



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 15, 2017

Samuel W. Matthews, D.Min.
President
Family of Faith Christian University
P.O. Box 1805
Shawnee, OK 74802

Dear President Matthews:

I write in response to your November 8, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Family of Faith Christian University (University) of Shawnee, Oklahoma, 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. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the University "offers academic programs that are specifically designed to prepare students to be pastors and teachers in Christian vocation" and that "[e]ach degree program requires substantial completion of courses that deal with Bible and theology." The letter further explains that the University "require[s] faculty, applicants, students, and other employees to subscribe to the [University's] Statement of Faith which is biblically based in every way." The letter notes that faculty and staff contracts request affirmation that the individual is a "born again" Christian. Finally, students must agree to the College Covenant, which deals with behavioral expectations, including with respect to marriage and sexual relationships.

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they prohibit discrimination based on marital status, sex outside of marriage, sexual orientation, gender identity, and pregnancy. In support of this request, your letter cites the University's College Covenant, under which students are expected to "abstain from... sexual immorality." The College Covenant further explains that "[m]arriage is a

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covenant between a man and a woman who are obeying God's direction to become one to fulfill His calling. Sexual relationships outside a marriage are wrong."

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent that they prohibit discrimination based on marital status, sex outside of marriage, sexual orientation, gender identity, and pregnancy:

- 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. § 106.34 (governing access to institutions of vocational education);
- 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. § 106.41 (governing athletics);
- 34 C.F.R. § 106.42 (governing textbooks and curricular materials);
- 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-60 (governing employment).

The University 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