



OFFICE OF THE PRESIDENT

March 6, 2015

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

RE: Request for Religious Exemption from Certain Applications of Title IX

Dear Mrs. Lhamon:

I hereby request, under 20 U.S.C. §1681(a)(3) and 34 C.F.R., §106.12, that the Department of Education's Office for Civil Rights acknowledge that William Carey University is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail the University's freedom to respond to transgender individuals in accordance with its religious convictions. As president of William Carey University, I am the "highest ranking official of the institution," 34 C.F.R. §106.12(b), and thus qualified to seek these exemptions.

William Carey University is a non-profit institution of higher education with its main campus in Hattiesburg, Mississippi. It traces its origins to the founding of Pearl River Boarding School in 1892. In 1911 its successor, Mississippi Woman's College, became associated with the Mississippi Baptist Convention and more than a century later William Carey University stands as a Christ-centered learning community committed to developing each student in scholarship, leadership and service. William Carey University seeks to blend faith and learning with living in our diverse global community. Its identity as a Christian institution is central to all it does and teaches. Since becoming affiliated with the Mississippi Baptist Convention over one hundred years ago, William Carey University has adhered to the beliefs and practices of the Baptist faith. This commitment is stated in institutional documents dating to 1912. As a consequence of that relationship William Carey University trustees have adopted the following Statement of Faith and Practice which guides all that we do:

William Carey University accepts the Bible as the Holy Scripture, as the inspired Word of God, and thus the ultimate authority in matters of faith, doctrine and Christian living. William Carey University further accepts the “Baptist Faith and Message” as most recently revised and adopted by the Southern Baptist Convention as an affirmation of our basic Christian beliefs and as a general statement of our faith.

The 2014-2015 student handbook, *The Translation*, clearly communicates the Christian commitment that students of William Carey University are expected to exhibit:

The William Carey University mission statement, vision, creed and annual theme are intended to communicate an ethos that permeates who we intend to be as an institution. Policies, regulations, guidelines and other information in this handbook are provided to communicate expectations of a WCU student. It is acknowledged; however, that policies, rules, and regulations cannot govern every conceivable condition or circumstance that may arise. It is therefore stated clearly that students are to adhere to Judeo-Christian ethics and moral standards as informed by the Baptist tradition. The current version of “The Baptist Faith and Message” is a clear statement of these beliefs. Any behavior on the part of any WCU student or employee that detracts from the kind of academic community that we seek to build, or any action that is in violation of the long-held beliefs stated in “The Baptist Faith and Message” is subject to disciplinary action as stated in this handbook or determined by university personnel.

In the employment context faculty, staff and administrative handbooks state that the first consideration in hiring employees is that they demonstrate “the ideals of Christianity with integrity, consistency and participation in religious affairs.” The handbooks go on to state that “The university at all times desires to fill vacancies with the best qualified persons available and with persons equipped to make value and moral judgments based upon the Biblical foundations of the Christian faith.”

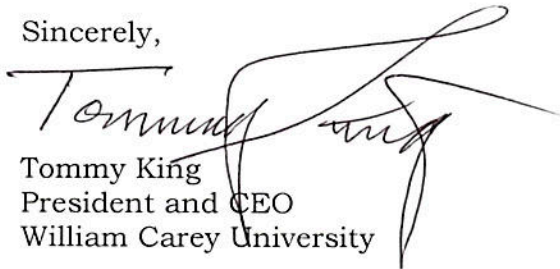
As you know, the Office of Civil Rights has not issued regulations or guidance explaining how an educational institution’s response to a transgender individual might violate Title IX and its accompanying regulations. As you also know; however, the resolution agreement between the Arcadia Unified School District and ED OCR (and the Department of Justice) requires that school district to permit transgender students to use the restroom, locker room, and living accommodations of their choice, and to participate in athletic programs as members of their chosen sex. In addition the *Department of Education guidelines on sexual violence* contained in U. S. Department of Education, questions and answers on Title IX and sexual violence at 5. It is thus reasonable to suppose the ED OCR believes that such responses are required by Title IX. It is also reasonable to presume that your office interprets Title IX to impose gender identity non-discrimination obligations upon covered institutions in the employment context. To the extent these suppositions are correct, it appears as though compliance with Title IX, as interpreted by ED OCR to reach transgender “discrimination,” would be inconsistent with the religious tenets of William Carey University.

William Carey University accordingly requests that your office acknowledge that the William Carey University is exempt from Title IX and the following implementing regulations (to the extent they are interpreted to reach gender identity discrimination):

- 34 C.F.R. §106.21 (admission)
- 34 C.F.R. §106.22 (preference in admission)
- 34 C.F.R. §106.23 (recruitment)
- 34 C.F.R. §106.31 (education programs or activities)
- 34 C.F.R. §106.32 (housing)
- 34 C.F.R. §106.33 (comparable facilities)
- 34 C.F.R. §106.34 (access to classes and schools)
- 34 C.F.R. §106.36 (counseling)
- 34 C.F.R. §106.37 (financial assistance)
- 34 C.F.R. §106.38 (employment assistance to students)
- 34 C.F.R. §106.39 (health and insurance benefits and services)
- 34 C.F.R. §106.40 (marital or parental status)
- 34 C.F.R. §106.41 (athletics)
- 34 C.F.R. §106.43 (standards for measuring skill or progress in physical education classes)
- 34 C.F.R. §106.51-61 (relating to employment)

Thank you in advance for your consideration. I look forward to hearing from you soon.

Sincerely,



Tommy King  
President and CEO  
William Carey University

TK/cg