



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 31, 2016

Peter W. Teague
President
Lancaster Bible College
901 Eden Road
Lancaster, PA 17601

Dear President Teague:

I write to respond to your June 1, 2015, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Lancaster Bible College (College) of Lancaster, Pennsylvania, from Title IX of the Education 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 controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to 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.

Your request letter explains that the College "focuses on students fulfilling God's purpose in their lives by educating Christian students to proclaim Christ by thinking and living a biblical worldview." It goes on to say that the College "is committed to developing ministry leaders" and "has maintained an unqualified commitment to historic, orthodox positions on essential doctrines of Christian faith." According to your letter, the College's "faculty is a dedicated group of qualified individuals, guided by a commitment to Jesus Christ and the Bible" and the College "is guided by its Statement of Faith, which is embraced by all faculty and staff." You explain that the Statement of Faith "stands as a stalwart commitment to the key positions of orthodox Christian faith, serving as a unifying and clarifying document." Your letter states that "[i]n the employment context, both applicants and existing employees are required to affirm their commitment to [the College's] Statement of Faith and Lifestyle Standards."

Your letter requests an exemption from the provisions of Title IX "to the extent they are interpreted to reach gender identity or sexual orientation discrimination." In support of this request, you cite to a policy on gender identity and sexual orientation adopted by the College's

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Board of Trustees that states that “God created humanity, male and female. . . .Each person’s biological sex has been sovereignly appointed by God and is an irreversible aspect of his or her nature.” According to your letter, the College’s lifestyle standards state that “[h]uman sexuality is regulated by Scripture which declares that marriage is the union between one man and one woman and that sexual intimacy is reserved for marriage only. Therefore, any sexual expressions outside of that realm (sex before marriage, homosexuality, adultery, fornication, etc.) are immoral and against God’s design.”

You state that, for these reasons, the College is requesting an exemption from the following regulatory provisions “to the extent they are interpreted to reach gender identity or sexual orientation discrimination:”

- 34 C.F.R. § 106.21 (governing admissions);
- 34 C.F.R. § 106.22 (governing preference in admissions);
- 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 such as restrooms and locker rooms);
- 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 insurance benefits and services);
- 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. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. § 106.51-61 (governing employment).

The College is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity and sexual orientation and 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 granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets identified in your request, OCR is obligated to identify a controlling organization to contact 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, this exemption will be rescinded.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Lhamon', with a stylized flourish at the end.

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education