

**John Netland**

July 18, 2020 at 9:56 AM



Union University NAT Program

To: Alex Duron



Dear Mr. Duron

It is my responsibility to inform you that your admission to the Union University graduate program in Nurse Anesthesia has been rescinded. As a Christ-centered educational institution, we welcome all academically-qualified students who seek the academically-rigorous and faith-informed education we offer and who are willing to uphold our community values. As part of the application process, you agreed to adhere to and uphold the values and expectations set by the University. Attached to this correspondence is a copy of Union University's Community Values Statements for Graduate and Non-Traditional Programs, which you signed on September 10, 2019.

Your request for graduate housing and your social media profile, including your intent to live with your partner, indicates your unwillingness to abide by the commitment you made in signing this statement.

The timing of rescinding the offer is prior to the start of the Nurse Anesthesia Program. We are refunding your application deposit, which will come under separate cover.

Please contact me if you have any questions regarding this action.

Sincerely Yours,



**John T. Netland, Ph.D.**

Provost and Vice President for Academic Affairs

1050 Union University Dr.

Jackson, Tennessee 38305

(731) 661-5355

[uu.edu](http://uu.edu)





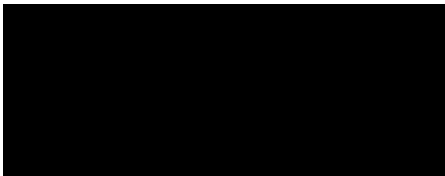
Page 1 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures

**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of Education**  
**Office for Civil Rights**

1. Name of person filing this complaint:

<b>Last Name, First, Middle</b>	<u>Swain, Lauren L.</u>
<b>Address:</b>	<u>8532 N. Ivanhoe St., #208</u>
<b>City, State, Zip Code:</b>	<u>Portland, OR 97203</u>
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

<b>Last Name, First, Middle</b>	<u>Alex Duron</u>
<b>Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

<b>Name of Institution:</b>	<u>Union University</u>
<b>Address:</b>	<u>1050 Union University Dr.</u>
<b>City, State, Zip Code:</b>	<u>Jackson, TN 38305</u>
<b>Department/School:</b>	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation

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Complaint Form, Consent Form, and Complaint Processing Procedures

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Alex applied to Union and was admitted for the Fall 2020 term. However, a few weeks before he was due to begin, Union revoked his admission upon learning of his sexual orientation. See attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

- 1) the Covid-19 pandemic;  
2) The Trump administration's policies and statements about religious exemptions to Title IX;  
3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.  
4) The discrimination against Alex remains ongoing, as his sexual orientation prevents him from being admitted to Union University. Although the initial act of discrimination took place more than 180 days ago, Alex's complaint should not be considered time-barred because of the ongoing discrimination.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

x No

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

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- 9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:** Pending

- 10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

- 11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Alex would like Union University's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Union in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) Union will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) Union's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Union, including housing and other programs.

Compensation for emotional distress and economic consequences of revocation of acceptance.

- 12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/07/2021

(Date)

Jul 8, 2021

(Date)



(Signature)

Alex Duron

Alex Duron (Jul 8, 2021 13:37 PDT)

(Signature of person in Item 2)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of )  
themselves and all others similarly situated, )

Plaintiffs, )

v. )

U.S. DEPARTMENT OF EDUCATION and )  
Suzanne GOLDBERG, in her official capacity as )  
Acting Assistant Secretary for Civil Rights, )  
U.S. Department of Education, )

Defendants. )

Civil Action No. 6:21-cv-00474-  
AA

**DECLARATION OF ALEX  
DURON**

I, Alex Duron, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am currently a resident of Fresno, California.
3. I am originally from El Paso, Texas.
4. I grew up in a Latinx, Catholic family and remain Catholic myself.
5. I am bilingual in Spanish and English.
6. I am the only member of my family who graduated from high school and went to college.
7. I am also a gay man. I came out around the age of 25. I am now 39.
8. My partner and I have been together for nearly four years. We have been engaged since January of 2020.
9. I received an Associate Degree of Nursing from San Antonio College.
10. I received a Bachelor of Science in Nursing (BSN) degree in 2015 from the University of Texas, Arlington.
11. I worked as an ICU nurse in San Antonio, Texas for about six and a half years before I applied for my Doctor of Nursing Practice Degree (DNP) with a concentration in Nurse Anesthesia.
12. The DNP is a terminal degree that takes three years to complete.

13. As an ICU nurse with more than six years of experience, I knew that I possessed knowledge and experience that, without an additional degree, I was not allowed to fully use.
14. In the fall of 2019, I applied to several universities for my doctorate, including Union University in Jackson, Tennessee.
15. During the application process, I described my prior nursing experience and degrees. I also listed my same-sex partner as my emergency contact.
16. In November 2019, I was invited to the on-campus interview process. During this interview process, I demonstrated to Union that I had the skills, knowledge and drive needed to complete the program.
17. Union asked me about my relationship with Christ and how I thought about faith. I told them about my religious beliefs and how when I work with the human body in my job, I am reminded that there is a higher power that has created us.
18. About a week after on my on-campus interview, I received a call from the director of the program informing me that I had been admitted.
19. I felt so proud about getting into the program. I told my partner and my mother and they were very proud of me.
20. I immediately decided that I was going to accept my admission to Union.
21. I paid the \$1,300 to reserve my space in the program.
22. I chose Union for a variety of reasons, including the smaller cohort size. Union's DNP program is highly competitive program. They only admit 30 students.
23. I also chose Union because I had coworkers who had attended Union's program and I really connected with the teachers and director of the program at Union.
24. I planned to live on campus with some roommates at the beginning of my studies.
25. My partner planned to join me later on but I wanted to focus on my studies during that first semester. We had also recently purchased a home back in Texas and my partner had started a new job, so it made more sense to live apart for awhile.
26. Union assigned me a room in their graduate student housing.
27. I sold my car prior to moving to Union in preparation to start this new stage of my life.
28. My program at Union would have started in August of 2020. Everything was lined up and I was ready to go.
29. However, on a Saturday in July of 2020, I received an unexpected email from the Provost at Union University.

30. I received this email less than a week before my on-campus orientation at Union. I had already booked an Airbnb for the orientation in Jackson, TN.
31. I remember the moment I received this email vividly. I was leaving the gym on a Saturday morning when I opened it. The email was short. In a few sentences, the Provost told me that Union had rescinded their offer of acceptance to their DNP program.
32. I went into shock. I felt like I was going to pass out. When I got home, I fell apart and broke down. I went into our closet, closed the door, turned the lights off and cried.
33. My future was ripped away from me. It felt like all my work as a ICU nurse and all my prior degrees meant nothing.
34. I was embarrassed. I had already quit my job. I had already told my family and my colleagues.
35. At this point, only days before my orientation at Union, there was no time for me to get into another DNP program.
36. I didn't understand what was happening to me. I am a straight passing man and had not been treated differently for being gay before. This was the first time I had experienced the sting of ant-gay discrimination.
37. Once I realized that I had been discriminated against, I started to process what had happened to me. I began to identify with the broader LGBTQ+ community and the history of discrimination against our community.
38. My partner and I started researching whether what Union did to me was legal. As we researched, we learned about the religious exemption to Title IX. We found the religious exemption request and response letters online between Union University and the U.S. Department of Education authorizing Union to discriminate against me.
39. We felt like there was nothing we could do.
40. So, I posted online about what happened to me. Many people rallied around me, including the medical community.
41. We don't know for sure how I went from admitted at Union one day to rejected the next. However, we know that union researched the social media of me and my partner.
42. This may have arisen because, shortly before the rejection email, Union had called me and asked me where I was going to live. I told them that I would live in the dorms. Union asked for the deposit of \$100, which I provided.
43. Union also said that they have family housing. They asked whether I was married. I said "no," but that I was engaged. Union then told me that I did not qualify for married housing because I was only engaged. I was fine with that.



44. I'm not sure how, but someone at Union determined that I was gay and was engaged to another man and that I needed to be expelled because of this.
45. After my story became public, other DNP programs starting reaching out to me and encouraged me to apply. I wasn't read right away, as I was still dealing with the shock of Union's discrimination.
46. About a month after Union rescinded my admission, I took a FEMA contract to treat Covid patients in San Antonio.
47. Eventually, I applied to other DNP programs and I am enrolled in a DNP program in Fresno, California.
48. I should never have been put in this situation.
49. Union's doctorate program is accredited by The Council on Accreditation of Nurse Anesthesia Educational Programs (COA). COA prohibits discrimination on the basis of sexual orientation in the admission to its programs.
50. Union has "Community Values Statements", also included in the student handbook that goes to all students. These statements address a number of the school's moral and ethical standards, including when it comes to LGBTQ+ students.
51. There is a paragraph in the current statement on "Sexually Impure Relationships" in the "Community Values Statements". This policy states: "Sexually impure relationships include but are not limited to participation in or appearance of engaging in premarital sex, extramarital sex, homosexual activities, or cohabitation. Union affirms that sexual relationships are designed by God to be expressed solely within a marriage between a man and a woman. The Bible condemns all sexual relationships outside of marriage (Matt. 5:27-29; Gal. 5:19). The promotion, advocacy, defense or ongoing practice of a homosexual lifestyle (including same-sex dating behaviors) is also contrary to our community values. Homosexual behaviors, even in the context of a marriage, remain outside Union's community values. We seek to help students who face all types of sexual temptation, encouraging single students to live chaste, celibate lives, and encouraging married students to be faithful to their marriage and their spouse."
52. The policy was largely the same when I applied but it also included a prohibition on "homosexuality" in addition to the prohibition on "homosexual activities." It also did not include the section stating that "Homosexual behaviors, even in the context of a marriage, remain outside Union's community values."
53. Classmates in the cohort I was supposed to be in, and other students at Union, supported me but they were scared about being able to comment on my Facebook post because, under the student handbook, they could be kicked out for "promotion, advocacy, or defense" of me as a gay man engaged to another man.
54. There are other LGBTQ+ students on campus at Union right now. Several current LGBTQ+ students reached out to me after my story came out, including very young

students who told me they were suicidal and struggling at Union. One LGBTQ+ student told me that another student had turned them into the administration as being gay and had to attend meetings with the administration.

55. The policy goes on to address transgender students in a "Gender Identity" paragraph which states: "Union adheres to the biblical tenet that God created only two genders, that He fashioned each one of us and thus designated our gender/sex. Therefore, identifying oneself as a gender other than the gender assigned by God at birth is in opposition to the University's community values. Further, engaging in activities or making any efforts to distinguish or convert one's gender/sex to something other than the gender/sex to which you were biologically born and which was God-given (i.e. transvestites, transsexuals, transgenders, etc.) is prohibited."
56. Union's policies denied me access to the federally-funded nursing program of my choice. A federally funded institution should not be able to pick and choose who can receive an education.
57. I should have been protected by Title IX, but I was not because of a religious exemption.
58. I am a federal taxpayer. I also took out student loans from the U.S. Department of Education to attend Union.
59. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 7th day of March, 2021.

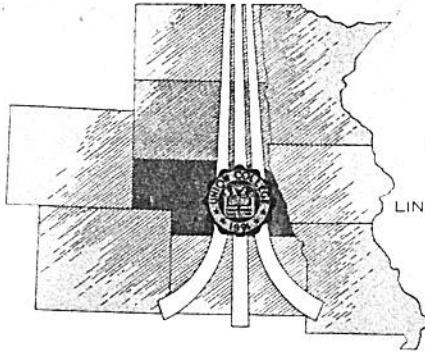
By:



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Alex Duron

UC01196



# UNION COLLEGE

LINCOLN, NEBRASKA 68506 ■ (402) 488-2331

*Kresy  
A.H.*

July 18, 1976

Office of the Secretary  
Department of Health, Education and Welfare  
Education Division  
Office of Education  
Washington, D.C. 20202

Dear Sirs:

Herewith I am enclosing a statement which articulates the policy of Union College relative to Title IX and discrimination in general. Our position is as follows:

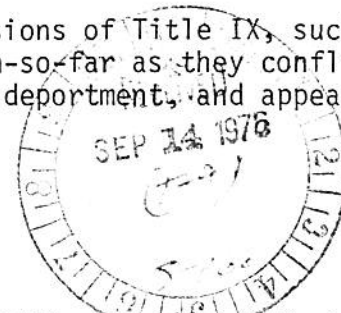
"Union College is a co-educational institution of higher learning, established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

"Union College is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United States Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

"Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

"Union College is responsible for applying to both men and women employees and students biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

"Union College claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(B), and 86.31, in-so-far as they conflict with Church teachings and practices on morality, deportment, and appearance."



AUG 16 1976

■ "The College that Cares..."

Department of Health, Education and Welfare  
July 18, 1976  
Page 2

I believe that this statement of policy is required to be submitted to your office by July 19, 1976.

Sincerely,

A handwritten signature in cursive script, appearing to read "Myrl Manley".

Myrl Manley  
President

MM:sv

July 22, 1976

Director of the Office for Civil Rights  
U. S. Department of Health, Education & Welfare  
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of "Title IX of the Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise you that Union University of Jackson, Tennessee, is an educational institution which is owned by the Tennessee Baptist Convention, that we do not receive federal financial grants, but our students do participate in federally financed student aid programs, and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization:

1. Sexual immorality, whether on the part of a man or woman, is contrary to the tenets of Southern Baptists. In so far as these regulations require Union University to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability, such regulations conflict with the tenets of Southern Baptists. Such regulations pertaining to unmarried women, whether students or prospective students, or employees, or prospective employees are inconsistent with the policies of the University and Southern Baptists, and this institution requests exemption on this basis. These inconsistent regulations include Sec. 86.21(c); 86.39; 86.40; 86.51 (b) (6); 86.57 (a)(1), (b), (c); 86.60(a).
2. Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches. The college requests that it be exempt from the regulations of equal number

Director of the Office for Civil Rights

July 22, 1976

Page 2

of male and female students selecting church-related vocations and receiving equal scholarship assistance for these church-related vocations. Sections 86.37(a)(b); 86.51; 86.53; and 86.55(a) of such regulations are inconsistent with this Southern Baptist tenet.

Union University has tried to comply with other parts of the Title IX regulations and will have on record the results of our study, evidence of our modifications of policies and practices, and the proper grievance procedures for complainants.

