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May 1, 2015

Assistant Secretary Catherine Lhamon  
U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

Re: Application for Recognition of Exemption from certain Title IX Regulations.

Dear Assistant Secretary Lhamon:

As the highest-ranking official at Bethel College, I am making this application for recognition by the Office for Civil Rights of the Department of Education, that the College is exempt from compliance with certain Title IX regulations, under the religious exemption provided in 20 USC 1681(a)(3). The particular regulations for which exemption is requested are:

- 34 CFR §106.31(b)(4) – regarding different rules of behavior, sanctions, or other treatment
- 34 CFR §106.21(b)(iii) – admissions; regarding prohibitions on the basis of sex
- 34 CFR §106.21(c) – admissions; regarding prohibitions based on marital and parental status
- 34 CFR §106.57 – pregnancy; regarding marital or parental status of employees
- 34 CFR §106.40 – pregnancy; regarding marital or parental status of students
- 34 CFR §§106.51(a) and 106.51(b)(6) – regarding discrimination in employment in leaves for pregnancy, childbirth, and termination of pregnancy, based on sex, including in regard to gender identity issues
- 34 CFR §106.32 – regarding housing
- 34 CFR §106.33 – regarding restrooms and locker rooms and

34 CFR §106.41 – regarding athletics

In addition to being the President of Bethel College, I am an ordained Missionary Church minister. As a minister of the Missionary Church, I am qualified to present the tenets of the Missionary Church which pertain to the matters addressed in this letter, and the religious beliefs of the College, which are reflected in its policies and practices.

Bethel College is located in Mishawaka, Indiana and is a private, Christian evangelical College. Section 2:33 of the Bylaws of Bethel College (enclosed as Item 1) states:

“The Christian perspective of Bethel College, as expressed in the College Mission Statement, is fundamental to the educational and student development philosophy of the institution. Accordingly, each voting member of the Board of Trustees supports and personally subscribes to this Christian perspective.”

The College was established in 1947, as a Christian liberal arts college by the Missionary Church, and has been in continuous existence in Mishawaka, Indiana, for almost seventy-five years.

Bethel College is an urban-situated, evangelical institution, currently composed of 1,800 traditional and adult/graduate students from 35 states and 10 countries, and 250 full-time employees.

Bethel is ranked in the Top 13% nationally by U.S. News & World Report, recognized in the Top 100 nationally for its commitment to character education, and by the Templeton Guide and by the President's Higher Education Community Service Honor Roll for measurable outcomes in our region. Bethel's 20,000 alumni occupy 49 states and 35 world areas, and enjoy a medical school acceptance rate double the national average, 100% job placement rate in Nursing, 99% in music education, Top 4% finish nationally in competitive math performance tests, and 100% pass rate every year on the national performance standard for a unique academic major in American Sign Language.

Bethel College alumni include the No. 1 voted School Superintendent in Indiana, the No. 1 voted School Principal in Indiana, a Top 1% pediatric surgeon in North America, the former Executive Director of the largest Youth for Christ district in the nation, the Chaplain of Barak Obama's childhood school, the lead in "South Pacific" off Broadway, a national leader and lab executive in Nanotechnology and Sustainable Energy, Lynne Hybels – spouse and ministry partner of Bill, as founders of Willowcreek Church, MLB All-Star Team representative from the

Cleveland Indians Justin Masterson, MLB pitcher for the San Diego Padres Eric Stoltz, a senior Midwest manager for Blue Cross / Blue Shield, and more.

The mission of Bethel College is to be a community of learners building lives of commitment for leadership in the Church and world. Bethel's liberating academic programs challenge the mind, enlarge the vision, and equip the whole person for lifelong service.

In July 2013, when I became Bethel College's 7<sup>th</sup> President, I set out to establish five institutional priorities - called the *GREATER Agenda*. The long-term, grand aspiration is that Bethel will become a **Top Five most influential Wesleyan college in America**.

What produces a GREATER Bethel? The five priorities are:

- "G" – grow by 1,000 students (200 traditional, 800 adult/graduate)
- "R" - perpetuate conditions for spiritual revival so compelling it spreads across our region
- "E" – serve our students and each other with such excellence we surprise them, and we earn an encore
- "A" – improve campus aesthetics with \$20 million in designated projects (\$5.8 million raised in first six months) and
- "T" – testify more broadly to who we are and what God is accomplishing among us.

The College is governed by and controlled by its Board of Trustees, at least one-half of whom must be members of the Missionary Church, as dictated by the College's Articles of Incorporation. A copy of the Articles is included with this letter as Item 2 and the transcript of my Inauguration Address is included as Item 3.

Since its inception, the College's Articles have required that the controlling majority of the Trustees governing the College must be members in good standing of the Missionary Church. This results in the Missionary Church, through its members, having majority control over the College. The Bylaws of the College require, in Article 8, that the President of the Missionary Church shall be an ex-officio member of the Board. In addition, the President of Bethel College is an ex officio member of the denominational Board of Trustees.

