



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

March 24, 2016

Kenneth W. Hagin
Senior Pastor and President
Rhema Bible Training College
P.O. Box 50126
Tulsa, OK 74150-0126

Dear President Hagin:

I write to respond to your January 6, 2016, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Rhema Bible Training College (College) of Tulsa, Oklahoma, 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.

The implementing regulation at 34 C.F.R. § 106.12 provides 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 explains that the College is "a seminary for the training of ministers of the Gospel," and "is under the corporate umbrella of and is fully controlled by Rhema Bible Church." Your letter requests a religious exemption from certain provisions of Title IX "to the extent they are interpreted to reach sexual orientation and gender identity issues." In support of this request, you cite to the statement of beliefs of Rhema Bible Church, which states that the Church accepts "the New Covenant, as recorded in the New Testament . . . as [its] infallible guide in matters pertaining to conduct and doctrine." According to your letter, Rhema Bible Church believes that "God instituted marriage between male and female as the foundation of the family" and that "God has commanded that no intimate sexual activity be engaged other than in the context of marriage between a man and a woman." Your letter further explains that "God's design was the creation of two distinct and complementary sexes, male and female" and "a person cannot change their birth gender."

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

You explain that it would not be consistent with Rhema Bible Church's religious tenets for the College to comply with Title IX to the extent Title IX regulations reach sexual orientation and gender identity issues. 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 sexual orientation and gender identity":

- 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 such as restrooms and locker rooms);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 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. § 106.51 (governing employment);
- 34 C.F.R. § 106.53 (governing recruitment of employees); and
- 34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions).

The College is exempt from these provisions to the extent that they prohibit discrimination on the basis of sexual orientation or gender identity, 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 of the controlling organization, OCR is obligated to contact the controlling organization 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