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**Pro hac vice application pending*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

ELIZABETH HUNTER, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION,
et al.,

Defendants,

WESTERN BAPTIST COLLEGE d/b/a/
CORBAN UNIVERSITY; WILLIAM
JESSUP UNIVERSITY; PHOENIX
SEMINARY,

[Proposed] Defendant-Intervenors.

Case No. 6:21-cv-00474-AA

**DECLARATION OF JOHN
JACKSON, PH.D. IN SUPPORT OF
PROPOSED INTERVENORS'
MOTION TO INTERVENE**

COMES NOW John Jackson, Ph.D. and declares as follows:

1. I am the President of William Jessup University (Jessup), and I have personal knowledge of all facts stated in this declaration. I am an individual having obtained the age of majority and am capable of making this declaration pursuant to 28 U.S.C. § 1746.

2. Jessup is a religious nonprofit, Christ-centered institution of higher learning dedicated to the holistic formation of students—their academic, physical, emotional, and spiritual formation. Jessup's primary campus is in Rocklin, California.

3. As a religious school, Jessup is entitled to an exemption from Title IX and its accompanying regulations. In fact, Jessup has sought and received confirmation from the United States Department of Education that it is exempt from Title IX and its accompanying regulations to the extent that they are interpreted to curtail the University's freedom to act in accordance with its religious convictions.

4. As detailed below, some of Jessup's religious beliefs conflict with application of Title IX to the extent Title IX's definition of "sex" is interpreted to include "sexual orientation" and "gender identity."

5. William Jessup and his wife established San Jose Bible College in 1939 with just fourteen students. Over 80 years later, William Jessup University, with its over 1,800 students, is still a Christ-centered learning community, committed to training students for leadership and service.

6. Jessup partners with the Church to transform graduates in a way that will help redeem the world through carrying out Jesus Christ's saving mission. Jesus Christ, the divine Son of God, is the integrating center of Jessup and is intentionally at the core of all that the University is and does.

7. Jessup exists to prepare Christians for leadership and service in church and society, through Christian higher education, spiritual formation, and directed experiences.

8. 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.

9. Jessup is affiliated with the Independent Christian Church ("ICC") and the Restoration Movement, which began in the early 19th century as an attempt to restore the New Testament church. The Restoration Movement emphasized a lack of denominational structure based on a core belief that Christianity should not be divided and that the Church belongs to Christ, not to a particular hierarchal organization. Due to this belief, the Restoration Movement has no national church headquarters or supreme body overseeing the churches and organizations that identify with it.

10. Jessup was birthed in the heritage of the Independent Christian Church. And consistent with the precepts of the Restoration Movement, Jessup explicitly identifies itself as non-denominationally Christian. Jessup's bylaws

recognize its historic connection and ongoing commitment to the Restoration Movement.

11. Jessup's educational philosophy is guided by its Statement of Faith. The Statement affirms key elements of the historic Christian faith, assuring consensus on the foundational tenets of the faith. The tenets of the Restoration Movement, which are woven into the Statement, inform the structure and mission of the institution.

12. Members of the Board of Trustees, faculty, employees, and volunteers are required to subscribe to Jessup's Statement of Faith.

13. Jessup has adopted five 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.

14. Jessup 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.

15. Jessup 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.”

16. Jessup articulates its mission as follows: “In partnership with the Church, the purpose of William Jessup University is to educate transformational leaders for the glory of God.”

17. Jessup has also adopted a Community Covenant, which applies to all members of the University community - board members, students, and employees—and is structured broadly around the Great Commandments: Love God and love your neighbor as yourself (Matthew 22:36-40).

18. Students are asked to affirm the Community Covenant as an affirmation and recognition of the University’s community vision and with an agreement to conduct themselves consistent with its principles.

19. The Community Covenant includes a chapter on human sexuality. It is rooted in three foundational assumptions: (1) “We affirm the human dignity of all individuals, whether or not they agree with this chapter in the Community Covenant”; (2) “Individual identities are not based solely on gender identity or sexual orientation: as Christians, our primary identity is in Christ”; and (3) “The university is a community that it is committed to Biblical truth and desires to engage in redemptive dialogue about sex and human sexuality with humility, sensitivity, compassion, and prayerfulness.”

20. The Community Covenant’s chapter on human sexuality regarding marriage and sexual intimacy further reads as follows:

We believe that:

1. Humans are “fearfully and wonderfully made in the image of God as the biological gender in which they were born.
2. God created humans as sexual beings—intentionally and distinctly as male and female—to reflect His image and to complement each other.
3. God has created a framework for healthy human sexual relationships and the expression of sexual intimacy in the form of the covenantal commitment of marriage.
4. Only God, in His supreme authority, may define marriage, and He has done so as meaning a lifelong, faithful, and monogamous commitment between one biological male and one biological female as husband and wife, respectively. The framework of marriage is God’s good and perfect gift and reflects the complementary relationship between Christ and His Church.
5. We consider anything beyond God’s intention for sexual intimacy, expressed and enjoyed within this definition of marriage, to be sin and contrary to the teaching of Scripture.
6. Members of the University community are called to steward the good gift of human sexuality, consistent with the convictions expressed above.

