



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 18, 2017

Thomas W. Keefe
President
University of Dallas
1845 East Northgate Drive
Irving, TX 75062-4736

Dear President Keefe:

I write to respond to your July 23, 2015, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for the University of Dallas (University) of Irving, Texas, from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. In response to a request from OCR on January 8, 2016, you submitted further information on September 30, 2016, about the University's eligibility for exemption from Title IX.

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 September 2016 letter states that the University's Articles of Incorporation and Bylaws expressly state that it was formed as a "Catholic institution of higher learning," the purpose of which is "to fully comply with the obligations of a Catholic University as established in *Ex Corde Ecclesiae*" and "to promote the moral, spiritual and religious lives of its students and to be publicly identified as a Catholic University." Your September 2016 letter further explains that "on its website, in its Mission Statement, and throughout its catalogues and other publications, the University repeatedly affirms to the public that it is a Catholic university committed 'to the Catholic Church and its teachings' and 'and to the renewal of Catholic theology in fidelity to the Church and in constructive dialogue with the modern world.'" Your letter also notes that the University "fully complies with the requirement that non-Catholic teachers may not constitute a majority within the Institution." Lastly, the letter states that "the University's designation as a Catholic university is monitored and ultimately subject to the consent of the Bishop of the Catholic Diocese of Dallas," who also "serves as Chancellor of the University and a voting member of the University Board of Trustees."

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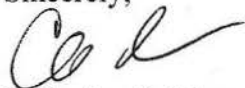
Your July 2015 letter requests a religious exemption from the “interpretation of Title IX which prohibits discrimination in regard to housing and with comparable accommodations based on gender identity.” In support of this request, your letter cites tenets from the Old Testament, including that “God created human beings in his own image, creating both male and female (Genesis 1:27), and like the rest of God’s creation, the sexual differences between man and woman are pronounced ‘very good.’ (Genesis 1:31).” Your letter states that the University “will continue to comply with all other requirements related to Title IX with respect to granting equal opportunities in educational programs or employment to members of both sexes.”

It is our understanding that the University is requesting an exemption from 34 C.F.R. § 106.32 to the extent it is interpreted to “allow students to elect housing accommodations based on gender identity and not based on their sex assigned at birth.” The University is exempt from this provision 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 granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to identify a controlling organization 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,



Catherine E. Lhamon
Assistant Secretary for Civil Rights