



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 18, 2017

Dr. John MacArthur
The Master's University
21726 Placerita Canyon Road
Santa Clarita, CA 91321

Dear President MacArthur:

I write in response to your February 8, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for the Master's University and Seminary (University), formerly the Master's College and Seminary, of Santa Clarita, California, from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. In response to a request from OCR on September 13, 2016, you submitted further information on October 5, 2016, about the University's eligibility for exemption from Title IX.

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. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request states that the University is a "private, Christian, liberal arts college and pastoral seminary that is directly associated with Grace Community Church of Sun Valley." Your October 2016 letter explains that the University "has been established and maintained by the church" and its purpose is to "prepare students to teach the Scriptures and serve in churches around the world." In addition, "[u]pon entering the institution, every employee and student is required to sign a statement that affirms their total commitment to the doctrinal statement of the University & Seminary," and "all faculty members are required to sign the same statement annually." Your letter further explains that "[t]he doctrinal statement of Grace Community Church and of the University and Seminary are exactly the same," and the "doctrinal statement directs the beliefs and teaching at the University and Seminary." With respect to the relationship

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between Grace Community Church and the University, “[t]he pastor of the Grace Community Church is also the president of the University & Seminary” and “[t]he Chair of the Elder Board is required to sit on the Board of Directors of the University & Seminary to ensure doctrinal fidelity and agreement with ...the teaching of Grace Community Church.”

Your February 2016 letter requests exemption from certain provisions of Title IX to allow the University “to faithfully practice [its] doctrinal beliefs.” In support of this request, you note that the University “reject[s] any belief that attempts to alter gender identity or gender characteristics, which include cross-dressing, transgender, and gender-neutrality.” Your letter explains that “[t]he Bible states that human beings were formed in the image of God, created as distinctively male and female.” Your letter also states that “Scripture confirms this heterosexual creation of human beings” and “testifies that God created sex as a gift for one man and one woman who have entered into the covenant of marriage.” In addition, “[a]ny pursuit of sexuality outside the bonds of marriage is considered sinful behavior and is a perversion of God’s intended purposes. Therefore, sexual promiscuity and homosexuality exist outside of His design. Any attempt to change or shift God’s intention for human sexuality violates the biblical standards set forth.” The University’s doctrinal statement provides, “We teach the literal, grammatical-historical interpretation of Scripture which affirms the belief that the opening chapters of Genesis ...describe the special creation of one man and one woman, and define marriage as between one man and one woman. Scripture elsewhere dictates that any sexual activity outside of marriage is an abomination before the Lord.” (Citations omitted.)

Your letter requests the University requests exemption from the following regulatory provisions of Title IX “[b]ased upon the most recent interpretations of Title IX regarding sexual activity and gender”:

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing limitation of rights, privileges, advantages or opportunities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.40 (governing marital and parental status);
- 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. § 106.57 (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 they would require the University to treat marital status, homosexuality, and gender identity in a manner that is inconsistent with the religious tenets of the controlling organization.

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,

A handwritten signature in black ink, appearing to read 'C. Lhamon', written in a cursive style.

Catherine E. Lhamon

Assistant Secretary for Civil Rights