

January 12, 2015

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

RE: Asbury University's claim to exemptions from Title IX

Dear Assistant Secretary Lhamon:

I represent Asbury University with respect to its claim for exemptions from certain provisions of Title IX and its implementing regulations on grounds that the school is controlled by a religious organization, and application of those provisions is inconsistent with the religious tenets of the organization. Enclosed please find a letter from Dr. Sandra Gray, the highest ranking official of Asbury University, identifying the provisions of the law that conflict with the school's governing religious tenets.

Please contact me if you need additional information in order to respond to the enclosed letter.

Sincerely,

WYATT, TARRANT & COMBS, LLP



Leila G. O'Carra

LGO  
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## ASBURY UNIVERSITY

Academic Excellence & Spiritual Vitality

January 7, 2015

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

Dear Ms. Lhamon:

As president of Asbury University, I write to request a religious exemption for the school from Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681.

Asbury University is a small, private evangelical Christian school located in Wilmore, Kentucky. Originally named Kentucky Holiness College, the university was established in the Wesleyan-Holiness tradition. Asbury was founded in 1890 by the Reverend John Wesley Hughes, a Methodist evangelist. Hughes changed the name of the school to Asbury College, in honor of Bishop Francis Asbury, who had organized the Kentucky Conference of the Methodist Church and established Bethel Academy, a Methodist school.

Asbury University is controlled by an evangelical Wesleyan-Holiness perspective of Christianity. All members of the institution's controlling body, the board of trustees, must adhere to and believe in the fundamental doctrines of the religion—justification, regeneration, witness of the Spirit, and entire sanctification. Further, all members of the administration, including the president of the university, any vice president, and the provost must adhere to the religious beliefs on which the institution was founded.

Asbury University is bound by its by-laws to the doctrinal standards established by John Wesley and his immediate successors. Asbury's charter and articles of incorporation provide that if at any time the president of the institution, or any of its teachers, should teach any doctrine contrary to the fundamental doctrines of the Holy Scriptures, the institution shall revert to the National Holiness Association. The articles of incorporation further provide:

*The doctrines of justification, regeneration, witness of the Spirit, and entire sanctification shall be held sacred; and it shall be chiefly to promote a true experience along these lines in connection with education that the conduct of this institution was undertaken, and this Article shall never be altered or revoked.*

Every facet of university life is shaped by the Wesleyan understanding of sin, grace, and the possibility of full salvation for Christ-like living.

Asbury University	asbury.edu
Office of the President	president@asbury.edu
One Macklem Drive	859-858-3511, ext. 2110
Wilmore, Kentucky 40390	fax: 859-858-4267



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Asbury's Statement of Mission provides: "Our global mission, as a Christian Liberal Arts College in the Wesleyan-Arminian and Holiness Traditions, is to equip men and women, through a commitment to academic excellence and spiritual vitality, for a lifetime of learning, leadership, and service to the professions, society, family, and the Church." Education at Asbury is Christ-centered, for He is "before all things and in him all things hold together" (Colossians 1:17).

We believe that the Scriptures of both the Old and New Testaments constitute the divinely inspired Word of God, that they are inerrant in the original writings, and that they are the final authority for truth and life. Asbury is committed to following biblical mandates for living. Certain behaviors are expressly prohibited in the Scripture and are therefore unacceptable at Asbury. These behaviors include sexual immorality (adultery, homosexual behavior, premarital sexual intimacy). (Galatians 5:19-21). While not explicitly mentioned in the Scripture, Asbury believes that elective abortion to terminate an unwanted pregnancy is a violation of biblical principles and therefore unacceptable. All persons affiliated with Asbury, including students, faculty, staff, and members of the administration and board of trustees must adhere to the lifestyle standards of the Asbury community. Engaging in any of the prohibited behaviors listed here is almost certain to result in immediate dismissal from the university.

Further, we believe that humans are beings created, in the image of God, male and female, and are of inestimable worth. We do not surrender the biblical standard of sexual purity to the prevailing secular culture, nor the definition of "male" and "female" to mean something more or different than an individual's sex at birth. Accordingly, we could not support or encourage an individual's expression of a gender other than that person's birth sex. Moreover, Asbury University will not recognize or support campus groups whose aim by statement, practice, or intimation is to promote a vision of human sexuality that is contrary to our understanding of biblical teaching.

Because compliance with certain provisions of Title IX and its implementing regulations would conflict with the religious tenets described above, Asbury requests an exemption from them to the extent that such provisions prohibit differential treatment on the basis of gender identity, sexual orientation, premarital sex/premarital pregnancy, and abortion:

- 34 C.F.R. § 106.21 (governing differential treatment in admissions);
- 34 C.F.R. § 106.31 (governing differential treatment in any academic, extracurricular, or other educational program or activity, including different rules of behavior or sanctions);
- 34 C.F.R. § 106.32 (governing housing);



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- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 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. § 106.51 (governing employment);
- 34 C.F.R. § 106.52 (governing employment criteria);
- 34 C.F.R. § 106.53 (governing recruitment);
- 34 C.F.R. § 106.57 (governing the consideration of marital and parental status in employment decisions);
- 34 C.F.R. § 106.59 (regarding advertising); and
- 34 C.F.R. § 106.60 (regarding pre-employment inquiries).

Should you need any additional information about Asbury University in order to process this request, please contact me.

Sincerely,

Sandra C. Gray, Ph.D.  
President