In regard to the tenets of the Missionary Church, most of these tenets are codified in the Missionary Church Constitution, which contains the doctrinal positions of the Church. The Constitution is used by the College as a reference for behavioral and doctrinal standards expected of the College, its students, faculty, and other employees. Bethel College also believes that the Bible is the true and reliable word of God, and follows Biblical principles in its policies and practices applicable to Christian education, and to its students and employees. Bethel College is

specifically mentioned in the Constitution of the Missionary Church (on page 17) and that entire document is attached at Item 4.

Among the teachings of the Bible and the tenets of the Missionary Church followed by Bethel College, are that God created two sexes, male and female; that marriage is between one man and one woman; and that extramarital sex, premarital sex, and the practice of homosexuality are sinful behaviors, and therefore prohibited. (Constitution, page 54; Genesis 2:27; Exodus 22:16-17; Deuteronomy 22:23-28; Leviticus 20:10-16.)

Bethel College is dedicated to the promotion of the Christian religion not only locally, but throughout the world. With over 17,000 alumni, serving in churches and businesses internationally, the goal of Bethel College is to spread the blessings and benefits of a Christ-centered education to individuals throughout the world.

Dedication to the promotion of the Christian religion in its educational programs has always been an integral part of Bethel College. The initial Articles of Incorporation, filed on March 4, 1947, state:

“The purpose or purposes for which (Bethel College) is formed are as follows: To establish, operate and maintain a college for the education and training of both men and women, in accordances with the usages and doctrines of the Missionary Church, Inc.; and in theology, to prepare them for pastoral ministry, missionary and other Christian service; in the arts and sciences to provide for them cultural understanding, and in the professions to prepare them in technical skills required for an adequate performance in their profession.”

Bethel College also has a mission statement which states:

“Bethel College, affiliated with the Missionary Church, is a Christian community of learners, dedicated to building lives of commitment for leadership in the church and the world. Bethel provides liberating academic and co-curricular programs to challenge the mind, enlarge the vision and equip the whole person for lifelong service.”

The College also emphasizes Christian principles of religion in its community and campus life. The Covenant of Lifestyle requires students and employees to follow the Code of Conduct established by the College. The College incorporated the Christian standards of behavior directed by Biblical principles and the tenets of the Missionary Church, as the framework for the Code of Conduct. Students are required to attend chapel regularly, and must

take and pass Exploring the Christian Faith (THEO 110), at least one Bible Literature course (BIBL 215 or 216) and a Senior Experience (PHIL 452) in order to graduate from the College. Among other things, students and employees are prohibited from drinking, smoking, using tobacco and illegal drugs, cohabitation, engaging in pre-marital or extra-marital sex, and homosexual activity. The Student Handbook, the Employee Handbook, and the Faculty Handbook contain provisions regarding expected Christian behavioral standards. The College may impose sanctions for behavior which is not in keeping with these standards, including dismissal from the College or termination of employment.

Based upon the College's Articles of Incorporation and Bylaws, which are followed in practice by the Board of Trustees, the College is under the control of the Missionary Church through the Church members who serve as Trustees and have the majority voice on the Board, and through the President of the College, who must be a member of the Missionary Church.

In keeping with the religious tenets of the Missionary Church which prohibit cohabitation, and the College's Christian religious principles and practices in regard to that prohibition, students are separated on the basis of sex in regard to housing, living arrangements, restrooms, and locker rooms. The College has male-only and female-only residence halls and other housing, with rules in place which regulate access to residence halls and housing by members of the opposite sex. To the extent Title IX regulations would require the College to allow males and females to reside in the same housing, to visit within the housing of the opposite sex without restrictions, to allow an unmarried male and female to live together, or to allow a person with gender identity issues to be treated as a member of the sex which they have assigned to themselves in regard to the above categories, such behavior would be against the religious principles of Bethel College and the tenets of the Missionary Church, as it is cohabitation, which is a sin.

The tenets of the Missionary Church also prohibit homosexual activity, and adhere to the requirement of heterosexuality. (Page 54, Missionary Church Constitution). The College has deeply-held religious beliefs, based upon Biblical principles and the Church Constitution, which do not allow for any sexuality, other than heterosexuality. The College also believes, based upon Biblical principles, that a person cannot change their birth gender. Based upon its religious beliefs, it is the position of Bethel College that a person who self-identifies as the opposite sex cannot reside with individuals who are of the sex with which that person identifies. This is true whether or not the person has undergone surgery or hormonal treatment to assume the physical characteristics of the opposite sex. Such a living arrangement would be deemed to be cohabitation, and under the religious tenets of the Missionary Church and the Bethel College's Christian religious principles and practices, it would be sinful behavior.

Similarly, a person who self-identifies as the opposite sex, but who has expressed an attraction to members of their birth sex, would not be permitted to engage in dating or sexual activity with a person of their birth sex, because this behavior is considered to be homosexual in nature, based upon the College's religious beliefs. Bethel College is requesting that the OCR recognize an exemption for the College from 34 CFR 106.31(b)(4), so that the College may apply different rules of behavior, sanctions, or other treatment in matters involving gender identity issues.

