



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 2, 2018

William H. Jones
President
Columbia International University
7435 Monticello Road
Columbia, SC 29203

Dear President Jones:

I write in response to your June 6, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Columbia International University (University) of Columbia, South Carolina, 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. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the University is "a Christian evangelical university" that is "committed to the promotion of the Christian evangelical faith both locally and internationally." Your letter cites the University's Constitution, which describes the University's purpose as "train[ing] Christian men and women for Christian service and for doing general Bible teaching and evangelical work." Your letter explains that the University is "governed by and controlled by its Board of Trustees, all of whom must demonstrate a personal belief in the Christian evangelical faith of the University." Your letter further explains that the University's Statement of Faith is "codified as the Doctrinal Standard within [the University's Constitution]" and that "[a]ll University employees are required to affirm the [University's] Statement of Faith annually, and all prospective students are required to affirm it at the time they apply for admission."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they are interpreted "to curtail [the University's] freedom to respond to transgender individuals in accordance with its theologically-grounded convictions" or "apply different rules of behavior, sanctions, or other treatment in matters involving interpersonal relationships and sexual relations." In support of this request, your letter cites the University's Employee Handbook and its policy on Same-Sex Attraction and Homosexual

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Behavior, explaining that the University “believes that God created two sexes, male and female; that marriage is between one man and one woman; and that sexual relations outside of a marriage, including extramarital or homosexual sexual activity, are sinful.” Your letter also explains that the University “believes, based on biological and Biblical principles, that a person’s sex is the biological sex determined at the time of his or her conception and birth and that a person cannot change his or her birth sex.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent that they are interpreted “to curtail [the University’s] freedom to respond to transgender individuals in accordance with its theologically-grounded convictions” or “apply different rules of behavior, sanctions, or other treatment in matters involving interpersonal relationships and sexual relations:”

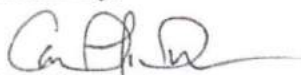
- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing 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); and
- 34 C.F.R. §§ 106.51-61 (governing employment).

The University 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,



Candice Jackson
Acting Assistant Secretary for Civil Rights