



June 10, 2022

Catherine E. Lhamon, Assistant Secretary
United States Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

**RE: La Sierra University
OCR Case No. 09-21-2314
Assertion of Religious Exemption**

Dear Assistant Secretary Lhamon:

On May 3, 2022, La Sierra University received the above-referenced complaint. The complaint alleges:

1. The University is discriminating against the Student and other LGBTQ students on the basis of sexual orientation and gender identity by refusing to officially recognize the LGBTQ student group on campus; and
2. The University is discriminating against the Student and other LGBTQ students on the basis of sexual orientation and gender identity because its policies and practices, including its current student handbook, endorse the Seventh-day Adventist doctrine on homosexuality, stating that sexual intimacy belongs only within the marital relationship of a man and a woman.

La Sierra University is a religious institution of higher education, a part of the Seventh-day Adventist system of higher education, that takes seriously anti-discrimination provisions under federal and state law and is committed to providing a learning and living environment that promotes student safety, transparency, personal integrity, civility and mutual respect. La Sierra University seeks to ensure that its campus is a loving, compassionate, and welcoming environment for all students, including its LGBTQ students, while at the same time resolving to live consistently within traditional Christian values and teachings on sexuality in keeping with its mission and heritage as a Seventh-day Adventist university, and in keeping with the tenets of the Seventh-day Adventist Church.

In addition to other exemptions granted by the United States Constitution, La Sierra University is exempt from the provisions of Title IX that could give rise to the alleged violations stated above because La Sierra University is, for purposes of the definition found in 34 CFR §106.12(c)(1) through (6), controlled by a religious organization, and compliance with Title IX, as interpreted in and sought by the above-referenced complaint, would be inconsistent with the religious tenets of the Seventh-day Adventist Church. The Seventh-day Adventist Church is a worldwide “family of Christian believers who are united in mission, purpose, and belief” that “strives to operate as one unified body” and “[works] together

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toward the same goal: building up the body of Christ and preparing others for His soon return John 14:3).”¹

“The Seventh-day Adventist Church conducts its activities through ecclesiastical organizations and a wide array of other entities and corporations established for specific functions aligned with the Church’s beliefs, values, and mission.”² These organizations include the Pacific Union Conference of Seventh-day Adventists³ (Pacific Union), which is the primary Seventh-day Adventist Church organization that sponsors and provides significant financial support to La Sierra University. These organizations also include a number of institutions of higher education around the world, such as La Sierra University. The Seventh-day Adventist Church publishes a directory called the Yearbook which presents information on entities and institutions that are recognized as official denominational organizations. Both the Pacific Union⁴ and La Sierra University⁵ are listed in the Yearbook.

La Sierra University’s Articles of Incorporation filed with the State of California are attached as Attachment 1. The Articles set forth that La Sierra University is a religious nonprofit corporation⁶ and that upon dissolution its assets go to the Pacific Union.⁷

La Sierra University’s Bylaws⁸ are attached as Attachment 2 and state that La Sierra University is an institution of higher education sponsored and maintained by the Pacific Union as part of the system of educational institutions established throughout the world by the Seventh-day Adventist Church.⁹ Under its Articles and Bylaws, the university is responsible to a constituency, all members of which must be members of the Seventh-day Adventist Church and almost all of whom serve ex officio due to positions held within the Pacific Union or the university.¹⁰

Moreover, the university is operated by its Board [of Trustees] as an integral part of the Pacific Union.¹¹ The members of the university’s Board of Trustees must be members of the Seventh-day Adventist Church and almost half of the board serve as ex officio members because of positions held within the Pacific Union

¹ Seventh-day Adventist Church, (2022, May 30). *How is the Seventh-day Adventist Church Organized and Structured?* Adventist Church Website. <https://www.adventist.org/world-church/>

² Seventh-day Adventist Church, (2022, May 30). *Yearbook*. Adventist Church Website. <https://www.adventist.org/resources/directories/yearbook/>

³ The Pacific Union Conference is one of nine unions that make up the North American Division of the Seventh-day Adventist Church. Unions coordinate the work of conferences (conferences are another fundamental component of the Seventh-day Adventist Church, usually organized in either a state, part of a large state, or multiple states in the case of smaller states). The Pacific Union covers the territory covered by California, Nevada, Utah, Arizona and Hawaii.

⁴ Seventh-day Adventist Church, (2022, May 30). *Yearbook listing for Pacific Union Conference*. Adventist Church Website. <https://www.adventistyearbook.org/entity?EntityID=18227&highlight=pacificunion>

⁵ Seventh-day Adventist Church, (2022, May 30). *Yearbook listing for La Sierra University*. Adventist Church Website. <https://www.adventistyearbook.org/entity?EntityID=18235&highlight=la|sierra|university>

⁶ La Sierra University Articles of Incorporation, Article II.

⁷ *Ibid.*, Article IV.

