

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:

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

Last Name, First, Middle	<u>Penales, Veronica Bonifacio</u>
Address:	
City, State, Zip Code:	
Home/Work Telephone:	
Email Address:	

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.

Name of Institution:	<u>Baylor University</u>
Address:	<u>1311 S. 5th St.</u>
City, State, Zip Code:	<u>Waco, TX, 76706</u>
Department/School:	

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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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.

Baylor publishes a statement on sexuality that includes anti-LGBT policies. The statement urges students "struggling" with same sex attraction to seek counseling. Baylor claims in its Civil Rights policy that it is exempt from compliance with select civil rights laws on the basis of religious exemption. As a result of these policies, Veronica does not feel free to express her sexual orientation while attending Baylor. When Veronica reports harassment hateful anti-LGBT statements from other students, officials at the school do not address it and instead tell her to seek counseling. As a result, Veronica has stopped reporting hate speech to the school staff. 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, Veronica's complaint should not be considered time-barred because Baylor continues to discriminate against Veronica 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

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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?

Veronica would like Baylor's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Baylor 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) Baylor 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) Baylor's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Baylor, including housing and other programs.


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

07/23/2021

(Date)

Jul 24, 2021

(Date)


(Signature)
Veronica Bonifacio Penales
[https://secure.na3.adobe.com/verifier?
tx=CBJCHBCAABAASvUVGvNWx92NGATNtmfNJPu9rpI9Hq-
HG](https://secure.na3.adobe.com/verifier?tx=CBJCHBCAABAASvUVGvNWx92NGATNtmfNJPu9rpI9Hq-HG)
Veronica Bonifacio Penales (Jul 24, 2021 17:29 CDT)
(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.
v.)	DECLARATION OF VBP
)	
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, VBP, 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 Waco, Texas, located in McClennan County.
3. I grew up in Shreveport, Louisiana and graduated from a public high school in 2019.
4. I began attending Baylor University in Waco, Texas in August 2019.
5. I am a pre-law student. I expect to graduate in May 2023 with a degree in Political Science and International Studies.
6. I am a Sophomore Senator under the Legislative Branch of Baylor Student Government.
7. I am also president of College Democrats of Baylor.
8. I received a Presidential Gold scholarship to attend Baylor.
9. Baylor has multiple statements listed in its website when it comes to marriage and sexuality.
10. The school has an official policy on sexual conduct. This policy states “Baylor will be guided by the biblical understanding that human sexuality is a gift from God and that physical sexual intimacy is to be expressed in the context of marital fidelity. Thus, it is expected that Baylor students, faculty, and staff will engage in behaviors consistent with this understanding of human sexuality.”
11. Baylor’s official Statement on Human Sexuality states “Baylor University welcomes all students into a safe and supportive environment in which to discuss and learn about a variety of issues, including those of human sexuality. The University affirms the biblical

understanding of sexuality as a gift from God. Christian churches across the ages and around the world have affirmed purity in singleness and fidelity in marriage between a man and a woman as the biblical norm. Temptations to deviate from this norm include both heterosexual sex outside of marriage and homosexual behavior. It is expected that Baylor students will not participate in advocacy groups which promote understandings of sexuality that are contrary to biblical teaching.”

12. This statement makes me feel like I don't belong at Baylor.
13. Baylor does not practice what it preaches about diversity, inclusion, love and support because Baylor does not take actions to make us feel safe and supported. Words are not enough and ring hollow without action.
14. Baylor's official statement on Human Sexuality then directs students "struggling" with these issues to go to some form of counselling at one of the on-campus counselling centers.
15. Baylor says that it does not condone conversion therapy but this statement sounds like the promotion of conversion therapy by another name.
16. Baylor University also has a statement of "Commitment to Diversity and Inclusion" which states "we seek to embody Christ's teachings of love and inclusivity across boundaries of racial, ethnic, gender, socio-economic, religious, and other expressions of human difference. Because, at Baylor, 'Love thy neighbor' are not just words...they are a way of life."
17. In practice, Baylor does not live up to this commitment.
18. This "way of life" seems to be a value of the school, except when it is not, such as when Baylor expressly allows for discrimination, as stated in Baylor's Civil Rights policy, "As a religiously controlled institution of higher education, Baylor is exempt from compliance with select provisions of certain civil rights laws, and Baylor is also exempt from prohibitions of discrimination based on religion. As such, the University prescribes standards of personal conduct which are consistent with its religious mission and values".
19. This statement tells me that Baylor cares more about its right to discriminate against queer and other students than it does about the health and safety of its queer and other students.
20. This policy of discrimination makes me feel unsafe and unprotected by the law.
21. Baylor is unlikely to discipline queer students merely for being queer. However, Baylor's policy forbidding "homosexual behavior" and its other statements condemning queer identities and relationships, makes me feel like I could never show affection to a queer partner and that I would be at risk of discipline and ridicule if I were to hold their hand or give them a kiss in public.
22. I am a queer woman.

23. I initially attended Baylor as I considered it a safe school. It was close to home without being too close. Baylor could get me where I wanted to go in life and would put me on the career path that I wanted.
24. However, I have dealt with discrimination by my peers at Baylor since I came out. The school makes little effort to do anything about it.
25. The school's common response to my reporting hate on campus is that I should go to counselling. As a result, I stopped reporting incidents.
26. The incidents of harassment and discrimination against me include: (1) cruel, homophobic Instagram comments, including "#f**runner #notinmygoodbaptistuniversity"; (2) someone left a Bible at my dorm door, that was annotated and highlighted all of the Scriptures that they claimed were against homosexuality; it also contained a handwritten note that said "I'm praying for you," (3) I've had sticky notes left on my door that use the f** slur, which I reported to Baylor, but nothing was done about it.
27. Baylor has also defended a professor who sent a transphobic tweet that caused a lot of concern among queer students at Baylor. This felt like another betrayal of Baylor's purported values.
28. I am participating in this lawsuit because I want Baylor to realize what it is doing it wrong and harmful. There is no excuse for ostracizing, discriminating against, and hurting their students.
29. I am not using my name in this declaration for fear that I will be subject to harassment, discrimination and academic harm from Baylor professors, administrators and other students.
30. 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 27th day of February, 2021.

By:



VBP

Student Policies & Procedures

Statement on Human Sexuality

Baylor University welcomes all students into a safe and supportive environment in which to discuss and learn about a variety of issues, including those of human sexuality. The University affirms the biblical understanding of sexuality as a gift from God. Christian churches across the ages and around the world have affirmed purity in singleness and fidelity in marriage between a man and a woman as the biblical norm. Temptations to deviate from this norm include both heterosexual sex outside of marriage and homosexual behavior. It is thus expected that Baylor students will not participate in advocacy groups which promote understandings of sexuality that are contrary to biblical teaching.

The University encourages students struggling with these issues to avail themselves of opportunities for serious, confidential discussion, and support through the Spiritual Life Office (254)-710-3517 or through the Baylor University Counseling Center (254)-710-2467.

11/18/02, 3/25/04, 1-29-09; 10-2-09

Updated: May 15, 2015

**Sexual Conduct
BU-PP 031**

Policy:

Baylor will be guided by the biblical understanding that human sexuality is a gift from God and that physical sexual intimacy is to be expressed in the context of marital fidelity. Thus, it is expected that Baylor students, faculty and staff will engage in behaviors consistent with this understanding of human sexuality.

Topics:

Application

Additional information:

None

Contact:

Human Resource Services Office (x2219)

Application—

This policy will be interpreted by the University in a manner consistent with the Baptist Faith and Message of 1963.

Under no circumstances may this policy be construed to waive any of the rights granted to Baylor University under the exemption issued to the University on September 26, 1985, by the U.S. Department of Education covering certain regulations under Title IX of the Education Amendments of 1972 or under the religious exemption Section 702 Title VII of the Civil Rights Act of 1964.



BAYLOR UNIVERSITY

Abner V. McCall • President
Waco, Texas 76703

*McK
2/4*

January 12, 1976

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

Dear Sir:

Pursuant to Sec. 86.12(b) of "Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise that Baylor University of Waco, Texas, is an educational institution which is controlled by the Baptist General Convention of Texas and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization.

1. Premarital unchastity whether on the part of a man or woman is contrary to the tenets of the Southern Baptists. Insofar as these regulations require Baylor 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. 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. It is the tenet and practice of practically all Southern Baptist churches that only men should be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Baylor University. Baylor University matches this partial scholarship. Section 86.37(a)(b) of such regulations is inconsistent with this Southern Baptist tenet. Educational programs

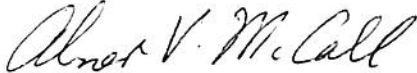
*1/19/76
McCall*

Director of the Office for Civil Rights
January 12, 1976

designed for ministerial students and campus clubs and programs primarily for ministerial students will reflect this tenet. The following regulations may be inconsistent therewith: Sec. 86.6(c), 86.11, 86.31, 86.34, 86.36(c), 86.38(a)(1)(2).

Licensed and ordained Baptist ministers are given preference in employment in certain offices, e.g. chaplain and certain academic departments, e.g. Department of Religion. Since women are not licensed or ordained as ministers, such tenet is inconsistent with Sec. 86.51, 86.53, 86.55(a).

Sincerely,



Abner V. McCall
President

kt



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

SEP 26 1985

SEP 26 1985

Dr. Herbert H. Reynolds
President
Baylor University
Waco, Texas 76798

Dear President Reynolds:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Baylor University 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 McCall (copy enclosed) in which he described several policies practiced at Baylor University 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 former president supplied information in his request letter that establishes that Baylor University 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 Baylor University an exemption to those sections of the Title IX regulation appropriate to 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. Baylor University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a); 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57 and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Baylor University is controlled by the Baptist General Convention of Texas. This relationship between the Baptist General Convention and Baylor University adequately establishes that Baylor 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. Herbert H. Reynolds

In the request letter, the former president indicates that premarital unchastity is contrary to the religious tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Baylor University has requested and is granted by this letter exemption to: § 106.21(c) (marital or parental status of applicants for admission), § 106.39 (health and insurance benefits and services), § 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 (marital or parental status of employees) and § 106.60(a) (pre-employment inquiries regarding marital status).

The request letter indicates that almost all Southern Baptist churches allow only men to be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Baylor University, and Baylor University matches this partial scholarship. Also, some educational programs and campus clubs are designed for ministerial students. Based on this principle, Baylor University has requested and is granted by this letter exemption to: § 106.6(c) (effect of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance) and § 106.38(a) (employment assistance to students).

The former president's letter indicates that licensed and ordained ministers are given preference in employment in certain offices, and women are not licensed or ordained as ministers. Based on this principle, Baylor University has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure).

Baylor University also requested exemption to § 106.11 regarding the application of the Title IX regulation. The request letter did not demonstrate that the institution's practices conflict with all sections of the Title IX regulation. Therefore, no exemption has been granted for § 106.11.

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. Herbert H. Reynolds

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 Dallas Regional Office for Civil Rights. The address is:

Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building, Suite 400
Dallas, Texas 75202

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI

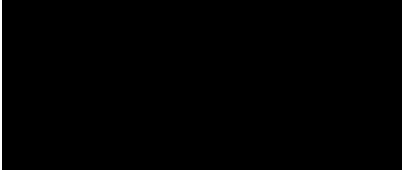
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DISCRIMINATION COMPLAINT FORM
to the
United States Department of Education
Office for Civil Rights

1. Name of person filing this complaint:

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

Last Name, First, Middle	<u>Hunter, Elizabeth</u>
Address:	
City, State, Zip Code:	
Home/Work Telephone:	
Email Address:	

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.

Name of Institution:	<u>Bob Jones University (BJU)</u>
Address:	<u>1700 Wade Hampton Blvd.</u>
City, State, Zip Code:	<u>Greenville, SC, 29614</u>
Department/School:	

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, gender identity and/or marital status)

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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.

BJU publishes anti-LGBT policies in its student handbook, including a prohibition on students advocating for LGBT rights on social media. School staff disciplined Elizabeth for posting pro-LGBT material on social media and tried to force her to admit her sexual orientation during a long meeting. They asked her to disavow her support for LGBT rights and relationships, then put her on probation for refusing to do so. As a result, Elizabeth felt she could not express her views about LGBT rights and that she must hide her sexual orientation for the remainder of her time at BJU. 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, Elizabeth's complaint should not be considered time-barred because Bob Jones continues to discriminate against Elizabeth 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?

No

Page 3 of 4 – U.S. Department of Education, Office for Civil Rights Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures

- 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?

Elizabeth would also like Bob Jones’s policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Bob Jones 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) Bob Jones 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) Bob Jones’s non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Bob Jones, 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)

Fakh Hunter (Jul 24, 2021 14:49 EDT)

(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.

**DECLARATION OF
ELIZABETH HUNTER**

I, Elizabeth Hunter, 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 lived in foster care until the age of 10 and survived a sexual assault during this time.
3. I was then placed with a family and grew up in Texas as part of a fundamentalist Christian cult most well-known for the Duggar family.
4. I am currently a resident of Greenville, South Carolina, located in Greenville County.
5. My parents did not want me to attend college because I am a woman. However, I applied to college without my parents knowing.
6. I applied to Bob Jones University, a conservative Christian college known for its recent racist policies, mishandling of sexual abuse claims and ongoing ultraorthodox social policies, because it was one of the few colleges that I thought I could attend without being disowned by my parents.
7. In August of 2015, I started my freshman year Bob Jones University in Greenville, South Carolina.
8. Bob Jones University’s student handbook outlines rules of behavior for students. This handbook contains several sections dealing with “purity” or sexual conduct in general.
9. The “purity” section towards the beginning of the handbook sets the tone for the school’s policies towards sexual conduct. The section states that purity means “honoring God’s design for sex, celebrating and practicing it only within the marriage relationship between one man and one woman for a lifetime.”

10. Bob Jones University also has strict internet, social media, and entertainment policies, which includes a description of a “content filtering system to restrict biblically offensive material on the internet” that the students at the school are not allowed to bypass. The social media policy also includes the wording that students’ social media content should “be biblical and avoid promoting a lifestyle contrary to the principles taught in scripture or at the university”.
11. The handbook has an official “position on human sexuality” stating that the “New Testament exhorts believers to strive to live morally pure and sexually undefiled lives even in the midst of an immoral and sexually permissive culture”.
12. Included in this handbook is: “Consistent with our commitment to God’s design for gender identity, the public advocacy for or act of altering one’s biological sex through medical transition or transgender expression is prohibited. Any same-sex dating or advocacy for such is also prohibited. BJU’s perspective also applies to but is not limited to- the use of bathrooms, locker rooms, student housing, attire polices and participating in sex-specific university groups, clubs and organizations.”
13. Appendix B in the student handbook further reiterates the school’s position on “Marriage and Human Sexuality”. It begins by stating that “Bob Jones University believes marriage is an institution ordained by God and prescribed by the Scripture to be a monogamous relationship between a man and woman physically created in these respective genders by God. We believe God intended heterosexual marriage to be an enduring covenanted relationship established before Himself and man to propagate the human race, lovingly express healthy relational and sexual intimacy, and picture the covenant relationship He has with all genuine believers.”
14. Appendix B also states in its “Context for Human Sexuality” that “the Bible restricts all forms of consensual sexual activity to within the boundaries of the marriage relationship...The Bible clearly prohibits not only non-consensual sexual conduct but also any consensual sexual activity outside the boundaries of heterosexual marriage...Furthermore the Bible specifically names as sinful and prohibits any form of sexual activity between persons of the same sex...polygamy...bestiality...adultery...and fornication of any sort including pornography.”
15. Appendix B also has a “Statement on Gender Identity” in which the handbook states “God created man and woman in his image as two distinct but equal genders which he intends to use for his glory...Furthermore, individual gender is assigned by God and determined at conception...Therefore we believe that to intentionally alter or change one’s physical gender or to live as a gender other than the one assigned at conceptions is to reject God’s right as Creator to assign gender to his creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual.”
16. As someone figuring out their sexuality while at college, Bob Jones University’s policies on sexuality and marriage created a scary, harsh environment for me.

17. I am now fully out as a lesbian woman but I was not able to be fully out at Bob Jones University.
18. I initially started coming out to some friends my junior year at Bob Jones University but I knew that it was not safe to come out to BJU faculty or staff or to be out on campus.
19. However, I began posting about some LGBTQ+ issues and themes on social media during this time.
20. In one of my social media posts, I reviewed a book with a lesbian main character and mentioned on Twitter that I was writing a book with a lesbian relationship.
21. After school leadership discovered my online activity, I was questioned about my sexuality and subsequently disciplined.
22. During a three hour meeting with a BJU administrator, where I was summoned without advance notice, I was told by school leadership that I “must be gay” for reading and writing these materials.
23. They had printed out all of my Tweets and went through them one by one. They tried to get me to admit that I was a homosexual.
24. I was scared. I didn’t know what to do.
25. I knew I was gay but I also knew that I could not fully admit it to them or I would be expelled. So, I told the administrator that I “was not straight” but that I was probably asexual, like the Apostle Paul.
26. I also told them adamantly that I had not been sexually active with women or men and therefore had not broken any specific rules.
27. I was asked to disavow my support for LGBTQ+ rights and relationships. I refused. It would have been like disavowing myself.
28. As a result, BJU put me on disciplinary probation.
29. I was also immediately terminated from my on-campus student life position in the school’s media department, a position I treasured.
30. BJU also forced me to attend mandatory counseling with the Dean of Women.
31. I was also required to pay a monetary fine to BJU for my code of conduct violation.
32. This was the darkest month of my entire life. I felt depressed and suicidal.
33. For the rest of my time at BJU, I was forced completely back into the closet and had to hold my head down in shame.

