



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 29, 2016

John Jackson, Ph.D.
President
William Jessup University
2121 University Avenue
Rocklin, CA 95765

Dear President Jackson:

I write to respond to your April 28, 2015, and April 19, 2016 letters to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for William Jessup University (University) of Rocklin, California, from Title IX of the Education 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 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 April 2016 request letter explains that the University is "a Christ-centered learning community" that is "affiliated with the Independent Christian Church ('ICC') and the Restoration Movement." According to that letter, the "members of the Board of Trustees, faculty, employees and volunteers are required to subscribe to the University's Statement of Faith, which incorporates the ideals of the ICC and Restoration Movement." Your letter further states that the University "receives significant financial assistance through its connection to the Restoration Movement." Your April 2015 letter states that the University's mission is "to prepare Christians for leadership and service in church and society, through Christian higher education, spiritual formation, and directed experiences." The letter also explains that "in the employment context, both applicants and existing employees are required to affirm their commitment to [the University's] Community Covenant."

Your April 2016 letter requests an exemption from the provisions of Title IX "to the extent they are interpreted to reach gender identity discrimination or sexual orientation discrimination and to the extent they restrict the University's freedom to apply and enforce its Sanctity of Human Life

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

policy.” In support of this request, your letter cites to the University’s policy on human sexuality. The letter states that the University affirms that “[h]umans are ‘fearfully and wonderfully made’ in the image of God, strategically and purposefully as the biological gender with which they were born . . . ; God designed heterosexual union between a male and female, as husband and wife respectively . . . ; [s]exual intimacy is only appropriate within the context of a lifelong commitment in a faithful, monogamous, heterosexual marriage between one biological male and one biological female.” Additionally, the letter explains that ‘consistent with both the teaching of Scripture and the Christian church tradition’ . . . on the value of life,” the University believes that “[h]uman life is uniquely sacred from conception to the grave” and that the “intentional destruction of innocent human life is unbiblical and contrary to God’s will.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions “to the extent they are interpreted to reach gender identity discrimination or sexual orientation discrimination and to the extent they restrict the University’s freedom to apply and enforce its Sanctity of Human Life policy:”

- 34 C.F.R. § 106.21 (governing admissions);
- 34 C.F.R. § 106.22 (governing preference in admissions);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 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 insurance benefits and services);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 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); and
- 34 C.F.R. § 106.51-61 (governing employment).

The University is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity, sexual orientation, or abortion and 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 identified in your request, OCR is obligated to identify a controlling organization to contact 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,

A handwritten signature in cursive script, appearing to read 'C. Lhamon', written in black ink.

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education