



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

February 24, 2023

M.G. "Pat" Robertson
Chancellor
Regent University
1000 Regent University Dr.
Virginia Beach, VA 23464

Dear Chancellor Robertson:

I write in response to your December 7, 2022, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you asserted a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Regent University (the "University") in Virginia Beach, Virginia, in the context of a pending OCR investigation.

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 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. 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.

Your letter explains how the University is controlled by a religious organization. Specifically, your letter states that the University's Board of Trustees controls the University. Your letter asserts that the University's Board of Trustees has a specific religious identity and set of beliefs that are demonstrated in the University's foundational documents, including its Articles of Incorporation and Bylaws. You note that the University's Amended Articles of Incorporation state that the University "shall exist for the purpose of bringing glory to God and His Son Jesus Christ." The University's stated Mission is to serve "as a center of Christian thought and action to provide excellent education through a biblical perspective and global context equipping Christian leaders to change the world." You note that the University's Amended Articles of Incorporation require

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

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

Trustees to subscribe to the philosophy of the University and its Statement of Faith. Additionally, the Amended and Restated Bylaws require all Trustees, Officers, Administrators, and Faculty to subscribe to the Statement of Faith in writing. Your letter explains that the University requires its faculty and employees to espouse a personal belief in Jesus Christ and practice the Christian faith. Students must also conduct themselves in accordance with the University’s religious mission and beliefs, as explained in the Student Handbook, and must agree to receive an education in accordance with the University’s mission, Statement of Faith, and community standards, including Christian standards of personal conduct.

Your letter also outlines the religious tenets of the controlling religious organization that conflict with Title IX. The University’s Statement of Faith includes a provision that the University believes that the Holy Bible is the “inspired, infallible, and authoritative source of Christian doctrine and precept.” When explaining the tenets pertaining to sexuality, chastity, and the importance of heterosexual marriage, the Employee Handbook’s Statement of Faith & Personal Conduct states as follows:

Regent University fully accepts the teachings of the traditional Biblical view with regard to the goodness of our sexuality, the importance of chastity, and the place of heterosexual marriage as God’s intended context for complete sexual expression to occur (Gen. 2:21-24). Sexual misconduct that is prohibited includes disorderly conduct or lewd, indecent, or obscene conduct or expression, involvement with pornography, premarital sex, adultery, homosexual conduct or any other conduct that violates Biblical standards.

Similarly, the Student Handbook states that the University subscribes to the Christian belief that God has instituted marriage as “a covenant between one man and one woman” and includes the same provision pertaining to sexual misconduct as the Employee Handbook.

For the above reasons, the University requests assurance of its exemption from the following regulatory provisions to the extent that the provisions conflict with the controlling organization’s religious tenets pertaining to sexual orientation:

- 34 C.F.R. § 106.21 (admission)¹
- 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)

¹ In its December 7, 2022, letter, the University refers to “34 C.F.R. § 106.2122 (admission)”. OCR interprets the University’s letter as requesting assurance of its exemption from 34 C.F.R. §§ 106.21 (admission) and 106.22 (preference in admission).

- 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. § 106.42 (textbooks and curricular material)
- 34 C.F.R. § 106.43 (measuring skills or progress in physical education classes)
- 34 C.F.R. §§ 106.51-61 (employment)

Regent University is exempt from these provisions to the extent that these provisions conflict with the controlling organization's religious tenets pertaining to sexual orientation.

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,

A handwritten signature in black ink, appearing to read 'C. Lhamon', with a long horizontal flourish extending to the right.

Catherine E. Lhamon
Assistant Secretary for Civil Rights