34. I felt like I was being watched and monitored. When I told a friend about my disciplinary meeting, the administration got word of that and angrily told me that I was not allowed to discuss the disciplinary meeting with anyone.
35. My entire education experience was forever tainted by the shaming I endured at BJU. I survived and graduated in May of 2019. But I still feel the sting of the discrimination I endured.
36. The policy towards LGBTQ+ students at Bob Jones University is harsh and incredibly frustrating. It creates extreme shame and confusion by lumping all sexual behavior outside of heterosexual marriage, including homosexuality, adultery and bestiality, into the same category.
37. The campus culture at BJU is toxic for LGBTQ+ people. Homophobia among the student body, faculty and administration is rampant. LGBTQ+ students have to hide who we are and will suffer grave consequences if we come out and stand up for ourselves.
38. We have no one at BJU to advocate for our safety or our rights. We are alone.
39. Moreover, BJU cannot be trusted to monitor its compliance with Title IX on its own. A two-year investigation into BJU's handling of reports of sexual abuse culminated in the issuance of the GRACE Report in December 2014. GRACE spoke with about 40 survivors, finding that students who reported abuse were blamed for bringing it on themselves and that proper authorities had not been notified.
40. The GRACE Report specifically called out the culpability of one of BJU's senior administrators and recommended that he not be allowed to speak or consult on any issue relating to counselling on or off-campus. Nevertheless, BJU allowed this man to speak at two recent Mental Health themed services in 2019/2020.
41. Additionally, during my junior or senior year, while in a public relations class, another student asked the Provost of academic programs, who was also on the Board of BJU, about the *Bob Jones v. United States* case decided by the United States Supreme Court in 1983 concerning BJU's policies against interracial dating at the time.
42. This student asked the Provost how BJU could justify their anti-LGBTQ policies now, given that they lost the interracial dating case. The Provost replied that BJU would not be able to defend their anti-LGBTQ policies now because BJU had justified its racist policies based on the Bible but they eventually had to admit that they were wrong about interracial dating and that their beliefs changed.
43. I only recently came out to my family as lesbian. I waited until I was financially secure because I feared that they would shun me.
44. I am participating in this lawsuit because I am hopeful that things will change.
45. Experiencing hate and discrimination should not be a part of attending college.

46. I am a federal income taxpayer in the United States. I will also be required to repay student loans from the U.S. Department of Education that I took out to study at Bob Jones University.
47. 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 ____ day of March, 2021.

By:


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Elizabeth Hunter






Elizabeth Hunter Declaration v2

Final Audit Report

2021-03-24

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By:	Lauren Swain (lauren@paulsouthwick.com)
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STUDENT HANDBOOK

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BOB JONES
UNIVERSITY

LEARN. LOVE. LEAD.

Foreword

A Letter from President Pettit

Welcome to Bob Jones University! I want to extend a special welcome to our new students. I am glad you are here and have made BJU your college choice. To returning students, welcome back — it has been a long summer without you here on campus.

Our desire at BJU is to provide an unparalleled student experience centered on biblical thinking, engaged learning and life mentoring that prepares you for all aspects of life beyond college. Our faculty are committed to providing you with a world-class education and coming alongside to encourage you spiritually, socially and academically. I hope you take advantage of opportunities to spend time with them — in places like the dining common, The Den or the field house. You will be glad you did.

The value of your college experience at BJU extends far beyond the classroom. You will enjoy an abundance of fine arts, ministry, academic-related and recreational opportunities, which will expand your interests and make your education unique and beneficial to you in a myriad of ways.

I also believe you will enjoy BJU's location. Upstate South Carolina provides many great opportunities for shopping and recreation — from our unique downtown to the natural beauty of God's creation at Falls Park on the Reedy River and the surrounding mountains.

This handbook serves as your guidebook while you are a student. As you read it, you will see many guidelines are rooted in biblical commands and principles for daily living. Others are included to help thousands of students, faculty and staff study and work together effectively and efficiently on campus each day.

We look forward to a great year ahead. Our primary goal is to help you grow as young adults to better serve Jesus Christ. Please let me, or any member of the faculty or staff, know if we may assist you in any way. We are here for you.

A handwritten signature in black ink, reading "Steve Pettit". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Steve Pettit
President

A Letter from Your Student Leadership Council Presidents

Welcome back, Bruin Nation!

The past few months have presented each of us with distinct challenges, but it has been very encouraging to see many of you rise above limitations and continue investing in the lives of those around you. Whether it has been through camp experiences, missions trips, internships or even working back home, you have each played a significant role in what God has been doing all around the world. It is amazing to see God's plan unfolding, and we can rest knowing that He is expanding His kingdom through this time of uncertainty. Now, after a summer apart, we are excited to see God work in new ways on campus.

To all of the students who are attending college here for the first time, we are very excited to welcome you to Bruin Nation! As you will continue to find out, BJU is an incredibly unique place that offers many opportunities for spiritual, academic and personal growth. However, your approach will determine your experience. If you come in with a negative outlook, you will miss out on all of the ways that God can grow and use you! Stay excited. Stay positive. But most importantly, stay faithful in your time with the Lord. As you allow Him to work in your heart, you are going to grow in ways that you never thought possible! You are the future student leaders of this University, and we anticipate God doing great things through each and every one of you.

To those returning to campus, we are thrilled to have you back! As we reflect on this past school year, life at BJU was very different for all of us. Many changes were made that affected how things were done here on campus, but it was very neat to see how we came together as a student body to learn and glorify God. This coming year will present its own challenges, but we are excited to see how God is going to work again! We all have a special place at BJU, and it is incredible to see how God is preparing us to serve in our various career paths. We are praying for each of you as you prepare for your future career, and it is our desire that you will fall deeper in love with our Savior. The academic knowledge that you gain here will undoubtedly equip you for the workplace, but your spiritual growth and love for the Lord will impact every aspect of your life. There is nothing more rewarding than a life of service to the One who created us.

As we begin this new year at Bob Jones University, challenges will arise. This world and our circumstances are unstable, but as believers, we can find true stability in our faithful God. During your time on campus, we encourage you to remain faithful in what God has called you to do: bringing glory to His name while being a student at BJU. Do not take for granted the privileges that God has given us. He has allowed us to be at a University with students and faculty

who love Him; He has placed us in a country where we can worship Him freely; and He has granted us opportunities to serve those around us. As you invest in your classes, in your on-campus responsibilities, in work and whatever else you are involved in, keep the big picture in mind. As we strive to glorify the One who saved us, we must do it in a way that reflects Christ. So, reach out to the people around you – whether in classes, at work, or even in the community – and point them to the overwhelming goodness of our God and the renewing power of the Gospel.

We are praying for you as a student body, and we are privileged to serve alongside you.



Ellie Weier

Daraven Perez and Ellie Weier
SLC Student Body Presidents

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Introduction

A Brief History

Evangelist Bob Jones Sr. founded Bob Jones College in 1927 after his travels across the United States convinced him that Christian students were losing their faith at secular colleges. He had a vision for a college distinguished by academic excellence, refined standards of behavior and opportunities to appreciate the arts — and at the same time, a place where Christ would be the center of all thought and conduct.

Beginning with 88 students in College Point, Florida, the college offered degrees in Bible, music and speech. Students participated in activities such as literary societies, sports, weekly Vespers and the Classic Players — but the highlight of each day was the chapel service.

Although the college survived the initial years of the Great Depression, a lack of funds forced a move in 1933 to Cleveland, Tennessee, where the college established additional academic programs and a work scholarship program to help students pay their expenses. After World War II, the GI Bill helped double the size of the student body, requiring another relocation to larger facilities.

In 1946 construction began on the 210-acre campus in Greenville, South Carolina. The first 2,500 students arrived the following year. Concurrently, with the addition of six academic colleges, Bob Jones College became Bob Jones University, and the Board of Trustees elected Bob Jones Jr. president. The move to Greenville provided the space and finances for BJU to start its own radio station, a Christian film studio and the Museum & Gallery.

In 1971 Bob Jones III assumed the responsibilities of president. Under his leadership, additional academic programs were offered. In 1973 the 7,000-seat Founder's Memorial Amphitheater was completed. In 1974 BJU Press was founded to provide educational materials with a biblical worldview for precollege schools and home-schooling families.

In the 1980s BJU's new outreaches included summer mission teams for students, the support of church planting ministries and the creation of the WORLD Fund to assist international students who return to minister in their home countries.

In the 1990s BJU launched BJ LINC and BJ HomeSat satellite programs, constructed the Bob Jones Jr. Memorial Seminary and Evangelism Center, and began Living Gallery, a presentation of the Gospel through music, drama and live works of art.

In the 2000s major improvements were made to the campus, including the construction of the Davis Field House and the redesign of the main entrance. In 2004 BJU began the process of becoming an accredited member of the Transnational Association of Christian Colleges and Schools. The University achieved full accreditation during the tenure of Stephen Jones, who was installed as president in 2005. In 2017 the Southern Association of Colleges and Schools Commission on Colleges granted Bob Jones University regional accreditation.

In 2012 BJU reinstated intercollegiate athletics, competing as a Division II school in the National Christian College Athletics Association (NCCAA) and is now also a provisional member of the NCCA DIII. University teams compete in soccer, basketball, cross-country, track and field, women's volleyball, golf and baseball.

Evangelist Steve Pettit became president in 2014. He has focused on enhancing the student life and discipleship experience. He has also led in the addition of academic programs and other growth-driving initiatives; the application for regional accreditation; the addition of the School for Continuing, Online and Professional Education and the School of Health Professions; the securing of tax exemption; the expansion of intercollegiate sports and increased University and student involvement in the community.

What was once a college of 88 students and three majors is now a university with 2,500 resident students — from 49 states and 46 countries — and over 100 undergraduate and graduate programs. BJU has long had a reputation for challenging academics, as evidenced by graduates' success. For example, BJU graduates' medical school acceptance rates average from 80 to 100%, double the national average. Last year nursing graduates earned a 93% pass rate on the NCLEX-RN exam and engineering students a 90% pass rate on the national Foundations of Engineering exam.

Opportunities for students include choirs and instrumental groups, a student newspaper, student radio and television stations, a community service council, a student leadership council and intramural athletic competition in a number of sports. Every year BJU continues its tradition of producing high-quality Shakespearean plays, operas and other fine arts events.

BJU maintains a vibrant chapel program. Each semester two different themes are covered — a discipleship theme and a doctrinal theme. Students also take 15 credits in Bible during their college experience. Many students participate regularly in outreach ministries and community projects.

BJU offers students a total student experience package known as the BJU Premium — learning and living experiences focused on student success and rooted in our Christian liberal arts mission and our cultural emphasis and relevant to current ministry and workplace opportunities. BJU is also committed to an education designed to inspire a lifelong pursuit of learning, loving and leading.

Components of Student Development

Bob Jones University exists to provide a liberal arts education with a thoroughly biblical worldview that inspires students to develop lifelong habits of pursuing learning, loving and leading.

Our shared authority is the Bible, God's inspired and sufficient Word (2 Tim. 3:14–17; 2 Pet. 1:19–21). Because God inspired the Bible, it contains no errors and can be trusted to provide infallible guidance (John 10:35). Consequently, we submit ourselves to the Bible's instruction (Ps. 119:4), including its directions for living together in a Christian community. Therefore, our vision for student development is Word centered. It can be summarized in three words: grace, structure and virtue.

Grace

Discipleship is the biblical process of maturing believers into Christlike servants. Christ-centered discipleship is impossible without grasping the scriptural process of sanctification. The believer's responsibility to be conformed to the image of Jesus Christ is found in the Bible's commands. Enablement to be transformed into that image is found in God's provision of grace — dynamic power to do God's will.

God graciously orchestrates this growth through “ordinary” means. The heart of discipleship is helping one another grow in the grace and knowledge of our Savior through His Word (Acts 20:32; Rom. 15:4), prayer (Eph. 6:18; Heb. 4:16) and actively participating in the life of the church (Eph. 4:15–16, 29; Heb. 10:24–25). Therefore, we aim to be a community saturated in Christ's redeeming grace to walk worthy of our calling (Eph. 4:1).

Structure

In addition to a pervasive acknowledgment of dependence on God's grace, our educational approach has an intentional structure. Through curricular, cocurricular and extracurricular programs, we attempt to cultivate a way of life that challenges potential and points our students toward following Christ. Life skills and positive habits are nurtured through high expectations. Our primary motivation is not mere compliance with regulations but ultimately long-term spiritual success.

Part of what distinguishes our educational philosophy is lovingly holding one another accountable to fulfill our responsibilities in dependence on God. Accountability is intended to be a form of encouragement and support to obedience. Faculty and staff are involved in students' lives, and students are involved in each other's lives. The campus community pledges to help each other grow and hold each other accountable with the goal of encouraging the spiritual success of every individual on campus.

Virtue

Structure and discipline provide protection, direction and accountability — but are not themselves the point. Our goal is student development, including intellectual, social and spiritual growth.

Christian virtue provides a portrait of this growth toward the likeness of Christ — His knowledge, values and character. The virtues we seek to develop are shaped first by Scripture and in many ways are distinctive in our contemporary context. These virtues necessarily develop in tandem, not isolation, and do so for the glory of God, the good of others and the flourishing of an individual life. They can be summarized as godliness, love, humility, integrity, diligence, purity and patience.

To summarize, we are committed to obeying our heavenly Father in response to the death and resurrection of His Son in the power of His Spirit. We affirm this commitment, recognizing that our flesh is weak and that we will often need the cleansing and forgiveness that God promises to those who confess their sins and repent (1 John 1:9). We strive to obey, not with slavish fear of a vindictive Master but with joy in the God who loved us first (1 John 4:19). Because He died for us in love, we are compelled to live for Him (2 Cor. 5:14–15).

Student Policies

Accomplishing the educational mission of BJU requires an edifying campus atmosphere and an environment that promotes spiritual growth. Our code of conduct cannot produce Christlikeness; however, it reflects what Scripture describes as wise and virtuous and what helps mature a Christian for faithful service.

Core Principles

Personal Discipline

The structure at BJU encourages personal discipline. Reflecting Christ demands Spirit-empowered moderation and discipline (Gal. 5:23). No pursuit is more worthwhile than conditioning oneself for eternity (1 Cor. 9:24–27; 1 Tim. 4:7–8). This self-control entails submitting our impulses (e.g., anger) and fleshly habits (e.g., laziness) to the renewing influence of God’s Spirit.

Self-discipline also includes stewardship. In other words, reflecting Christ involves wisely using the time, talents and material possessions God gives us to His glory (Prov. 3:9).

Other evidences of self-discipline, such as punctuality, cleanliness and preparedness, are also important qualities. But Christian virtue extends well beyond initiative and responsibility. Christlikeness relates to God and others. Therefore, built on top of the need for personal discipline are several other principles that shape expectations for our educational community: loving respect, integrity and purity.

Loving Respect

A Christian university such as BJU provides a unique setting in which to live out the blood-bought unity we enjoy in Christ. Successful community life requires a spirit of mutual humility, love and consideration.

Respect for Each Other

Scripture commands us to esteem others as more significant than ourselves (Phil. 2:3). Therefore, we obey God by showing sacrificial consideration for the well-being of those around us regardless of appearance, age, ethnicity, gender, ability or spiritual maturity.

This respect includes speaking the truth in love, which is not optional for believers (James 5:12). Believers converse in ways that build up instead of tear down, including wholesome language that avoids profanity and euphemisms (Eph. 4:29; 5:4).

Furthermore, BJU is committed to maintaining a living, learning and working environment free of bullying. Bullying is generally defined as the act of one or more individuals intimidating one or more persons through verbal, physical, mental or written interactions. Bullying can take many forms and occur in virtually any setting, including verbal, physical, relational, and electronic through email, internet, or mobile phones.

In addition, bullying on the basis of race, color, age, sex, national or ethnic origin, protected disability or veteran status, and for married students, medical needs arising from pregnancy, childbirth, or related medical condition may also be a violation of the [BJU Discrimination and Harassment Policy](#).

Respect for Authority

Reflecting Christ entails walking in humility and choosing to submit to others (1 Pet. 5:5). God's written authority, the Bible, teaches that He also exercises authority through several kinds of human leadership. The primary biblical authority structures are the family (Eph. 5:22–33; Deut. 6:7–9), government (Rom. 13:1–7) and church (Acts 20:28; Heb. 13:7, 17).

At BJU we commit ourselves to obey the God-given authorities in our lives (Heb. 13:7, 17). We honor the regulations that pertain to us as an American institution of higher education. Furthermore, BJU supports the discipleship efforts of Bible-believing churches and Christian families, in part through providing a structured environment that promotes biblical Christian living. A student accepts BJU's authority voluntarily by signing the student covenant and indicating his or her intent to contribute to an edifying environment with a cooperative spirit and to abide by the University's policies.

Respect for the Orthodox Beliefs of Others

The BJU Creed highlights the fundamentals of the faith. Based on these essentials, we strive to maintain unity among the student body. In the interest of this unity and in love and respect for each other, there is to be no proselytizing based on theological interpretations, such as Calvinism and Arminianism.

Respect for God

Ultimately, our reverence belongs to the Lord. Therefore, sacrilegious behavior of any kind — including T-shirt slogans, music, etc., that show disrespect or irreverence toward God or His Word — is inappropriate at BJU.

Integrity

Another key principle in both this environment and all others is integrity. The need for integrity is rooted in one of God's core attributes — His trustworthiness (Exod. 34:6–7). The Lord is faithful in all His works (Ps. 111:7). Integrity at BJU includes principled, Spirit-enabled choices instead of deceitful, selfish behavior

such as dishonesty, theft and cheating. Furthermore, because God expects us to practice justice (Micah 6:8), we value truthful relationships and ethical processes.

