



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 21, 2017

Steve Hostetter, Ph.D.  
President  
Oak Hills Christian College  
1600 Oak Hills Road SW  
Bemidji, MN 56601

Dear President Hostetter:

I write in response to your August 19, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Oak Hills Christian College (College) of Bemidji, Minnesota, from Title IX of the Educational 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 that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may 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. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the College is a ministry of Oak Hills Fellowship, Inc. (Fellowship), and that it is owned and governed by the Fellowship. Your letter explains that the College "exists to provide post-secondary educational services to Christian students of various denominational backgrounds" and its mission is to "provide biblically centered higher education which contributes to growth toward Christlikeness and prepares students for effective service in their homes, careers, churches, and communities." Your letter further states that the Fellowship and College "affirm that the Fellowship's Doctrinal Statement provides the most adequate and comprehensive expression of the system of doctrine taught in the Bible" and that they "submit themselves to the Bible and to these historic expressions of its doctrine and seek to express positions that are in accord with those standards."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they "are interpreted to curtail the College's freedom to respond to transgender individuals in accordance with its theologically-grounded convictions," "reach sexual orientation discrimination," or "restrict the College's freedom to apply and enforce the

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Statement on the Sanctity of Human Life.” In support of this request, your letter cites the Fellowship’s Statement on Human Sexuality and Gender Identity, which states the following: “We affirm that God’s original and ongoing intent and action is the creation of humanity manifest as two distinct sexes, male and female. . . . [W]e do not affirm the resolution of tension between one’s biological sex and one’s experience of gender by the adoption of a psychological identity discordant with one’s birth sex. Nor do we affirm attempts to change one’s given biological birth sex via medical intervention in favor of the identity of the opposite sex or of an indeterminate identity.” Your letter also states that the College and Fellowship affirm the following: “We uphold the sanctity of marriage as God-ordained, a special union between a biological man and a biological woman, within which sexual relations are honored and affirmed by God. We have the conviction that all sexual unions outside of marriage as thus defined are sinful.” Your letter further cites the Fellowship’s Statement on the Sanctity of Human Life, which provides that “[h]uman life is of inestimable worth in all its dimensions, including pre-born babies, the aged, the physically or mentally challenged, and every other stage or condition from conception through natural death.”

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to the extent “that they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict the College’s freedom to apply and enforce the Statement on the Sanctity of Human Life.”

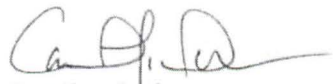
- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 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 and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 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 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 recognized.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Jackson', with a long horizontal flourish extending to the right.

Candice Jackson

Acting Assistant Secretary for Civil Rights