Respectfully submitted,

Robert E. Craig  
President

eg



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 3 1985

Dr. Robert E. Craig  
President  
Union University  
Jackson, Tennessee 38305

Dear President Craig:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letters you describe several policies practiced at Union University as consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. You have supplied information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Union University an exemption to those sections of the Title IX regulation appropriate to your request letters. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Union University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.37(a) and (b); 106.39; 106.40; 106.51(b)(6); 106.57(a)(1), (b), and (c); and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Union University is owned and operated by the Tennessee Baptist Convention, which is affiliated with the Southern Baptist Convention. The Tennessee Baptist Convention elects all 48 of the trustees who set policies and employ personnel. Additionally, the Tennessee Baptist Convention "furnishes a great percentage of [the university's] financial support." This relationship between the Tennessee Baptist Convention and Union University adequately establishes that Union University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Page 2 - Dr. Robert E. Craig

In your letters you indicate that the University considers sexual immorality as contrary to the tenets of Southern Baptists and "insist[s] upon high levels of moral conduct. Sexual activities outside of marriage are deemed contrary to Baptist interpretation of Biblical standards." Based on these principles, Union University has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.39 (health and insurance benefits and services to students); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care); § 106.57(a)(1), (b) and (c) (marital and parental status of employees, including pregnancy); and § 106.60(a) (pre-employment inquiries as to marital status).

Your letter indicates that since Union University does not ordinarily practice the ordination of women, it does not permit an equal number of male and female students to select church-related vocations or receive equal scholarship assistance for these church-related vocations. Based on this principle, Union University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.37(a) and (b) (financial assistance for students).

You also requested exemption to § 106.51 (employment, general), § 106.53 (recruitment for employment) and § 106.55 (job classification and structure) based on your tenets and practices regarding morality and the award of financial assistance to students selecting church-related vocations. Sections 106.51(b)(6), 106.57(a)(1), (b) and (c) and 106.37(a) and (b), to which Union University is granted exemption by this letter, more appropriately address the practices you have described in your letters than do §§ 106.53, 106.55 or all of § 106.51. Therefore, based upon the information in your letters, an exemption to §§ 106.53, 106.55 and all of § 106.51 is not necessary.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein 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.



Page 3 - Dr. Robert E. Craig

I hope this letter responds fully to your request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas  
Regional Civil Rights Director  
Office for Civil Rights, Region IV  
Department of Education  
101 Marietta Street, N.W., 27th Floor  
Atlanta, Georgia 30323

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

1015012



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Dr. Benjamin R. Wygal  
President  
Union College  
3800 South 48th Street  
Lincoln, Nebraska 68506

Dear President Wygal:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Union College's request for religious exemption from Title IX of the Education Amendments of 1972.

In your response, you describe certain policies practiced at the College as being consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The College has provided information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Union College an exemption to those sections of the Title IX regulation specified in your September 30, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Union College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Union College is owned and operated by the Seventh-day Adventist Church. Members "of its constituency and Board of Trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between Union College and the Seventh-day Adventist Church adequately establishes that Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your request letter states that "pregnancy outside of marriage is considered immoral conduct inappropriate for a student in a Seventh-day Adventist educational institution." The Church "'must register its decisive, emphatic disapproval of the sin of fornication, adultery, all acts of moral indiscretions and other . . . sin[.]'" You state that the College must hold to this religious standard in its relationship with its students and employees. Based on this principle, Union College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21, to the extent that this section addresses marital and parental status of applicants for admission, § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees and applicants for employment).

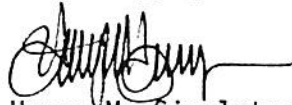
Page 2 - Dr. Benjamin R. Wygal

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein 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 the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High  
Regional Civil Rights Director  
Office for Civil Rights  
Department of Education, Region VII  
324 East 11th Street, 24th Floor  
Kansas City, Missouri 64106

Sincerely, \



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Jesse L. High, Regional Civil Rights Director, Region VII



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

March 24, 2015

Samuel W. Oliver, Ph.D.  
President  
Union University  
1050 Union University Drive  
Jackson, Tennessee 38305-3697

Dear President Oliver:

The purpose of this letter is to respond to your January 19, 2015, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, for Union University (University) of Jackson, Tennessee. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

The implementing regulation at 34 C.F.R. § 106.12 provides 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 and/or regulation that conflict with those tenets.

Your request explained that the University "is controlled by a religious organization. That organization is the Tennessee Baptist Convention." Your letter states that "the trustees of Union University are elected by and responsible to the Tennessee Baptist Convention." Your letter also references the University's Bylaws (2.1.1. Control and Management) which state "[t]he Charter vests the control of the affairs of Union University in its Board of Trustees, which consists of not fewer than eighteen nor more than thirty-six in number, elected by the Tennessee Baptist Convention."

Your letter requests a religious exemption "from provisions of Title IX to the extent application of those provisions would not be consistent with the Convention's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity (including but not limited to transgendered status), pregnancy, and abortion." In support of this request, you cite to The Baptist Faith and Message 2000, the most recent statement of faith affirmed by the Tennessee Baptist Convention. According to your letter, that statement of faith explains that the tenets of the Convention are that marriage is between one man and one woman and serves as the means for procreation, that God made man in male and female form, and that the "gift of gender is thus part of the goodness of God's creation." You further cite the Convention's belief that one should "speak on behalf of the unborn and contend for the sanctity of all human life from conception to natural death."

You explain that it would not be consistent with the Convention's religious tenets for the University to comply with Title IX to the extent that it prohibits the College from "engaging in recruiting and admissions under a policy which called for the consideration of an applicant for admission's sexual orientation, gender identity (including but not limited to transgendered status), marital status, past and

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
www.ed.gov

Samuel W. Oliver – page 2

present practices regarding marriage, sex outside marriage, pregnancy and abortion; . . . from subjecting students to rules of behavior, sanctions, or other treatment because of these student characteristics[; or from] making all employment decisions. . . in a manner which takes into consideration these employee characteristics.”

You state that, for these reasons, The University is requesting an exemption from the following regulatory provisions “to the extent the regulation would require the institution to treat marriage, sex outside of marriage, homosexuality, gender identity, pregnancy and abortion in a manner that is inconsistent with the religious tenets of the Convention:”

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing the limitation of rights, privileges, advantages, or opportunities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.52 (governing employment criteria);
- 34 C.F.R. § 106.53 (governing recruitment of employees);
- 34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions);
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

The University is exempt from these provisions to the extent that they prohibit discrimination on the basis of marriage status, sex outside of marriage, sexual orientation, gender identity, pregnancy, or abortion and compliance would conflict with the controlling organization’s religious tenets.

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,



Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education

July 22, 1976

Director of the Office for Civil Rights  
U. S. Department of Health, Education & Welfare  
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of "Title IX of the Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise you that Union University of Jackson, Tennessee, is an educational institution which is owned by the Tennessee Baptist Convention, that we do not receive federal financial grants, but our students do participate in federally financed student aid programs, and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization:

1. Sexual immorality, whether on the part of a man or woman, is contrary to the tenets of Southern Baptists. In so far as these regulations require Union University to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability, such regulations conflict with the tenets of Southern Baptists. Such regulations pertaining to unmarried women, whether students or prospective students, or employees, or prospective employees are inconsistent with the policies of the University and Southern Baptists, and this institution requests exemption on this basis. These inconsistent regulations include Sec. 86.21(c); 86.39; 86.40; 86.51 (b) (6); 86.57 (a)(1), (b), (c); 86.60(a).
2. Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches. The college requests that it be exempt from the regulations of equal number

Director of the Office for Civil Rights  
July 22, 1976  
Page 2

of male and female students selecting church-related vocations and receiving equal scholarship assistance for these church-related vocations. Sections 86.37(a)(b); 86.51; 86.53; and 86.55(a) of such regulations are inconsistent with this Southern Baptist tenet.

Union University has tried to comply with other parts of the Title IX regulations and will have on record the results of our study, evidence of our modifications of policies and practices, and the proper grievance procedures for complainants.

Respectfully submitted,

Robert E. Craig  
President

eg



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 3 1985

Dr. Robert E. Craig  
President  
Union University  
Jackson, Tennessee 38305

Dear President Craig:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letters you describe several policies practiced at Union University as consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. You have supplied information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Union University an exemption to those sections of the Title IX regulation appropriate to your request letters. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Union University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.37(a) and (b); 106.39; 106.40; 106.51(b)(6); 106.57(a)(1), (b), and (c); and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Union University is owned and operated by the Tennessee Baptist Convention, which is affiliated with the Southern Baptist Convention. The Tennessee Baptist Convention elects all 48 of the trustees who set policies and employ personnel. Additionally, the Tennessee Baptist Convention "furnishes a great percentage of [the university's] financial support." This relationship between the Tennessee Baptist Convention and Union University adequately establishes that Union University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.



Page 2 - Dr. Robert E. Craig

In your letters you indicate that the University considers sexual immorality as contrary to the tenets of Southern Baptists and "insist[s] upon high levels of moral conduct. Sexual activities outside of marriage are deemed contrary to Baptist interpretation of Biblical standards." Based on these principles, Union University has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.39 (health and insurance benefits and services to students); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care); § 106.57(a)(1), (b) and (c) (marital and parental status of employees, including pregnancy); and § 106.60(a) (pre-employment inquiries as to marital status).

Your letter indicates that since Union University does not ordinarily practice the ordination of women, it does not permit an equal number of male and female students to select church-related vocations or receive equal scholarship assistance for these church-related vocations. Based on this principle, Union University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.37(a) and (b) (financial assistance for students).

You also requested exemption to § 106.51 (employment, general), § 106.53 (recruitment for employment) and § 106.55 (job classification and structure) based on your tenets and practices regarding morality and the award of financial assistance to students selecting church-related vocations. Sections 106.51(b)(6), 106.57(a)(1), (b) and (c) and 106.37(a) and (b), to which Union University is granted exemption by this letter, more appropriately address the practices you have described in your letters than do §§ 106.53, 106.55 or all of § 106.51. Therefore, based upon the information in your letters, an exemption to §§ 106.53, 106.55 and all of § 106.51 is not necessary.


This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein 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.

Page 3 - Dr. Robert E. Craig

I hope this letter responds fully to your request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas  
Regional Civil Rights Director  
Office for Civil Rights, Region IV  
Department of Education  
101 Marietta Street, N.W., 27th Floor  
Atlanta, Georgia 30323

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

1015012



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Dr. Benjamin R. Wygal  
President  
Union College  
3800 South 48th Street  
Lincoln, Nebraska 68506

Dear President Wygal:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Union College's request for religious exemption from Title IX of the Education Amendments of 1972.

In your response, you describe certain policies practiced at the College as being consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The College has provided information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Union College an exemption to those sections of the Title IX regulation specified in your September 30, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Union College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Union College is owned and operated by the Seventh-day Adventist Church. Members "of its constituency and Board of Trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between Union College and the Seventh-day Adventist Church adequately establishes that Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your request letter states that "pregnancy outside of marriage is considered immoral conduct inappropriate for a student in a Seventh-day Adventist educational institution." The Church "'must register its decisive, emphatic disapproval of the sin of fornication, adultery, all acts of moral indiscretions and other . . . sin[.]'" You state that the College must hold to this religious standard in its relationship with its students and employees. Based on this principle, Union College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21, to the extent that this section addresses marital and parental status of applicants for admission, § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees and applicants for employment).

Page 2 - Dr. Benjamin R. Wygal

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein 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 the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High  
Regional Civil Rights Director  
Office for Civil Rights  
Department of Education, Region VII  
324 East 11th Street, 24th Floor  
Kansas City, Missouri 64106

Sincerely, \



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Jesse L. High, Regional Civil Rights Director, Region VII



January 19, 2015

Ms. Catherine E. Lhaman  
Assistant Secretary for Civil Rights  
United States Department of Education  
400 Maryland Ave. S.W.  
Washington, DC 20202-1100

Re: Claim of Title IX Religious Tenet Exemption

Dear Ms. Lhaman,

I am President of Union University. As such, I am the highest ranking official of this institution. I submit the following statement in order to claim on behalf of the University the religious tenet exemption from Title IX of the Education Amendments of 1972 which is provided for in 20 U.S.C. 1681, and which is the subject of 34 C.F.R. 106.12.

Union University is a Southern Baptist institution of higher education. It is a Tennessee nonprofit corporation whose principal office address is 1050 Union University Drive, Jackson, Tennessee 38305.

Union University is controlled by a religious organization. That organization is the Tennessee Baptist Convention. This Convention is a Southern Baptist general body whose constituency is the cooperating Southern Baptist churches of Tennessee. It is an "association of churches" in the terminology of the Internal Revenue Code. By Covenant Agreement with the Convention, the University "affirm(s) that the trustees of Union University are elected by and responsible to the Tennessee Baptist Convention." The University's Bylaws (2.1.1. Control and Management) declare: "The Charter vests the control of the affairs of Union University in its Board of Trustees, which consists of not fewer than eighteen nor more than thirty-six in number, elected by the Tennessee Baptist Convention." I enclose the University's Bylaws.

The Convention's authority over the University constitutes control by the Convention which is more than sufficient to cause the institution to be exempt from Title VII of the Civil Rights Act of 1964's general prohibition against religious discrimination in employment under 42 U.S.C. 2000e-2, §703(e)(2), as an educational institution "which is in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association or society." (See, for example, the decision of the United States Circuit Court of Appeals, Eleventh Circuit, regarding our sister Southern Baptist university in *Killinger v. Samford University*, 113 F. 3d 196 (1997).

OFFICE of the PRESIDENT

JACKSON, TENNESSEE 38305-3697 731.661.5180 fax 731.661.5444 www.uu.edu

Ms. Catherine E. Lhaman  
January 19, 2015  
Page 2

This request for exemption is from provisions of Title IX to the extent application of those provisions would not be consistent with the Convention's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity (including but not limited to transgendered status), pregnancy, and abortion.

I identify those provisions to be:

Admissions:

34 C.F.R. § 106.21 including but not limited to (b)(iii) (governing differential treatment on the basis of sex in admissions); and (c) (governing admissions prohibition on the basis of marital or parental status).

Recruitment:

34 C.F.R. § 106.23 (governing nondiscriminatory recruitment).

Education Programs or Activities:

34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions), and (b)(7) (otherwise limiting any person in the enjoyment of any right, etc);

34 C.F.R. § 106.32 (governing housing);

34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);

34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students); and

34 C.F.R. § 106.41 (governing athletics);

Employment:

34 C.F.R. § 106.51 (governing employment);

34 C.F.R. § 106.52 (employment criteria);

34 C.F.R. § 106.53 (recruitment);

34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions);

and

34 C.F.R. § 106.60 (governing pre-employment inquiries).

Union University's purpose is stated as follows:

Union University provides Christ-centered education that promotes excellence and character development in service to Church and society.

The University's mission statement includes the following:

A cohering core value of our guiding vision is a call to faith, a call to be Christ centered in all that we are and in all that we do. We will seek to build a Christian liberal arts based community where men and women can be introduced to an understanding and appreciation of God, His creation and grace, and to humanity's place of privilege and responsibility in this world. We will

Ms. Catherine E. Lhaman  
January 19, 2015  
Page 3

seek to establish all aspects of life and learning on the Word of God, leading to a firm commitment to Christ and His Kingdom. To be a Christ-centered institution calls for us to establish the priority of worship and service in the Christian life while seeking to develop a generation of students who can be agents of reconciliation to a factious church in a hurting and broken world. This commitment calls for all faculty and staff to integrate Christian faith in all learning and doing, based on the supposition that all truth is God's truth and that there is no contradiction between God's truth made known to us in Holy Scripture and that which is revealed to us through creation and natural revelation.

