



October 7, 2013

Catherine Lhamon, Assistant Secretary  
U.S. Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Re: Simpson University's Request for Title IX Religious Exemption

Dear Ms. Lhamon:

I have become aware that the Departments of Education and Justice recently interpreted Title IX's ban on sex discrimination in education to include discrimination based on gender identity.<sup>1</sup> As President of Simpson University, a private, religious liberal arts college in California, I hereby request, under 34 C.F.R. §106.12, an exemption for Simpson from this interpretation of Title IX, due to the religious beliefs of our institution.

Simpson University is a Christ-centered learning community committed to developing each student in mind, faith and character for a lifetime of meaningful work and service in a constantly changing world. Our identity as a Christian institution is central to all that we do and teach at Simpson.

Simpson is owned by and affiliated with the Christian and Missionary Alliance denomination.<sup>2</sup> The denomination, and the University itself, believe in the inerrancy and truth of Scripture as presented in the Holy Bible.<sup>3</sup> We believe the Bible speaks to many social issues of our time, including human sexuality, and provides guidelines for morally acceptable behavior.

The University and its denomination believe that human beings, fashioned by God in His own image, are created male and female (Genesis 1:27).<sup>4</sup> In the New Testament, Jesus confirms the heterosexual creation of human beings: God made them male and female (Matthew 19:4).<sup>5</sup> Like the rest of God's creation, the sexual differences between man and woman are pronounced "very good" (Genesis 1:31).<sup>6</sup> However, sexual practices that are divorced from loving, covenantal relationships between men and women pervert God's intentions and result in sinful behavior that ruptures relationships between men and women, and erodes the relationship between human beings and their Creator.<sup>7</sup> Humanity's failure to ground sexual identity in God's creative intent and holy character violates biblical standards of sexual purity.<sup>8</sup> We reject all attempts at constructing one's own sexual identity by medically

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<sup>1</sup> Resolution Agreement Between the Arcadia Unified School District, the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, available at <http://www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf>

<sup>2</sup> Simpson University, *About Simpson- Institutional Identity*, <http://simpsonu.edu/Pages/About/Simpson/ChristianIdentity.htm> (last visited Sept. 27, 2013).

<sup>3</sup> Simpson University, *Christian Identity- Statement of Faith*, <http://simpsonu.edu/Pages/About/Simpson/FaithStatement.htm> (last visited Sept. 27, 2013).

<sup>4</sup> Christian and Missionary Alliance, *Human Sexuality*, <http://www.cmalliance.org/about/beliefs/perspectives/human-sexuality> (last visited Sept. 27, 2013).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

altering the human body, cross dressing, or similarly practicing behaviors characteristic of the opposite sex as morally objectionable and sinful (Deuteronomy 22:5).<sup>9</sup>

We affirm the dignity of all human beings. We also separate the value of each person from the behavioral choices one makes. We believe that, as Christians, we are called to treat all people, including those who practice sexual behavior in conflict with the Bible, with compassion, and to extend the gospel of repentance, forgiveness, and transformation through Jesus Christ to such persons without reservation. However, in keeping with our biblical beliefs surrounding the morality of such actions, we cannot in good conscience support or encourage an individual to live in conflict with biblical principles. Moreover, any individual who violates campus standards for biblical living is subject to discipline, including expulsion.

Based on the resolution recently entered into by the Department and a California school district,<sup>10</sup> it appears that the Department is now interpreting Title IX's ban on discrimination in education because of sex to also mean that educational institutions may not "discriminate" on the basis of "gender identity." Specifically, the school district in that dispute was ordered to allow a female student presenting herself as male to use the restroom, locker room, and living accommodations of her choice, and to participate in boys' athletic programs.

We would not be able to make similar accommodations consistent with our religious beliefs. Because of our biblical beliefs regarding gender and sexual morality, our practices might be deemed a violation of this interpretation of Title IX. However, under 20 U.S.C. §1681(a)(3) and 34 C.F.R. §106.12(a), this interpretation does not apply to Simpson: "This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization."

Thus, on behalf of Simpson University, I hereby request an official exemption from compliance with that interpretation of Title IX. Simpson gladly complies with Title IX with respect to granting equal opportunities in educational programs or employment to members of both sexes; our request for exemption is limited to the recent interpretation that "sex" under Title IX also includes gender identity.

If you require anything further, please do not hesitate to contact me.

Very truly yours,



Robin Keith Dummer, Ed.D.  
Interim President

cc: Gregory S. Baylor, Esq., Alliance Defending Freedom

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<sup>9</sup> *Id.*

<sup>10</sup> See *supra* note 1.