



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 31, 2016

J. Kevin Ingram
President
Manhattan Christian College
1415 Anderson Avenue
Manhattan, KS 66502-4081

Dear President Ingram:

I write to respond to your November 17, 2015, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Manhattan Christian College (College) of Manhattan, Kansas, 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 provide 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 states that "[t]he College is 'historically affiliated with nondenominational, independent Christian Churches and Churches of Christ of the Restoration Movement.'" You explain that "[t]he College is governed by a Board of Trustees whose members must be 'dedicated Christians who evidence Christian commitment,' who affirm the College's doctrinal statement, and who are committed to the mission of the College." Your letter notes that "the College exists in part to fulfill the following purpose: To secure, teach, train and send out consecrated men and women of all nationalities to preach and practice the pure New Testament Gospel." You state that "[t]he College also requires that officers of the College... and faculty teaching 'Biblical studies, doctrine, theology, practical ministries and church history,' be 'grounded in the history of the Campbell-Stone Restoration Movement.'" Your letter further explains that "[t]he College relies on and requires all Board Members, officers of the College, and faculty to affirm" certain doctrines outlined in the letter "as foundational to all that it does, including what is taught in its classes." These doctrines include a belief in: "one God . . . eternally existing in three persons"; "the Bible . . . [as the] authoritative word of God"; "the deity of our Lord Jesus Christ"; the "terms of salvation . . . expressed in the New Testament"; "the present ministry of the Holy Spirit"; and "bodily resurrection." Your letter notes that "[t]he

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

Board of Trustees and the College submit themselves to the Bible and to these historic expressions of its doctrine and seek to express positions that are in accord with those standards.”

You request an exemption from 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 Statement on human life.”

In support of this request, you cite the College’s Statement on Doctrine, which is “consistent with . . . theological standards,” as it relates to gender identity. According to your letter, the Statement on Doctrine “affirm[s] that God’s original and ongoing intent and action is the creation of humanity manifest as two distinct sexes, male and female,” and rejects “the resolution of tension between one’s biological sex and one’s experience of gender by the adoption of a psychological identity discordant with one’s birth sex [or . . .] attempts to change one’s biological birth sex.” With respect to sexual conduct, your letter cites to the Statement on Doctrine for the proposition that “[S]exual intimacy is designed by God to be expressed solely within a heterosexual marriage” and that the College “cannot affirm any sexual intimacy between a man and a woman in a pre-marital or an extra-marital relationship, any sexual intimacy between two persons of the same sex, and marriage to be anything other than a union between one man and one woman.” Finally, you cite the Statement on Doctrine for the belief “that all human life is sacred . . . including pre-born babies” and that individuals should “defend, protect, and value all human life.”

You state that, for these reasons, the College is requesting an exemption “from Title IX and the following implementing regulations (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 Statement on 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 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 such as restrooms and locker rooms);
- 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 insurance benefits and services);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 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. §§ 106.51-106.61 (governing employment).

The College is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity, sexual orientation, and abortion and 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 granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets identified in your request, OCR is obligated to identify a controlling organization to contact 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
U.S. Department of Education