Purity

Reflecting Christ also means displaying God's distinctive character in grateful response to Christ's costly redemption (1 Pet. 1:15–19). Holiness entails separation from the godless “world” system (1 John 2:15–17; Ezra 6:21) by discerning where one's culture reflects evil values. By living holy, separated lives, we publicly proclaim that only He is worth loving and following.

One of the primary ways we pursue holiness is through moral purity. In calling us to purity, God forbids viewing sexuality as a means of exploiting others (1 Thess. 4:1–8). This means honoring God's design for sex, celebrating and practicing it only within the marriage relationship between one man and one woman for a lifetime. Since what we do springs from how we think (Mark 7:20–23), this commitment also means controlling what one allows him or herself to view and read (Matt. 5:27–30) and petitioning God's Spirit to purify one's thoughts, motives and actions.

Finally, in order not to fit in comfortably with the world and to subject ourselves to the Holy Spirit's control instead of substances, our commitment to purity extends to a prohibition against the use of alcohol and illegal drugs, the abuse of prescription drugs or smoking, vaping or tobacco.

Christian Community

Chapel/Discipleship Group/Society

Chapel provides an opportunity to receive exhortation from God's Word and is, therefore, the highlight of our daily schedule. Chapel typically meets in FMA on Mondays, Tuesdays and Wednesdays. Discipleship groups meet on Thursdays and societies meet on Fridays. Each student is expected to bring a Bible, to be attentive and to help others be attentive. Except for accessing a digital Bible or taking notes, using electronic devices is not appropriate. To avoid distraction, students are to keep personal spill-proof containers stowed in their backpacks and are not to bring disposable bottles and cups into FMA. (This drink policy also applies to Rodeheaver Auditorium and War Memorial Chapel.)

Attendance Policies

Students are to attend chapel/their designated discipleship group/society Monday through Friday. Students are to bring their ID card to record their attendance at chapel, discipleship group meetings, society meetings and other required events.

Exemptions

A student who has no classes on a particular weekday may apply for a [permanent exemption](#) to miss in order to work.

If a student has no classes between 9:15 a.m. and 1:30 p.m. on a particular weekday, he or she may apply for a [permanent exemption](#) to miss chapel/discipleship group/society one day a week to work off campus if he or she is attending chapel/discipleship group/society on the other four days of the week. A student may not combine this exemption with other chapel/discipleship group/society exemptions (e.g., for work, practicums or internships).

A student is eligible for two limited chapel/discipleship group/society absences per semester for uncommon reasons such as job interviews, doctor appointments and service opportunities (not, for example, studying, sleeping or extra work hours).

Absences because of out-of-town travel or illness will be excused; however, if a student is able to attend classes, he or she will also be expected to attend chapel/discipleship group/society. Students who are too ill to attend chapel/discipleship group/society should notify the [Student Life office](#) or their residence hall supervisor ahead of time, if at all possible.

A student on campus during the chapel hour is expected to attend chapel/discipleship group/society, even if he or she has an exemption or is not normally required to attend that day.

For more information regarding securing permission to miss non-class required events such as chapel, see page 24.

Day Students

Day students taking 12 credits or more attend chapel/discipleship group/society daily, except days on which they have no classes.

For days on which a day student has no scheduled classes (or whose only class is at 7 a.m. or after 5 p.m.), he or she may apply for a [permanent exemption](#) to miss chapel/discipleship group/society in order to avoid having to travel to campus. If a student's classes are all canceled on a specific day, he or she may miss chapel/discipleship group/society after submitting an [exemption](#) for that day.

Day students taking seven to 11 credits attend chapel/discipleship group/society two days a week. Part-time students are to submit a [recurring exemption](#) at the beginning of the semester to reflect their chapel/discipleship group/society attendance plans.

Students with no campus responsibilities (NCR) do not have chapel/discipleship group/society attendance requirements.

Society Membership

Undergraduate students join and maintain membership in a society. Students who are married or are 23 years old may request to opt out of society membership at the Registrar's Office. Day students who have opted out of society membership are still to attend a Thursday discipleship group specifically for students who have opted out, but (with an approved [exemption](#)) are not required to attend society events on Friday at 11 a.m. Part-time students (with an approved [exemption](#)) and students with no campus responsibilities are not required to attend society meetings, provided they are not a society officer. (Part-time and NCR students may attend their own society's meetings if they desire.)

Discipleship Group

At 10:30 p.m. Monday and 11:00 a.m. Thursday, all residence hall students gather in discipleship groups for spiritual exhortation and prayer. If there is a special need for extra rest, the student is to check with his or her residence hall supervisor or mentor before going to bed early and missing a group meeting. Day students must attend the 11:00 a.m. Thursday discipleship group meeting.

Church Participation

BJU is an orthodox, historic fundamentalist, nondenominational Christian liberal arts university that teaches and promotes a biblically conservative philosophy of ministry and worship on our campus. The New Testament presentation of a maturing believer includes commitment to a local congregation of believers covenanted together around the study of the Word of God and the proclamation of the Gospel (Matt. 26:26–29; 28:18–20; Eph. 4:1–6). Faithful attendance of a local church community is not only essential as a core value of a BJU education, it is essential for a lifetime of spiritual growth through providing opportunities for fellowship, learning and service.

Students should worship and serve at a church which holds doctrinal beliefs and theological positions aligned with Scripture and reflected in [the doctrinal beliefs](#), theological positions and spiritual values of BJU.

Church Selection

In the maturing process of every young adult, there is a process of transferring responsibility. There are certain key decisions where this transfer must be very tangible and requires conversation. Choosing a local church during a student's collegiate years is one of them. We believe this is such an important decision that we ask every first-year student at BJU to have their parents participate in and validate their church choice. At the end of their first semester, students and their parents will inform the Student Life office of their church choice using the [local church selection guide](#). Because a large percentage of our students come from independent Baptist and Bible churches that are considered to be conser-

vative or fundamental, we assist newcomers to the Greenville area in finding churches with similar philosophy and practice by providing a [representative church list](#) of regional churches that are in general alignment with our philosophy. Returning students do not require parent's validation if they are returning to a church that they have previously committed to attend via the [Local Church Commitment Form](#).

Within a 20-mile radius of the BJU campus there are hundreds of Gospel-preaching churches. It is not possible for the University to have a complete understanding of all of these churches, and therefore it is not practical for us to attempt to put them all on one list. For example, there may be churches with denominational affiliations that have a biblical philosophy of ministry and worship that are not on the [representative church list](#). There are also some churches where there are practical differences with the campus practice of BJU. Therefore, we want to ensure that parents are aware of these differences, so we ask for parental affirmation of the church choice in these cases. Students simply submit the [Local Church Commitment Form](#) to register the church they are attending. Any student making a church change that is not on the [representative list](#) is required to submit a new [Church Review Request Form](#).

Students may not attend churches that are in clear conflict with the philosophical position of BJU because of major doctrinal/theological differences (e.g., liberal theology or an attractional worship model).

For a fuller explanation of BJU's philosophical position, read our [foundational philosophy documents](#).

Church Attendance

It is our hope that students will not merely attend a church but will become active participants in the body life of a local church that they attach themselves to. To assist in that process, students are expected to attend all the Sunday morning activities of the local church that they have chosen to attend, plus an additional worship service, midweek prayer meeting or small group as their church offers them. A student may have up to four absences from weekly attendance requirements each semester for illness or travel. (Students who serve in Sunday morning nursing home ministries may consider that ministry equivalent to participating in their churches' Sunday morning service.)

Students will weekly record church attendance online. Intentional absences from local church worship will be addressed directly as an absence from a required event and corrected. Ultimately, students who show a pattern of disregard for local church attendance may be asked not to return for the following semester.

The Lord's Day

Sunday is a day when New Testament believers gather for corporate worship as a commemoration and celebration of the resurrection. It is a day to honor the Lord by gathering with His people for worship and fellowship. Our weekday

campus schedule is intentionally adjusted to encourage involvement in worship, spiritual growth, ministry and fellowship. The University does not schedule classes on Sundays and limits other types of scheduled activities. The Activity Center and ballfields remain open from noon to curfew (p. 26) to provide opportunities for social interaction, fellowship and physical refreshment.

Outreach Ministries

Reflecting Christ involves fulfilling the Great Commission (Matt. 28:18–20) — ministering to a person’s greatest need by telling him or her the good news of a Savior in the power of the Spirit (Mark 10:21; Acts 1:8). Therefore, we embrace God’s call to proclaim the Gospel of Jesus Christ.

Affiliations

Because BJU is a fundamental Christian institution and serves the needs of partner churches and ministries, do not obligate yourself to any service or ministry without knowing its affiliations. If you have questions about an organization, discuss them with the director of the [Center for Global Opportunities](#).

Children’s Ministries

Be careful to be above reproach in all interactions with children. All events with children should be held in public view or in a well-supervised location. At no time should any student be alone with a child, and physical contact should never be made in an inappropriate manner.

To ensure students understand how to interact with children appropriately, all students participate in Sexual Abuse Awareness Training their first year at the University. A certificate indicating successful training completion will be required by two weeks after the training class for any student working with children. In addition, students should become familiar with and follow the University’s [Child Abuse, Neglect and Sexual Abuse Reporting Policy and Procedure](#). Information will be provided in the one-and-a-half-hour training at the beginning of each academic year.

Sports Activities

Ministry groups supervising children and teens are welcome to bring them on campus to attend intramural and intercollegiate games, but BJU’s recreational facilities are not available for outreach ministry activities.

Student Evaluations

BJU’s mission is to help each student develop Christlike character. An effective Christian testimony and mature social adjustment, along with strong interpersonal relationships with others, are key indicators of how well individuals are growing spiritually and how well they are developing Christlike character.

To help students evaluate their development in these areas, during the fall semester students complete a self-check, which serves as an opportunity to observe growth and identify areas of need. Students discuss their self-check with a mentor (e.g., residence hall leader, faculty/staff member, society officer, church member or parent).

During the spring semester residence hall students complete and submit a self-evaluation, which helps them evaluate their own personal growth and testimony. The assessment also provides an opportunity for students to contribute to leadership selections and helps the Student Life team plan discipleship emphases for the following year. Questions regarding student evaluations may be directed to residence hall supervisors or the Student Life office.

Academic Life

BJU professors teach classes from a biblical worldview and to the highest academic standards. Students are to attend each class for which they are registered and are expected to apply the appropriate time and energy necessary to earn the best possible grade in each class. In addition, students are expected to respect both professors and fellow students and exhibit deportment that helps create a positive learning environment in each classroom.

Academic Resources

BJU wants all students to achieve their highest academic potential and makes faculty and academic support resources available to assist each student in meeting his or her academic goals. Students, however, are ultimately responsible for their own academic success and should take the initiative to ask for assistance as needed.

Faculty — Students needing assistance with a specific course should first seek the help of the professor. Maintaining continued contact with a professor and staying informed of one's academic status in a course is highly recommended.

Academic advisor — Each student has an academic advisor who is knowledgeable about the major the student is pursuing and available to help the student plan his or her semester course sequence, course load and class schedule. In addition, the advisor is available to counsel students on all matters related to being a college student — including career and ministry choices as well as life issues.

Academic Resource Center — [The Academic Resource Center](#) provides academic counseling — including counseling in how to study to succeed in college — coaching and transitional advising, opportunities to make up tests and quizzes, tutor referrals, help with individual learning challenges, and assistance with the use of instructional media and technology.

Academic deans and registrar — Both a student's academic dean and the registrar are available to help a student explore academic options and evaluate goals in light of ACT and/or SAT scores and current academic progress. They can also help students understand GPA requirements for graduation.

Career Services — [Career Services](#) offers students guidance and information pertaining to career/internship opportunities, professional development and resume writing.

Libraries — The [Mack Library](#) provides approximately 400,000 print and electronic books and periodicals, space for individual or group study and access to extensive additional resources through PASCAL (Partnership Among South Carolina Academic Libraries) and interlibrary loan.

A separate [Music Library](#) in the Gustafson Fine Arts Center provides books, scores, audio recordings, periodicals and other reference materials for researching musical works.

Relationships in the Classroom

BJU students are brothers and sisters in Christ and should treat one another with respect both inside and outside the classroom.

While professors are in a position of authority in the classroom, students and professors are also brothers and sisters in Christ and in the event of some form of disagreement should approach one another respectfully and in accordance with biblical principles. Appropriate discourse in a reasoned fashion is part of the education process, and strong opinions informed by fact, logic, spiritual maturity and biblical insight are valued. At the same time, disagreement over ideas and other academic issues can occur. Students are not only welcome but invited to discuss any matter with their professors. In particular, if a student wishes to discuss an area of disagreement with a professor, he or she should go directly to that professor outside of class and respectfully present his or her concerns without fear of academic penalty. Airing complaints publicly in venues such as social media is not an appropriate means of resolving an issue.

Academic Integrity

In their academic lives, students exhibit integrity by being truthful about their own academic work and properly acknowledging sources of ideas and information.

Copyrighted Material

All original works in any media format — including but not limited to print, video or audio, as well as images or materials on the internet — are protected by copyright law, regardless of whether a specific copyright statement is attached to the media. Any duplication that does not fall within the guidelines of fair use

requires permission from the publishing agent or copyright owner. Please see the [BJU copyright guidelines](#) for information regarding fair use.

Cheating

Cheating in any form is not tolerated. Cheating includes:

- Copying from another student's test or assignment.
- Unauthorized provision or use of notes or other helps on a test or assignment, such as requesting or accepting answers on a quiz or test from another student who has already taken it, discussing test information to any extent with other students, transmitting quizzes or tests or answers to quizzes or tests electronically to other students via cell phone, email, etc.
- Changing answers after a test or assignment has been completed.
- Reporting false information about the completion of an assignment, including turning in someone's work as one's own (another student's, a purchased paper from an online source, etc.).

Plagiarism

Another form of cheating is plagiarism, the intentional or unintentional use to any degree of the ideas or words of one's source material without proper acknowledgement.

Plagiarism typically takes two forms:

Substantial — Failure to acknowledge the use of an author's ideas or organization by footnote or identification of the source in the text of the paper. Incomplete paraphrase (mere rearrangement of syntax and substitution of synonyms for the author's words) is plagiarism.

Verbal — Failure to acknowledge the use of an author's words by quotation marks, as well as by footnote or identification in the text.

Plagiarism is theft, and the Scriptures are clear that we are to respect the property of others and to be honest and above reproach in all things (Exod. 20:15; Rom. 12:17; Heb. 13:18). Regardless of the source being used (internet site, book, database, magazine, newspaper, computer program, speech, class notes, handouts, etc.), all words and information from those sources must be presented accurately and acknowledged properly so that a student's integrity is not called into question and his or her testimony harmed.

Plagiarism checking — Students should be aware that faculty members have access to software programs that allow them to check student writing for plagiarism.

Students may refer to College Writing (Ch. 5) and Companion to College English (Ch. 23) for more information regarding plagiarism and how to avoid it.

Violations

Faculty members report alleged incidents of cheating and plagiarism to the academic integrity committee, which consists of two faculty members, two student leaders and a representative of the office of the provost. This committee holds a hearing, makes a judgment and, if necessary, assigns an academic penalty. The committee gives special consideration to students who self-report a violation to their professor.

Penalties for cheating are usually academic, ranging from a zero on an assignment to being removed from and failing a course. Cheating on a final exam or multiple cheating offenses may result in disciplinary penalties up to and including suspension from the University.

A more detailed summary of the [academic integrity policy](#) is available on the intranet. A student who is dissatisfied with the committee's decision may appeal in writing to the provost.

Class Attendance Policy

The University's mission includes instilling professionalism, dependability and punctuality in students. Training students in these virtues is accomplished in part through holding students accountable for their class attendance. The Class Attendance Policy makes clear to students expectations in regard to class attendance and the consequences of failure to fulfill these academic responsibilities. This policy also gives direction to the administration and faculty in formulating and implementing a reasonable structure for such accountability. Student success is largely dependent on frequent and positive interactions with faculty; therefore, this policy is also designed to strengthen this essential relationship.

The University recognizes that there are valuable learning experiences outside of the classroom that may require a student to miss regularly scheduled classes. Therefore, this policy makes provision for Service Absences.

Student Responsibilities

Undergraduate students are expected to attend and arrive on time for all scheduled class sessions for each course in which they are enrolled, including final exams. Students are to use effective time management to meet their class attendance responsibilities.

Personal Absences

Based on the number of times that a course meets each week during a semester, students are permitted a defined number of Personal Absences. The chart below defines the number of permitted Personal Absences.

Students apply Personal Absences for funerals, sickness, doctor's or dentist's appointments, visits and interviews at graduate schools, or interviews for future employment. Personal Absences are not "skips." Personal Absences are not pro-

vided so that students can prepare for other classes or extend official university breaks or simply because they do not feel well. Students should use Personal Absences only for genuine emergencies or contagious or debilitating illness. To conserve Personal Absences, students should work to intentionally schedule appointments during times when they do not have classes or chapel.

Class meetings per week	1	2	3	4	5	Block
Personal Absences allowed	1	2	3	4	5	0

Students who are withdrawn from courses due to excess class absences may lose student financial aid; also, in such circumstances, the visa status of international students may be jeopardized.