An individual who identifies as being of the opposite sex from their birth gender also would not be permitted to play on the athletic teams of the sex which was opposite from their birth gender. An exemption in regard to 34 CFR 106.41 is therefore also being requested. A requirement that individuals be treated in keeping with their self-identified gender, rather than their birth gender, would be inconsistent with the College's religious beliefs and the tenets of the Missionary Church.

Employment of an individual who identifies as being of the opposite sex from their birth gender, and who expresses that identification through behavior and/or dress is against the religious beliefs of the College, on the same basis and for the same religious reasons as set forth above, regarding students with gender identity issues. Employees are considered to be representatives of the College, and are required to model appropriate Christian behavior. A male employee who announced himself to be female, or who adopted the appearance of a female, would not be modeling appropriate Christian behavior acceptable to the religious beliefs of the College, nor would a female employee who announced herself to be a male, or who adopted the appearance of a male.

Bethel College acknowledges the ethical difficulties involved in matters such as gender identity. This would be referred to as a bioethical dilemma and we would defer to Biblical principles for such issues. Because these complex bioethical issues involve religious and moral values, as well as medical and legal realities, Christians may not determine their rights and privileges only by the permissiveness of the state and the possibilities of safe medical procedures. Biblical principles should be applied to such bioethical issues, including gender identity issues. In keeping with the doctrine of the Missionary Church and the beliefs of Bethel College, the College applied Biblical principles and adopted a policy in respect to gender identity issues and other issues related to sexuality. A copy of the College's policy on Sexuality and Gender Identity is enclosed with this letter as Item 5.

It is the position of Bethel College, based upon its religious beliefs taken from Biblical principles and the Doctrine of the Missionary Church, that a person cannot change his or her birth sex. Although they may undergo surgery or hormone treatments to alter their physical characteristics, only the outward appearance is changed. Thus a student identifying as the opposite sex, rather than their birth sex, would not be permitted to live in College housing with individuals of the self-assigned sexual identity of that person, or to play on athletic teams, share restrooms, or use locker rooms with individuals of the self-assigned sexual identity of that person. That person also would not be eligible for employment with Bethel College.

Based upon the Christian religious beliefs of the College and the tenets of the Missionary Church, the College is requesting exemption on religious grounds from Title IX, regulations §§106.32 (housing), 106.33 (restrooms and locker rooms) and 106.41 (regarding athletics), to allow the College religious freedom to discriminate on the basis of sex, including gender identity, and sexual orientation, in regard to housing and living arrangements, restrooms, locker rooms, and athletics, and from §106.31(b)(4), regarding different treatment and sanctions. In regard to employment and gender identity, Bethel College is requesting exemption on religious grounds from §§106.51(a), which prohibits discrimination in employment and employment decisions on the basis of sex.

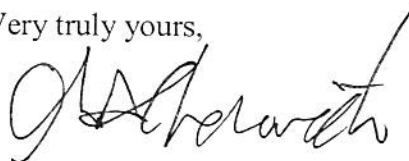
The College's Christian religious beliefs, which are based upon the Bible and the tenets of the Missionary Church, also prohibit elective abortion, pre-marital sex, extra-marital sex, and homosexual behavior, for students and employees. Application of the OCR's interpretation of Title IX regulations §§106.21(b)(iii), 106.21(c), 106.40, 106.51(a), 106.51(b)(6), 106.57, 106.31(b)(4), and 106.32 to the College, would result in such situations as the College being required to retain pregnant unmarried employees or employees who elect to terminate their pregnancy, to admit pregnant unmarried students, to retain unmarried students who elect to terminate their pregnancy, to allow unmarried students of the opposite sex to live together, to retain pregnant, unmarried students and to allow them to live in College housing, and to allow homosexual students to live together, all of which the College cannot do, because it would be inconsistent with the religious beliefs, policies, and values of the College, and the religious tenets of the Missionary Church.

Enforcement of the above regulations in respect to Bethel College would require that the College not discriminate in discipline, admissions, hiring, and employment decisions, in matters such as employment leaves for pregnancy, childbirth, and elective termination of pregnancy, or on the basis of pre-marital sex, unmarried pregnancy, extra-marital sex, or homosexual activity. As with the other regulations for which exemption is sought, requiring Bethel College to allow such situations to exist at the College would be inconsistent with the religious tenets of the

Missionary Church and the Missionary Church's Christian religious beliefs, policies, and values adhered to and practiced by the College.

Bethel College is requesting an exemption from the specific Title IX regulations referenced in this letter, so that the College may discriminate on religious grounds in regard to its students and employees, in keeping with its religious beliefs and the tenets of the Missionary Church, as set forth in this request. If you have any questions, or if additional information is required, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Chenoweth", with a long, sweeping horizontal stroke extending to the right.

Gregg Chenoweth, Ph.D., President  
Bethel College

enc.: seven