



**WILLIAM JESSUP**  
UNIVERSITY

April 28, 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 Ms. 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 Jessup University (WJU) 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 WJU, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

WJU is a non-profit institution of higher education with its main campus in Rocklin, California. William Jessup and his wife opened San Jose Bible College in 1939 with just fourteen students.<sup>1</sup> Seventy-six years later, William Jessup University, with its 1,400 students, is still a Christ-centered learning community, committed to training students for leadership and service.<sup>2</sup> WJU partners with the Church to transform graduates in a way that will help redeem the world through carrying out Jesus Christ's saving mission. Christ, the divine Son of God, is the integrating center of William Jessup University and is intentionally at the core of all that WJU is and does. The University exists to prepare Christians for leadership and service in church and society, through Christian higher education, spiritual formation, and directed experiences. This purpose is accomplished through a highly competent and dedicated faculty, an integrated academic curriculum, and student life programs designed to strengthen faith, shape character, and nurture compassionate response in a need-filled world.

WJU's educational philosophy is guided by its Statement of Faith, which is embraced by all faculty and staff. The Statement affirms the key elements of the historic Christian faith, assuring consensus on the foundational tenets of the faith. (Statement of Faith attached.) WJU is committed to developing students for leadership and service through excellent academics in a Christ-centered learning community.

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<sup>1</sup> <http://www.jessup.edu/about/history-of-jessup/>

<sup>2</sup> *Id.*



WJU has adopted five University learning goals that direct the implementation of the University's mission and vision to see graduates exemplify transformational leadership in the church and society around the world through the integration of their faith with learning and critical thinking. WJU students will be prepared to:

- Articulate the relevance of Jesus Christ, His teachings, and a biblical worldview to their personal and professional lives.
- Communicate effectively across cultures.
- Demonstrate critical, analytical, and creative thinking.
- Exhibit competence in their chosen disciplines.
- Engage in a lifelong pursuit of knowledge, character formation, and service to their local and global communities.<sup>3</sup>

WJU states its vision as follows: “The William Jessup University vision is that our graduates will be transformed and will help redeem world culture by providing notable servant leadership; by enriching family, church and community life; and by serving with distinction in their chosen career.” (Vision Statement attached.) It articulates its mission as follows: “In partnership with the Church, the purpose of William Jessup University is to prepare Christians for leadership and service in church and society, through Christian higher education, spiritual formation, and directed experiences.” (Mission Statement attached.)

On February 6, 2015, WJU's Board of Trustees adopted a policy on human sexuality. It reads in pertinent part as follows:

We believe that:

1. Humans are “fearfully and wonderfully made” in the image of God, strategically and purposefully as the biological gender with which they were born.
2. God created humans as sexual beings—male and female—to reflect His image.
3. God designed heterosexual union between a male and female, as husband and a wife respectively, as His good and perfect gift to reflect the complementary relationship between Christ and His Church, and this is the model for healthy human sexual relationships.
4. Sexual intimacy is only appropriate within the context of a lifelong commitment in a faithful, monogamous, heterosexual marriage between one biological male and one biological female regardless of how current state or federal law defines marriage. We consider anything beyond this as sin and contrary to the teaching of Scripture.
5. Members of the University community are called to steward the good gift of human sexuality, consistent with the convictions expressed above.

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<sup>3</sup> 2014-2015 WJU Course Catalog, p. 13, <http://www.jessup.edu/files/academics/registrar/docs/catalogs/2014-2015Catalog.pdf>



(Genesis 1:26-28; Matthew 19:4-9; Ephesians 5:31-32; Hebrews 13:4;  
Mark 10:4-12)

WJU has also adopted the following lifestyle standards:

We believe that:

1. In our sin nature we can experience frailty, ambiguity and perplexity in various areas of human sexuality, including but not limited to sexual identity and sexual orientation.
2. God's redemptive love can transform us in all areas, including how we experience our sexuality and gender.
3. Individuals have the ability to choose their behavior and decide how they wish to experience and express their sexuality and gender.
4. Some individuals may struggle with their gender identity and wish to explore living as a particular gender other than that with which they were biologically created. While we support any individual in their struggle with sexual identity, we do not affirm any decision to identify as a gender other than their biological one, including but not limited to a decision to pursue a medical course of action to pursue a medical course of action to physically change one's biological gender.

(Titus 1:12; 1 Peter 1:13-15)

In the employment context, both applicants and existing employees are required to affirm their commitment to WJU's Community Covenant. (Community Covenant attached.)

As you know, the Office for 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, though the Department of Education recently issued guidance on sexual violence prevention which incorporates discrimination based on "gender identity" as part of "sex discrimination" under the statute.<sup>4</sup> And as you also know, the resolution agreement<sup>5</sup> between the Arcadia Unified School District and ED OCR (and the Department of Justice) requires the 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 a member of their chosen sex.<sup>6</sup> It is thus reasonable to suppose that ED OCR believes that such responses are required by Title IX. It 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

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<sup>4</sup> U.S. Department of Education, Questions and Answers on Title IX and Sexual Violence, *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf> at 5 ("Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation.")

<sup>5</sup> Resolution Agreement between the Arcadia Unified School District, the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, *available at* [http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia\\_Resolution\\_agreement\\_07.24.2013.pdf](http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia_Resolution_agreement_07.24.2013.pdf).

<sup>6</sup> *Id.*

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IX, as interpreted by ED OCR to reach transgender “discrimination,” would be inconsistent with the religious tenets of WJU.

WJU accordingly requests that your office acknowledge that the 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. If you require anything further, please do not hesitate to contact me.

Very truly yours,



John Jackson, Ph.D.

President

William Jessup University