Service Absences

Based on the number of times that a course meets each week during a semester, students are also permitted a defined number of Service Absences. Students may use these absences to attend approved academic functions or conferences, approved Christian service projects, required military duty or as part of an intercollegiate athletic team. However, students who exceed the Personal Absence limit due to a chronic illness are not eligible to participate in events that require Service Absences. Also, students who are on any type of academic restriction (including probation) or who have a current grade report with a cumulative GPA below 2.0 are not eligible to participate in events that require Service Absences. The chart below defines the number of permitted Service Absences.

Class meetings per week	1	2	3	4	5	Block
Service Absences allowed	1	3	4	5	7	0

Students should understand that they may not have enough Service Absences to participate in all the events that are offered in the courses and activities in which they are participating in a particular semester. Such a circumstance offers students the opportunity to learn that life at times will force them to make a choice between more than one desirable option. In such a situation, students are not permitted to exceed the number of permitted Service Absences for the course, and so they must choose which service events they wish to participate in.

Students who participate in an event requiring a Service Absence are required to notify their instructors at least one week in advance of the day of the absence that they intend to take a Service Absence. This notification will give time for the student and instructor to plan makeup work ahead of the absence. Such students will be allowed to take any quiz or test either in advance of the absence or while traveling (with proper supervision by the faculty sponsor/coach). Such students are responsible to schedule presentations or speeches on

days they know they will not be traveling. Whether to allow students participating in these events to submit work after the due date without penalty is left to the instructor's discretion.

Partial Attendance

Students who arrive up to 15 minutes after the start of class or who leave class up to 15 minutes early will receive a mark for partial attendance. Three partial attendance marks will count as a Personal Absence. Students who miss more than 15 minutes of a class period will be counted as absent.

Tracking Absences

Students can view absences and the number of partial attendance marks that they have for a course in the student information system. The student information system also automatically sends emails to students to inform them when faculty have marked them absent or late for a class and to warn them when they have exhausted their Personal Absences, Service Absences or both. It is the responsibility of all students to monitor the record of their class attendance available in the student information system and to read the automated emails that inform them when instructors have marked them absent or late.

Chronic Illness

Students who have a chronic illness (e.g., diabetes, asthma, migraines, etc.) and are absent from classes because of prolonged or recurring symptoms:

- are to secure a doctor's note stating that they have a chronic illness;
- are to present the note to The Hub in advance or within two business days of returning to classes after an illness-related absence;
- are to inform instructors in their courses that they have a chronic condition.

For future absences because of the same chronic illness, the student is to email [The Hub](#) the following information within 24 hours of a missed class:

- Name and ID #;
- A statement indicating that the reason for the absence is a chronic condition with a doctor's note already on file;
- Date and class(es) missed.

Students with a chronic illness are to keep their class absences to a minimum. Students with chronic illnesses may use the total of both Personal Absences and Service Absences. However, students who exceed the Personal Absence limit due to a chronic illness are not eligible for participation in events that require Service Absences. Students who exceed the total of both Personal Absences and Service Absences will be withdrawn from the course(s) and/or the University.

Doctor's notes for chronic illness are valid for the current academic year. For continuing illness, a new note is required each academic year.

Accountability and Appeal Policy and Procedures

Withdrawal

Students who exceed the permitted number of Personal and/or Service Absences in a course will be withdrawn from that course:

- **Withdrawal Due to Exceeding Personal Absences:** Students who exceed the number of Personal Absences in a course will be withdrawn from that course. Students and their instructors will be notified that they have exceeded the number of permitted Personal Absences and that they have therefore been withdrawn from that course. There are only two exceptions to this policy:
 - The student is absent from a class due to chronic illness verified by a note from a doctor. In this case, the student will be permitted to use one or more remaining Service Absences. See above for additional policy and procedures regarding chronic illness.
 - The student is absent from a class due to tragedy such as the funeral of a close family member. In this case, the student will be permitted to use one or more remaining Service Absences.
- **Withdrawal Due to Exceeding Service Absences:** When students exceed the number of permitted Service Absences for a course, one of their remaining Personal Absences will automatically be used to cover the absence. However, students who are absent from class after they have exhausted both the Personal Absences and Service Absences available for that course will be withdrawn from the course.

Appeals

1. **Absences:** Because absences are a serious issue and may result in withdrawal, students should carefully monitor their absences and immediately clear up inaccuracies in their attendance records. Students may request a review of the accuracy of absences or partial attendance marks directly with the instructor for the course within two business days of being notified of the absence or partial attendance.
2. **Course Withdrawal:** When a student is notified of withdrawal from a course, the student may seek to be reinstated in the course by talking with the instructor. The procedure in this case includes the following steps. Within two business days of being notified of the withdrawal, the student should complete the [Course Reinstatement Appeal form](#) that is available on the intranet and email it to the instructor. During this type of appeal, the student should continue to attend class. The instructor will respond to the appeal by email within 24 hours and will copy the registrar on his response. If the instructor denies the appeal, the registrar will withdraw the

student from the course. If the instructor grants the appeal, the registrar will rescind the withdrawal, permitting one more absence.

3. Registrar Appeal: Students who wish to appeal the decision of the instructor of a course in upholding their withdrawal may set up an appointment with the registrar within two business days of their withdrawal. During this type of appeal, the student should continue to attend class. The registrar will weigh extenuating circumstances but will also weigh the rationale of the instructor regarding the withdrawal.

Class Department

Appropriate class department is a matter of self-control. Students are expected to be attentive in class. Talking, reading, studying other materials, texting and sleeping are inappropriate. Students using a laptop or handheld device should do so only for functions the professor deems pertinent to that particular class (e.g., not for answering email, gaming, browsing the internet, participating in social media sites or working on assignments for other classes). Water and other beverages in covered containers may be brought into the classroom at the discretion of the professor.

Non-Class Required Events

Students are to arrive each semester during the published check-in times. At the end of first semester, students leave after the closing chapel on Tuesday or after their last final exam or work obligation, whichever is later. Second semester student departure is yet to be announced. Required activities throughout the academic year include the following:

- Opening exercises and evangelistic meetings each semester
- Opening week student seminars
- Chapel
- Discipleship groups
- Living Gallery
- Bible Conference
- Presidential Leadership Series
- Commencement activities (e.g., baccalaureate, awards ceremony, commencement)

The follow activities are required of full-time students but optional for part-time day students (with an approved [exemption](#)):

- Concert, Opera & Drama Series programs
- Society

- Society induction

Consult the [Calendar of Events](#) for the dates and times of these required activities. Part-time day students should consult the [Day Student Connection](#) for more details on attendance requirements for non-class events.

Students are to vacate the residence halls 20 minutes before Concert, Opera & Drama Series programs, all Bible Conference services and other required evening programs on campus.

Absences and Lates

All non-class absences require prior approval by securing an approved [exemption](#). (Emergencies will be handled on an individual basis.)

- A student who is able to attend classes is expected to also attend other required events that day. A day student too ill to attend classes may submit an [exemption](#) or call the Student Life office (864-241-1645) for approval to miss chapel/discipleship group/society or other required events that day. Residence hall students may speak with their residence hall supervisor or mentor. Calls after 5 p.m. may also be directed to the supervisor on call (864-241-1686 [women] or 864-241-1687 [men]).
- Dental or medical appointments are not to conflict with chapel/discipleship group/society or other required non-class events such as evangelistic services, Bible Conference, commencement, etc. (See page 12 for additional information regarding chapel absences.)
- Students arriving at a required event more than 15 minutes late will be considered absent.
- Students will be asked to scan their ID card as a record of their attendance at the completion of required events.
- With prior approval, absences from required non-class events may be taken due to the following by securing an approved exemption:
 - Participating in university-sponsored events, officially representing the University, participating in intercollegiate teams or military duty requirements and responding to administrative requests.
 - Chronic or extended illness, surgery and medical emergencies. A doctor's note is required.
 - Attending a wedding or funeral.
 - Regularly scheduled work or outreach ministry. (If an activity has multiple performances, students are expected to arrange work schedules to attend one performance.)

Social Life

To help students experience long-term spiritual success, BJU desires that students develop Christ-honoring friendships and enjoy a rich social life that enhances their overall college experience as well as their preparation for life.

BJU asks students to exhibit maturity by being accountable for their activities. Policies regarding social life on and off campus assist in the academic, spiritual and social development of students. They are designed for these purposes:

Ensure safety — To help students exercise appropriate caution, BJU asks students to identify their locations and activities in some situations, such as staying elsewhere overnight.

Promote purity — BJU wants students to engage in wholesome social activities in settings that provide accountability for biblical requirements of purity.

Build Christ-honoring relationships — BJU desires that students have opportunities for building Christ-honoring relationships.

Physical Contact

On and off campus, there is to be no physical contact between unmarried men and women. (Side hugs are permitted for photographs.)

Social Life On Campus

Students may be together in any well-lit outside location from dawn until 10 minutes before curfew (p. 27). Couples are not to socialize inside cars or inside the parking garage. The Activity Center, ballfields, sand volleyball courts and Home Court are available to provide opportunities for social interaction, fellowship and physical refreshment (hours available [here](#)). Students, including mixed groups of at least three, may meet at or near the pavilions for fellowship until 10:20 p.m.

Student Center

For business hours, search under [Business Hours](#) on the intranet.

Classroom Buildings

Men and women students should guard their testimonies; they are not to be alone together in a classroom, rehearsal studio or other room; neither should they use another student's ID card to gain access to a locked building. Classrooms in the Alumni Building, Gustafson Fine Arts Center and the biology labs in the Science Building are available for student use after 5 p.m. Students may reserve a room through the coordinator in each building, or groups may check in with the building host on the first floor after 5 p.m. for a room assignment.

Off-Campus Permission and Policies

Students are to return to campus before curfew. Curfew is 10:30 p.m. on Monday and 11 p.m. Tuesday through Sunday. On Friday nights, students may be out of their residence halls until midnight as long as they return to campus by 11 p.m. Students must secure approval from the Student Life office or a residence hall supervisor to return after the regular curfew time.

Quick Reference Guide

The following chart provides a quick reference to indicate whether permission is needed and any additional requirements for each activity listed.

Type of activity	Permission needed?	Requirements
Off campus past curfew	Yes	See p. 28
Staying off campus overnight	Yes	See p. 28
Going to a home	No	Chaperon who is a resident adult over 21 or BJU grad
With a mixed group	No	Need at least three in the group
With a fiancé(e)	Yes	See p. 29

Overnights

- Students may stay overnight with an immediate relative (e.g., parent, grandparent, sibling who is at least 21, aunt, uncle, first cousin [of the same gender]).
- Without creating a mixed group, students may:
 - Stay overnight at the home of a faculty/staff member or GA not living in a residence hall.
 - With parental approval, stay six nights per semester at the home of a married couple who are not immediate family. Parental approval must be registered with the Student Life office.
 - Seniors may spend six nights per semester at a non-family member's home.
- A faculty/staff member or GA may chaperon a mixed group for an approved overnight event.
- Students who have permission to be off campus overnight are to be away from campus by 11 p.m.

- Juniors and seniors may participate in overnight ministries if they have a specific ministry responsibility. Exceptions for freshman and sophomores may be made for ministering at a camp at which the student worked the previous summer or with specific approval from the CGO.

Mixed Groups

- Mixed groups consist of three or more men and women. (Residence hall students may not be alone with a member of the opposite sex off campus.)
- Students in the group need to stay together. Couples are not to separate from the group.

Engaged Couples

The following privileges apply when both students are juniors or seniors, are within twelve months of marriage and have registered their engagement by seeing their residence hall supervisor.

- May spend six nights per semester at the home of one of the parents.
- May be off campus alone in a public place in the Greenville area with parental consent.

Working Off Campus

- Students are to return from work by curfew. With permission, students may return from work by midnight Friday and Saturday. Students whose managerial responsibilities require them to work through discipleship group on Monday are to obtain an exemption from their residence hall supervisor prior to committing to work that shift.
- Residence hall students may work on Sunday only if they will be attending all Sunday morning activities of their local church and only if the job is vital to maintain on Sunday (e.g., food services, hospital, security).
- Students may not serve alcoholic beverages.

Off-Campus Events and Venues

Fine arts events — Before purchasing tickets students should check with the School of Fine Arts and Communication office to ensure the event is approved. Permission from the Student Life office or a residence hall supervisor is required if the length of the event requires students to return after the normal curfew.

Sunday events — In addition to participating in all of their church's morning services, students are encouraged to use Sunday for spiritual renewal, fellowship and rest. Residence hall students are to return by curfew.

Restaurants — Students are not to patronize restaurants with a tavern or bar-like atmosphere or reputation or restaurants that do not have a dining room separate from live entertainment.

Shopping — Students are not to patronize businesses that specialize in adult gifts and party items.

Entertainment, Music and Technology

BJU's mission is to help students develop Christlike virtue, and we therefore encourage students to make biblical decisions in the area of entertainment. BJU holds students responsible to select and participate in entertainment options — including music, movies, television, computer/video games, printed materials, the internet and social media — that honor Jesus Christ and edify both individual Christians and the Christian community. Students are to avoid any types of entertainment that could be considered immodest or that contain profanity, scatological realism, sexual perversion, erotic realism, lurid violence, occultism and false philosophical or religious assumptions. (See Appendix C for a biblical approach to evaluating objectionable elements in literature or entertainment.) BJU also encourages students to honor the Lord in how they spend their time and to carefully consider the desensitizing effects of excessive exposure to popular entertainment, even if the content itself is not objectionable.

Music

Introduction

As a Christian liberal arts university with a rich heritage of music and with a clear and established commitment to conservative musical style, we expect our students to think intentionally about their own decisions about music for the glory of God and the good of others.

Biblical Principles

Musical choices directly and indirectly affect our campus community life. Positively, all of our musical choices should be motivated by a love for God that desires to reflect His glory, be guided by love and respect for others and avoid worldliness by evidencing a desire to pursue Christlikeness.

Negatively, music with elements that elevate or celebrate unethical, immoral or sinful behavior should be avoided, and is, therefore, not permitted (Eph. 4:29-30; 1 John 2:15-16). This is a biblical boundary, and as such applies to personal listening, performances and use in other areas such as student organizations, societies, student productions, outreach ministries and social media.

General Music Policies

All musical choices are to be intentionally conservative in style and are to avoid the markers of our current corrupt culture which often finds its musical expression in rock, pop, jazz, country, rap or hip-hop.

We will apply these principles in our various contexts as follows:

BJU Public Settings

Scholarship

Within our academic context, to appropriately appreciate, critique, create and participate in the art form, our students will acquire a familiarity with the development of music from the earliest civilizations to the present. This will include a working knowledge of a broad range of genres, some of which we as an institution choose to exclude from our worship and recreational contexts.

Worship

Worship Principles

Our musical choices for gathered worship should be doctrinally accurate, reverent expressions of the contrition, joy and hope that overflows from hearts of gratitude, adoration and humility in response to God that are well-suited for congregational singing.

In our campus worship contexts, we are strongly committed to using music that is distinctly Christian, is conservative in style, is distinct from worldliness, promotes unity on our campus and clearly reflects and evokes appropriate responses as we worship the One true and living God.

Campus Worship Policy

Applying these principles involves conscientiously limiting our musical choices to those which the vast majority of our community can sing and enjoy without distraction, allowing us to focus attention on the One whom we have gathered to worship. We will therefore avoid music in our gathered worship that is characterized by rock, pop, jazz, country, rap or hip-hop elements.

Recreation and Campus Social Life

There are musical expressions that, while not intending to directly worship God, celebrate the good gifts of God. Music can capture all of these wonderful expressions. Therefore, for campus events outside of gathered worship — such as concerts, dramatic performances, sports events, society meetings and various celebrations — we will draw upon a wider range of musical expression than our gathered worship but within our General Music Policy guidelines as fits the occasion and context.

Personal Setting

An important part of maturing as a believer is establishing personal values and boundaries that are in alignment with Scripture, that promote spiritual growth and holiness and that are within the boundaries of your own conscience. Further, maturing necessitates a sensitivity to those around us and their personal spiritual growth and conscience.

On campus

Due to the close residential nature of our environment and the divergence of backgrounds affecting the development of people's conscience, all personal music choices, both secular and sacred, must adhere to all the guidelines expressed above under the General Music Policy.

Off campus

When listening to secular music off campus, students should abide by the General Music Policy stated above. Regarding sacred music, we recognize that students may attend a church in the Greenville area which uses a variety of styles in their worship services. Therefore, students may listen to the same style of worship music as their local church when off campus while abiding by the biblical boundary prohibiting music that elevates or celebrates unethical, immoral or sinful behavior, functioning with a biblically informed conscience, considering the conscience of others and respecting their personal testimony.

Conclusion

Residence hall supervisors and faculty are available to answer any questions about the appropriateness of specific music (including in computer games and movies), but individual students are responsible as maturing Christians to ensure their music choices meet campus community standards.

To promote an academic and constructive community environment, headphones should not be used in classrooms, chapel, church and public assemblies.

The issues involved in the discussion about wise use of music are challenging, but we must not avoid these issues because they are difficult. Nor can we dismiss them as mere matters of preference. These issues call for scripturally informed, prayerful, disciplined consideration regarding our musical choices in any given context, and we must be willing to do the necessary work to arrive at biblically sound answers.

To gain a fuller understanding of our musical expectations, you are directed to this [foundational document](#) which sets forth our understanding of the purposes and value of music in the Christian life and provides a helpful framework for our campus community to explore and enjoy music to the glory of God. We are using the framework of virtue, expedience, appropriateness and artistry as detailed in this foundational document to frame our musical policies.

Dance

The term "dance" includes forms of choreography, types of exercise, types of cheering or celebration and historical dancing (often used in productions). In general, these forms of dance can be appropriate in a Christian higher education setting and are permitted. However, many forms of modern dance and the music to which they are performed violate biblical principles due to

their expressions of worldliness or sexually provocative nature. Dancing that contains these elements is prohibited.