The University's statement of faith declares first:

The Scriptures. The Scriptures of the Old and New Testament were given by inspiration of God, and are the only sufficient, certain and authoritative rule of all saving knowledge, faith, and obedience.

Southern Baptist religious tenets have been described most extensively and most recently in *The Baptist Faith and Message 2000*, a statement of faith affirmed by messengers constituting the Tennessee Baptist Convention. That statement is attached.

In regard to marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy and abortion, the following statements are illustrative:

Marriage is the uniting of one man and one woman in covenant commitment for a lifetime. It is God's unique gift to reveal the union between Christ and His church and to provide for the man and the woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means for procreation of the human race. . . . Children, from the moment of conception, are a blessing and heritage from the Lord. XVIII The Family, *The Baptist Faith and Message 2000*.

Man is the special creation of God, made in His image. He created them male and female as the crowning work of His creation. The gift of gender is thus part of the goodness of God's creation. III Man, *The Baptist Faith and Message 2000*. (The Southern Baptist Convention elaborated on this tenet most recently in 2014 by the adoption of a resolution "On Transgender Identity." It is attached.)

Christians should oppose racism, every form of greed, selfishness, and vice, and all forms of sexual immorality, including adultery, homosexuality, and pornography. . . . We should speak on behalf of the unborn and contend for the sanctity of all human life from conception to natural death." XV The Christian and the Social Order, *The Baptist Faith and Message 2000*.

Ms. Catherine E. Lhaman  
January 19, 2015  
Page 4

The University's policies are rooted in these religious tenets. Application of a regulation would not be consistent with these tenets if the regulation prohibited the institution from following its policies, that is, if the regulation prohibited the University:

From engaging in recruiting and admissions under a policy which called for the consideration of an applicant for admission's sexual orientation, gender identity (including but not limited to transgendered status), marital status, past and present practices regarding marriage, sex outside marriage, pregnancy, and abortion (these considerations collectively referred to hereafter as "student and employee characteristics"), and prohibited the institution from treating that person differently as a result of that consideration;

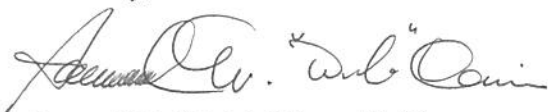
From subjecting students to rules of behavior, sanctions, or other treatment because of these student characteristics. Examples would be the institution's rules regarding eligibility for employment of the student by the institution; the assignment of housing, restrooms and locker rooms, and restrictions to athletic activities by birth sex; rules prohibiting homosexual conduct including but not limited to a prohibition of a student's engaging in sex with a person of his or her birth sex; prohibition of sex outside of marriage between a man and a woman; sanctions as the result of pregnancy and abortion; and

From making all employment decisions, including but not limited to selection criteria and pre-employment inquiries, recruitment, the decision to employ, retention decisions, and decisions regarding sanctions, in a manner which takes into consideration these employee characteristics.

Thus, this claim for exemption includes exemption from these specified regulations to the extent the regulation would require the institution to treat marriage, sex outside of marriage, homosexuality, gender identity, pregnancy and abortion in a manner that is inconsistent with the religious tenets of the Convention.

I trust this letter is sufficient, but if you have any questions, please let me know. Thank you for your attention to this matter.

Sincerely,



Samuel W. "Dub" Oliver, Ph.D.  
President

Enclosures: Union University *Board Guidelines and Policies* containing Bylaws  
*The Baptist Faith and Message* 2000  
The 2014 Southern Baptist Convention Resolution "On Transgender Identity"



## ADULT/GRADUATE UNION UNIVERSITY COMMUNITY VALUE STATEMENTS

**I. WORTH OF THE INDIVIDUAL**

We value the intrinsic worth of every individual. Our respect for other individuals includes an appreciation of cultural backgrounds different from our own, an understanding of different attitudes and opinions, and an awareness of the consequences of our actions on the broader community. (Luke 12:7 *"But even the hairs of your head are all counted. Do not be afraid; you are of more value than many sparrows."*; Galatians 6:1-2 *"Brothers, if someone is caught in a sin, you who are spiritual should restore him gently, but watch yourself, or you also may be tempted. Carry each other's burdens, and in this way you will fulfill the law of Christ."* NIV)

1. **PERSONAL ABUSE.** Personal abuse is defined as any behavior that results in harassment, coercion, threat, disrespect and/or intimidation of another person, or any unwanted sexual attention towards another person. This action may include any action or statements that cause damage or threaten the personal and/or psychological well-being of a person. Inappropriate narrative on a personal blog (e.g. Myspace, Facebook) may be considered personal abuse.

2. **SEXUAL IMPROPRIETY.**

Sexual impropriety includes but is not limited to participation in or appearance of engaging in premarital sex, extramarital sex, homosexuality, homosexual activities, or cohabitation on-campus or off-campus. Students may not live with or stay in a hotel room with a non-related peer of the opposite gender, even if the relationship is not sexual. The promotion, advocacy, defense or ongoing practice of a homosexual lifestyle (including same-sex dating behaviors) is also contrary to our community values.

3. **PUBLIC DISPLAYS OF AFFECTION.** Participation of inappropriate displays of affection in public areas of the campus.

4. **PORNOGRAPHY.** Pornography is defined as viewing, possession, purchase, or distribution of any pornographic materials in any form (magazines, photos, CD ROM, games, computer games, Web sites, etc.). Computing Services has a complete policy available for the appropriate use of the Internet and the University's computers, [www.uu.edu/computing/aup.htm](http://www.uu.edu/computing/aup.htm). (Ephesians 5:1-5 *"Be imitators of God, therefore, as dearly loved children and live a life of love, just as Christ loved us and gave himself up for us as a fragrant offering and sacrifice to God. But among you there must not be even a hint of sexual immorality, or of any kind of impurity, or of greed, because these are improper for God's holy people. Nor should there be obscenity, foolish talk or coarse joking, which are out of place, but rather thanksgiving. For of this you can be sure: No immoral, impure or greedy person—such a man is an idolater—has any inheritance in the kingdom of Christ and of God."* NIV)

**II. SELF-DISCIPLINE**

We value personal responsibility and recognize the individual's need for physical, intellectual, spiritual, social, and emotional wholeness. We value the full development of every student in terms of a confident and constructive self image, of a commitment to self-discipline, and of a responsible self-expression. (Galatians 5:22-26 *"By contrast, the fruit of the Spirit is love, joy, peace, patience, kindness, and self-control. There is no law against such things. And those who belong to Christ Jesus have crucified the flesh with its passions and desires."* NIV)

1. **ALCOHOLIC BEVERAGES.** The possession, use, purchase, or distribution of alcoholic beverages is prohibited on campus.

The possession of empty alcoholic beverage containers and/or drug paraphernalia on campus is also prohibited. In addition, drunkenness at off campus functions would be inconsistent with Union University values.

2. **USE OR POSSESSION OF ILLEGAL DRUGS.** The purchase, possession, use, or distribution of drug paraphernalia or any substance of abuse is prohibited except under the direction of a licensed physician. A substance of abuse is any form of narcotics, hallucinogenic, sports enhancement or "street drug," and any other controlled substances as defined by law. Local law enforcement may be called.

3. **GAMBLING.** To play or game for money or other valuable stakes with the hope of gaining something significant beyond the amount an individual pays.

4. **TOBACCO.** Realizing that the use of tobacco is harmful to health, Union University does not allow the use of tobacco in any form inside any of its facilities. In addition, the University strongly encourages individuals to respect themselves, others and the overall community enough to abstain from all tobacco use in any location. Union University is a smoke-free campus and smoking is not permitted. Smoking cessation classes are available for those wishing to quit an addiction.

**III. ACADEMIC & PERSONAL INTEGRITY**

We value a campus community that encourages personal growth and academic development in an atmosphere of Christian influence. We affirm the necessity of both academic and personal standards of conduct that allow students and faculty to live and study together. We value the fair and efficient administration of these standards of conduct. (Proverbs 12:22 *"The Lord detests lying lips, but he delights in men who are truthful."* NIV)

1. **ACADEMIC INTEGRITY**

Union University upholds the highest standards of honesty. Students are to refrain from the use of unauthorized aids on examinations and all graded assignments, to refuse to give or receive information on examinations and all graded assignments and to turn in only those assignments which are the result of their own efforts and research. Faculty are to accept the

responsibility for discouraging cheating. They are to make every effort to provide physical conditions which will deter cheating. They are to be aware at all times of activity in the testing area. Any student found guilty by the instructor of cheating will be subject to disciplinary action by the instructor. The instructor will file a report of the incident and the intended disciplinary action with the Program Director. If the student deems this action unfair, he/she may request a hearing before the Program Director and instructor. A written report of this hearing and decision will be retained by the Program Director. If either the student or faculty member involved deems the Program Director's action unsatisfactory, he/she may request a hearing before the academic dean. The decision of academic dean is final.

2. **PERSONAL INTEGRITY.** This is considered lying or committing fraud on any level.

#### IV. RESPECT FOR PROPERTY AND THE ENVIRONMENT

We value the rights and privileges of owning and using property, both personal and University, and the benefits of preservation and maintenance of property and of our natural resources. In our stewardship of property we recognize the accountability of our actions to the future Union community. (Exodus 20:15 *"You shall not steal."*; Psalm 24:1 *"The earth is the Lord's, and everything in it, the world, and all who live in it."*; Genesis 2:15 *"The Lord God took the man and put him in the Garden of Eden to work it and take care of it."*; I Cor. 4:2 *"Moreover it is required of stewards that they be found trustworthy."* NIV)

1. **LITTERING.** Intentionally throwing trash on the ground.

2. **PROPERTY DESTRUCTION.** Actions that violate this Community Value include damaging, destroying, defacing (in any way) property belonging to others or to the University.

3. **UNAUTHORIZED ENTRY.** This occurs when one enters into any University building, vehicle, office, gated parking lot, student room or window or onto any building without prior authorization.

4. **STEALING AND POSSESSION OF STOLEN OR LOST PROPERTY.** This is defined as the unauthorized taking, borrowing and/or keeping of property belonging to the University or others.

5. **SETTING A FIRE AND ARSON.** Deliberately lighting a fire.

6. **POSSESSING FIREARMS, OR WEAPONS.** This is the possession, whether open or concealed, of any weapon (including, but not limited to paintball guns, slingshots and airsoft guns) that could be used to intimidate, scare, or harm others or possession of materials used to manufacture bombs, firearms, or weapons.

7. **TAMPERING WITH FIRE SAFETY EQUIPMENT/INTERCOMS/NETWORK CABINETS.** Tampering with or removing emergency instruction sheets, fire alarms, fire extinguishers, exit signs, or other safety equipment puts others at risk of injury. Tampering with such equipment is strictly prohibited.

8. **MISUSE OF UNIVERSITY E-MAIL/NETWORK.** Students are held responsible for abiding by the computer acceptable use policy found at [uu.edu/computing/aup.htm](http://uu.edu/computing/aup.htm).

#### V. RESPECT FOR COMMUNITY AUTHORITY

We value our privileges and responsibilities as members of the University community and as citizens of the community beyond the campus. We value the community standards of conduct expressed in our system of laws and value the fair administration of those laws, including University, municipal, state and federal laws. (Romans 13:1, 2 *"Let every person be subject the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment."* NIV)

1. **BREACH OF PEACE.** Breach of peace is any action which disrupts the peace or which endangers or tends to endanger the safety, health, or life of any person. It also includes the disruption of the functional processes of the University by individuals and/or organizations.

2. **INSUBORDINATION.** Failure to comply with a request, written or verbal, of an authorized University staff member constitutes insubordination. Failure to comply based on a difference of opinion is not an acceptable response.

3. **BREAKING A CITY, STATE OR FEDERAL LAW.** All students are required to abide by the laws of the local, state, national and international governments and are subject to judicial action at the hands of the University and/or law enforcement agencies. Formal charges, complaints or indictments by government entities are not prerequisite for University action under this section.

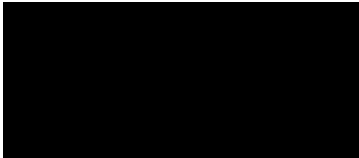
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Complaint Form, Consent Form, and Complaint Processing Procedures

**DISCRIMINATION  
COMPLAINT FORM**  
to the  
**United States Department  
of Education Office for  
Civil Rights**

1. Name of person filing this complaint:

<b>Last Name, First, Middle</b>	<u>Swain, Lauren</u>
<b>Address:</b>	<u>8532 N. Ivanhoe St., #208</u>
<b>City, State, Zip Code:</b>	<u>Portland, OR 97203</u>
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

<b>Last Name, First, Middle</b>	<u>Lord, Jamie</u>
<b>Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

<b>Name of Institution:</b>	<u>Regent School of Law</u>
<b>Address:</b>	<u>1000 Regent University Drive,</u> <u>RH 255L</u>
<b>City, State, Zip Code:</b>	<u>Virginia Beach, VA, 23464</u>
<b>Department/School:</b>	<u>School of Law</u>

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4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation.

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Although Regent representative told Jamie before she enrolled that being a lesbian was not a problem for the school, after she became a student, Regent officials warned Jamie that she could be expelled for "premarital sex" because she is in a lesbian relationship or if she were to bring her girlfriend on campus. A professor harassed Jamie because of her sexual orientation and repeatedly condemned and insulted LGBT people in class. Regent did not respond to Jamie's complaints about the professor's behavior.

Regent's student handbook contains the following: "Sexual misconduct that is prohibited includes disorderly conduct or lewd, indecent, or obscene conduct or expression, involvement with pornography, premarital sex, adultery, homosexual conduct or any other conduct that violates Biblical standards."

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

1) the Covid-19 pandemic;  
2) The Trump administration's policies and statements about religious exemptions to Title IX;

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Complaint Form, Consent Form, and Complaint Processing Procedures

3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.

4) Although the initial act of discrimination took place more than 180 days ago, Jamie's complaint should not be considered time-barred because Regent continues to discriminate against Jamie and to promulgate policies and practices that discriminate against LGBTQ+ students.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

**Yes**

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

Jamie attended many classes at Regent where professors described LGBTQ+ people as pedophiles, child molesters, undeserving of marriage, and as destined for hell. Jamie reported these incidents to Regent administration but the administration took no action.

9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:**  
Pending

10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

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11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Jamie would like Regent's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Regent in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) Regent will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) Regent's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Regent, including housing and other programs.

