



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 30, 2018

Scott Rich, Ed.D.
President
Sterling College
P.O. Box 98
Sterling, Kansas 67579

Dear President Rich:

I write in response to your August 10, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Sterling College (College) of Sterling, Kansas, from Title IX of the Educational 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 that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may 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 states that the College is a "Christian liberal arts college" founded by the United Presbyterian Church of North America and that the College is "governed by a Board of Trustees whose members must be Christians who affirm the College's doctrinal statement, and who are committed to the mission of the College." Your letter further states that the College "requires its faculty and trustees to adhere to and support the College's statement on faith."

Your letter requests exemption from certain provisions of 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 that they "curtail the college's ability to faithfully practice [its] doctrinal beliefs," including its policy on the sanctity of life.

In support of this request, your letter cites the College's Employee Handbook and Statement on Life, Marriage, Gender Identity and Human Sexuality. Your letter states that regarding life, marriage, gender, and sexuality, the College believes that God "immutably creates each person

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as male or female. . . . Rejection of one's biological sex is a rejection of this God-given trait. [T]hat marriage is designed to be the lifelong uniting of one man and one woman in a single, biblical, covenant union as delineated in Scripture. [T]hat God intends sexual activity to occur only between a man and a woman who are married to one another. . . . [and] that any form of sexual immorality (including adultery, fornication, homosexual behavior and bisexual conduct) is understood to be one of the disruptive consequences of the fall." Your letter also cites the College's policy "regarding the sanctity of human life" and the Employee Handbook, which "emphasizes a biblical value for human life stating, '...that the Bible is clear in its teaching on the sanctity of human life and we encourage choices that affirm life for all of our employees.'"

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to the extent that "they are interpreted to reach gender identity or sexual orientation discrimination," and to the extent that they "curtail the college's ability to faithfully practice [its] doctrinal beliefs," including its policy on the sanctity of 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(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing any right, privilege, advantage, or opportunity);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 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 and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 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);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.53 (governing recruitment);
- 34 C.F.R. § 106.57 (governing marital or parental status);
- 34 C.F.R. § 106.60 (governing pre-employment inquiries);

The College is exempt from these provisions to the extent that 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 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. Jackson', with a long horizontal flourish extending to the right.

Candice Jackson
Acting Assistant Secretary for Civil Rights