Movies/TV

Movies and television programming can provide wholesome entertainment, helpful instruction or profound insight into life and human behavior. However, much of what is and has been produced by the entertainment industry reflects views, lifestyles and modes of communication which are in direct opposition to a Christ-centered life. Such visual content exerts a worldly pull on Christians trying to develop Christlikeness that compounds with continued exposure over time.

Students may view PG-rated movies and movie trailers and TV-PG television programming in both homes and the residence halls. Unrated content (including original series on streaming platforms such as Amazon Prime or Netflix) frequently contains objectionable content that has not been cut to meet rating standards and is not appropriate. Students are not to attend a movie of any rating in a public theater during a semester in which they are enrolled. This includes when away from campus overnight (except for fall, Thanksgiving and spring break). In addition, students are to avoid displaying on campus any pictures or objects promoting movies rated above PG-13.

While questions regarding the suitability of a specific movie should be directed to a residence hall supervisor or faculty member, the student is responsible to ensure that his or her viewing choices comply with campus community standards.

Computer/Video Games

Students are not to play video games rated above T or games that contain graphic blood or gore, sensual or demonic themes, violent first-person shooting, suggestive dress, bad language or rock music. Residence hall supervisors will provide guidance about the suitability of a game, but students are ultimately responsible for making sure their game choices meet campus standards and making wise decisions about the use of their time.

Internet

BJU encourages responsible use of technology in accordance with the biblical principles of good stewardship. By using BJU's network and personal computing devices, each user assumes personal responsibility for his or her appropriate use and agrees to comply with [BJU's policies](#) as well as city, state and federal laws and regulations. BJU uses a content filtering system to restrict access to biblically offensive material on the internet.

VPNs, mobile hotspots or other means to bypass the filter on campus are prohibited. Any attempt to bypass the filter is a serious offense. BJU reserves

the right to monitor all network activity on the University's network and on all computers internally tied to it.

All students are provided network logins and email service. All of the residence halls are connected to the BJU network and provide students with access to the intranet and the internet. All students are responsible for adhering to [university regulations](#) concerning the use of technology tools and services.

Because certain websites often contain extensive sensuality, students are not to view celebrity websites, secular music lyric sites and humor/joke sites. To aid students' pursuit of purity online, an [accountability tool](#) is offered free of charge to all students.

In a related area, sending, forwarding, or requesting an email, text message or video with objectionable verbal or visual material is not edifying to others, and students sending/forwarding such items will be held accountable. These types of communications should be deleted upon receipt.

Students may use video chat technology (e.g., Skype) in residence hall stairwells, designated video chat rooms in the residence halls and anywhere outside the residence halls. Additional options for seniors are detailed below.

Social Media

BJU expects students to use social media and blogs responsibly, following biblical principles and maintaining content that promotes a consistent, positive Christian testimony. Language should not violate scriptural commands regarding abusive, slanderous, complaining, disrespectful, profane, blasphemous or tale-bearing speech and content should be biblical and avoid promoting a lifestyle contrary to principles taught in Scripture or at the University. Videos taken on campus and posted on students' sites should comply with campus attire and social standards and should not contain images of people under 18 years of age. A student who wishes to express concern or register a grievance should follow the grievance policies stated in the Grievance Procedures section. Due to the hookup culture and objectification of people often promoted through dating websites or apps, students should refrain from using such services. [Specific guidelines](#) for participating in social media are posted on the intranet.

Periodicals and Subscriptions

Certain types of magazines, catalogs, blogs and websites reflect an ungodly philosophy or pervasive sensuality and are not to be subscribed to, read, browsed or downloaded onto electronic devices. These include fashion, model, teen, body-building, video/computer game and television/film publications, such as (but not limited to) Esquire, GQ, People, Entertainment, Yahoo Magazine, Men's Fitness and ESPN Magazine.

Gambling

Gambling — or risking the material provisions of God on chance — is poor stewardship and caters to covetousness and the love of money. It is based on the false premise of “luck” and is a portal for exploitation. Therefore, gambling of any kind is unacceptable for any student.

Student Attire Policy

With a desire to train students to learn, love and lead, we believe that educating the whole person includes teaching appropriate attire for various occasions. Choices we make that affect our outward appearance should reflect honor for Christ and love for others evidenced by joyful submission to God’s Word and showing deference to others through modest attire. This combination provides the biblical values necessary to live and lead effectively in a culture filled with sensuality. It is our prayer that our attire policy will provide opportunities for students to learn, love and lead through example.

The BJU attire policy requires modesty (drawing attention to inward beauty rather than to outward appearance, characterized by adequate coverage and suitable fit), appropriateness (understanding the setting and wearing clothing that is suitable for the context) and professionalism (displaying measurable excellence within an established set of standards). By practicing these areas within an educational setting, we are preparing our students for success in the vocations they are diligently pursuing. To promote consistent practice, we will provide accountability in a discipleship atmosphere.

All styles must fit appropriately so that undergarments on top and bottom are not visible due to the cut of the garment, or visible through the clothing either due to the sheerness of the fabric or the tightness of the fit. Attire infractions that are a violation of this measurable standard will be addressed directly as a “failure to follow instructions” infraction and corrected.

Women

General Guidelines

- Hair should be neat and professional in presentation, a natural color and a distinctly feminine style. Shaved styles are not suitable.
- Currently enrolled students are not to get any henna, body art, permanent tattoos or piercings other than in the ear or a small stud in the nose.
- Tattoos and body art that are present need to be covered if possible.
- No visible undergarments.

- Necklines should be high enough and tops long enough to be suitably modest (e.g., no cleavage). If you choose to wear tops without sleeves, the top should still cover the shoulder bone.
- Hemlines of skirts and dresses should touch the knee or below.
- Slits are to be modest.
- Athletic shorts should approach the knee while being no shorter than 2 inches above it.
- Clothing should not be ripped or have holes.

Class Appropriate Attire

Monday through Friday until 5 p.m. Suitable for evening classes and evening recitals.

Class appropriate attire at BJU is conservative business casual to communicate that we take academic course work seriously in a manner that is consistent with the value we place on education. Business casual style for women implies a dress or a blouse/top with a skirt or with dress pants. Business casual includes, but not exclusively, pants that are similar to khakis and other makes of cotton or synthetic material pants, dresses and tops with sleeves or without sleeves which cover the shoulder bone and casual shoes. Denim skirts or dresses are not included in business casual. Pants should be two inches above the ankle or longer with no visible stitching or embellishments. Jeans of any color, sweat-pants, exercise pants, shorts, bib overalls, leggings, pants of any other material or style that is designed to cling, shower shoes, hats (except for those worn for religious reasons) and hooded sweatshirts are not suitable business casual attire at BJU. Dressy T-shirts free of writing (non-athletic wear) are suitable for class attire. Society T-shirts and hoodies are appropriate on the Fridays when societies meet.

Professors may require professional attire for presentations or other special events that are consistent with their course objectives and indicated in their syllabus. Students in programs requiring a uniform and those in ROTC may wear their uniforms to class and chapel/discipleship group/society, as necessary.

Formal Appropriate Attire

Suitable for Concert, Opera & Drama Series programs, evening religious services on campus (e.g., Bible Conference) and other designated special events

Women should wear a dress or skirt and top to these events. Please avoid casual fabric such as denim or twill (twill fabrics are suitable for evening religious services on campus). Dress shoes including sandals are suitable for these events.

Church Appropriate Attire

For Sunday church services, women should dress according to the known culture of their local church, with a minimum standard of class appropriate

attire. Students are also to be sensitive to how their church leadership dresses, and if leaders' expectations are higher, students are to meet church leadership's expectations. A student working in the church ministries should follow the church's guidelines for worker attire.

Casual Appropriate Attire

On campus weeknights after 5 p.m. and on weekends (if not attending a formal program, recital or service). Casual attire is also suitable if it is the required uniform for daytime work (while at work) and off campus when not attending a church service or formal program.

In addition to what is stated in class appropriate attire, women may wear an athletic T-shirt, jeans that are well fitting but not tight, athletic pants and flip-flops for these occasions.

Athletic/Recreational Appropriate Attire

Recreational appropriate attire may be worn when playing sports, exercising outside the fitness center, and for mixed group recreational activities (e.g., hiking or swimming).

- Shorts approaching the knee but no shorter than two inches above it.
- T-shirts with sleeves.

Men

General Guidelines

- Hair should be neat and professional:
 - One natural color and masculine style.
 - Off the collar, ears and eyebrows.
 - Sideburns no lower than the bottom of the ear.
 - Manbuns, ponytails and mullets are not suitable.
- Men should shave daily unless growing neatly trimmed (1/2" or less) facial hair. Facial hair should be established while away from campus.
- Clothing should not be ripped or have holes.
- Pants should be well fitting but not tight.
- Currently enrolled students are not to get any permanent tattoo, body art or piercings.
 - Tattoos and body art that are present need to be covered if possible.
- Finger rings, wristbands and a single necklace under a shirt are suitable.
- Earrings are not suitable.

Class Appropriate Attire

Monday through Friday until 5 p.m. Suitable for evening classes and evening recitals.

Class appropriate attire at BJU is conservative business casual to communicate that we take academic course work seriously in a manner that is consistent with the value we place on education. Business casual style for men includes, but not exclusively, an open collar or polo shirt (tucked in) with pants that are similar to khakis or chinos, or dress pants, a belt, a jacket with a zipper, socks and athletic or closed-toe casual shoes. Jeans of any color, elastic joggers, sweatpants, athletic pants, shorts, shower shoes, hats or hooded sweatshirts are not suitable business casual attire at BJU. Society T-shirts and hoodies are suitable on the Fridays when societies meet.

Professors may require professional dress for presentations or other special events that are consistent with their course objectives and indicated in their syllabus. Students in programs requiring a uniform and those in ROTC may wear their uniforms to class and chapel/discipleship group/society, as necessary.

Formal Appropriate Attire

Suitable for Concert, Opera & Drama Series programs, Opening Exercises and Commencement.

- Coat *and* tie with a button-up shirt and dress pants.
- Avoid fabric such as denim or khaki.
- Dress shoes with socks are proper for these events.

Suitable for evening religious services on campus (e.g., Bible Conference) and other designated special events.

- Coat *or* tie with a button-up shirt and dress pants.
- Khakis are suitable.
- Dress shoes with socks are proper for these events.

Church Appropriate Attire

For Sunday church services, men should dress according to the known culture of their local church, with a minimum standard of class appropriate attire. Students also are to be sensitive to how their church leadership dresses, and if leaders' expectations are higher, students are to meet church leadership expectations. A student working in church ministries should follow the church's guidelines for worker attire.

Casual Appropriate Attire

On campus weeknights after 5 p.m. and on weekends (if not attending a formal program, recital or service). Casual attire is also suitable if it is the required

uniform for daytime work (while at work) and off campus when not attending a church service or formal program.

In addition to what is stated in class appropriate attire, men may wear a T-shirt, hooded sweatshirts, jeans, athletic pants and flip-flops for these occasions.

Athletic/Recreational Appropriate Attire

Recreational attire may be worn when playing sports, exercising outside the fitness center and for mixed group recreational activities (e.g., hiking or swimming).

- Shorts
- Shirts

General Campus Responsibilities

Department at Athletic Events

At athletic events, players and spectators should display love for God and others by respecting the officials, our opponents and their fans. Negative cheering toward opponents or publicly questioning the officials' decisions are not appropriate.

Drones, Model Aircraft and Model Rockets

Drones, model aircraft of any type and model rockets are not to be used on campus. Exceptions to this policy may be granted by administrative conference and must conform to FAA and Greenville Downtown Airport guidelines.

Email

Students are to check their university-assigned email account daily. Failure to be aware of updated policies, procedures or other information does not relieve a student from responsibility or obligation.

Students are to respond to requests, including emails, within 24 hours.

Emergency Procedures

Evacuation Plan

Regardless of cause, activation of a building's fire alarm system indicates an emergency and requires immediate and orderly evacuation of the building. Those who hear the warning or see a fire should begin an orderly evacuation of the building using the nearest safe stairway or door.

If you discover fire or smoke, remain calm. Carry out the following steps if it is safe to do so and if time permits:

- Upon discovery of a fire, shout “FIRE” to alert those in your area.
- Sound the alarm. Locate the fire alarm pull station nearest the location of the fire and push down on its handle. Pull stations are located at the center and ends of each floor. When activated, the fire alarm will produce a loud, high-pitched chirping sound accompanied by flashing strobe lights.
- Do not fight a fire; exit the building, closing all doors nearby to help confine the fire to the original area.
- Notify as many persons in the area as possible. At minimum shout “FIRE” as you exit.
- Call (864) 370-1800, ext. 1111, to report a fire to Public Safety as soon as it is safe to do so.
- If you become trapped in your room, hang something out of your window (a sheet, curtain, etc.) to warn firefighters that you are still in the building. Place wet towels at the bottom of the door of your room or apartment.

All persons who have evacuated a building should remain outside and at least 100 feet away from the building. If everyone is not accounted for, do not reenter the building, but notify the firefighters on the scene.

For further information or explanation, contact the Fire Safety Coordinator at ext. 5912.

Emergency Notification

If a situation arises on or off campus that threatens the well-being of the university community or if information needs to be conveyed to the campus family immediately, such as weather cancellations, Public Safety will utilize the emergency notification system, which issues warnings to students by cell phone and campus email. Caller ID will identify the message as BJU Alert. For everyone’s safety, students are to follow transmitted messages precisely. Communications or Public Safety may also communicate information via email and/or post more detailed information on the intranet or on the website for the general public. To ensure they receive notification, students are to keep their cell phone numbers up to date in the student information system.

Medical Situations

In the unlikely event that a student is advised by a health care professional or a Public Safety officer to go to the emergency room or to accept emergency medical transport to a local hospital, the related expenses for such care are the responsibility of the student.

Weather Alerts

If the administration determines that local weather and/or road conditions warrant closing the campus or delaying the opening of classes or other campus

activities on a specific day, the Communications office will communicate the delay or closing via emergency notification, email and the following local media: WYFF TV 4, WORD 106.3 FM and 1330 AM, WHNS TV 12 and WSPA TV 7. Delays/closings will be communicated as early as possible — at least by 7 a.m.

Housing

A residence hall student considering becoming a day student is to meet with a representative in the Student Life office, who will determine the student's eligibility based on the day student qualifications below. Change of status may occur between semesters.

Students working toward the completion of an undergraduate degree qualify to live in graduate housing starting the semester they turn 25 years of age.

Residence hall students are to register for a minimum credit/load each semester (undergraduate, 12 credits). Seniors and graduate students in their last semester may carry fewer than the minimum credit/load if the load permits them to complete degree requirements at the end of that semester. Tuition charge is part time per credit (1–11 credits) or full time (12–18 credits) for the semester. Full room/board and program fee charges apply for the semester. Applications are available [online](#) or at The Hub.

Day Student Qualifications

One of the following conditions must be met for a student to enroll as a day student:

- Student lives with parents who live full time in the Greenville area or with a court-appointed legal guardian (if the student is a minor).
- Student lives with an aunt, uncle, first cousin (of the same gender) or grandparent or with a brother or sister who is at least 23 years old, has completed a bachelor's degree or is married.

Note: Students may live with a single aunt or uncle provided the student and the aunt/uncle are of the same gender. If siblings qualify to live off campus together and are of different genders, there are to be no other roommates. Parents of students under 23 who plan to live with an immediate relative are to indicate parental consent of the arrangement by emailing the [Student Life office](#).

- Student is at least 23 years old by the end of the semester or is married.
- Student has completed a bachelor's degree program or has marched at commencement with a procession concession to finish coursework for a four-year bachelor's degree.
- Student has completed 8 full-time resident college semesters or a military career.

Students enrolled in resident coursework at BJU who do not meet the day student qualifications are to carry a load of at least 12 credit hours per semester. Exceptions require permission from the Registrar and Student Life.

Sharps

Students who use “sharps” (syringes with needles and lancets for finger sticks) and have a need for on-campus disposal of used sharps are to dispose of them in a labeled, approved container designed for this purpose. Upon request, the Office of Environmental Health and Safety (EHS), located in the lower level of the Wade Hampton Mall near the fuel pumps, will provide the first approved sharps disposal container at no charge and will exchange each full container brought to EHS during regular business hours. Students are not to place sharps or sharps containers in the regular trash.

Solicitation

Students, staff or campus visitors may not sell to, survey or solicit by mass email to the university community on campus.

Surveys

Any employee, student, class or organization is to have the approval of the Office of Planning, Research and Assessment before conducting a survey of any individuals at BJU.

Speaking for the University

Students should refer media inquiries to the Public Relations office, which can answer questions accurately and speak officially for BJU. Students are not to release information or grant interviews to the news media without first checking with the Public Relations office or being asked by that office to do so. In addition, students are not to speak for the University on social media.

Student Vehicles

Residence hall students who bring a vehicle to the Greenville area and day students who drive to campus are to [register their vehicles](#) (including motorcycles and bicycles) with BJU’s Office of Public Safety. Public Safety will issue parking tags which need to be permanently affixed to each student’s vehicle. Residence hall students will be assigned a parking lot, designated by a color code, on campus property. Day students should check the [Public Safety intranet page](#) for designated day student parking areas. The student to whom a vehicle is registered is still responsible if he or she lends it to another student.

Out of consideration for the safety of the BJU community, students are to exercise caution when using personal transport products (e.g., skateboards and

scooters) and registered bicycles and should limit their use to campus roadways. Due to risk of fire, students are not to use hoverboards on campus.