12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/24/21

(Date)

Jul 24, 2021

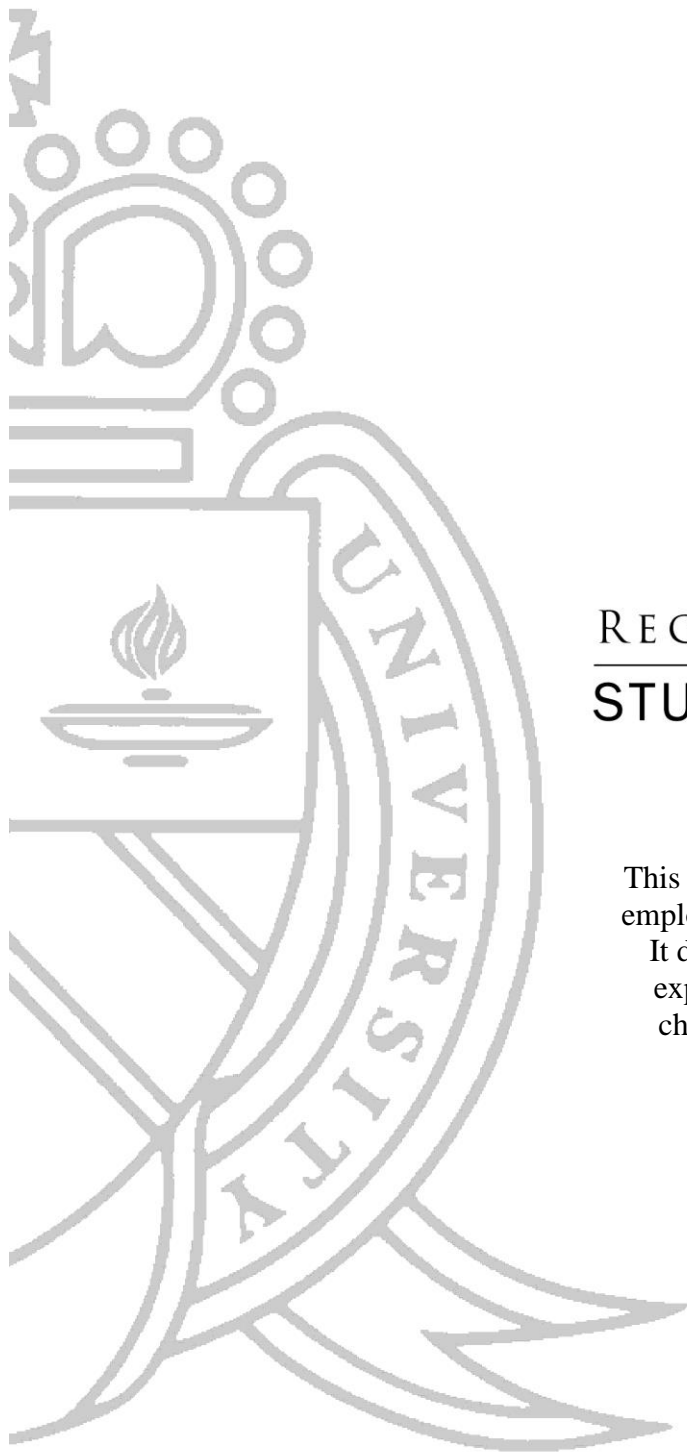
(Date)



(Signature)

Jamie Lord (Jul 24, 2021 13:30 EDT)

(Signature of person in Item 2)



REGENT UNIVERSITY  

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STUDENT HANDBOOK

**Effective July 1, 2021**

This handbook is provided to students and employees for their general guidance only. It does not constitute a contract; either expressed or implied and is subject to change at the University's discretion.

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## 1. Preface

The *Student Handbook* is not a contract but only a statement of University policy regarding such topics as University organizational structure, student academic policies, and student life and services. This *Handbook* represents the official position of the University on any policy or procedure that it addresses. No person at the University now has, or in the past has had, the authority to make any binding promises, assurances or representations regarding students different from those defined in this *Handbook*.

Policies and procedures in this *Student Handbook* are effective immediately and are subject to change at any time. Revisions to this Handbook will be incorporated periodically. Students are responsible for checking the University website at [Student Handbook](#) to keep abreast of alterations and additions.

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## 2. The University

### 2.1. History

- 2.1.1. Dr. M. G. "Pat" Robertson, founder of the Christian Broadcasting Network, had an inspired vision of establishing a graduate-level institution (now also undergraduate-level) that would train mature men and women for the challenge of representing Christ in their professions. In 1977, that dream materialized when CBN University was incorporated as a nonprofit educational institution in Virginia Beach, Virginia. In the fall of 1978, 77 students began classes in modest, rented facilities.
- 2.1.2. By October 1989, CBN University had grown from a College of Communication and the Arts (now known as the School of Communication & the Arts) to seven professional Schools with nearly 800 students. On January 1, 1990, in recognition of this growth, the Board of Trustees, with the blessing of the Christian Broadcasting Network, unanimously voted to change the name of CBN University to Regent University. A regent is one who represents a king in his absence. For us at Regent University, a regent is one who represents Christ, our Sovereign, in whatever sphere of life s/he may be called to serve Him.
- 2.1.3. The University has grown to nearly 11,000 students, offering associates, bachelors, masters, and doctoral degrees through on-campus and online programs.

### 2.2. Vision, Mission, and Values

- 2.2.1. Vision. To be the most influential, Christian, transformational university in the world.
- 2.2.2. Mission. Regent University serves as a center of Christian thought and action to provide excellent education through a Biblical perspective and global context equipping Christian leaders to change the world.
- 2.2.3. Values.
  - 2.2.3.1. Christ First. Regent University has as its focal point the teachings, practices and person of Jesus Christ, and fosters a trans-denominational environment.
  - 2.2.3.2. Excellence. Regent University will be recognized for its excellence in education, scholarship, service, and workplace environment.
  - 2.2.3.3. Leadership. Regent values authentic, servant leadership and seeks to equip leaders to have a global impact.

## 2.3. Christian Community and Mission

2.3.1. **Key Characteristics of Regent's Christian Community and Mission.** Regent University is a private Christian university and academic community that exists to exercise and express Regent's Christian beliefs.

2.3.1.1. Regent's Christian Beliefs. The Regent Christian community is based on Regent's Christian beliefs, which include the [Statement of Faith](#).

2.3.1.2. Representatives and Other Participants. Regent's Christian community is represented by all of Regent's trustees, officers, employees and student or volunteer leaders, each of whom serves Regent's mission and is an integral part of the community (each such person is described for purposes of this Statement only as a "Regent representative"). The other community participants, including Regent students, alumni, and volunteers, contribute to Regent's Christian community, but they do not represent Regent unless they are also employees or leaders. For purposes of this policy, with respect to students, a "Regent representative" is a student leader, who by virtue of his or her leadership position: (1) regularly represents Regent to outside audiences or who is seen as speaking for Regent's mission to internal audiences, (2) regularly exercise leadership in the context of distinctly Christian activities (such as student chaplain), or (3) is engaged in student government.

2.3.1.3. Christian Exercise and Expression.

2.3.1.3.1. *As a Community.* Regent's community is an exercise and expression of both Regent as an institution and of each Regent representative individually.

2.3.1.3.2. *Through its Mission Based Activities.* Regent subscribes to the Christian belief that all of its activities, including the duties of every Regent representative, should express Regent's beliefs and be rendered in service to God as a form of worship. Therefore, all Regent activities further Regent's mission and are an exercise and an expression by Regent and by each Regent representative of Regent's Christian beliefs.

2.3.1.3.3. *All Regent Employees Are Ministers.* All Regent employees, regardless of position are called to serve at the University. As such, each employee is to be anointed with oil and commissioned at a ceremony. As such, each employee is deemed a minister to our student body.

2.3.1.3.4. *University Facilities.* The Chapel and all other Regent facilities have been built for the glory of God and dedicated to Him. They shall not be used for any purpose contrary to the Statement of Faith of Regent. Determination whether a use is contrary to the Statement of Faith shall require the spiritual determination of Regent, and shall be reserved exclusively by Regent.

2.3.2. **Community Standards for Regent Representatives.**

2.3.2.1. Roles and Expectations. In response to God's calling on their lives, Regent representatives exercise and express Regent's Christian beliefs by working together to advance Regent's Christian mission. Regent representatives are responsible for defining, cultivating, leading and/or representing Regent's Christian community as an expression and exercise of Regent's Christian beliefs. Accordingly, each Regent representative shall be expected to (i) model Regent's Christian beliefs for others,

(ii) perform all of their duties as a service to God and (iii) comply with the following obligations.

- 2.3.2.1.1. *Christian Beliefs*. Each Regent representative shall affirm their agreement with Regent’s Statement of Faith and other Christian beliefs and shall not subscribe to or promote any religious beliefs inconsistent with these beliefs.
  - 2.3.2.1.2. *Christian Conduct Standards*. Regent representatives shall at all times (both during working and nonworking hours) endeavor to conduct themselves in a manner that affirms Biblical standards of conduct in accordance with Regent’s Christian beliefs. Such conduct standards include Regent’s Standards of Personal Conduct.
  - 2.3.2.1.3. *Distinctly Christian Activities*. Each Regent representative shall be ready, willing and able to lead or contribute to distinctly Christian activities such as worship or prayer services.
- 2.3.3. ***Community Standards for Regent Students***. In furtherance of its mission and as a private Christian university and academic community, Regent educates and equips for Christian leadership students who have agreed to learn and participate in the life of the Regent community. Although students generally do not represent the Regent Christian community, they do contribute to the community and to the accomplishment of Regent’s mission. Accordingly, Regent students should understand the applicable Christian community standards and must agree to certain commitments as community participants. As a private Christian university and academic community, Regent believes identity is rooted in Jesus Christ. Regent embraces Paul’s proclamation in Scripture that, “There is neither Jew nor Gentile, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus.” (Galatians 3:28, ESV)
- 2.3.3.1. **Equal Opportunity Policy for Students**. Regent University does not discriminate on the basis of race, color, sex, age, national or ethnic origin, disability or veteran status in admissions, or in the administration of educational policies, scholarships, loan programs, athletics or other University administered student programs. In addition, Regent does not discriminate based on religion, except as necessary to comply with Regent’s Standard of Personal Conduct and Statement of Christian Community and Mission.
    - 2.3.3.1.1. *Reporting Contacts*. The following employees are responsible for coordinating the University’s anti-discrimination laws and requirements for students and employees in the specific areas outlined below. In the event of a report needing to be filed, please contact the designated staff member by phone and/or email which are included below. Your report will be reviewed and responded to by the appropriate contact below.

## **Disability Accommodations**

### Student Contact:

Laura Ring  
Disability Accommodations Coordinator

### Employee Contact:

Patricia Brown  
Director of Human Resources

[laursel@regent.edu](mailto:laursel@regent.edu)

757-352-4797

[patrdo3@regent.edu](mailto:patrdo3@regent.edu)

757-352-4031

### **Sexual Harassment & Assault (Title IX)**

Student Contact:

Amber Steele

Title IX Coordinator

[astele@regent.edu](mailto:astele@regent.edu)

757-352-4928

Employee Contact:

Jana Nattermann

Assistant Director of Human Resources

Deputy Title IX Coordinator

[jnattermann@regent.edu](mailto:jnattermann@regent.edu)

757-352-4053

### **Race, Color, National or Ethnic Origin, or Veteran Status Discrimination**

Student Contact:

Amber Steele

Title IX Coordinator

[astele@regent.edu](mailto:astele@regent.edu)

757-352-4928

Employee Contact:

Jana Nattermann

Assistant Director of Human Resources

Deputy Title IX Coordinator

[jnattermann@regent.edu](mailto:jnattermann@regent.edu)

757-352-4053

- 2.3.3.1.2. *Inquiries.* Inquiries concerning Title IX may also be referred to the Office for Civil Rights' (OCR) Assistant Secretary using the following contact information:

Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
Telephone 202-453-6020  
FAX: 202-453-6021; TDD: 800-877-8339  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

- 2.3.3.2. Preferences. To further Regent's mission of equipping Christian leaders and to support student contributions to Regent's Christian community (including student leadership and employment positions), Regent may give preference to students who subscribe to Regent's Statement of Faith in admissions, and in the administration of educational policies, scholarships, loan programs, athletics or other University administered student programs.
- 2.3.3.3. Christ-Centered Education. All students must acknowledge that Regent is a Christian community and must agree to receive an education in accordance with Regent's mission, Statement of Faith, and community standards, including Christian

standards of personal conduct. Students in the School of Divinity in the following programs shall subscribe in writing to the Statement of Faith: Master of Arts in Practical Theology, Master of Divinity, Doctor of Ministry, and students seeking the Military Chaplain certificate.

2.3.3.4. Christian Standards of Personal Conduct. All students must abide by Biblical standards of personal conduct as set forth in the Student Handbook.

2.3.3.5. Student Leaders and Employees. Only students who subscribe to Regent's Statement of Faith are eligible for employment or leadership positions at Regent.

2.3.4. ***Additional Christian Community Standards.***

2.3.4.1. Alumni, Volunteers and Contract Workers. Alumni, volunteers and contract workers are not considered to be representatives of Regent's Christian community unless they are serving in leadership positions. Nevertheless, when such persons serve with Regent, they shall be required to acknowledge that they understand and agree to support Regent's mission and values. Regent reserves the right to give preference for such service to alumni, volunteers and contract workers who share Regent's Christian beliefs.

2.3.4.2. Current Trends. In response to current cultural and legal trends, Regent has determined to articulate more specifically its Christian beliefs and associated community standards on the following subjects.

2.3.4.2.1. *Marriage.* Regent subscribes to the Christian belief that God has instituted marriage as a covenant relationship between one man and one woman. Regent shall recognize only such marriages for all policies and programs in the Regent Christian community.

2.3.4.2.2. *Sexual Conduct.* Regent University fully accepts the teachings of the traditional Biblical view with regard to the goodness of our sexuality, the importance of chastity, and the place of heterosexual marriage as God's intended context for complete sexual expression to occur (Gen. 2:21-24). Husbands and wives are called to exclusive sexual fidelity to one another and single persons are called to abstinence. Sexual misconduct that is prohibited includes disorderly conduct or lewd, indecent, or obscene conduct or expression, involvement with pornography, premarital sex, adultery, homosexual conduct or any other conduct that violates Biblical standards.

2.3.4.2.3. *Abortion.* Regent affirms the Christian belief that all individuals are created by God in His image. Regent accordingly believes as a matter of Christian conviction that no procedures should be performed or medicines taken to terminate a pregnancy and take the life of an unborn child (such procedures are referred to herein as abortions), except in extraordinary circumstances where other Biblical, moral principles prevail, such as where medically necessary to preserve the life of the mother. Regent's beliefs also prohibit paying for or otherwise facilitating such procedures.

As dictated by these beliefs, Regent as an institution shall not fund abortions in any manner, including through a health care benefit plan that covers drugs used to induce abortions, except in the foregoing extraordinary

circumstances. In addition, Regent shall not participate through its health care benefit plan in a program that uses the plan as a means for providing drugs used to induce abortions.

Any requirement to facilitate abortions by offering such coverage or participating in such a program, and any penalty for failing to offer such coverage or participate in such a program, would directly and substantially burden and undermine Regent's exercise and expression of its Christian beliefs.

- 2.3.4.2.4. *Religious Activities.* Regent engages solely in activities that further its Christian mission. In addition, Regent believes that, because all knowledge comes from God, the learning process in all subjects can and should be one of spiritual growth. Therefore, Regent considers its instructional activities in all subjects to be a form of religious worship.

Regent distinguishes between exclusively religious activities and integrated religious activities. Exclusively religious activities include courses in Regent's theology and other seminary training (i.e., pervasively sectarian instruction), as well as devotional worship services such as chapel services conducted by Regent.

Integrated religious activities include courses in subjects taught by public and other nonreligious institutions (i.e., "secular" subjects). Such activities also include student activities (such as athletics and clubs) similar to those conducted at public and other nonreligious institutions. Regent teaches "secular" subjects according to academic standards applicable to all accredited institutions. In addition, Regent teaches its Christian viewpoints on such subjects as applicable and encourages supplemental instructional activities to foster spiritual growth, such as prayer. Regent shall not agree to any limitations on its integrated religious activities.

- 2.3.4.3. *Implementation.* To the extent the President determines necessary or advisable to further Regent's mission or to cultivate Regent's Christian community, the President may establish additional standards based on Regent's Christian beliefs for the activities and programs conducted within the community or for Regent representatives or other community participants.  
(Board of Trustees, Approved October 2013)

## 2.4. **Statement of Faith**

- 2.4.1. *Regent University is a Christ-centered institution.* The Board of Trustees, along with the faculty, staff and students of the University, are committed to an evangelical interpretation and application of the Christian faith. The campus community is closely identified with the present-day renewal movement, which emphasizes the gifts, fruit, and ministries of the Holy Spirit. All employees are expected to understand and adhere to the following articles of belief:

- 2.4.1.1. That the Holy Bible is the inspired, infallible and authoritative source of Christian doctrine and precept.
- 2.4.1.2. That there is one God, eternally existent in three persons: Father, Son and Holy Spirit.
- 2.4.1.3. That man was created in the image of God but, as a result of sin, is lost and powerless to save himself.
- 2.4.1.4. That the only hope for man is to believe on the Lord Jesus Christ, the virgin-born son of God, who died to take upon Himself the punishment for the sin of mankind, and who rose from the dead so that by receiving Him as Savior and Lord, man is redeemed by His blood.
- 2.4.1.5. That Jesus Christ will personally return to earth in power and glory.
- 2.4.1.6. That the Holy Spirit indwells those who receive Christ for the purpose of enabling them to live righteous and holy lives.
- 2.4.1.7. That the Church is the Body of Christ and is composed of all those who through belief in Christ have been spiritually regenerated by the indwelling Holy Spirit. The mission of the Church is worldwide evangelization and the nurturing and discipling of Christians. (Board of Trustees, Resolution #3, September 25, 1977)

## 2.5. **Principle of Integrity**

- 2.5.1. Regent University certifies that the institution is committed to the principle of integrity in all its dealings, both internal and external, including its relationship to the Commission on Colleges of the Southern Association of Colleges and Schools. Regent University's commitment to integrity is an underlying principle that is reflected in all aspects of the University. The University provides accurate information to the public regarding college activities. Inaccurate information is never knowingly disseminated, either on campus or off campus. The University maintains open communication with, and provides timely information to the Commission on Colleges. Integrity is a seminal value that guides all University actions, decisions, and programs, including its relationship with students, faculty, staff and the Commission.

## 2.6. **Executive Vice President for Student Life**

- 2.6.1. The Executive Vice President for Student Life oversees all student affairs programs and related departments at the University, including University Athletics.
- 2.6.2. The Executive Vice President for Student Life, with support from the Associate Vice President for Student Life, oversees offices providing co-curricular services to students which include, but are not limited to, the following: Student Activities and Leadership, Campus Ministries, Residence Life, Counseling & Disability Services, Title IX Coordinator, Center for Student Happiness, Dining Services, the University Gift Shop, online bookstore, University Health Center, and the Shuttle Service.
- 2.6.3. The Executive Vice President for Student Life promotes and leads in the development of strategies for student success and retention.

- 2.7. **Other officers:** Other officers at the University include the Executive Vice President for Academic Affairs, Senior Vice President and General Counsel, Vice President for Marketing



Page 1 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures

**DISCRIMINATION COMPLAINT FORM**  
**to the**  
**United States Department of Education**  
**Office for Civil Rights**

1. Name of person filing this complaint:

<b>Last Name, First, Middle</b>	<u>Swain, Lauren</u>
<b>Address:</b>	<u>8532 N. Ivanhoe St., #208</u>
<b>City, State, Zip Code:</b>	<u>Portland, OR 97203</u>
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

<b>Last Name, First, Middle</b>	<u>Wojnarowisch, Audrey</u>
<b>Address:</b>	
<b>City, State, Zip Code:</b>	
<b>Home/Work Telephone:</b>	
<b>Email Address:</b>	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

<b>Name of Institution:</b>	<u>George Fox University</u>
<b>Address:</b>	<u>414 N. Meridian St.</u>
<b>City, State, Zip Code:</b>	<u>Newberg, OR, 97132</u>
<b>Department/School:</b>	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

Discrimination **based on sex (specify)**

Discrimination on the basis of sexual orientation and gender identity

Page 2 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

George Fox has vague policies implying that behavior reflecting LGBT identity is not permissible on campus. Due to fear of being punished for their sexual orientation, Audrey hesitated to report that they were stalked and sexually assaulted by another student on campus. After Audrey reported the assault to a resident assistant, Audrey was told that the Area Coordinator would file a Title IX complaint on their behalf, but the coordinator never filed it. Audrey had to continue attending school with their assailant. After a fellow student came out on campus very publicly in 2019, Audrey and other students followed by coming out as LGBT. Soon, the president of student government issued a statement in support of LGBTQ students. However, after several weeks, George Fox President Robin Baker issued a statement that the university prohibits same-sex marriage and all sexual conduct outside of heterosexual marriage, putting Audrey and others who came out at the risk of discipline and exclusion. Please see attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

- 1) the Covid-19 pandemic;
- 2) The Trump administration's policies and statements about religious exemptions to Title IX;
- 3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.
- 4) Although the initial act of discrimination took place more than 180 days ago, Audrey's complaint should not be considered time-barred because George Fox continues to discriminate against Audrey and to promulgate policies and practices that discriminate against LGBTQ+ students.

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8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

Yes

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

See attached declaration.

9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** U.S. District Court - District of Oregon - Eugene Division

**Date Filed:** 03/29/21

**Case Number or Reference:** 6:21-cv-00474-AA

**Results of Investigations/Findings by Agency or Court:** Pending

10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Prevent conflicts of interest by separating Title IX officer positions from administrative positions involved in enforcing student codes of conduct/honor code and prevent the sharing of information from Title IX office to administrative offices involved in enforcing student codes of conduct/honor code.

Audrey would also like George Fox's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by George Fox in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) George Fox will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual

Page 4 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination  
Complaint Form, Consent Form, and Complaint Processing Procedures

activity or other code of conduct violations; and (5) George Fox's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of George Fox, including housing and other programs.

12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/24/21

(Date)

Jul 24, 2021

(Date)



(Signature)



Audrey W. Jarowisch (Jul 24, 2021 21:05 PDT)

(Signature of person in Item 2)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,	)	
	)	
Plaintiffs,	)	Civil Action No. 6:21-cv-00474- AA
v.	)	
	)	<b>DECLARATION OF AUDREY WOJNAROWISCH</b>
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,	)	
Defendants.	)	

I, Audrey Wojnarowisch, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I am a resident of Newberg, Oregon, located in Yamhill County.
3. I started attending George Fox University in Newberg, Oregon in August 2018. I expect to graduate in May 2022 with a degree in English and Sociology.
4. I took out student loans from the U.S. Department of Education to study at George Fox.
5. I chose George Fox University because, at the time, it was important for me to be close to my family. I did not want to move out of state.
6. I felt most comfortable attending a small university and I was excited to see the Christian culture on campus. I appreciated the intimate, “Be Known” promise of a community that would see who I am and care for me as an individual.
7. George Fox has a “Lifestyle Statement” which states, “Our lifestyle excludes immoral practices and calls us to transformed living as we "offer [our] bodies as living sacrifices" to God (Romans 12:1-2). In regard to sexual morality, we believe that only marriage between a man and a woman is God's intention for the joyful fulfillment of sexual intimacy. This should always be in the context of mutual compassion, love, and fidelity. Sexual behaviors outside of this context are inconsistent with God's teaching. We recognize these principles may conflict with the practice or opinion of some within the larger culture. We are convinced that this is God's design for providing the most loving guidance and practice for individuals and our community.”
8. The school also has a student handbook with an extensive Sexuality and Relationships section. It states that “George Fox University accepts the biblical standards that prohibit all sexual immorality.” It later goes on to say, “we believe the power of God and the

wisdom of the Holy Spirit combine to provide the means to live victoriously with respect to sexual purity.”

9. There are no explicit prohibitions on same-sex dating or displays of affection but it is unclear what counts as “sexual immorality” and same-sex relationships of any kind, dating, marriage or otherwise, are never affirmed by the university. The vague policy pronouncements make it difficult for LGBTQ+ student to navigate their relationships and make it unpredictable as to how any particular administrator, professor or student will, or will be expected, to respond.
10. I am bisexual and non-binary. My pronouns are she/they.
11. I did not start questioning my sexuality or gender identity until I was already at George Fox.
12. It was not until my Sophomore year, that I really started to embrace my sexual identity.
13. My coming out was prompted by the coming out of another gay student on campus. He came out to the entire student body during a lip sync performance for our annual talent show. His performance, and the student body’s reaction, was electric and joyous.
14. Campus felt safe for me, more than it ever had before. I felt known. I felt accepted. I felt at peace with all the different parts of myself.
15. I came out of the closet as bisexual because of this student’s bravery and the student body’s welcoming embrace of him as a gay man.
16. A social movement erupted on campus because of this event and a subcommittee of student government was formed to address LGBTQ+ issues.
17. The president of student government issued a campus-wide statement supporting and affirming LGBTQ+ students. This was the first affirming statement I heard from the George Fox community. It felt so validating.
18. However, the George Fox administration soon issued its own response. President Robin Baker, the president of George Fox, responded to this outpouring of support for the gay student by reminding the entire campus community of the university’s stance on marriage and sexuality, which prohibits same-sex marriage and all sexual conduct outside of heterosexual marriage.
19. I expected this kind of a response from the university but other LGBTQ+ students were more surprised and really hurt by it. It felt like a slap in the face.
20. Town halls and other meetings were held on campus. LGBTQ+ students expressed how they felt unsafe going to campus counselling services or talking with their RAs about their sexuality or gender identity, as well as other fears.

21. Several LGBTQ+ students, myself included, were asked to speak to George Fox leaders, most of whom we had never seen or met before.
22. During one of these meetings, the head of the theology department asked me: “If you knew that George Fox’s policies on marriage and sexuality were never going to change, would you still have enrolled here?” This was a scary question to be asked and it was unclear what the purpose of that question was.
23. At another meeting, a transgender student was asked to defend his use of masculine pronouns.
24. George Fox then had straight students go through the same meetings and explain why they defended the school’s current policies. This was hard to listen to after having just made ourselves vulnerable while pleading for our identities to be respected.
25. None of us went to class the next day. We were emotionally drained.
26. Having supportive faculty members helps us feel less alone on campus. And there are many supportive professors at George Fox. However, my affirming professors are worried that they will be fired for supporting LGBTQ+ students, so they cannot fully support us.
27. Unfortunately, the health and counselling center is not a safe space for us. LGBTQ+ students and identities are controversial topics on campus. People are scared of interacting with us, even at the counselling center, because they are also subject to George Fox’s policies.
28. The school’s policies affect me and my brain. They affect my development and my family. They also prevent me from getting the mental health and mentoring support that I need.
29. We need George Fox to acknowledge our existence, affirm our identities and stop policing our relationships and bodies.
30. There is nothing in the health and counselling center that says we won’t be discriminated against for our sexuality or gender identity.
31. There are not enough LGBTQ+ students out on campus. They are here but it doesn’t feel safe for them to come out.
32. For example, some students ask to be moved out of their dorms if they are rooming with an LGBTQ+ person. It hurts to know that you can be seen as someone who is dangerous.
33. As another example, LGBTQ+ students who are RAs are put in impossible situations. When you are an RA on campus, you open yourself up to be in leadership over students with all kinds of beliefs and viewpoints. However, if your identity is considered divisive, you have to be quiet, or, if you make it known, you open yourself up to being criticized

and rejected. As a specific example, a lesbian RA had one of the students leave her dorm because she didn't want to be in a dorm with a lesbian.

34. I do not feel safe on campus. My needs and the needs of my fellow queer classmates are constantly being ignored and minimized.
35. I have been part of numerous task forces, subcommittee meetings, town halls and round table discussions specifically to communicate with the school administration about the ways our campus is unsafe for queer students. They have failed us every, single, time.
36. When we are given opportunities to share grievances, it always feels like they are attempting to quiet student concern with tokenism.
37. The school's policies and approach to LGBTQ+ students make me feel marginalized, pushed aside, and erased. It affects my college experience on every level. It affects my performance in the classroom, where professors teach that straight marriage is the foundation of God's social order. It affects my experience with potential mentors in my department, where professors preach that queer identities are fundamentally at odds with the Christian faith. It affects my experience in chapel, where I am alienated from worship spaces. It affects my experience with my peers, who are allowed to treat me as an outsider.
38. Marginalization is both a condition and a process that prevents flourishing. I am prevented from enjoying things that my cishet fellow students are allowed to participate in. The psychosocial effects of marginalization are impossible for my queer students and I to escape.
39. We are not allowed to exist without being politicized.
40. I have experienced depression and anxiety as a direct result of the homophobic culture at George Fox.
41. When I got to campus, I was looking for people like me. The first group of LGBTQ+ people I met was not safe. This is fairly common because we were hurt and rejected by our families. When you put broken people together, that sometimes ends poorly.
42. Freshman year I was stalked by a student who followed me everywhere and sent me hundreds of text messages.
43. The stalking eventually led to a sexual assault. This made me feel ostracized by the LGBTQ+ community that I found, because they were part of this community. Reporting or talking about the assault, would out my sexuality to the university, which would put me at risk with the school.
44. I decided to report the stalking and assault to my resident advisor. My resident advisor informed the Area Coordinator. The Area Coordinator was supposed to file a Title IX complaint but they never filed a complaint.



