



UNIVERSITY OF DALLAS
OFFICE OF THE PRESIDENT

July 23, 2015

Catherine Lhamon, Assistant Secretary
U.S. Department of Education, Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100

Re: University of Dallas Request for Title IX Religious Exemption

Dear Ms. Lhamon:

In enforcing Title IX of the Education Amendments of 1972 ("Title IX") the Departments of Education and Justice recently interpreted the law prohibiting discrimination "on the basis of sex" to include discrimination based on "gender identity." As a recipient of federal funds, the University of Dallas recognizes the implications of this precedent for its own operations as a Catholic institution of higher education which believes that sexual identity is assigned only by God. By this correspondence, the university asserts its exemption from Title IX to the extent that enforcement would prohibit the University of Dallas from acting in a manner consistent with its religious tenets to deny a request for assignment to sex specific housing and other accommodations based on a student's gender identity. As President of the University of Dallas and the highest ranking official of the University, I hereby request an exemption from any interpretation of Title IX which prohibits discrimination based on gender identity in housing (34 C.F.R. §106.32) or comparable facilities (34 C.F.R. §106.33).

The University of Dallas is committed to the study and development of the western tradition of liberal education, and the Catholic intellectual tradition. The Articles of Incorporation confirm that the University of Dallas was formed "in full recognition of the authority of the will of God" as a "Catholic institution of higher learning for the education and training of students." The Bylaws of the University establish "a further purpose of the University to promote the moral, spiritual and religious lives of its students and to be publicly identified as a Catholic University." The mission of the University of Dallas affirms that:

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The University as a whole is shaped by the long tradition of Catholic learning and acknowledges its commitment to the Catholic Church and its teachings. The University is dedicated to the recovery of the Christian intellectual tradition, and to the renewal of Catholic theology in fidelity to the Church and in constructive dialogue with the modern world. It seeks to maintain the dialogue of faith and reason in its curriculum and programs without violating the proper autonomy of each of the arts and sciences. The University is open to faculty and students of all denominations, and it supports their academic and religious freedom. It thus seeks to provide an academic and collegial community which will help students acquire a mature understanding of their faith, develop their spiritual lives, and prepare themselves for their calling as men and women of faith in the world.

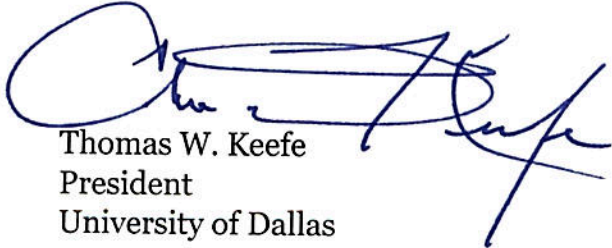
The University of Dallas recognizes the Catholic tradition which holds that the basis of morality is found in the natural order which is established by God. The Old Testament confirms that God created human beings in his own image, creating both male and female (Genesis 1:27), and, like the rest of God's creation, the sexual differences between man and woman are pronounced "very good." (Genesis 1:31) As rooted in Catholic teachings, sexual identity is not a social construct but is an objective fact rooted in an individual's very nature as either a female or male person. The Catechism of the Catholic Church confirms that "everyone, man and woman should acknowledge their sexual identity." While the University of Dallas affirms its obligation as a Catholic institution to accept all individuals with respect, compassion and sensitivity, in keeping with the tenets of our Catholic faith, the University cannot encourage individuals to live in conflict with Catholic principles.

In accordance with 34 C.F.R. §106.12, Title IX does not apply to an educational institution to the extent that application of the federal law would be inconsistent with the religious tenets of the University. Recent decisions of the Department which required recipients of Federal funds to allow students to elect their housing accommodations based on gender identity and not based on their sex assigned at birth are inconsistent with the religious tenets of the Catholic Church. Therefore, on behalf of the University of Dallas, I hereby request an official exemption from compliance with that interpretation of the Title IX which prohibits discrimination in regard to housing and comparable accommodations based on gender identity. The University of Dallas will continue to comply with all other requirements related to Title IX with respect to granting equal opportunities in educational programs or employment to members of both sexes.

Correspondence to C Lhamon
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Please contact me should you have any questions in regard to this request.

Respectfully,

A handwritten signature in blue ink, appearing to read "Thomas W. Keefe". The signature is stylized with a large initial "T" and a long horizontal stroke.

Thomas W. Keefe
President
University of Dallas

cc: Joseph Murphy, Chair University of Dallas Board of Trustees
Karin W. Riley, General Counsel