Walking on Campus

Students are to use crosswalks and sidewalks and, for stewardship reasons, are not to walk on the grass, except on Palmetto Green. They should also remember that cars have the right-of-way on campus.

Weapons and Fireworks

Per South Carolina law, students are not to possess handguns if they are under age 21. Residence hall students are to turn in all handguns, rifles and shotguns to Public Safety (ext. 5900). All handguns are to have trigger locks. In addition, students are not to bring concealed weapons to campus and are to keep martial arts weapons in their vehicles. Blades or knives kept in residence hall rooms are to be no longer than three inches.

Fireworks are not to be brought to campus.

Weddings

Since BJU is committed to students completing their education, students may marry between semesters but not during a semester.

Residence Hall Life

Living in a residence hall offers BJU students many benefits — opportunities to grow spiritually, to build solid friendships, to grow in love and consideration for others from various backgrounds and to develop and exercise leadership skills. The following guidelines for residence hall living are intended to help each student feel at home at BJU and to enable students to live together harmoniously in close proximity.

Curfew and Lights Out

Residence hall students are to return to their own residence hall no later than 10:30 p.m. Monday and 11 p.m. Tuesday to Sunday. On Friday nights, students may be out of their residence halls until midnight as long as they return to campus by 11 p.m. Students are to remain in their own residence hall until 5 a.m.

To develop community and display courtesy for others, all students are expected to be sensitive to other residents especially with regard to the nighttime hours. To make the residence hall rooms conducive for sleeping and to promote academic success, the following policies encourage the reduction of noise and light in the residence hall during nighttime hours:

- On Sunday–Thursday nights, overhead room lights should be off beginning at midnight.
- On Friday–Saturday nights, overhead room lights should be off beginning at 1 a.m.
- Students are welcome to rise as early as 5 a.m., respecting a quiet atmosphere out of consideration for other sleeping roommates.
- First-year students in a first-year residence hall are expected to be in bed with the lights out and ready to sleep at midnight Sunday–Thursday and 1 a.m. on Fridays and Saturdays (this precludes talking, phone use or studying).
- Other residents are expected to have quiet rooms beginning at midnight Sunday–Thursday and 1 a.m. on Fridays and Saturdays (this precludes talking, music, gaming, etc.). After midnight, they are permitted to study in their own rooms with a personal lamp or in public residence hall areas, such as the study lounge or lobby.

Day Students

Day students are welcome to attend a friend's discipleship group but should exit the residence halls by 11 p.m.

Attire and Modesty

Students are to:

- Be fully dressed in the stairwells, residence hall lobbies and first-floor hallways.
- Wear shoes, shower sandals or socks in the halls and bathrooms.
- Close the room blinds when it is dark outside.

Guests

Any nonresidents who desire to spend the night in the residence halls are to secure a reservation from Guest Services in advance by calling (864) 241-1624 or emailing Wdesk@bj.edu.

Housing Accommodations

Students who need a housing accommodation are to fill out a [Housing Accommodations for Students with Disabilities request form](#) as early as possible prior to the start of a semester.

Room Check

Residence hall room check is at 11 a.m. Monday, Wednesday and Friday. Items that the resident assistant will check are listed on the back of the door in each residence hall room. Students in each room should discuss as a group how they will divide room responsibilities and help one another fulfill those responsibilities. Questions or concerns about room expectations can be discussed with a resident assistant, mentor or residence hall supervisor.

Room Décor and Furnishings

Students are encouraged to join with their roommates in decorating their rooms attractively and making them comfortable. Curtains, small bookcases, small storage chests, small chairs and computer or drafting tables may be added, along with refrigerators or thermoelectric coolers under 4.5 cubic feet. The rooms are not large enough, however, to accommodate furniture such as recliners, love seats, sofas or large tables.

The cost of repair or replacement of damaged furnishings or university property in a student's room will be charged to the responsible occupant or occupants if they can be identified; otherwise, the cost of damages will be assessed to all the residents of the room.

Decorations may be hung on the wall with white Plasti-tak®; to protect walls, avoid using tape, nails or tacks. Personal photos should comply with BJU policies; immodesty or inappropriate physical contact should not be displayed. Photos of entertainers or fashion models are not appropriate.

Students may have fish in a bowl or small tank in their rooms; other pets are not appropriate.

Security and Safety

While BJU is a safe campus, precautions are taken to protect the safety of individuals and ensure the security of campus property and personal possessions. Therefore, entry to the doors of residence halls is by ID card only, and security cameras are installed in the lobby and at the end of each floor. Doors are not to be propped open, and after curfew all students are to enter through the middle doors of the residence hall regardless of one's access level. Letting another person into the residence hall after curfew is a breach of security. Climbing through any window is considered a major breach of security.

Each student is granted ID card access to his or her own room and common areas of the residence hall (including prayer rooms and recovery rooms). Students who are locked out of an interior room should contact their roommate or a residence hall staff member (RA, mentor or supervisor) to let them in. If no residence hall staff are available, call Public Safety for a let-in (ext. 5911).

Students are not to lend or share their ID card with others. Defective or worn [ID cards](#) may be replaced at The Hub at no cost. ID cards that are lost or damaged (e.g., cracks) are subject to a replacement fee. If an ID card is lost or broken over a weekend, the student's residence hall supervisor can provide a temporary access card.

Students are not to be in another student's room unless one of that room's occupants is present. If a student is found with something that is not his or hers and the residence hall staff cannot confirm why he or she has it, it will be considered theft. This also applies to "borrowing" items without permission.

Fire Code

The following guidelines are necessary to prevent residence hall fires and to comply with the local fire code.

Items continually plugged into an electrical outlet are to be plugged directly into an outlet or a power strip that is plugged directly into an outlet, not into an extension cord. Extension cords may be used temporarily but are to be unplugged immediately after use. Power strips are to have an on/off switch and rest on a headboard, desk or shelf. They should not be in contact with bedding.

Outlet adapters (that convert two wall outlets into four or six) may be used only if they have an on/off switch or a surge protector. A power strip may be plugged into a surge protector if the adapter has an on/off switch or a reset button.

Orange outlets are for computer use only.

Food preparation appliances (with the exception of hot pots and coffee makers) are to be used in the snack rooms of each residence hall.

Decorative lighting (e.g., Christmas lights, LED lights, rope lights) may be used between November 1 and December 16. Candles, wax warmers and incense are not to be burned or used in the residence halls.

Batteries are not to be removed from smoke detectors; they must be in working order at all times.

Lighters, containers that store flammable materials (gas cans, propane tanks, etc.), items that utilize flammable gas or liquids (gas grills, lawn mowers, chain saws, etc.) or tools that are used for yard work are not to be stored in or around the residence halls.

Evacuation Drills

Each residence hall conducts practice evacuations every semester. At the sound of the fire alarm, evacuate the building immediately and quietly. Exit according to the evacuation plans posted in each residence hall. Students should exit quickly and remain with their discipleship groups until everyone has been accounted for.

Senior Privileges

Residence hall students who have completed at least 90 credits toward their bachelor's degree qualify to live in a senior room. Students in senior rooms are granted one roommate of their choice, have no required lights out and have room check only on Monday. Residents may study past midnight in other senior rooms and may use video chat technologies in their room. Senior room residents have regular curfew times and participate in discipleship groups.

Seniors may spend six nights per semester at a non-family member's home (A student may not stay overnight in a mixed group).

If both students are seniors, couples may meet off campus in a public place.

Students who earn either disciplinary probation or two consecutive semesters of campus ineligibility are disqualified from senior privileges for the following semester. In addition, residents of senior rooms must maintain campus eligibility.

Disciplinary System

BJU bases its system of accountability and correction on the functions of Scripture taught in 2 Timothy 3:16: teaching, reproof, correction and training in righteousness. Part of our education program is holding students accountable in ways that lovingly instruct, warn, rebuke, restore and help develop “complete” Christians fully equipped for every good work (2 Tim. 3:17).

The spirit in which accountability is practiced is important to us. It is our desire that humility, gentleness, patience and love — first for God and then for others — permeate all aspects of discipleship, including rebuke and correction (Gal. 6:1; 1 Thess. 5:14).

Stating and enforcing these policies serves multiple purposes.

Protection

Community expectations provide guardrails that protect from harmful influences. Accountability and correction cannot vanquish our sinful flesh but can partially restrain its harmful manifestation. Consequences serve as one deterrent that supports the edifying environment centered on God's Word.

Correction

Discipleship requires accountability, or else priorities become mere intentions or even pretenses. This follow-through helps not merely to correct behavior but to graciously challenge thinking and affections. It also acknowledges the role of failure in progressive sanctification. Sin has inherent consequences (Gal. 6:7–8), but a faith-filled response is a gateway to growth.

Restoration

God applies discipline so that we can share in His holiness, both now and forever (Heb. 12:4–11). BJU’s system of consequences, therefore, aims at peace with God and man. The fruit of the faith-filled reception of consequences is repentance and forgiveness, which result in reconciled relationships with God, other individuals and the college community.

Disciplinary Tiers and Correction

While maintaining consistency, BJU takes a personal approach and works with a student based on that student’s heart response to correction.

Our disciplinary evaluation and correction are grouped into two tiers. Infractions (Tier 1) serve as an index of responsibility for the aspects of the code of conduct that relate primarily to personal discipline. An escalating system of corrective responses (Tier 2) is implemented when there are offenses involving loving respect for others, integrity and purity. These responses escalate from conduct warning to ineligibility to disciplinary probation to suspension. Infractions and corrective responses are reset at the conclusion of each semester.

Tier 1 Examples (Infractions)

Infraction Type	Infraction Example	Infraction Incrementation
Room Job Infractions	Failure to pass room check	0, 0, 2, 2, 4, 4, 6, 6, etc.
Minor Infractions	Late leaving/returning to residence hall	0, 5, 5, 10, 10, 15, 15, 20, etc.
	Late to required activity	
	Failure to meet with Student Life	
	Room Curfew	
	Failure to follow instruction: minor (e.g., attire, phone use in public program)	10
Major Infractions	Absent from required activity	25
	4th+ repeated occurrence of a minor infraction	
	Unacceptable music	
	Failure to follow instruction: major (e.g., attire, horseplay)	

Infractions are organized into three categories: Room job infractions, minor infractions and major infractions. Demerits are assigned based on the number of infractions occurring within each category. After a couple of warnings, room job infractions increment steadily. Minor infractions increment steadily after a warning except for failure to follow instruction: minor infractions which incur 10 demerits for each infraction. Major infractions incur 25 demerits each time. If a student incurs three minor infractions of the same infraction type within one semester, future infractions of that type will be recorded as major infractions and incur 25 demerits.

By accumulating 50 demerits or more in a semester, a student typically is demonstrating the need for greater self-discipline and, therefore, will receive a conduct warning. Multiple conduct warnings result in more significant corrective responses (see below).

Appealing Infractions

A student is to appeal assigned infractions either with their residence hall supervisor (residence hall students) or a Student Life staff member (day students). (Meeting with Student Life is optional for some infractions and required for others.) Student Life staff will hear the student's appeal and make a judgment regarding the infraction and appropriate consequence. This appeal must take place within one week of when the infraction is issued.

If a student believes that the Student Life staff member has not dealt fairly with him or her, he or she may address a disciplinary grievance in writing to the executive vice president for student development and ministry advancement. (See Disciplinary Grievances & Complaints below.)

For some offenses there is a range of possible consequences due to various factors, such as a pattern of repeated offenses. In addition, voluntary acts of confessing and repenting of sin exhibit God's grace at work and are given significant consideration during a disciplinary situation. However, because of the importance of integrity and due process, a student who is untruthful at any point during the investigation of a conduct offense is subject to the maximum consequence for that offense.

Student Conduct Fines

When a student reaches 25 demerits or receives a corrective response, he or she also incurs a monetary fine. These fines serve as a practical consequence to deter irresponsible or inappropriate behavior.

25-Demerit Accumulation Warning

Every time a student accumulates 25 demerits in matters of personal responsibility, a \$25 fine will be added to his or her student account. This fine is assessed once for each 25 demerits that the student accumulates each semester. (For

example, a student who accumulates infractions totaling 75 demerits over the course of a semester will pay three installments of \$25, totaling \$75 in fines.)

Conduct Warning

A conduct warning alerts a student to either a pattern of irresponsibility or an issue of respect, integrity or purity. This warning provides the student a chance to reflect, change and grow. A student who receives a conduct warning for any reason other than accumulation of infractions will incur a \$50 fine on his or her student account.

Ineligibility

A student who demonstrates an ongoing pattern of irresponsible behavior or who commits a specific offense becomes ineligible to participate in inter-collegiate or intramural sports, run for or hold a campus office or leadership position, live in a senior room or have a key role in an official program. He or she may be required to meet with a staff member for accountability. Becoming ineligible two consecutive semesters places a student on weekly accountability for the following semester, with the requirement of maintaining eligibility status during that semester; if the ineligibility is for a student's final two semesters, the student forfeits the privilege to participate in commencement exercises and may not reenroll for postgraduate or graduate work for one full semester. A student who becomes ineligible due to a specific offense will incur a \$100 fine on his or her student account.

Disciplinary Probation

The third level of corrective response is disciplinary probation, which indicates a student has committed a significant lapse in moral judgment or has demonstrated an ongoing pattern of irresponsible behavior. A student on disciplinary probation meets with a staff member for weekly accountability. A student who does not successfully complete the terms of disciplinary probation is denied reenrollment the following semester. If a student earns disciplinary probation two consecutive semesters, he or she is denied reenrollment for one semester. A student who withdraws for any reason while on disciplinary probation will return on weekly accountability. A student who is placed on disciplinary probation for a significant lapse in moral judgment will incur a \$150 fine on his or her student account.

Suspension

Because an edifying atmosphere benefits the entire campus community, there are some offenses that result in suspension. These would include:

- Major moral failure, including immorality, sensual behavior or use of alcohol or drugs.
- Stealing or shoplifting.

- Committing a crime while enrolled or not disclosing a crime committed before enrollment.
- Encouraging or aiding another student in an action that results in suspension.

A student may receive disciplinary correction, including suspension, for grievous offenses, such as immorality, that come to light from a previous semester or break.

A suspended student may not return to BJU for one full semester and is restricted from campus. A student suspended twice is permanently expelled from the University.

Tier 2 Examples (Corrective Responses)

Offense	Corrective Response
Accumulating infractions totaling 50 demerits	Conduct Warning
Breach of security	
Untruthfulness	
Destruction of school/personal property	Conduct Warning or Ineligibility
Unacceptable video/reading material	
Unauthorized overnight	Ineligibility or Probation
Aggressive anger/fighting	
Attendance at movie, inappropriate concert/dancing	
Smoking/tobacco/vaping	
Theft	Probation or Suspension
Indiscreet/sensual behavior	
Disorderly conduct, alcohol, drugs	Suspension

Position on Human Sexuality

The New Testament exhorts believers to strive to live morally pure and sexually undefiled lives even in the midst of an immoral and sexually permissive culture (1 Thess. 4:1–9). This biblical mandate stands behind our desire to create and cultivate a culture that promotes and protects healthy relationships. In line with the scriptural teaching on sexual morality and the reality that students face many types of sexual temptation, we wish to encourage single students to live holy lives, abstaining from all sexual relationships, and married students to be faithful in marriage and to their spouse. Therefore, any sexual activity outside the context of a biblically defined marriage between one man and one woman is prohibited.

Additionally, any sexual behavior that is inconsistent with these standards — including sexual intercourse, other sexually intimate forms of touching and sexual communication in written, verbal or visual form — is prohibited even when consensual.

Consistent with our commitment to God’s design for gender identity, the public advocacy for or act of altering one’s biological sex through medical transition or transgender expression is prohibited. Any same-sex dating or advocacy for such is also prohibited. BJU’s perspective on gender identity also applies to — but is not limited to — the use of bathrooms, locker rooms, student housing, attire policies and participating in sex-specific university groups, clubs and organizations.

A fuller statement of BJU’s position on human sexuality and gender identity can be found in Appendix B. We realize that these issues are increasingly complicated ones with which many believers struggle, and we want to be a help to any students who need and desire help. The Student Life and [Student Care](#) staff are available to meet with students who are struggling.

Drugs & Alcohol

Students of any age who drink any alcoholic beverages, whether on or off campus, forfeit their privilege of enrollment as students.

BJU’s policy on alcohol use by students complies with the laws of South Carolina, which prohibit the possession, consumption and serving of alcoholic beverages by and to persons less than 21 years of age. Underage students who consume alcoholic beverages in violation of South Carolina laws may face criminal penalties as well as disciplinary action.

BJU does not condone the possession, use, manufacture or distribution of illegal substances or drug paraphernalia of any kind or in any amount. Students who engage in drug activity — including the use of prescription medication in a way not intended by the prescribing doctor — forfeit their privilege of

enrollment. Students who take drugs or otherwise participate in drug activity may face criminal penalties as well as disciplinary action.

Because of BJU's position on drinking alcoholic beverages and using illegal substances, students who engage in either activity during a Christmas or summer break are subject to denial of enrollment for at least the following semester.

For additional information, see the [Drug-Free Schools and Campus Policy](#) on the intranet.

Note: BJU students are responsible for notifying the director of student life of incidences of arrest. Students who have been arrested must agree to an interview with the director of student life or a designee. Students who have been arrested are subject to disciplinary suspension.