45. I asked my RA to keep my sexuality confidential so that I wouldn't lose friends or get in trouble with the school. My RA did not know how to handle my sexuality or how to care for me.
46. Because George Fox did nothing to help me, I had to figure out how to handle this as an 18 year-old-freshman, who was unfamiliar with sex and dating, all on my own. I did not know what to do.
47. I told the women who assaulted me that she couldn't speak to me alone anymore and that we could be pleasant to each other socially but we couldn't be friends.
48. I had to live close to this person and go to class with this person for the rest of the year. The assault and lack of protection affects me to this day.
49. Because I had no support from the outside, it would not have been good for me to tell people this woman had assaulted me, because I would have been demonized by all sides.
50. I was raised in purity culture. I was not taught about consent. We are not taught how to pursue someone you want to be with. This is even harder when you are queer because we don't have models or examples of how to date or approach sex. It is harder still when your campus environment demonizes sex and queerness. We are not taught consent because we are taught not to have sex and especially not queer sex.
51. Eventually, during my Sophomore year, I found a different, supportive and safe group of queer students. We help each other feel less alone.
52. I want George Fox's policies to change so that I won't be at risk of discipline for my identity or relationships and so I, and other LGBTQ+ students, will be protected if we experience unsafe situations, harassment or violence.
53. I am also concerned about my future career opportunities because of my school's views. I am working towards a degree in social justice and community development while being taught that LGBTQ+ people should not be treated equally. I do not believe my University has adequately prepared me to serve my community. And why would a future employer?
54. I am participating in this case because I do not want to be erased. The history and experience of LGBTQ people is constantly being covered up by George Fox and similar institutions. We matter. We deserve to be seen. We deserve safety and respect.
55. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 23<sup>rd</sup> day of March, 2021.

By Audrey Wojnarowisch  
Audrey Wojnarowisch (Mar 25, 2021 16:28 PDT)

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Audrey Wojnarowisch






# Audrey Wojnarowisch Declaration

Final Audit Report

2021-03-25

Created:	2021-03-25
By:	Lauren Swain (lauren@paulsouthwick.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3a1HR1PcqSeGMrMZy7HvZw5lBtX1O2tW

## "Audrey Wojnarowisch Declaration" History

-  Document created by Lauren Swain (lauren@paulsouthwick.com)  
2021-03-25 - 11:22:31 PM GMT - IP address: 73.169.43.135
-  Document emailed to Audrey Wojnarowisch (audreywojnarowisch@gmail.com) for signature  
2021-03-25 - 11:22:57 PM GMT
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2021-03-25 - 11:27:04 PM GMT - IP address: 74.125.209.45
-  Document e-signed by Audrey Wojnarowisch (audreywojnarowisch@gmail.com)  
Signature Date: 2021-03-25 - 11:28:21 PM GMT - Time Source: server- IP address: 50.39.157.145
-  Agreement completed.  
2021-03-25 - 11:28:21 PM GMT



Contact Us

These several communities lead to a George Fox University lifestyle statement that has some variations reflecting differences among us.

### Lifestyle Standards and Values for the George Fox University Community

As a community we encourage and teach our members to follow Jesus Christ and be collaborators in God's work in the world. We urge each member to become the kind of person and live the kind of life that Jesus taught and modeled. We believe such a life is described by the "fruit of the Spirit" as listed in Galatians 5:22-23. These fruits include love, joy, peace, patience, kindness, gentleness, goodness, faithfulness, and self-control.

We believe the Bible teaches that all persons are created in God's image and that God actively seeks renewed relationships with every individual. We are bound therefore to regard each person with love and respect (Romans 12:9-21, 1 Corinthians 13, Ephesians 4:32). So we avoid discrimination, abusive or manipulative actions, and gossip or mean-spirited behaviors. We seek actively to honor each person, loving and serving one another as Jesus taught us.

Our lifestyle excludes immoral practices and calls us to transformed living as we "offer [our] bodies as living sacrifices" to God (Romans 12:1-2). In regard to sexual morality, we believe that only marriage between a man and a woman is God's intention for the joyful fulfillment of sexual intimacy. This should always be in the context of mutual compassion, love, and fidelity. Sexual behaviors outside of this context are inconsistent with God's teaching. We recognize these principles may conflict with the practice or opinion of some within the larger culture. We are convinced that this is God's design for providing the most loving guidance and practice for individuals and our community.

For a community to be successful its members must live with integrity. This includes doing honest academic work, telling each other the truth, keeping our promises, and living so our actions match our words (James 1:22-25).

The university is eager for each member of the community to grow spiritually (Hebrews 10:24-25). We encourage involvement in activities designed to nurture spiritual growth. This includes Bible study, small prayer groups, service opportunities, and chapel attendance. The university encourages all members of the community to maintain personal practices of discipleship and to participate in a local church.

HAMCIN  
10/15  
# 3

Office of the President

September 24, 1976

Mr. Martin H. Gerry, Director  
Office of Civil Rights  
Department of Health, Education, and Welfare  
Washington, D.C. 20201

Dear Mr. Gerry;

The College seeks exemptions from the following sections of the Final Title IX Regulations: 86.21(c); 86.40(b)(1) and (5); 86.57 (a)(1)(b)(c)(d); 86.60(a).

The substance of all of the above sections deals with items such as marital status, pregnancy, pregnancy as a temporary disability, pregnancy leave, etc. Normally, the College is not concerned with the marital status of either a prospective student or faculty member if the status is either that of single or married. Such persons are not discriminated against on the basis of sex. On the subject of divorce, however, the College takes a different stance.

Scripture teaches that a person is to be married to one partner for life barring certain circumstances. And when a person procures a divorce because of circumstances which are specifically contrary to Biblical teaching, the acceptance of such a person as a student or member of the faculty/staff can jeopardize the Biblecal stance/teaching/education process of this church-owned College. For example, assume two persons are married. Person one involves himself in all kinds of extramarital immoral sexual activity while married which leads to his partner's procural of a divorce. Since this College takes a very clear position on the high moral behavior of students and faculty, and since these expectations are based on clear Biblical teachings, the acceptance of such a student or employee (assuming the student or employee still practices the immoral behavior) will jeopardize the integrity of the College community and its religious teachings.

Under section 86.21(c), the College may make no pre-admission inquiries as to the marital status of the applicant. This same prohibition exists with regard to employees in 86.60(a). In sum, both of these prohibitions are contrary to religious tenets of the institution in that it prevents the college from seeking to select the kind of students and employees it desires for its student body. It should be noted here that both men and women divorcees are treated in identical manners so that in fact no sexual discrimination exists here.



GEORGE FOX COLLEGE / NEWBERG, OREGON 97132 / (503) 538-8383

*Assurance*

Mr. Martin H. Gerry

September 24, 1976

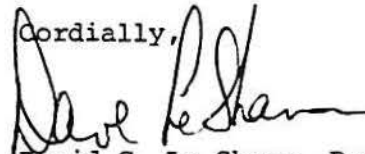
Page 2

With regard to the pregnancy sections (sections 86.40 and 86.57) the College is only concerned here with an out-of-wedlock pregnancy. : As long as the pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom occur in wedlock, the College is in compliance with sections 86.40 and 86.57. But where either a student or employee becomes pregnant out of wedlock, the College reserves the right to exclude such persons (bother mother and father) from any or all of its programs. To do otherwise would be to run counter to the College's position with regard to sexual morality, which position is based on a religious/Biblical tenet.

Further, consistent with the expectations of HEW Form 639, the College submits the following information:

- (1) The name of the religious organization governing the College is the Northwest Yearly Meeting of Friends Church. The College is controlled by such organization.
- (2) Implementing the sections of Title IX as hereinbefore noted without exemptions asked for would conflict with a specific religious tenet of religion as practiced by the Northwest Yearly Meeting of Friends Church.

I trust this is acceptable to you.

Cordially,  
  
David C. Le Shana, President  
GEORGE FOX COLLEGE  
Newberg, OR 97132

DLS:gj

Enclosure



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 3 1985

Dr. Edward F. Stevens  
President  
George Fox College  
Newberg, Oregon 97132

Dear Dr. Stevens:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that George Fox College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President David C. Le Shana (copy enclosed) in which he described several policies practiced at George Fox College as consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Dr. Le Shana supplied information in his request letter that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting George Fox College an exemption to those sections of the Title IX regulation specified in the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. George Fox College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.40(b)(1) and (5); 106.57(a)(1), (b), (c), (d); and, 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Dr. Le Shana's letter indicated that the religious organization governing George Fox College is the Northwest Yearly Meeting of Friends Church (NYMFC), and that the College is controlled by this organization. This relationship between the NYMFC and George Fox College adequately establishes that George Fox College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In his letter Dr. Le Shana indicated that "Scripture teaches that a person is to be married to one partner for life barring certain circumstances. And when a person procures a divorce because of circumstances which are specifically contrary to Biblical teaching, the acceptance of such a person as a student or member of the faculty/staff can jeopardize the Biblical stance/teaching/education process of this church-owned college." Thus, with respect to admissions and hiring, George Fox College "takes a very clear position on the high moral behavior of students and faculty, and . . . these expectations are based on clear Biblical teachings[.]"

Page 2 - Dr. Edward F. Stevens

Based on the above principle, George Fox College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21(c), which pertains to prohibitions with respect to consideration of marital or parental status in admission of students; and 34 C.F.R. § 106.60(a), which pertains to pre-employment inquiries with respect to the marital status of an applicant.

Dr. Le Shana also indicated in his letter that, based on a religious/Biblical tenet concerning sexual morality, George Fox College reserves the right to exclude from its programs persons who become pregnant out of wedlock.

Based on the above principle, George Fox College has requested and is granted by this letter, exemption to: § 106.40(b)(1) and (5), which prohibits different treatment of students for reasons concerning pregnancy and related conditions; and § 106.57(a)(1), (b), (c), (d), which prohibits taking any employment action for reasons concerning a person's potential marital, parental, or family status, or concerning pregnancy and related conditions.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against George Fox College, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complainant alleges that the practices followed by George Fox College are not based on the religious tenets of the NYMFC, OCR is obligated to contact the NYMFC to verify those tenets. If the NYMFC provides an interpretation of tenets that has a different practical impact than that described by George Fox College, or if the NYMFC denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson  
Regional Civil Rights Director  
Office for Civil Rights, Region X  
Department of Education  
2901 Third Avenue, M/S 106  
Seattle, Washington 98101

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: Gary D. Jackson, Regional Civil Rights Director, Region X



GEORGE FOX  
UNIVERSITY414 N. Meridian St., Newberg, OR 97132  
503.538.8383

March 31, 2014

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: George Fox University's Request for Title IX Religious Exemption

Dear Ms. Lhamon:

I have become aware that the Departments of Education and Justice recently interpreted Title IX's ban on sex discrimination in education to include discrimination based on gender identity.<sup>1</sup> As President of George Fox University, a private, religious liberal arts college in Oregon, I hereby request, under 34 C.F.R. §106.12, an exemption for George Fox from this interpretation of Title IX, due to the religious beliefs of our institution.

George Fox University, a Christ-centered community, prepares students spiritually, academically, and professionally to think with clarity, act with integrity, and serve with passion. Since its founding more than a century ago, George Fox has been committed to providing a Christian education – from its early days as Friends Pacific Academy, established in 1885, to the present. Its name honors the founder of the Friends (Quaker) movement and the University is owned by the Northwest Yearly Meeting of Friends (in fact, 4/7 of the Board of Trustees must be Friends).

In its Statement of Faith, the University expresses its belief that, “[i]n love and joy, God creates and sustains the universe, including humanity, male and female, who are made in God’s image.”<sup>2</sup> The University believes “that God inspired the Bible and has given it to us as the uniquely authoritative, written guide for Christian living and thinking. As illumined by the Holy Spirit, the Scriptures are true and reliable.” These theological beliefs are also embedded in the doctrinal statements of the Northwest Yearly Meeting of Friends.

The University believes that human beings, fashioned by God in His own image, are created male and female (Genesis 1:27). In the New Testament, Jesus confirms the heterosexual creation of human beings: God made them male and female (Matthew 19:4). Like the rest of

<sup>1</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.justice.gov/crt/about/edu/documents/arcadiaagree.pdf>

<sup>2</sup> George Fox University, *About George Fox- Statement of Faith*, [http://www.georgesfox.edu/about/mission\\_vision\\_values/faith\\_statement.html](http://www.georgesfox.edu/about/mission_vision_values/faith_statement.html) (last visited Mar. 17, 2014).

Apr. 2. 2014 10:58AM

Letter to Ms. Catherine Lhamon  
March 31, 2014  
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God's creation, the sexual differences between man and woman are pronounced "very good" (Genesis 1:31).

This distinction between men and women is also assumed in our lifestyle statement with regard to issues of sexual morality. The statement says that "in regard to sexual morality, we believe that only marriage between a man and a woman is God's intention for the joyful fulfillment of sexual intimacy. This should always be in the context of mutual compassion, love, and fidelity. Sexual behaviors outside of this context are inconsistent with God's teaching. We recognize these principles may conflict with the practice or opinion of some within the larger culture. We are convinced that this is God's design for providing the most loving guidance and practice for individuals and our community."

We affirm the dignity of all human beings. We also separate the value of each person from the behavioral choices one makes. We believe that, as Christians, we are called to treat all people with compassion, and to extend the gospel of repentance, forgiveness, and transformation through Jesus Christ to such persons without reservation. However, in keeping with our biblical beliefs surrounding the morality of such actions, we cannot in good conscience support or encourage an individual to live in conflict with biblical principles.

Based on the resolution recently entered into by the Department and a California school district,<sup>3</sup> it appears that the Department is now interpreting Title IX's ban on discrimination in education because of sex to also mean that educational institutions may not "discriminate" on the basis of "gender identity." Specifically, the school district in that dispute was ordered to allow a female student presenting herself as male to use the restroom, locker room, and living accommodations of her choice, and to participate in boys' athletic programs.

We would not be able to make similar accommodations consistent with our religious beliefs. Because of our biblical beliefs regarding gender and sexual morality, our practices might be deemed a violation of this interpretation of Title IX. However, under 20 U.S.C. §1681(a)(3) and 34 C.F.R. §106.12(a), this interpretation does not apply to George Fox: "This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization."

Thus, on behalf of George Fox University, I hereby request an official exemption from compliance with that interpretation of Title IX. George Fox gladly complies with Title IX with respect to granting equal opportunities in educational programs or employment to members of both sexes; our request for exemption is limited to the recent interpretation that "sex" under Title IX also includes gender identity.

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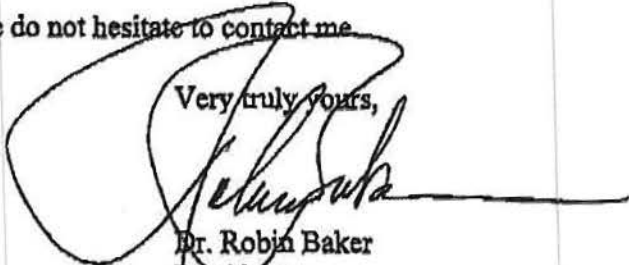
<sup>3</sup> See *supra* note 1.

Apr. 2. 2014 10:58AM

Letter to Ms. Catherine Lhamon  
March 31, 2014  
Page 3 of 3

If you require anything further, please do not hesitate to contact me

Very truly yours,



Dr. Robin Baker  
President  
George Fox University

cc: Gregory S. Baylor, Esq., Alliance Defending Freedom



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

May 23, 2014

Dr. Robin Baker  
President  
George Fox University  
414 N. Meridian St.  
Newberg, Oregon 97132

Dear Dr. Baker:

The purpose of this letter is to respond to your March 31, 2014, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for George Fox University (University) of Newberg, Oregon from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

The implementing regulation at 34 C.F.R. § 106.12 provides that Title IX does not apply to educational institutions controlled by religious organizations to the extent that application of Title IX would be inconsistent with the institution'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 and/or regulation that conflict with those tenets.

Your request explained that the University, which is owned by the Northwest Yearly Meeting of Friends (part of the Quaker movement), is "a Christ-centered community" that is "committed to providing a Christian education." You note that four of the University's seven Board of Trustees members must be Friends. You state that the University's biblical belief is that human beings are created male and female, and that the University "cannot in good conscience support or encourage an individual to live in conflict with biblical principles."

Your exemption request points to a recent OCR resolution agreement in which a school district agreed to allow a transgender male student to use the restroom, locker room, and living facilities consistent with the student's gender identity, and to play on boys' athletic teams. You explain that the University "would not be able to make similar accommodations consistent with [your] religious beliefs." You further state that, for these reasons, the University is requesting an exemption from Title IX and its

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Dr. Robin Baker, George Fox University

May 23, 2014

Page 2 of 2

implementing regulation to the extent that they prohibit discrimination based on gender identity. We interpret this statement as a request for exemption from provisions 34 C.F.R. §§ 106.32 (governing housing), 106.33 (governing comparable facilities such as restrooms and locker rooms), and 106.41 (governing athletics). The University is exempt from these provisions to the extent that they require a recipient to treat students consistent with their gender identity, but doing so would conflict with the controlling organization's religious tenets.

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,



Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
Office for Civil Rights  
U.S. Department of Education



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

March 9, 2015

Paul Southwick  
Davis, Wright, Tremaine, LLP  
1300 SW Fifth Avenue, Suite 2400  
Portland, Oregon 97201

Re: George Fox University  
OCR Reference Nos. 10142152 and 10142258

Dear Mr. Southwick:

On March 9, 2015, the Seattle office of the Office for Civil Rights (OCR Seattle) administratively closed your complaint No. 10142258 against George Fox University because your complaint allegation was raised and previously addressed by OCR in complaint No. 10142152. OCR Seattle closed complaint No. 10142152 because your complaint allegation fell within an exemption granted to the University by Title IX of the Education Amendments of 1972.<sup>1</sup> In complaint No. 10142258, you asserted that the University practices about which you complained are not based on the religious tenets of a controlling religious organization and thus are not appropriately exempt from Title IX. Although your complaint has been closed, because your complaint challenged the religious exemption granted to the University, OCR-Seattle forwarded it to the Assistant Secretary, who is responsible for addressing claims for religious exemption under Title IX.

OCR is responsible for enforcing Title IX, which prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance from the Department. The University, as a recipient of Federal financial assistance from the Department, is generally subject to Title IX. Nevertheless, the statute and the 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 organization's religious tenets.

In 1977, OCR set forth three conditions used to determine whether a recipient is considered to be "controlled by a religious organization," and thus eligible for this Title IX exemption. A

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<sup>1</sup> 20 U.S.C. §§ 1681-1688.

recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions are true:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or
- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
- (3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

The University claimed an exemption in a letter dated March 31, 2014. In support of its assertion that it is controlled by a religious organization, the University asserted that the University is owned by the Northwest Yearly Meeting of Friends (NWYM), and that the University's seven Board of Trustees members must be Friends. On the issue of religious tenets, the University explained, as relevant to your complaint, that its biblical belief is that human beings are created male and female, and that the University "cannot in good conscience support or encourage an individual to live in conflict with biblical principles." The University explained that, because of these tenets, it would be unable to accommodate a transgender student's request to use facilities or play on athletic teams consistent with that student's gender identity. On the basis of information contained in that letter, the Assistant Secretary granted an exemption in a letter dated May 23, 2014.

In your complaint, you alleged that University is not controlled by NWYM and the University's practices that you challenge in your complaint are not based on NWYM's religious tenets.

Because the allegations of your complaint fall within the exemption granted on May 23, 2014, and because your complaint also alleged that the University practices about which you complained are not based on the religious tenets of a controlling religious organization, OCR will contact the religious organization identified by the University. If the organization provides an interpretation of tenets that has a different practical impact than that described by the University, or if the organization denies that it controls the University, the University's exemption will be rescinded and OCR Seattle will proceed with the processing of your original complaint allegation under a new docket number.

OCR will inform you of the outcome of this process. If you have any questions about the process, please do not hesitate to call me at 202-453-6048.

Sincerely,

A handwritten signature in blue ink, appearing to read "Seth M. Galanter".

Seth M. Galanter  
Principal Deputy Assistant Secretary





UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

March 9, 2015

Becky Ankeny  
Superintendent, Northwest Yearly Meeting of Friends  
200 N. Meridian  
Newberg, OR 97132

Dear Superintendent Ankeny:

Your assistance would be greatly appreciated to address a matter involving George Fox University and its students as well as the U.S. Department of Education. The Northwest Yearly Meeting of Friends Church (NWYM) is not under investigation by the Department. Rather, I write to ask for your help in clarifying the relationship between NWYM and the University and in addressing the University's description of some of NWYM's religious tenets so that the Department can meet its statutory obligations in a manner that respects the religious nature of the University.

The Office for Civil Rights (OCR) at the Department is responsible for enforcing, among other civil rights statutes, Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, which prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance from the Department. The University, as a recipient of Federal financial assistance from the Department, is generally subject to Title IX.

However, the statute and the 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 organization's religious tenets. Such educational institutions are allowed to claim an exemption from Title IX. The institution must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of Title IX or its regulations that conflict with those tenets.

In a March 31, 2014 letter to OCR, the University requested an exemption from Title IX to the extent that Title IX requires recipients to treat a student consistent with the student's gender identity with respect to housing, restrooms, locker rooms, and athletics. On May 23, 2014, OCR granted the University's request. A copy of both letters is enclosed. Subsequently, OCR closed a complaint it had received that was filed on behalf of a transgender male student whose request for an on-campus housing assignment with male roommates was denied by the University. OCR

closed the complaint because the allegations of the complaint fell within the scope of the exemption.

Although the complaint has been closed, the complainant has also alleged that the University practices complained about are not based on the religious tenets of a controlling religious organization. When a dispute arises regarding a previously-granted religious exemption that was the basis for OCR closing a complaint, OCR seeks information directly from the religious organization identified by the educational institution as controlling it. OCR does so because the religious organization is in the best position to assist OCR in meeting its statutory obligation under Title IX—to ensure that a recipient of federal funds does not discriminate on the basis of sex unless compliance would be inconsistent with the religious tenets of the organization that controls it. OCR has informed the complainant that it is making such an inquiry.

We would greatly appreciate any information you choose to provide regarding NWYM's control of the University and the specific religious tenets discussed below.

#### Control

In its March 31, 2014 request letter to OCR, the University stated that its “name honors the founder of the Friends (Quaker) movement and the University is owned by the Northwest Yearly Meeting of Friends (in fact, 4/7 of the Board of Trustees must be Friends).” The complainant alleged in his complaint that the University is not, in fact, owned or controlled by NWYM.

In 1977, OCR set forth three conditions used to determine whether a recipient is considered to be “controlled by a religious organization,” and thus eligible for the Title IX exemption. A recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions are true:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or
- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
- (3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

Please tell us whether the University is controlled by NWYM under any of the conditions set forth above. Feel free to provide any explanation or supporting documentation that may be helpful to OCR's understanding.

Tenets

In its March 31, 2014 request letter to OCR, the University stated that it:

believes that human beings, fashioned by God in His own image, are created male and female (Genesis 1:27). In the New Testament, Jesus confirms the heterosexual creation of human beings: God made them male and female (Matthew 19:4). Like the rest of God's creation, the sexual differences between man and woman are pronounced "very good" (Genesis 1:31). . . . [I]n keeping with our biblical beliefs surrounding the morality of such actions, we cannot in good conscience support or encourage an individual to live in conflict with biblical principles.

Based on these tenets, the University requested and received a religious exemption from Title IX to the extent that Title IX prohibits discrimination based on gender identity with respect to housing, comparable facilities, such as restrooms and locker rooms, and athletics. The complainant alleged in his complaint that NWYM's religious tenets do not prohibit the school from providing housing to a student consistent with the student's gender identity.

Please tell us whether treating a transgender student consistent with the student's gender identity for purposes of housing would violate NWYM's tenets. Feel free to provide any explanation or supporting documentation that may be helpful to OCR's understanding.

Thank you in advance for your assistance with this matter. If you have any questions, please do not hesitate to call me at (202) 453-6048.

Respectfully,



Seth M. Galanter  
Principal Deputy Assistant Secretary

Enclosures (2)

cc: Dr. Robin Baker, President, George Fox University (by mail and email, without enclosures)



Northwest  
Yearly Meeting  
of Friends

200 N Marshall Street, Newberg, OR 97132 Tel: 503-538-3449 www.nwfriends.org

March 25, 2015

**VIA EMAIL - [seth.galanter@ed.gov](mailto:seth.galanter@ed.gov)  
-and-  
VIA UPS NEXT DAY DELIVERY**

Mr. Seth Galanter  
Principal Deputy Assistant Secretary  
US Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Dear Mr. Galanter:

Your March 9 letter asks me to clarify the relationship between the Northwest Yearly Meeting of Friends Churches (NWYM) and George Fox University (University) and to address some of the NWYM religious tenets that are relevant to your grant of a limited exemption from Title IX of the Education Amendments of 1972 as it applies to housing, restrooms, locker rooms and athletics. Specifically, you are inquiring based on a complainant's allegation that the University is not owned or controlled by the NWYM and that the University's practices as to housing involving a transgender student are not based on the religious tenets of the NWYM. After an overview, I will respond in detail to the three issues of ownership, control and relevant religious tenets. Thereafter, I will address the application of the three conditions you cite in your letter that, if met, establish control of the University by the NWYM.

#### **Overview**

The predecessor to the NWYM founded the college that is now the University in 1891. It established a Board of Trustees, provided the land and donated the money to establish this continuously running institution. The NWYM has never relinquished its "ownership" of the University.

Mr. Seth Galanter  
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Neither has the NWYM ever relinquished “control” of the University. The Board of Trustees of the University must be 4/7 Friends. The NWYM approves all trustees and may remove any trustee for cause. I, as the Superintendent of the NWYM, am a voting member of the Board of Trustees and of its Executive Committee. All members of the Board of Trustees must be in harmony with the NWYM statement of faith and the NWYM’s Faith and Practice. The President of the University must report annually to the NWYM at the NWYM’s annual sessions. The Bylaws of the University state that no change shall be made to the Bylaws affecting the University’s relationship with the NWYM without the consent of the NWYM.

Finally, the NWYM has religious tenets that are relevant to the housing of transgender students. The NWYM has longstanding convictions about sexual purity and modesty as it relates to human sexuality. Those convictions have led the University to require sex-segregated housing on and off campus for its entire history. The question of what housing options would be offered to a transgender male who also disclosed that he is anatomically female was an unprecedented housing challenge to the University. Potential nudity issues in dorm-style housing with communal bathrooms were of particular concern. The NWYM also is committed to a deliberation process that leads to consensus and often means that significant decisions take time.

The decision by the University to seek an exemption from Title IX, offer the transgender student on and off campus housing options for the 2014-15 school year and engage a committee in a nearly one-year study to develop a Position Statement Re: Students Identifying as Transgender (Statement) was appropriate. The Statement has recently been approved by the Executive Committee of the Board of Trustees, has been posted on the University website and will be the policy applicable to housing decisions about to begin for the 2015-16 school year and thereafter, Attachment I. The Statement is consistent with the religious tenets of the NWYM and the NWYM’s Faith and Practice.

In summary, the NWYM controls the University and expects it to act consistently with the religious tenets of the NWYM. The limited exemption from Title IX sought by the University and granted by you has allowed the University to thoughtfully consider and implement a position as to transgender students that is intended to be respectful, inclusive and consistent with the religious tenets of the NWYM.

### **The NWYM Owns George Fox University**

Chehalem Monthly Meeting of the Society of Friends founded an academy to educate its young people, and in 1891 expanded that education to the college level by creating Pacific College, in

Mr. Seth Galanter  
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Page 3

Newberg, Oregon. All of the college trustees at the time were Quakers. The Chehalem Monthly Meeting eventually changed its name to Newberg Monthly Meeting, and in time turned the trusteeship to the Quarterly Meeting, which in turn soon turned it over to the regional body known as Oregon Yearly Meeting of Friends Churches (OYM). The articles of incorporation (December 21, 1893) for OYM state:

The object of this corporation is to improve the mental and moral condition of the members of said Church and mankind generally by teaching, practicing and disseminating the great religious and moral truths and principles of the Bible according to custom and usage of the Friends Church and in connection therewith and as a part thereof to own, operate, conduct and control a school or schools for the education of its members of said church and such other persons as may desire to attend said school or schools and for these purposes said corporation shall have power to buy and sell land, to erect suitable buildings thereon or to purchase the same.

*The Tenth Biennial Report of Superintendent of Public Instruction of the State of Oregon* 83 (1893) states:

Pacific College was founded by the Friends' Church of Oregon... [O]n September 9, 1891, Pacific College was formally opened, and a college charter has been granted under the laws of the State of Oregon... The founders recognized the great importance of religious training ... decidedly Christian in its tendencies. It is the fond hope of the management that Pacific College shall send forth many Christian teachers, ministers and missionaries, and that it shall be a strong support not only to the Friends' Church but to Christianity wherever its influence may reach.

The Articles of Incorporation for George Fox College (1962) state:

All property acquired by the corporation, real or personal, and all increments, interests, or earnings thereof are and shall be devoted in perpetuity and irrevocably dedicated to charitable, educational, and religious purposes; and in the event of the liquidation, dissolution, or abandonment of this corporation, its property will

Mr. Seth Galanter  
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not inure to the benefit of any private person but shall go to the Oregon Yearly Meeting of Friends Church, an Oregon non-profit corporation.

Over time, Oregon Yearly Meeting became Northwest Yearly Meeting of Friends Churches, and Pacific College became George Fox Pacific College, and then George Fox College, and finally, George Fox University.

In response to past government inquiries, the University's explanation that it is owned by the NWYM apparently has been accepted. *See* Attachment 2, which are exchanges from 1994 to 2002 between branches of the armed forces and administrators at the University explaining the school's ownership by the NWYM, the long tradition of Quaker pacifism and the proper exemption of the University from the requirements of the Solomon Amendment and prior laws that military recruiters have access to students.

