of the Creator (Rom. 1:26-27; 1 Cor. 6:9-10; I Tim. 1:9-11).<sup>6</sup>

In addition, the Board of Trustees specifies that administrative decisions are to be made in accordance with the Statement on Human Sexuality:

We believe the Bible teaches that all sexual activity outside the covenant of marriage is sinful and therefore ultimately destructive to the parties involved. As a Christian academic community, and in light of our institutional mission, members of the Erskine community are expected to follow the teachings of scripture concerning matters of human sexuality and institutional decisions will be made in light of this position.

Therefore, Erskine's Biblical views on human sexuality preclude our compliance with certain applications of Title IX regulations to the extent that they would conflict with our religious convictions.

#### Statement on Abortion

Erskine upholds the sanctity of human life stated as follows in the minutes of the Associate Reformed Presbyterian Church's General Synod:

We also believe the Scriptures point up a unique relationship between God the Creator and the unborn child. And, therefore, regarding the divine mysteries of the conception and development of human life, we dare make no other inference than the conclusion that it is not for men basically to be the determiners of life and death, even for the unborn child. (*Minutes of the General Synod*, 1981, 402-403)

Based on our established religious beliefs concerning the sanctity of human life, Erskine cannot comply with certain Title IX regulations involving issues of pregnancy and abortion.

In light of the above-referenced publicly stated Biblical positions of both the Associate Reformed Presbyterian Church and Erskine's Board of Trustees, Erskine therefore cites the following Title IX regulations containing directives, if applied to issues involving human sexuality or discrimination based on sexual orientation, gender identity, or abortion, that conflict with the religious beliefs of the Associate Reformed Presbyterian Church and those of Erskine College and Erskine Theological Seminary:

34 C.F.R. § 106.21 (admission)

34 C.F.R. § 106.22 (preference in admission)

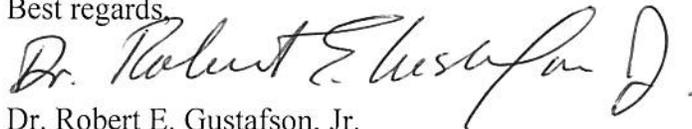
---

<sup>6</sup> The Bible clearly teaches that God created two sexes and therefore assumes that a person's sex is not a matter of individual choice; we do not believe the scriptures support the resolving of psychological tension between one's sex and gender by the adoption of an opposite-sex identity (Gen. 5:2; 2:23-24).

- 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. § 106.36 (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. § 106.43 (standards for measuring skill or progress in physical education classes)
- 34 C.F.R. § 106.51-61 (relating to employment)

As President of Erskine College and Erskine Theological Seminary, I appreciate your consideration of this important matter. Thank you for your assistance. I anticipate receiving confirmation from you soon of our religious exemption status based on 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12 of Title IX.

Best regards,



Dr. Robert E. Gustafson, Jr.  
President, Erskine College and Erskine Theological Seminary