



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

July 20, 2022

Joy A. Fehr, President
La Sierra University
Office of the President
4500 Riverwalk Parkway
Riverside, CA 92515

Dear President Fehr,

I write in response to your June 10, 2022, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for La Sierra University ("La Sierra") in Riverside, California.

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 regulations 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 the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption. 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. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

Your letter states that La Sierra "is a religious institution of higher education, a part of the Seventh-day Adventist system of higher education" and that "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." According to your letter, "these organizations include the Pacific Union Conference of Seventh-day Adventists (Pacific Union)" which "is the primary Seventh-day Adventists Church organization that sponsors and provides significant financial support to La Sierra University." Your letter explains that, according to La Sierra's "Articles and Bylaws," "the university is operated by its Board [of Trustees] as an integral part of the Pacific Union." The letter also states

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that “the members of [La Sierra’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 or other regional entities of the Seventh-day Adventist Church.” The letter also explains that “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.”

Your letter states that La Sierra’s Faculty Handbook provides that the university “endeavors to recruit and appoint full-time faculty who are members of the Seventh-day Adventist Church. 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.” The letter also states that “at least 90 percent of full-time faculty must be Seventh-day Adventists,” “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 [...] shall be members of the Seventh-day Adventist Church.”

The letter also states that “La Sierra’s [...] Student Handbook makes clear that the university is a Seventh-day Adventist institution” that requires its students to “attend worship services,” “make a personal commitment to conduct themselves in a manner which reflects their sense of responsibility for the honor, integrity, and values of the university and themselves as members of its community,” and “agree to comply with all university values and policies.” The letter explains that as provided in the “Institutional Values and Community Expectations” section of La Sierra’s Student Handbook, La Sierra ““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 [...] as a Seventh-day Adventist institution...”” Your letter further states that the Student Handbook requires students, faculty, and staff ““resolve to live consistently with traditional Christian values and teaching on sexuality and support the Seventh-day Adventist position on Homosexuality.””

According to your letter, La Sierra’s Board Policy Manual provides that the university’s “mission is ‘rooted in the Christian gospel and Seventh-day Adventist values and ideals’ and its vision is ‘[t]o be an Adventist University that inspires the intellect, lives our faith, and changes the world.’” Your letter further states that La Sierra’s “directional values include, but are not limited to, ‘[e]mbracing [...] 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.’” The letter further explains that “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. The church has formulated 28 Fundamental Beliefs that constitute the church’s understanding and expressing of the teaching of Scripture.” Your letter continues, stating that “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.’” The letter explains that “the religious tenets of the Seventh-day Adventist Church have been further described in various official statements of the Seventh-day Adventist Church, 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.’”

For the above reasons, La Sierra requests assurance of its exemption from “any provision or interpretation of Title IX that could give rise to the allegations” identified in an OCR notification letter, including allegations of discrimination against LGBTQ students on the basis of sexual orientation and gender identity by refusing to officially recognize an LGBTQ student group on campus and by adopting policies reflecting religious tenets that “sexual intimacy belongs only within the marital relationship of a man and a woman.” La Sierra has requested assurance of this exemption insofar as Title IX would require La Sierra to “abandon, disregard, or even compromise the tenets of the Seventh-day Adventist church as they relate to marriage and sexuality.” Although La Sierra does not identify a specific provision of the Title IX regulations from which it seeks assurance of its exemption, OCR interprets La Sierra’s letter as a request for assurance of its exemption from 34 C.F.R. § 106.31 (governing education programs or activities) to the extent its application would be inconsistent with tenets of the Seventh-day Adventist church as they relate to marriage and sexuality.

La Sierra is exempt from this provision to the extent that its application would be inconsistent with the tenets of the Seventh-day Adventist church as they relate to marriage and sexuality.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations 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. Also, in the unlikely event that a complaint alleges that the practices followed by an institution are not based on the religious tenets identified in your request, OCR may contact the controlling organization 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, OCR will not recognize this exemption.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights