



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

March 1, 2023

Eric C. Blum
President
Oak Valley College
2759 Ayala Dr.
Rialto, CA 92377

Dear President Blum:

I write in response to your January 17, 2023, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Oak Valley College (the "College") in Rialto, California.

On March 17, 2021, the College submitted a letter to OCR in which it requested assurance of a Title IX religious exemption. On August 10, 2021, OCR requested additional information from the College to (1) clarify the specific tenets of the controlling religious organization that conflict with Title IX, and (2) provide evidence of the College's control by a religious organization. Your January 17, 2023, letter responds to OCR's request for additional information.

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 regulations 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 the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption or assert a religious exemption in response to a pending OCR investigation. The request must specify the tenets of the controlling religious organization and the provisions of the law or regulation that conflict with those tenets. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

The January 17, 2023, letter states that the College was founded in 2006 as "a liberal arts college focused on providing future leaders with a well-rounded undergraduate education framed by a Christian worldview." You note that the College is nondenominational, but Christian teaching, principles, and service are reinforced throughout its programs. Further, the College asks students, faculty, and staff to affirm certain behaviors that align with the College mission, vision, and values. These beliefs are

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outlined and framed by the College’s Statement of Faith and include the belief that the Bible is “uniquely inspired by God” and “the final authority” for understanding all matters of faith and practice. Your letter also contains information about the College’s religious tenets that conflict with Title IX. The letter states that “Oak Valley’s Honor Code asks students, faculty, and staff to uphold the following standards” and “not to engage in activities that Scripture forbids or advocate positions inconsistent or contrary to these standards,” including “dishonesty (Academic Honesty is outlined in the Catalog), thievery, fornication, adultery, violations of the law, drunkenness, unscriptural divorce, homosexual practice, and the destruction of innocent human life after conception through abortion on demand, covetousness, jealousy, pride, and lust.”

The College requests assurance of its religious exemption from certain regulatory provisions to the extent that they conflict with the College’s Statement of Faith and Honor Code:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 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 (measuring skills or progress in physical education classes)
- 34 C.F.R. §§ 106.51-61 (employment)

Oak Valley College is exempt from these regulatory provisions to the extent that these provisions conflict with the College’s Statement of Faith and Honor Code.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations 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,



Catherine E. Lhamon
Assistant Secretary for Civil Rights