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

21. The Community Covenant’s chapter on human sexuality regarding gender identity further reads as follows:

We believe that:

1. We have been “fearfully and wonderfully made” in the image of God expressed through an intentional and distinct biological gender.

2. That God, in His infallible nature, intentionally and specifically designed us to be either distinctly male or distinctly female, a gender binary identified at birth, in accordance with our DNA and biology.

3. We recognize the supremacy and authority of God to determine, define, and express our gender as that which is identified at birth and reflected in our DNA and biology and we believe that each of us can submit to His sovereign will.

4. While maintaining our compassion and redemptive posture of Christian love and grace for all in our university community, including those who struggle with gender issues, we do not affirm and will not support any decision for members of the Jessup community to identify or express themselves as gendered or as ungendered, other than their gender identified at birth.

5. Members of the University community are called to live their lives consistent with the convictions expressed above.

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

22. Jessup believes that all people are made in the image of God, and treats all applicants, students, and employees with dignity and respect. Thus, the University welcomes those who are attracted to members of the same sex or who are questioning their gender. But consistent with its Christian beliefs (and its origins in the Restoration Movement), Jessup's Community Covenant includes the following implications:

We believe that:

1. In our sin nature we can experience frailty, ambiguity and perplexity of these issues and choosing to divert from God's intention for our lives is committing sin. However, we are comforted that in seeking Him, God's redemptive love guides us to Scriptural truth and creates Spiritual conviction towards confession and repentance of sin; and that doing so will ultimately lead to our forgiveness and restoration with Him.
2. We believe that Scripture teaches us to live full of grace and truth and to minister to those living apart from God's intention for our lives with love and care, including those who struggle with sexual sin in our community.
3. As we demonstrate grace and love and compassion in ministry, we will not compromise the unequivocal and clear teaching of Scriptural truths that have been articulated in this Chapter.
4. While we recognize that living outside these truths may cause the separation of those living against these truths from our University community, we will always endeavor to separate with love, compassion, and peace.

23. Jessup fully informs prospective and current students and employees of its beliefs and practices. In addition to adopting the policies and practices referenced above, Jessup communicates its religious beliefs—including those about marriage, sexual intimacy, and gender identity—in chapel, in the classroom, and in its student counseling center, among other places.

24. In so doing, Jessup instructs all members of its community to follow these religious beliefs and to ensure that their conduct and behavior is consistent with biblical teaching about marriage, sexuality intimacy, and gender identity.

25. Jessup applies its religious beliefs and teachings to all institutional decisions, including housing, hiring, admissions, and curriculum. For example, in the university's chapel and throughout our academic curricula (inclusive of our required Declaration of John Jackson, Ph.D.

Bible & Theology Courses, General Education, and courses related to academic majors), our faculty teach and encourage students to refrain from sexual activity outside of marriage and teach and encourage our students to live consistent with their biological sex in how they present themselves and what pronouns they use to call themselves.

26. Consistent with its religious beliefs, Jessup separates its residence halls, restrooms, and locker rooms by biological sex. It also has standards of conduct (including dress codes) for faculty, students, and staff that reflect the University's religious beliefs and convictions about marriage, sexuality, and gender. And it separates its athletic teams based on biological sex, consistent with its beliefs.

27. Accordingly, in April 2015 and April 2016, Jessup requested an acknowledgment from the DOE's Office of Civil Rights that it was exempt from Title IX and its accompanying regulations to the extent that they were interpreted to conflict with Jessup's religious beliefs about marriage, sexuality, gender, and the sanctity of human life.

28. Specifically, Jessup requested that the DOE's Office of Civil Rights acknowledge the school's exemption from Title IX and these implementing regulations:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment of students)
- 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 such as restrooms and locker rooms)
- 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 (different rules based on 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)

29. In August 2016, the DOE Office of Civil Rights sent Jessup a letter acknowledging that the University was exempted from those provisions “to the extent that they prohibit discrimination on the basis of gender identity, sexual orientation, or abortion and compliance would conflict with the controlling organization’s religious tenets.”

30. However, Plaintiffs’ lawsuit directly threatens this exemption and therefore implicates Jessup’s statutory and constitutional rights.

31. If successful, Plaintiffs’ lawsuit would drastically limit (or eliminate entirely) Title IX’s religious exemption. Such a result would necessarily force Jessup to choose between violating its sincerely held religious beliefs about marriage, sexuality, and gender and being stripped of the Federal financial assistance that it and its students currently receive.

32. A loss of Federal financial assistance would cause a significant decrease in enrollment and threaten Jessup’s ability to operate.

33. Indeed, Jessup could not sustain the loss of Federal financial assistance that would result if the University were stripped of its religious exemption.

34. Given the existential threat posed to Jessup by this lawsuit, Jessup respectfully asks to be allowed to intervene in this case. Without proposed intervenors' participation, the unique voice, perspective, and arguments of religious universities will not be represented or heard in this matter.

I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 8th day of April 2021, in Rocklin, California



John Jackson, Ph.D.
President
William Jessup University