



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 29, 2016

G. Craig Williford
President
Multnomah University
8435 Northeast Glisan Street
Portland, OR 97220

Dear President Williford:

I write to respond to your February 11, 2015, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Multnomah University (University) of Portland, Oregon, 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 letter explains that the University "is a faith-based, higher education institution built upon the historic, Christian, protestant, evangelical tradition" that is "completely controlled by the Board of Trustees." According to your letter, "[e]very member of the Board is required to be a Christian and subscribe to the beliefs outlined in [the University's] doctrinal and values statements." You explain that your "core religious convictions are central to [the University's] educational experience and learning community" and that the University requires that "all undergraduate students earn a Bible degree in addition to any other degree they seek." Additionally, your letter states that the University's doctrinal and values statements "are signed annually by all trustees, faculty, and staff." Finally, your letter explains that the "University also has a Seminary, which offers seven different graduate degrees in theology, divinity, ministry, and Biblical studies."

Your letter requests an exemption from the provisions of Title IX "to the extent they are interpreted to reach gender identity discrimination." In support of this request, you cite to the University's "Human Sexuality and Purity Policies" which affirms the University's "longstanding belief in the authority of the Bible . . . and [y]our understanding of the Bible's

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teaching on human sexuality.” Quoting the Bible, that policy states that “[h]uman beings, fashioned by God in His own image, are created male and female” and that “the sexual differences between man and woman are pronounced ‘very good.’” Your letter explains that “the requirement to treat transgender students consistent with their ‘gender identity’ would conflict” with the religious tenets followed by the University.

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions “to the extent they are interpreted to reach gender identity discrimination:”

- 34 C.F.R. § 106.21 (governing admissions);
- 34 C.F.R. § 106.22 (governing preference in admissions);
- 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. § 106.51-61 (governing employment).

The University is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity 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,

A handwritten signature in black ink, appearing to read 'CEL', written in a cursive style.

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education