#### **The NWYM Controls the University and Its Board of Trustees**

The Bylaws of George Fox University make expressly clear that the University is controlled by the NWYM. Attachment 3. The primary purpose of the Board of Trustees is to ensure that the University has a clear sense of its Christ-centered mission and a strategic plan to maintain it. Article II. At least four-sevenths of the members of the Board shall be members of good standing of the Friends Church and of these, at least two-thirds shall be members of the NWYM. Article IV, Section 1 b. The General Superintendent of the NWYM is a voting member of the Board and any Board committee on which she sits, including the Executive Committee. Article IV, Section 1 e. The NWYM approves all trustees and is empowered to remove any or all of them as well. Article IV, Sections 2 a and c. All nominees must be in harmony with the NWYM statement of faith and its Faith and Practice, which was formerly known as the Constitution and Discipline and the key tenets of which are set forth in the Bylaws. Article VI. The President of the University reports annually to the NWYM. Article IX, Section 1 d. The Bylaws state that no change shall be made in the Bylaws affecting the relationship with Northwest Yearly Meeting of Friends Church without the consent of the NWYM. Article XII, Section 3.

In addition, as will be more fully explained below, all faculty and staff must adhere to a statement of faith and lifestyle statement and students must agree to the lifestyle statement, all of which derive from the NWYM's Faith and Practice.

Mr. Seth Galanter  
March 25, 2015  
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### **The NWYM Has Relevant Religious Tenets**

NWYM does not expressly prescribe housing policy for the University, nor does it generally manage student life matters. The NWYM approves trustees to oversee such matters, informs them through the Faith and Practice of relevant religious tenets of the NWYM and has an expectation that decision making by the University on matters of significance will be consistent with those tenets and follow a process of discernment and deliberation to reach consensus.

That process was followed in this matter, and the adopted Statement is consistent with the NWYM's Faith and Practice both as to the substance and to the process. Attachment 4 is an annotated version of the Statement that not only references the relevant Biblical passages and University policies but also the relevant sections of the Faith and Practice. To allow for cross referencing, a full copy of the NWYM's Faith and Practice is Attachment 5.

As noted in the Statement, the long history of sex-segregated housing at the University derives from religious tenets as to sexual purity and modesty. Determining appropriate and safe housing for a transgender male who is anatomically female required study. After the University provided housing options to the student for the 2014-15 school year, it formed a study committee of trustees, faculty and staff, including several members who also are members of the NWYM. That committee and its subcommittee work group had a total of 15 meetings between August 2014 and January 2015. It invited community members, including the transgender student, to present their perspectives.

Before forwarding their recommendation to the Executive Committee of the Board of Trustees, of which I am a member, they conferred with 61 community members through focus groups, including 19 faculty members, 23 administrators and staff, seven staff from the Academic Affairs Office/Academic Deans, nine students and three pastors. The Executive Committee adopted the Statement by consensus with only minor style editing.

This process is consistent with the expectation of discernment, deliberation and consensus set forth in the Faith and Practice. *See* Attachment 5, pp. 1, 25 and 57. As Superintendent and as a member of the Executive Committee of the University's Board of Trustees, I am satisfied that the substance of the Statement and the process by which it was determined are consistent with the NWYM's Faith and Practice.

The limited exemption from Title IX requested by the University and granted by the Office of Civil Rights is appropriate. 20 USC section 1681(3) and 34 CFR section 106.12 provide that



Mr. Seth Galanter  
March 25, 2015  
Page 6

Title IX shall not apply to an educational institution that is controlled by a religious organization if the application of the subsection would not be consistent with the religious tenets of such organization. As the highest ranking official of the NWYM as well as a member of the Executive Committee of the University's Board of Trustees, I support the limited exemptions as to 34 CFR sections 106.32 (housing), 106.33 (comparable facilities such as restrooms and locker rooms) and 106.41 (athletics). As is hopefully clear from the Statement, even though this exemption is appropriate and in place, the University has gone to great effort to study, deliberate and reach consensus on the Statement, which, among other things, provides transgender students appropriate and safe housing and facilities consistent with the religious tenets of the NWYM and its Faith and Practice.

#### **The Relationship Between the NWYM and the University Meets Each of the Three Conditions**

In addition to the analysis of the statutory and regulatory exemptions from Title IX, you have asked me to explain whether the University is controlled by the NWYM under any of the conditions set forth in a 1977 Office of Civil Rights memo. As explained above, the NWYM generally controls the University. Each of the three conditions set forth in the 1977 memo exist at the University.

#### **School or Department of Divinity**

The University does have a seminary, George Fox Evangelical Seminary. The NWYM has a Friends Center at the seminary and pays its director to recruit and support Friends students in seminary. The NWYM also has endowments and gifts that are earmarked for scholarships for Friends seminary students. However, this condition does not seem particularly pertinent to the issue of housing for a transgender undergraduate student.

#### **Requirement to Sign Statement of Faith and Lifestyle Statement**

The University has historically required all job applicants and employees, both staff and faculty, to sign a faith statement and a lifestyle statement. Those commitments are reaffirmed annually for those faculty and staff who have annual contracts. The NWYM is an evangelical Christian group and thus shares much with other evangelical Christians in their faith and lifestyle as well. However, the faith statement demonstrates its clear connection to the NWYM's Faith and Practice by including distinctive Friends tenets such as commitment to peacemaking and an understanding of communion and baptism. Attachment 6. Undergraduate students also are

Mr. Seth Galanter  
March 25, 2015  
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required to sign the lifestyle statement, which, again, is consistent with and derived from the NWYM's Faith and Practice. Attachment 7. Students are not required to agree to the faith statement.

### **Charter and Catalog Statements, Commitment to Doctrine and Financial Support**

The NWYM's control of the University as provided in the University Bylaws has been fully analyzed above. The required adherence to the statement of faith by members of the Board of Trustees as well as faculty and staff and the commitment to a lifestyle statement by faculty, staff and undergraduate students is discussed above. In addition, the following can be found on the University website: [http://www.georgefox.edu/about/quick\\_facts/index.html](http://www.georgefox.edu/about/quick_facts/index.html).

#### **Christian Values**

As a Christian college rooted in the Friends tradition, we believe George Fox is uniquely designed to foster authentic and meaningful relationships that lead to personal transformation. In keeping with our mission of Christian higher education, all of our employees – faculty, staff and administrators – are committed Christians.

#### **Course on Quaker Heritage**

##### **RELI 260 - THE HISTORY AND DOCTRINE OF FRIENDS (A Meeting for Worship in which Learning is Welcomed) Paul Anderson, Fall 2014**

Course Description: This course is designed to introduce the student to the history and doctrine of the Friends movement, providing a solid basis for Christian leadership from the perspective of those values embraced by Northwest Yearly Meeting. The scope will include a treatment of the history of the Quaker movement from the middle 17th century to the present, an appreciation for doctrines and testimonies Friends have upheld over the years, and an exploration of how Quaker faith and practice might yet make a difference in today's world and for the future. This course satisfies the Bible elective GEED requirement for Friends students, but it is open to all students interested in following Jesus more effectively, as informed by a rich Quaker heritage, upon which George Fox University is founded. The ethos of the course will be "a meeting for worship in which learning is welcomed," hoping to follow Jesus dynamically and authentically.

Mr. Seth Galanter  
March 25, 2015  
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**From the Catalog:**

With other Christians, the university holds to the historic truths and teachings of Christianity, as outlined in the statement of faith. From its founding, the university has been guided by Northwest Yearly Meeting of Friends Church. It historically has emphasized the necessity of a genuinely experiential Christian faith, personal integrity and purity, the spiritual nature of the ordinances, the importance of peacemaking and responsible social action, the involvement of women in ministry and leadership, the valuing of simplicity, and the right and duty of each person to hear and follow God's call.

**Friends Center**

In conjunction with George Fox University, Northwest Yearly Meeting of Friends has established a Friends Center serving the leadership preparation needs of Friends in the Northwest and beyond. The mission of this center is to recruit, promote, and coordinate the leadership preparation ventures of Friends at George Fox University as a means of furthering the central mission of the university and Northwest Yearly Meeting in fostering Christ-centered faith and practice. The activities of the center are administered by a director, who reports to a board of directors, consisting of Northwest Yearly Meeting, university, and at-large members. While the work of the Friends Center will be especially concerned with the seminary and the undergraduate programs, its contribution should be seen as extending to other programs as well. The Friends Center, therefore, is intended to assist George Fox University in accomplishing its Christ-centered and Quaker mission in any ways that would be serviceable.

**Financial Support**

The NWYM has an annual budget of just over \$1 million. Of that amount, a little over 10% goes to the University to support the attendance of Friends students, both undergraduates and seminary. In addition, the individuals and churches of the NWYM support the University directly. For example, the University's advancement office has determined that for the 2010 to 2014 fiscal years, the NWYM Friends members of the University's Board of Trustees gave \$830,780, \$1,133,971 came from NWYM Friends estates and \$30,577 came from NWYM churches, for a total for those four years of \$1,995,328. As has already been explained above, the NWYM owns the University, which alone is significant financial support. In its 124-year history, the University has never paid the NWYM for that foundation.

Mr. Seth Galanter  
March 25, 2015  
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**Conclusion**

The NWYM owns and controls the University. The religious tenets of the NWYM, including those as to discernment, sexual purity and modesty, warranted the actions taken by the University to seek a limited exemption from Title IX, provide appropriate and safe housing options for the 2014-15 school year, study the issue, and deliberate and reach consensus on the Statement applicable now and in the future. Please let me know if you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Becky Ankeny". The signature is written in black ink and is positioned above the typed name and title.

Becky Ankeny  
General Superintendent



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 19 2015

*Via Mail and Email (to [bankeny@nwfriends.org](mailto:bankeny@nwfriends.org))*

Becky Ankeny  
Superintendent, Northwest Yearly Meeting of Friends  
200 N. Meridian  
Newberg, OR 97132

Dear Superintendent Ankeny:

Thank you for your letter dated, March 25, 2015, to the U.S. Department of Education's Office for Civil Rights (OCR). You wrote in response to OCR's March 9, 2015 letter asking for your help in clarifying the relationship between the Northwest Yearly Meeting of Friends Churches (NWYM) and George Fox University (the University) and in addressing the University's description of some of NWYM's religious tenets.

OCR is responsible for enforcing, among other civil rights statutes, Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, which prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance from the Department. The University, as a recipient of Federal financial assistance from the Department, is generally subject to Title IX.

However, the statute and the 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 organization's religious tenets. Such educational institutions are allowed to claim an exemption from Title IX. The institution must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of Title IX or its regulations that conflict with those tenets.

In a March 31, 2014 letter to OCR, the University requested an exemption from Title IX to the extent that Title IX requires recipients to treat a student consistent with the student's gender identity with respect to housing, restrooms, locker rooms, and athletics. On May 23, 2014, OCR granted the University's request. Subsequently, OCR closed a complaint it had received that was filed on behalf of a transgender male student whose request for an on-campus housing assignment with male roommates was denied by the University. OCR closed the complaint because the allegations of the complaint fell within the scope of the exemption.

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Although the complaint had been closed, the complainant had also alleged that the University practices complained about were not based on the religious tenets of a controlling religious organization. According to the complainant, the University had inappropriately relied on a religious exemption because NWYM does not “control” the University and because NWYM’s religious tenets did not prohibit the University from honoring the housing requests of a transgender student. Because the complainant was personally affected by the exemption and had raised a challenge to the exemption, OCR sought in its March 9, 2015 letter information directly from NWYM, the religious organization identified by the University as controlling it. OCR did so because the religious organization is in the best position to assist OCR in meeting its statutory obligation under Title IX—to ensure that a recipient of federal funds does not discriminate on the basis of sex unless compliance would be inconsistent with the religious tenets of the organization that controls it.

Although the complainant subsequently informed OCR in May 2015 that the transgender male student and University had resolved their dispute, because the propriety of OCR’s exemption had been drawn into question in connection with an otherwise colorable OCR complaint, OCR has determined to address the validity of the University’s exemption as applied to Title IX’s housing regulation, 34 C.F.R. § 106.32.

#### Control

As OCR explained in its last letter, a recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions is true:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or
- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
- (3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

Your response explains that “all faculty and staff must adhere to a statement of faith and lifestyle statement and students must agree to the lifestyle statement, all of which derive from the

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NWYM's Faith and Practice." Your response further explains that although the "NWYM is an evangelical Christian group and thus shares much with other evangelical Christians in their faith and lifestyle," the statement of faith that faculty are required to sign "demonstrates its clear connection to the NWYM's Faith and Practice by including distinctive Friends tenets." This response satisfies the second part of the test above.

### Tenets

As OCR explained in its last letter, a recipient controlled by a religious organization is exempt from Title IX only to the extent that compliance with Title IX would not be consistent with the religious tenets of the controlling organization. For that reason, OCR asked you whether treating a transgender student consistent with the student's gender identity for purposes of housing would violate NWYM's tenets.

Your response letter confirms that "the long history of sex-segregated housing at the University derives from religious tenets as to sexual purity and modesty." Your response explains that although these "religious tenets that are relevant to the housing of transgender students" were "longstanding," the particular question of applying those religious tenets "to a transgender male who also disclosed that he is anatomically female" was "unprecedented" and "required study." NWYM's Faith and Practice requires that "decision making by the University on matters of significance" will "follow a process of discernment and deliberation to reach consensus," which "often means that significant decisions take time." Your response states that the "decision by the University to seek an exemption from Title IX ... and engage a committee in a nearly one-year study to develop a Position Statement Re: Students Identifying as Transgender (Statement) was appropriate."

That position statement, ultimately adopted by the University in March 2015 (which will be applicable to housing decisions for the 2015-16 school year and thereafter), recognizes that "one's gender identity might not conform to his or her birth sex" and concludes that the University "intend[s] to maintain [its] same-sex housing, although the realities of transgender processes may require special considerations." In particular, "housing units with private restrooms and living spaces will be provided for students identifying as transgender where possible" and "[w]ith approval and consistent with housing policy, this may include living in a room in a shared house (or appropriate apartment) on campus with a student's legally-recognized gender, provided housemates/apartment mates have agreed to such an arrangement." Your letter confirms that the position statement "is consistent with the religious tenets of the NWYM and the NWYM's Faith and Practice."

Your response is sufficient to establish that the application of Title IX's regulation regarding housing (34 C.F.R. § 106.32) at the time the complaint was dismissed would have been inconsistent with the organization's religious tenets to the extent that Title IX prohibits discrimination on the basis of gender identity in housing decisions.

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Based on the information above, OCR has determined that the University's exemption was appropriately granted as applied to the case in question. If you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CEL', is positioned above the typed name.

Catherine E. Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education

cc: Dr. Robin Baker, President, George Fox University (by mail and email)  
Paul Southwick, Esq., Davis Wright Tremaine, LLP (by mail and email)