⁸ La Sierra University’s Bylaws were amended on May 18, 2022, and are attached as Attachment 2. None of the amendments affected the portions cited herein but the prior version of the Bylaws are provided as well (Attachment 3) for your comparison since the complaint arose prior to May 18 amendments.

⁹ La Sierra University Bylaws, Article Four, lines 15-17.

¹⁰ *Ibid.*, Article Five, Section 5.3.

¹¹ *Ibid.*, Article Four, lines 17-18.

or other regional entities of the Seventh-day Adventist Church.¹² The Board of Trustees manages the affairs of the university and exercises all corporate powers in accordance with the religious principles of the Seventh-day Adventist Church.¹³ The Bylaws instruct the board to guide the university “wisely in fulfilling its mission in higher education in the context of the educational, occupational, moral, spiritual, and social needs and challenges of the Seventh-day Adventist Church and in service to the Pacific Union.”¹⁴ Among others, the Board’s functions include (a) ensuring the university’s mission and policies are aligned with the mission and philosophy of the Seventh-day Adventist Church,¹⁵ (b) charging the president with the task of leading a strategic planning process aligned with the mission and philosophy of the Seventh-day Adventist Church,¹⁶ and (c) exercising all powers consistent with the (religion-based) policies of the Pacific Union.¹⁷ In addition, all university officers must be members of the Seventh-day Adventist Church.¹⁸ Furthermore, the President is expected to fulfill the duties of the office in a manner aligned with the mission and philosophy of the Seventh-day Adventist Church.¹⁹

According to the university’s Board Policy Manual, attached as Attachment 4, La Sierra University’s mission is “rooted in the Christian gospel and Seventh-day Adventist values and ideals”²⁰ and its vision is “[t]o be an Adventist University that inspires the intellect, lives our faith, and changes the world.”²¹ Its Directional Values include, but are not limited to, “[e]mbracing our Seventh-day Adventist beliefs, values, and identity in a spirit of openness, contributing reflectively to their continuing development, and pursuing the integration of faith and learning,”²² “[o]ffering every student a robust liberal arts education, faithful to a Seventh-day Adventist vision of global citizenship, service and diversity,”²³ and “[a]cting in responsible ways with the resources entrusted to us by students, parents, donors, and the Seventh-day Adventist Church.”²⁴

Furthermore, the stakeholders to whom the Board feels primarily accountable include as number one “[t]he Seventh-day Adventist Church of which we are a part and which supports us both financially and spiritually. Our direct contact with our church is both through the leaders who are part of our Board of Trustees and through our constituency.”²⁵ The primary beneficiaries of the university include, among others, “[t]he Seventh-day Adventist Church.”²⁶ The Board of Trustees thus “has a responsibility to the Seventh-day Adventist Church.”²⁷

¹² Ibid., Article Six, Section 6.2

¹³ Ibid., Article Six, Section 6.1.

¹⁴ Ibid., Article Six, Section 6.6, lines 182-185.

¹⁵ Ibid., lines 195-196.

¹⁶ Ibid., lines 201-202.

¹⁷ Ibid., lines 231-233.

¹⁸ Ibid., line 300.

¹⁹ Ibid., Article Seven, Section 7.3, lines 328-333.

²⁰ La Sierra University Board Policy Manual, Section 2.1.

²¹ Ibid., Section 2.2.

²² Ibid., Section 2.3.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid., Section 2.4.

²⁶ Ibid., Section 2.5.

²⁷ Ibid., Section 3.2

As noted in the La Sierra University Faculty Handbook, in harmony with its mission, origins, and affiliation with the Seventh-day Adventist Church, the university endeavors to recruit and appoint full-time faculty who are members of the Seventh-day Adventist Church.²⁸ In the event that a qualified Seventh-day Adventist is not available to fill an advertised full-time faculty position, Christians who demonstrate an understanding of and commitment to the mission of the university will be given preference and may be hired into non-tenure track positions.²⁹ At least 90 percent of full-time faculty must be Seventh-day Adventists. Furthermore, the majority of full-time faculty in any school and/or department shall be Seventh-day Adventists, and all full-time faculty in the Church's divinity school at La Sierra University, H.M.S. Richards Divinity School, shall be members of the Seventh-day Adventist Church.³⁰ Faculty chairs/directors and/or deans are responsible to ascertain candidates' understanding and commitment to the university's mission.³¹ The Faculty Handbook also states that the university does the things most other universities do, but "it does these things as the fruition of its Adventist heritage and commitment" and "its religious orientation provides a perspective for its educational programs and projects" and a "framework for its moral values and lifestyle."³²

