



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 14, 2017

Timothy W. Eaton, Ph.D.
President
Randall University
P.O. Box 7208
Moore, Oklahoma 73153

Dear Dr. Eaton:

I write in response to your September 30, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Randall University (University) of Moore, 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 request letter states that the University was "founded in 1959 by members of the Oklahoma Association of Free Will Baptists" and that the Articles of Incorporation, By-laws, and Board of Trustee Manual require the University's governing board, the Board of Trustees, to "be completely comprised of members of the Free Will Baptist denomination." Your letter explains that the Articles of Incorporation state that "the doctrinal and theological position of [the University] shall be that of the sponsoring denomination, Oklahoma State Association of Free Will Baptists and the treatise of the National Association of Free Will Baptists." Your letter further explains that each employee must be a "professing Christian, who is active in a local evangelical church" and "all faculty and staff must be willing to sign a pledge to respect the Biblical Foundations Statement of [the University]."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they apply to "issues involving gender identity and sexual orientation" as they "would violate the sincerely held religious beliefs of [the University] and the Oklahoma State Association of Free Will Baptists." In support of this request, your letter states that Free Will Baptists believe that "sexual relations outside of a heterosexual marriage covenant are sin" and that "it is not God's intention for people to engage in homosexual behavior." Your letter also states that "Free Will Baptists would oppose a person's attempt to modify his or her

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birth sex, and present as a sex other than his or her original birth sex.” Your letter explains that these beliefs of Free Will Baptists are based on passages of Holy Scripture such as “[d]o not have sexual relations with a man as one does with a woman” (Leviticus 18:22) and “[s]o God created mankind in his own image, in the image of God he created them; male and female he created them” (Genesis 1:27).

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent that they apply to issues involving gender identity and sexual orientation” to the extent that they “would violate the sincerely held religious beliefs of Randall University and the Oklahoma State Association of Free Will Baptists”:

- 34 C.F.R. § 106.21 (governing 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. § 106.37 (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. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.53 (governing recruitment);
- 34 C.F.R. § 106.55 (governing job classification and structure);
- 34 C.F.R. § 106.57 (governing marital or parental status); and
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

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 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,



Candice Jackson
Acting Assistant Secretary for Civil Rights