



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 1, 2017

Dr. William M. Wilson
President
Oral Roberts University
7777 South Lewis Ave.
Tulsa, OK 74171

Dear Dr. Wilson:

I write in response to your October 4, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested to supplement the religious exemption for Oral Roberts University (University) of Tulsa, Oklahoma, 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.

Your supplemental submittal letter ("letter") states that the University "was established in 1962 as a private Christian university" and its Amended and Restated Bylaws specify that it "is committed to the historic Christian faith of the eternal Godhead." Your letter explains that the University is "governed by a Board of Trustees" and in order to qualify for election as a Trustee, an individual must acknowledge certain core beliefs, including that "[t]he Bible is the expressed Word of God and is our final authority in all matters of faith and practice" and "the University's spiritual commitments as set forth in the Faculty and Administration Handbook." Your letter further states that the University "draws its faculty, staff, and administration from those who hold its same religious beliefs by professing and demonstrating a strong commitment to the Lord Jesus Christ and the Bible as God's Word." Your letter also explains that students, faculty, and staff are required to sign an Honor Code pledge expressing their responsibility to God, adhere to and conduct themselves in accordance with certain religious tenets, and attend the University's "twice a week on-campus Chapel services."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they "would violate the University's religious tenets based upon gender identity, sexual orientation, marital status, sex outside of a marriage between one man and one woman, parental status, abortion, and the training and employment of individuals for pastoral office." In support of this request, your letter cites to several of the University's position statements. The University's position on abortion as established by the Board of Trustees states

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that the University “believes, in accordance with Scripture, that life begins at conception . . . [the University] opposes termination of the life of a preborn child.” The University’s Position Paper on Human Sexuality and Gender provides that “the university considers human sexuality a gift from God, with sexual intercourse properly expressed only within a marriage between a man and a woman . . . heterosexual sins and homosexual practices are not consistent with a Spirit-filled life and whole person lifestyle.” That Position Paper further states that the University believes “that God is the author of gender. Congruence between created design (male and female) and an individual’s experience of personhood was intended from the beginning.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent that they “would violate the University’s religious tenets based upon gender identity, sexual orientation, marital status, sex outside of a marriage between one man and one woman, parental status, abortion, and the training and employment of individuals for pastoral office”:

- 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 University 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 or acknowledge exemption from the requirements of Title IX and the regulation other than as stated above.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



Candice Jackson

Acting Assistant Secretary for Civil Rights