The Seventh-day Adventist Church accepts the Bible as its only creed and holds certain fundamental beliefs to be the teaching of the Holy Scriptures.³³ The church has formulated 28 Fundamental Beliefs that constitute the church's understanding and expression of the teaching of Scripture.³⁴ Fundamental Belief Number 23, entitled "Marriage and the Family," expresses the religious tenet that "[m]arriage was divinely established in Eden and affirmed by Jesus to be a lifelong union between a man and a woman in loving companionship."³⁵ The religious tenets of the Seventh-day Adventist Church have been further described in various official statements of the Seventh-day Adventist Church,³⁶ and the church's statement on homosexuality sets forth that "Seventh-day Adventists believe that sexual intimacy belongs only within the marital relationship of a man and a woman" and that "sexual acts outside the circle of a heterosexual marriage are forbidden."³⁷

²⁸ La Sierra University Faculty Handbook, Part III, Section 3.1, A. The faculty handbook can be found online at <https://lasierra.edu/fileadmin/documents/about-la-sierra/provost/faculty-handbook.pdf>

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid., Appendix A, *Aims of the University*

³³ Seventh-day Adventist Church, (2022, May 31) *Official Beliefs of the Seventh-day Adventist Church*. Adventist Church Website. <https://www.adventist.org/beliefs/>

³⁴ Ibid.

³⁵ Ibid.

³⁶ Seventh-day Adventist Church, (2022, May 31) *Official Statements*. Adventist Church Website. <https://www.adventist.org/official-statements/>

³⁷ Seventh-day Adventist Church, (2022, May 31) *Homosexuality*. Adventist Church Website. <https://www.adventist.org/official-statements/homosexuality/>

La Sierra University's Student Handbook makes clear that the university is a Seventh-day Adventist institution³⁸ and it requires students to attend worship services.³⁹ It states "[s]tudents who choose La Sierra University as their university make a personal commitment to conduct themselves in a manner, [sic] which reflects their sense of responsibility for the honor, integrity, and values of the university and themselves as members of its community. They agree to comply with all university values and policies and own the consequences of their behavior."⁴⁰ In a section entitled "Institutional Values and Community Expectations" within the sexual misconduct policy, the Student Handbook states "[i]n keeping with La Sierra University's mission and its heritage as a Seventh-day Adventist university, we resolve to live consistently within traditional Christian values and teachings on sexuality. We believe that Scripture is the ultimate authority on how to conduct our lives. La Sierra University takes the position that sexuality is a gift from God. Therefore, sexual expression should honor God, self, and others. The University expects that faculty, staff, and students will not engage in sexual intercourse outside of marriage nor engage in any sexual behavior or activity that would violate the values of La Sierra University as a Seventh-day Adventist institution..."⁴¹

The Student Handbook also states, "we resolve to live consistently with traditional Christian values and teaching on sexuality and support the Seventh-day Adventist position on Homosexuality."⁴² In short, OCR's litigating or even accepting the second claim identified in OCR's letter would constitute a direct challenge to core Seventh-day Adventist teachings and beliefs about marriage and human sexuality. For similar reasons, any effort by OCR to require La Sierra to officially recognize a campus LGBTQ group—the focus of the first claim identified in OCR's letter—would likewise challenge Seventh-day Adventist teachings and beliefs on marriage and sexuality and place OCR in the unconstitutional position of seeking to substitute its judgment for the judgment of a religious institution on a matter of religious belief and practice.

To conclude, La Sierra University asserts it is exempt from any provision or interpretation of Title IX that could give rise to the allegations stated in the above-referenced OCR complaint and seeks OCR dismissal of the complaint. The information provided above demonstrates La Sierra University satisfies the religious exemption criteria in 20 U.S.C. §1681(3) and 34 C.F.R. §106.12. La Sierra University is an institution of the Seventh-day Adventist Church and therefore must be exempt from any provision of Title IX that would require the university to abandon, disregard or even compromise the tenets of the Seventh-day Adventist church as they relate to marriage and sexuality.

While we expect and appreciate OCR's prompt dismissal of the OCR complaint, we remain committed to making our campus a welcoming environment for every student. The Seventh-day Adventist Church recognizes that every human being is valuable in the sight of God, including our LGBTQ students, and while every employee and student is called to honor and abide by the Seventh-day Adventist Church values of the

³⁸ La Sierra University Student Handbook, pages 8, 9, 11, 23, 37, 41, 51 most notably, which can be found online at <https://lasierra.edu/fileadmin/documents/slife/la-sierra-student-handbook.pdf>

³⁹ Ibid., pages 12, and 23-25.

⁴⁰ Ibid., page 13.

⁴¹ Ibid., page 37.

⁴² Ibid., page 41.



institution while employed or enrolled at La Sierra University, we recognize we serve a diverse student population. La Sierra University will continue to strive to always demonstrate Christ-like compassion when addressing our students' needs and concerns.

Sincerely,

A handwritten signature in black ink that reads "Jay A. Felt". The signature is written in a cursive style with a large, looped initial "J".

President

cc: Anamaria Loya, Chief Attorney, OCR
Blake Thompson, Deputy Chief Attorney, OCR