Withdrawals

A student may not withdraw without consulting a Student Life staff member in person. Avoiding potential disciplinary action is not legitimate grounds for voluntary withdrawal. Attendance at BJU is a privilege, not a right. A student may be subject to administrative withdrawal under the following circumstances:

- In attitude or conduct a student does not fit the spirit of the biblical principles that guide BJU's educational philosophy and to which each student ascribes by signing the student covenant.
- A student's behavior poses a threat to the safety and well-being of others.

Legal Violations

BJU reserves the right to alert law enforcement officials of legal violations occurring on or off campus. Claiming ignorance of the law is not a valid defense of one's violation.

University Rights

In executing its disciplinary system as a private educational institution, BJU reserves the right to:

- Inspect lockers and residence hall rooms.
- Scan emails for viruses and objectionable content and to review if deemed necessary.
- Revoke a student's network access without prior notification if the student's computer poses a threat to other computers or to the stability of the network.
- Inspect the content of any electronic device (iPod, computer, cell phone, etc.) if deemed necessary.

- Communicate with a student's parents on any situation involving the student when the student is a dependent or has consented to the release of his or her educational records. Situations covered by a confidential agreement in the Student Care Office are an exception.
- Restrict its services, programs and meetings from being recorded on personal communication devices.

Failure to cooperate with an official review or inquiry could result in disciplinary action.

Student Rights & Resources

Notice of Nondiscrimination

BJU is an equal opportunity institution and does not discriminate on the basis of race, color, age, sex, national or ethnic origin, protected disability or veteran status, and for married students, medical needs arising from pregnancy, childbirth, or related medical condition. This policy applies to all terms and conditions of employment, admission to and enrollment with the University, including but not limited to recruitment, selection, hiring, placement, transfer, promotion, training, compensation, benefits, discipline, termination, educational policies, admission policies, financial aid, scholarship and loan programs, housing, athletic and other university-administered programs and activities.

BJU will not tolerate, condone or permit discrimination, harassment (including but not limited to sexual offenses), and/or retaliation, whether engaged in by employees, students or third parties who conduct business with BJU. BJU will investigate such complaints in accordance with the [BJU Discrimination and Harassment Grievance Procedures](#).

BJU has designated a Title IX Coordinator to coordinate its efforts to comply with and carry out its responsibilities under Title IX and other applicable federal civil rights laws. In addition to the Title IX Coordinator, BJU has a Deputy Title IX Coordinator to assist with the Title IX process. Complaints or any concerns about conduct that may violate this policy or retaliation should be filed with either the Title IX Coordinator or the Deputy Title IX Coordinator:

Laura McCarty
Title IX Coordinator
Human Resources
TitleIX@bju.edu
or lmccarty@bju.edu
(864) 370-1800, ext. 3007

Natalie Smith
Deputy Title IX Coordinator
Career Services
Alumni 206
TitleIX@bju.edu
or nsmith@bju.edu
(864) 370-1800, ext. 2011

General Student Rights

At BJU, students are afforded certain rights that ensure their ability to fully participate as members of the university community. Specifically, students have the right:

1. To receive a quality education;
2. To understand the requirements of their academic programs and receive regular, timely and useful information and advising about relevant academic requirements;
3. To be provided with sufficient course information to be able to make informed course selections;
4. To be informed in writing at the beginning of each term (typically via a syllabus) of the specific requirements and expected learning outcomes of the courses in which they are enrolled and to expect that course requirements will not be changed without notice;
5. To have clear indication of their educational progress in those courses in which they are enrolled and to know how the various assignments are weighted;
6. To receive a fair, transparent and impartial assessment of their performance as students;
7. To have their grades kept private from other students and to have final examinations held at the appointed times;
8. To have the privacy of their personal information and records protected by the administration (please refer to the [FERPA policy](#) for additional information);
9. To find their instructors available during posted office hours or by special arrangement;
10. To have their instructors arrive for classes punctually;
11. To have their complaints and grievances addressed through the BJU Student Grievance and Complaint Policy;
12. To appeal to a university administrator or the Student Life staff any disciplinary charge that has been alleged in accordance with the BJU Student Discipline Policy;
13. To be provided with relevant information concerning financial assistance;
14. To participate in university activities and programs for which they are eligible and qualified; and
15. To participate in institutional governance through service as members of certain councils and committees organized on campus.

Grievance Procedures

Academic Grievances & Complaints

Students are free to speak with professors to express concerns about final grades. If a student does not feel his or her professor has resolved the issue satisfactorily, he or she may express in writing a grievance or complaint to the dean of his or her college/school. (If the complaint is against his or her dean, the student may appeal directly to the provost, as described below.)

If the student does not feel that such a course resolves the issue, he or she may submit a letter of inquiry/complaint to the office of the provost as outlined below.

Disciplinary Grievances & Complaints

Students may appeal the assignment of demerits with their residence hall supervisor or another student life staff member at the Student Life office.

A student who receives a corrective response (conduct warning, ineligibility, disciplinary probation, suspension) for violating the student covenant and/or the expectations stated in the student handbook may appeal that decision as follows:

- The appeal must be made in writing to the executive vice president for student development and ministry advancement within 72 hours of the student's notification of a disciplinary decision. [A form for this purpose](#) is available on the intranet.
- The appeal form must be complete and detailed. Students will present their appeals in person only if requested to do so; therefore, the student should state all reasoning and present all evidence in the written appeal.
- The appeal process is not intended as a venue to re-argue one's case. The grounds for an appeal are limited as stated below:
 1. Established procedures were not followed, and the deviation resulted in the student receiving unfair or unwarranted disciplinary action.
 2. The disciplinary sanction is unduly harsh or arbitrary. Sanctions within the guidelines expressly stated in the student handbook are presumed to be appropriate.
 3. New evidence is discovered that was unavailable at the time of a disciplinary interview if it reasonably could have affected the decision.
- Students who fail to submit their appeal by the required deadline, fail to assert one of the grounds specified above or fail to provide information concerning the basis of their appeal waive their opportunity to appeal.

- If the executive vice president for student development and ministry advancement requests to hear the appeal in person, the student will be given notice of the date, time and location of the meeting.
- An appeals committee will consist of Student Life, academic and student leadership representatives.
- With or without a meeting, the appeals committee may uphold the original decision, overturn the decision, modify the sanction and/or send the issue back to the original decision maker for further consideration.

A decision may be appealed only once; the disposition of the appeal is final.

Personal Grievances & Complaints

We encourage and expect administrators, faculty, staff and students to reconcile personal grievances and complaints by following the principles Jesus Christ gives in Matthew 18:15–17. However, when the nature of the grievance or the relationship between the two parties does not permit the offended student to resolve his or her concern in this way, he or she is free to approach the executive vice president for student development and ministry advancement for a discussion about the concern and the most reasonable way to satisfy or resolve the issue. (If the complaint is against the executive vice president for student development and ministry advancement, the student may appeal directly to the provost, as described below.)

If the student does not feel that such a course resolves the issue, he or she may submit a letter of inquiry/complaint to the office of the provost as outlined below.

General Grievances & Complaints

We desire to treat students fairly and to serve their needs effectively. We are open to constructive input regarding how we may improve our service to students, campus life and the testimony of BJU. Mass and social media are powerful tools to communicate truth. In the spirit of honor and wisdom, however, students should not use media to create petitions or to disparage BJU but should instead pursue truth in love by following this grievance process. Students who wish to make a general inquiry, recommendation or complaint that does not relate to mistreatment from a specific person are free to approach the executive vice president for student development and ministry advancement for a discussion about the concern and the most reasonable way to satisfy or resolve the issue. (See references above under Personal Grievances & Complaints for information on how to file grievances relating to mistreatment from a specific person.)

If the student does not feel that such a course resolves the issue, he or she may submit a letter of inquiry/complaint to the office of the provost as outlined below.

Disability Grievances & Complaints

Any student currently enrolled at BJU who believes that he or she has been discriminated against or harassed on the basis of race, color, age, sex, national or ethnic origin, protected disability or veteran status, and for married students, medical needs arising from pregnancy, childbirth, or related medical condition by a university employee, university student or a visitor to the University may use [BJU's Disability Grievances and Complaints Policy](#) and/or file a formal discrimination complaint pursuant to [BJU's Discrimination and Harassment Policy](#).

Distance Learning Grievances & Complaints

Online students wishing to file a formal complaint are to first seek resolution through BJU's institutional grievance procedures. If the complaint cannot be resolved internally, students may also file a complaint with our accrediting bodies, TRACS and SACSCOC (see below). In addition, each state has a mechanism in place for state residents to lodge complaints against postsecondary educational institutions. A list of the contact information for each state's authorizing agency is [available online](#).

Program Integrity Complaints

Any student currently enrolled at BJU with a concern relating to programs offered by postsecondary educational institutions authorized under Title IV of the Higher Education Act may use the [Program Integrity Grievances and Complaints Policy](#).

Submitting an Inquiry/Complaint to the Office of the Provost

When the office of the provost receives a formal letter of inquiry/complaint, the provost will convene the Administrative Hearing Committee to consider the inquiry/complaint. The Administrative Hearing Committee will conduct an appropriate investigation and will render a written explanation/decision within 30 days of the filing of the inquiry/complaint to both the student who made the complaint and the vice provost. The office of the vice provost will keep a record of all student complaints and documentation of how they were handled.

If a student making the inquiry/complaint is not satisfied with the outcome of the process, he or she may appeal to the president of the University. The decision of the president is final.

Accreditation Association Contact Information

Regional

Southern Association of Colleges and Schools Commission on Colleges

Bob Jones University is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate, baccalaureate, master's and doctoral degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097, or call (404) 679-4500.

National

Transnational Association of Christian Colleges and Schools

BJU is accredited by the Transnational Association of Christian Colleges and Schools. Inquiries regarding compliance with accreditation policies and standards may be directed to the Transnational Association of Christian Colleges and Schools, 15935 Forest Road, Forest, Virginia 24551; phone: (434) 525-9539; fax: (434) 525-9538; email: info@tracs.org.

Academic Assistance

BJU is committed to student success and overall well-being and makes the following resources available to assist students.

Professors, Academic Advisors and Academic Deans

For academic assistance first see the professors for the specific classes in which you need help. Academic advisors help with studies in general and your academic major. They are interested in you as a person and are also available to provide biblical counsel and other help. Faculty and advisors' office locations and hours are listed online. Academic deans are also available for consultation; you can schedule an appointment through their administrative assistant.

Academic Resource Center

The [Academic Resource Center](#) in Alumni 213 provides a variety of resources to help students improve their study skills and maximize their education. At the Academic Resource Center students of all classifications can connect with study groups for specific classes, receive academic counseling, find tutors, make up tests they may have missed in class and even improve their writing skills. From educational technology to a quiet study zone to academic accommodations for those with documented learning disabilities, the Academic Resource Center helps students build academic confidence and ultimately excel in college. Upperclassmen can minister to their fellow students by applying to be tutors or lead study groups.

Other Types of Aid

Financial Aid

The Office of Financial Aid in The Hub on the second floor of the Student Center assists students with scholarships, loans and grants.

Medical Aid

Students in need of medical care may consult a nurse by calling the Student Medical Advice Line at (864) 455-9327. This qualified nursing advice is available for free 24 hours a day.

In addition, the Director of Student Health Services is available to counsel prospective and current undergraduate and graduate students and families on the medical services available to them through our partnership with Prisma Health and other medical services in Greenville.

Each residence hall has an empty room available for students who need to recover from illness apart from their roommates. Students should see their residence hall staff about using a recovery room.

A housing facility is also available for students who become symptomatic and require testing for COVID-19 or for those who have tested positive for COVID-19 or other contagious sicknesses (e.g., the flu) that require extra rest and care. The Director of Student Health Services will oversee virtual physician visits, health screening and student care at this facility.

Biblical Counseling

BJU is committed to a biblical discipleship and counseling model. The faculty and staff are serving at BJU because they want to invest in helping students succeed and grow to be like Jesus Christ. For example, residence hall mentors and supervisors welcome you to approach them for advice, mentoring and to answer questions.

We seek to provide the help, hope and healing that God gives to people through His Word. Our biblical counseling model means that we affirm Scripture is sufficient as the authoritative, inerrant revelation of God, His saving work and His wisdom for holy and joyful living. Aiming to understand our humanity without having God's Word at the center of our framework would mislead us at crucial points.

Sexual Abuse

All faculty and staff are legally mandated to report to law enforcement whenever they have reason to believe that anyone who is currently a minor (a) has been

abused or neglected, or (b) is or could possibly be at risk of being abused or neglected. For more information, please refer to our [Child Abuse, Neglect and Sexual Abuse Reporting Policy and Procedure](#).

Adult survivors of abuse have a legal right to report their abuse to law enforcement, and BJU will assist them in making the report if they desire. Related information will remain confidential and will not be included as part of the adult abuse survivor's official student records. If an adult survivor of abuse communicates the facts of the abuse to a BJU faculty or staff member, there may be a legal requirement for the abuse to be reported to the appropriate authorities (e.g., if the abuse has not been reported and another child may be at risk of abuse).

In all matters, BJU will comply with South Carolina state and federal laws.

Student Care Office

The Student Care Office is a place where students can come for confidential biblical counseling and mentoring. Students are welcome to come on their own to seek counseling, or they often prefer to have a friend come along initially. Students can be assured that what they share in the Student Care Office will not be shared with others on or off campus without the student's permission, with the exceptions of legal issues regarding abuse and when someone's safety is compromised. The Student Care Office is also a place where students can go for confidential advice and information on Title IX issues.

While our faculty and staff always desire to help students, we understand that not all the help a student needs may be available on campus, so we support a student's desire to seek resources in the community as well (e.g., local churches, health professionals and counseling services).

Appendix A – Sanctity of Life

God values human life. After narrating God's creation of a world teeming with life, the Bible's first chapter climaxes with God's first recorded words. God proclaims His intention to create a final creature "in our image" and "after our likeness" (Gen. 1:26). The crowning act of creation follows. "So God created man in his own image, in the image of God created he him; male and female created he them" (Gen. 1:27). The chapter concludes with God's verdict on His creation. "And God saw everything that he had made, and behold, it was very good" (Gen. 1:31).

The theme of God valuing human life is found throughout the Bible. He values human life at its beginning. He values human life at its end. And God demonstrates that He values human life in the humanity of His Son.

God values human life at its beginning.

God's first command to humans was to "be fruitful and multiply" (Gen. 1:28). But the Bible does not view procreation as occurring independently of God's ongoing creative work. Psalms 139:13–16 asserts that God creates human life in the womb. "For You formed my inward parts; You knitted me together in my mother's womb. ... Your eyes saw my unformed substance; in Your book were written ... the days that were formed for me."¹ David's use of personal pronouns implies his humanness and personhood. Psalm 139:15 metaphorically compares a mother's womb to the "depths of the earth" where, says David, "I was being made in secret, intricately woven." The metaphor points to the creation account where God breathed into the dust of the earth a "living soul" (Gen. 2:7).

The prophet Jeremiah speaks of God forming, knowing and sanctifying him in his mother's womb. "Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee" (Jer. 1:5). The prophet also indicates that death in the womb is possible, implying that was a living person. "Because he slew me not from the womb; or that my mother might have been my grave" (Jer. 20:17).

The Mosaic Law treats the human conceptus (living being from conception forward) as a viable person with legal rights. If a man strikes a pregnant woman causing premature delivery and the consequent death of the child, he must pay with his own life according to the law of *lex talionis* (Exod. 21:22–25). Likewise, the account of Samson's birth assumes the personhood of his fetus. The angel of the LORD twice instructed his mother to keep the Nazarite vow of abstinence from "wine or strong drink" and "the unclean thing" lest she defile the person

in her womb to whom the vow actually applied (Judg. 13:3–5, 13–14). Numerous other texts assume the personhood of unborn children (Gen. 25:23–26; 38:27–30; Job 31:15–18; Ps. 22:9–10; Isa. 44:2).

Developments in modern biology consistently uphold the biblical model of the personhood of the unborn. A person's entire genome (full complement of chromosomes) exists in the zygote — the single cell formed by the union of the male sperm and female ovum. The zygote is a unique combination of genetic information from both the father and the mother. Further, the zygote contains the entire genetic information necessary to navigate the entire process of intrauterine development, growth, birth, puberty and adult maturation. When human embryos are implanted into surrogate mothers' wombs, they receive no new genetic information from the surrogate mother. After conception the only physical requirements necessary to sustain fetal life are the same requirements necessary to sustain adult life — nutrition, water and oxygen. Therefore, we believe that life and personhood begin at conception (Ps. 51:5).

God values human life at its end.

The Old Testament begins with the Bible depicting human life as inviolable not only in its origins, but also in its termination. Death is a wretched and abnormal condition resulting from man's rebellion against his Creator. The Bible consistently views death as the worst possible suffering and the greatest curse upon the human condition. Death is inevitable, but not desirable.

The Bible teaches that God determines the limits of human life. The book of Job states, “[Man’s] days are determined, the number of his months are with Thee, Thou hast appointed his bounds that he cannot pass” (Job 14:5). Solomon affirms that for each person, God determines “a time to be born, and a time to die” (Eccles. 3:2). Hebrews 9:27 speaks of God's appointing man's death and subsequent judgment. The Bible denies man the prerogative to terminate life apart from God's intent. Exodus 20:13 declares, “Thou shalt not kill.”

Since the fall, humans have usurped God's sovereignty over the limits of human life. Humanity's eldest son became a murderer when Cain killed his brother Abel. In a graphic metaphor Genesis 4:10 speaks of the blood-soaked earth — from which man was formed — crying out to God for justice in the premature termination of Abel's life. In only three specific cases does God permit humans to terminate the lives of other humans; in cases of capital punishment, in war, and in self-defense (Gen. 9:6; Deut. 7:1–2; Exod. 22:2–3).

