



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 31, 2016

Matt Proctor
President
Ozark Christian College
1111 North Main Street
Joplin, MO 64801

Dear President Proctor:

I write to respond to your November 16, 2015, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Ozark Christian College (College) of Joplin, Missouri, 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 states that the College is "[h]istorically associated with the Stone-Campbell tradition, also known as the Restoration Movement," that "the following religious groups trace their roots to the Restoration Movement: Christian Churches/Churches of Christ, the Church of Christ, and the Disciples of Christ," and that "[t]he College's relationships with local churches and other Christian ministries reflect its Restoration Movement heritage." According to your letter, the College's "immediate mission is to 'train men and women for Christian service as a degree-granting institution of biblical higher education.'" You explain that "[o]nly the following degrees are offered by Ozark Christian College: Bachelor of Theology, BA in Christian Ministry, BA in Bible and Ministry, BA in Bible and Intercultural Studies, BA in Bi-Vocational Christian Ministry, BA in Biblical Studies, AA in Christian Ministry, AA in Intercultural Studies, and AA in Church Music."

Your letter indicates that "[t]he College is governed by a Board of Trustees whose members are subject to explicit religious requirements," in accordance with the College's bylaws.

"[S]pecifically, they must 'believe in the full and final inspiration of the Bible. . . ; in the deity and supreme authority of Jesus Christ and in the divine origin and character of the Church and

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the necessity for the restoration of its unity on the New Testament basis.” You further explain that “all directors, officers, and teachers must subscribe to the beliefs described above as well as ‘the virgin birth of Christ, the bodily resurrection, and the reality of final judgement... as taught in the Bible’” and that the Bible is “taught as a textbook” at the College. Your letter notes that “[t]he Board of Trustees and the College thus submit themselves to the Bible and to these expressions of its doctrine and seek to express positions that are in accord with those standards.”

You request an exemption from the provisions of Title IX “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 its Statement on the Sanctity of Human Life.” In support of your request, you cite to the College’s “Statement of Religious Beliefs on Human Life, Gender, Marriage and Sexuality.” Your letter highlights several beliefs that you state are consistent with “theological standards,” “biblical interpretation” and “historic understanding of the Holy Scriptures and [the College’s] doctrinal standards.” These beliefs include: “man and woman were created by God to be two distinct, complementary genders—male and female—possessing equal value”; “God’s design for all people is to live out their biological birth gender”; “the Bible teaches that the term ‘marriage’ has only one meaning: the uniting of one man and one woman in a single, exclusive, permanent union By ‘man’ and ‘woman,’ . . . the Bible is referring to each individual’s biological birth gender”; “God intends intimate sexual activity to occur only between a man and a woman who are married to each other”; “any form of sexual immorality (including sexual activity outside of biblical marriage [and] homosexual practice . . .) is prohibited”; and “all human life is sacred . . . including pre-born babies.”

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, and to the extent they restrict the College’s freedom to apply and enforce its 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 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. §§ 106.51-106.61 (governing employment).

The College is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity, sexual orientation, and abortion, 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,



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