



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 15, 2017

Ken B. Kemper  
President  
Grace Bible College  
1011 Alden Street SW  
P.O. Box 910  
Grand Rapids, MI 49509

Dear President Kemper:

I write in response to your letter that the U.S. Department of Education's Office for Civil Rights (OCR) received on November 9, 2016, in which you requested a religious exemption for Grace Bible College (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 controlled by the Grace Gospel Fellowship (Fellowship) and that the relationship between the College and the Fellowship has not changed since OCR previously granted the College a religious exemption from select provisions of Title IX on September 23, 1985. Your letter also states that recently, the College's Board of Directors adopted the Fellowship's doctrinal statement as the College's doctrinal statement.

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that "they are interpreted to curtail the College's freedom to respond to gender dysphoria and homosexual belief in accordance with its religious convictions." In support of this request, your letter asserts that the Fellowship passed a motion stating its position on human sexuality and the College's Board of Directors adopted a Human Sexuality Policy which states that the College neither supports nor affirms "marriage of any kind other than marriage between one man and one woman; sexual relations of any kind outside the confines of marriage between one man and one woman; resolution or attempted resolution of tension between one's biological birth sex and one's expression of gender by the adoption of a psychological identity discordant with one's biological birth sex; changes or attempts to change one's given biological

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birth sex via medical intervention in favor of the identity of the opposite sex or of an indeterminate identity.”

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions “to the extent that they are interpreted to encompass gender identity or sexual orientation discrimination”:

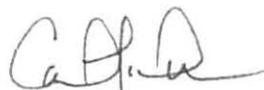
- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing 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