Rather than facilitating the death of the elderly, the Bible instructs the younger to value their wisdom and discretion (Lev. 19:32; Prov. 16:31). This instruction applies especially to children respecting their parents. “Hearken unto thy father that begat thee, and despise not thy mother when she is old” (Prov. 23:22). The Scripture does not recognize as legitimate several contemporary justifications

for euthanasia, including the right to die with dignity, the relief of financial strains on the family, the relief of burdensomeness to society or the relief of suffering. We may not understand why God permits indefinite suffering on the part of the dying, or why He allows the elderly to become enduring burdens to their families. But we are certain that God permits trials for the sake of perfecting the Christian's faith (James 1:2–4). Job suffered severely, but he recognized that his suffering was appointed for him by God, and Job did not arbitrarily terminate his life (Job 23:10, 14).

God values human life in the humanity of His Son.

The Old Testament begins with the creation of man in God's image. The New Testament begins with the birth of God in man's image. The virgin birth of Jesus Christ, His experience of human sorrow and suffering, His vicarious atonement, and His sacrificial death on a cruel instrument of torture compellingly demonstrate that God values human life. But God's love for humanity is not merely temporal, it is eternal. In the resurrected body of Jesus Christ, God permanently assumed the human condition.

Christ's bodily resurrection emphatically reiterates God's original assessment of His creation. "And God saw everything that He had made, and behold, it was very good" (Gen. 1:31). The bodily resurrection of Jesus Christ is the first act in God's restoration of the whole creation to its original pre-fallen condition (Isa. 65:17; Rom. 8:22–23; Rev. 21:1–5). Creation fell in the first Adam; in the second Adam (Jesus) creation is restored (Rom. 5:12–17). Christ's death reversed the verdict of death that fell upon the human race subsequent to Adam's sin. Christ's resurrection offers resurrection life to all who believe (1 Cor. 15:3–4, 12–23).

The Bible is a book about life and death. God values all created life. God especially values human life. And God offers eternal life through the death and resurrection of Jesus Christ.

Applications

We believe that followers of Jesus Christ who are governed by the Bible are ethically obligated to preserve, promote and defend the sanctity of life.

We believe that whenever there is an ethical dilemma the default positions should always be to protect life, including the unborn (Prov. 24:11–12). Jesus teaches this principle of carefulness in the Sermon on the Mount when He instructs His followers not only to avoid killing, but to cease from any activity or passion that increases one's proclivity toward murder (Matt 5:21–22).

We believe that the Bible consistently depicts life in the womb as both personal and human. As a University, we believe that our thinking about issues related to contraception, the harvesting of embryonic stem cells and aborticides should be governed accordingly.

Therefore, we oppose the practice of abortion on the grounds that it involves the intentional, purposeful and direct ending of a human life that began at conception. In the event that a situation arises where the mother's physical life would be endangered, such as with an ectopic pregnancy, it would be morally and ethically responsible to deliver the baby and allocate life-saving resources for both the baby and the mother, rather than risk the loss of both mother and child.

¹*Quoting the ESV for clarity. The KJV reads, "For thou hast possessed my reins: thou hast covered me in my mother's womb. ... My substance was not hid from thee, when I was made in secret, and curiously wrought in the lowest parts of the earth. Thine eyes did see my substance, yet being imperfect; and in thy book all my members were written, which in continuance were fashioned, when as yet there was none of them."*

Appendix B - Position on Marriage and Human Sexuality

Definition of Marriage

The institution of marriage has been valued by every culture and society throughout human history. Bob Jones University believes marriage is an institution ordained by God and prescribed by Scripture to be a monogamous relationship between a man and a woman physically created in these respective genders by God. We believe God intended heterosexual marriage to be an enduring covenanted relationship established before Himself and man to propagate the human race, lovingly express healthy relational and sexual intimacy, and picture the covenant relationship He has with all genuine believers.

Basis of Authority for the Definition

As a distinctively Christian liberal arts university, BJU strives to live according to the doctrinal, moral and ethical dictates of the Bible which serves as our final authority for all matters pertaining to doctrinal beliefs and moral and ethical practices. Our understanding of marriage and application of its meaning is grounded in more than established human tradition and existing cultural norms. As the authoritative, inspired, inerrant and timelessly relevant Word of God, the Scriptures have binding authority for the doctrinal belief and moral practice of believers, churches and Christian institutions (2 Sam. 7:28; Prov. 30:5; Matt. 4:4; 5:17–20; 24:35; 2 Tim. 3:15–16; 2 Pet. 1:16–21; 3:2). The Bible speaks clearly and authoritatively to the matters of marriage, consensual sexual activity and gender identity. Its clear teachings on these matters govern and are central to the beliefs and practices of BJU and serve as the final authoritative grounds for the content of this position statement.

The Scriptures teach that God created man and woman in His image (Gen. 1:27–28), brought them together in the lifelong covenant relationship of marriage and blessed this union (Gen. 1:28). Furthermore, the Scriptures make plain that this first marriage was intended to be an authoritative pattern for all future human marriages as evidenced by the teachings of Moses (Gen. 2:18–24), the Wisdom books (Prov. 12:4; 18:22; 31:10; Eccles. 9:9), the Prophets (Mal. 2:13–16), the Apostles (1 Cor. 7:1–16; Eph. 5:21–33; Col. 3:14–19; Heb. 13:4; 1 Pet. 3:1–7), and Jesus Himself (Matt. 19:4–6; Mark 10:1–9).

Marriage is a covenantal lifelong relationship between a woman and a man who were physically created and assigned these genders by God (Gen. 1:27; Ps. 139:13–16; Matt. 19:4; Mark 10:6). We believe God intended heterosexual marriage for the propagation of the human race and the loving expression of healthy relational and sexual intimacy, and to picture the covenant relationship He has with all believers (Eph. 5:22–33).

Context for Human Sexuality

Human sexuality is part of God's divine design for human beings (Gen. 1:28). However, the Bible restricts all forms of consensual sexual activity to within the boundaries of the marriage relationship (1 Cor. 7:1–5; Heb. 13:4). The Bible clearly prohibits not only nonconsensual sexual misconduct (Deut. 22:25–27) but also any consensual sexual activity outside the boundaries of heterosexual marriage (1 Thess. 4:1–8). Furthermore the Bible specifically names as sinful and prohibits any form of sexual activity between persons of the same sex (Rom. 1:26–27; 1 Cor. 6:9–10; 1 Tim. 1:10), polygamy (Matt. 19:4–6; 1 Cor. 7:11), incest (Lev. 18:6–18; 1 Cor. 5:1), bestiality (Exod. 22:19; Lev. 18:23; 20:15–16; Deut. 27:21; Gal. 5:19; Eph. 5:3; Col. 3:5), adultery (Exod. 20:14; Mark 10:19; Luke 18:20; James 2:11), and fornication of any sort including pornography (1 Cor. 6:9–10; 1 Thess. 4:3–8; Lev. 18:20).

Statement about Gender Identity

God created man and woman in His image as two distinct but equal genders which He intends to use for His glory (Gen. 1:26–27). Furthermore, individual gender is assigned by God and determined at conception (Ps. 139:13–16). Therefore, we believe that to intentionally alter or change one's physical gender or to live as a gender other than the one assigned at conception is to reject God's right as Creator to assign gender to His creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual (1 Cor. 10:31).

Expectations of BJU Employees and Students

Because the positions set forth in this statement are grounded in the biblical, moral and ethical commands clearly taught and demanded by Scripture, BJU expects all employees and students enrolled at BJU to agree with and abide by this statement on marriage, human sexuality and gender identity.

Posture toward Those Who Disagree with Us

All of us are sinners. We live in a world broken by sin and are called to live out our biblical beliefs among those who may disagree with us. We desire to do so in ways that honor God and point them to Him (1 Pet. 1:11–12). We believe every person must be treated with respect and compassion and are committed to living out our commitments to these biblical standards with grace and humility. We also believe that we are called to speak God’s truth in love (Eph. 4:15) as we call all men to recognize that all human sinfulness is an offense to God (Rom. 3:10–11; Rom. 6:23a), that God has displayed immense grace and mercy toward all sinners (Eph. 2:1–10), and that He offers a full and free forgiveness through Jesus Christ to all who repent and forsake their sin and turn in faith to Him (Acts 3:19–21; Rom. 6:23; 10:9–10; 1 Cor. 6:9–11; 1 John 1:8–9).

Appendix C – Biblical Approach to Evaluating Objectionable Elements in Entertainment

A Christian's entertainment choices should reflect Christ and encourage him or her to be more like Christ.

While it can be beneficial to be culturally literate, every Christian should self-censor his or her entertainment choices. Below are common categories of elements that are biblically objectionable and should be censored:

- Profanity.
- Scatological realism — pertaining to excretory functions.
- Sexual perversion — adultery, fornication, homosexuality.
- Erotic realism — explicit descriptions of sexual acts.
- Lurid violence.
- Occultism.
- False philosophical or religious assumptions — the most dangerous, yet the most overlooked, of all objectionable elements.

Evil in the Bible appears dangerous and repulsive. Reflections of evil appear in the Bible in the form of negative examples so as to create a defense against what they represent or to give hope to the fallen for forgiveness and recovery from sin. Entertainment choices should treat evil in the same way that it is treated in the Scriptures. Such entertainment can be edifying reading, listening or viewing for someone of sufficient maturity.

Scripture itself includes notable examples of each type of objectionable element, but the intent of the presentation is to instruct, the details are presented with restraint rather than gratuitousness and the tone makes clear what is evil and what is good.

Certainly no Christian should take pleasure in reading, listening to or viewing content that draws him or her away from personal holiness; but neither will a mature Christian unreflectively seclude him or herself from worthy literature or other entertainment choices simply because they contain offensive material, if that material is presented in the same manner in which Scripture presents it. Edifying entertainment choices expose the believer to works which enhance his

or her understanding of the world and strengthen the credibility of his or her testimony by enabling him or her to become “all things to all men” (1 Cor. 9:22) and develop moral perception to “by reason of use have [his] senses exercised to discern both good and evil” (Heb. 5:14).

When evaluating an entertainment choice, Christians should ask themselves the following questions:

- Are the characters noble?
- Do the actions of the story cause the characters to desire virtue and reject vice?
- Does the story’s resolution reward good and punish evil or honor wisdom and scorn foolishness?
- Does the theme of the story conflict with God’s truth? If it does, how?
- Where is the flaw?

Instead of making entertainment choices indiscriminately or insulating oneself from all entertainment, Christians should follow God’s example: create a resistance to the allurements of evil by wisely applying small doses of antigen in the form of critical reading, watching and listening.

It is godly to present ungodliness in a biblical manner, for a biblical purpose and to a biblical effect. It is ungodly to use what might seem the freedom of Scripture as a cloak of licentiousness (cf. 1 Pet. 2:16).

Condensed from Dr. Ron Horton’s Christian Education: Its Mandate and Mission.

Appendix D – University Trips

Conventions, Contests and Trips Away from Campus

With administrative conference approval, students may attend professional meetings, contests and conventions related to their major and may stay overnight with an approved chaperon. Other groups, such as the University Business Association and art students, may take group trips. See Class Attendance Policy (p. 20) and Non-Class Required Events (p. 24) for information concerning absences from class and non-class activities. A pass with approval from the Student Life office is required.

Official University Groups

Attire

Students traveling in official BJU groups are expected to dress in a way that commends Christ.

- Travel, sightseeing and touring professional establishments — casual appropriate attire, unless otherwise instructed by a sponsor.
- Travel to and from a church — class appropriate attire. (Attire for traveling to and from a church can vary at the discretion of the sponsor, who is knowledgeable of the preferences of specific churches.)
- Representing the University in a competition event — class attire or formal attire (men: coat or tie is suitable), as appropriate.
- Attending a church service, including when representing the University — same attire as for evening religious services on campus during the academic year (women: skirt or dress, not denim; men: coat or tie).
- All hair and grooming regulations apply.

Social Regulations

Small groups are to check in with the group leader every two hours, and the group leader should have a cell phone number for each group.

- Mixed groups are to consist of at least three people.
- Men and women are not to be in each other's hotel rooms without a sponsor, and students are to be in their own hotel rooms by 12 a.m. unless at a sponsor-called meeting
- Mixed swimming is not permitted.

Entertainment

Television and movie viewing is to be in keeping with university guidelines. Because of copyright issues, commercial videos are not shown on the bus.

Transportation

Whenever possible, university travel should be conducted using university vehicles. Vehicle requests should be made two weeks in advance. University insurance covers employees and student representatives who are authorized through the vehicle request process as drivers or occupants of university vehicles. Additional information is [available on the intranet](#).

Bob Jones University **Student Covenant**

Bob Jones University believes God’s Word is authoritative and sufficient for Christian faith and practice. In many areas Scripture gives clear commands which believers are to obey because of their love for their Savior. In other areas where Scripture does not give specific commands, believers are to use Spirit-guided discernment to make wise choices based on biblical principles. BJU bases its student policies on scriptural commands, biblical principles and principles that enable the university community to live together harmoniously in close proximity. Each BJU student is expected to know and adhere to these policies while enrolled as a student.

By my choice to enroll as a student in Bob Jones University and having read the student handbook, I will strive to abide by all the policies in the 2021–2022 student handbook. I commit to do the following:

- Exercise a spirit of humility, love, consideration and forgiveness while living in community with fellow students, faculty and staff; help create a campus environment conducive to spiritual growth through my attitude and actions; and encourage fellow students to keep their commitment to this covenant.
- Apply myself wholeheartedly to academic studies and maintain the highest integrity standards in representing my work as my own.
- Meet prescribed class and non-class attendance requirements.
- Make spiritual growth and local church involvement high priorities.
- Guard my Christian testimony both on and off campus, including how I regard and interact with friends of the opposite gender, exercising wholesome communication and avoiding gossip and refraining from immorality or the use of alcohol or drugs.
- Honor the Lord in how I use discretionary time and select/participate in entertainment options that honor Jesus Christ and edify others. This includes using social media responsibly and avoiding sensuality on the internet or in publications.
- Dress modestly, neatly and appropriately and honor BJU’s attire policy.
- Treat university property and that of fellow students with respect, and honor regulations designed to protect individual and facility safety and security.
- Engage in gospel ministry through outreach ministries and other means as opportunities arise.

Signature

Date

Print Full Name

BJU ID

A copy of the Student Covenant will be provided at the beginning of the academic year for each student to sign after reading the handbook. Residence hall students are to turn in signed covenants to their supervisors and day students to the Student Life office. All signed covenants are to be turned in by Sept. 3 (Jan. 21 for second semester students).



BOB JONES UNIVERSITY
LEARN. LOVE. LEAD.



BOB JONES UNIVERSITY
EST. 1927

April 1, 2016

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

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

Dear Ms. Lhamon:

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

Bob Jones University (BJU) was founded in 1927 as a Christ-centered institution of higher education, emphasizing theology and the arts.¹ BJU is committed, "[w]ithin the cultural and academic soil of liberal arts higher education," to "grow[ing] Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above."²

BJU is completely controlled by a religious organization: its Board of Trustees.³ All board members are like-minded Christians who are required annually to read and indicate consent to the University Creed, which states as follows:

¹ See <http://www.bju.edu/about/history.php>.

² See <http://www.bju.edu/about/mission-statement.php>.

³ Bob Jones University Policy Manual, Vol. I, Bylaws, Article III, Section 1, p.8; Bob Jones University Policy Manual, Volume I, Section 1.5.2.1, p.35.

Ms. Catherine Lhamon

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April 1, 2016

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.⁴

Board members must also annually read and consent to the mission statement⁵, as well as the general objectives of the University as set forth in the bylaws and charter⁶, and the University's philosophy of education statement⁷ (copies of which are enclosed).⁸ Every member of the Board is required to indicate that they have read the Board Handbook and Bylaws and are in agreement with them.⁹ Board members who can no longer agree to these items disqualify themselves from membership.¹⁰

Additionally, BJU serves a particular constituency of independent, fundamental churches, and its mission is, in part, to develop individuals who are "engaged in service and leadership in a biblically faithful local church."

Not only does the University rely on and require all members of its governing board to affirm the University Creed, it also requires its faculty to do so as well, since the creed is foundational to all that it does, including what is taught in its classes¹¹.

The Board of Trustees and the University submit themselves to the Bible and to these expressions of its doctrine and seek to take positions that are in accord with those standards,

⁴ Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

⁵ See <http://www.bju.edu/about/mission-statement.php>.

⁶ Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

⁷ Bob Jones University Policy Manual, Vol. I, Section 1.2.3, p. 6.

⁸ Bob Jones University Policy Manual, Vol. I, Section 1.4.1.3(1), p.21.

⁹ Bob Jones University Policy Manual, Vol. I, Section 1.4.1.2(2), p. 21.

¹⁰ Bob Jones University Policy Manual, Vol. I, 1.4.1.3(2), p.21.

¹¹ Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7; Section, 1.4.1.3, p.21; Bob Jones University Policy Manual, Vol. IV, Section 4.5.2.1.1, p. 28.

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April 1, 2016

including with respect to how BJU's president is chosen and who is scripturally qualified to preach the Scripture. As articulated in its Presidential Profile (enclosed), BJU's Board of Trustees requires that its president possess certain personal traits because the president is not only chief executive of a large and complex educational institution, but also the spiritual leader of a religious community.

Although BJU does not expressly require that its president be male, a "candidate must be an ordained preacher who is an able, evangelistic, biblically qualified, inspirational and biblically sound preacher of the inerrant Word."¹² The same section of the policy manual refers to the passages of Holy Scripture that set forth the criteria for ordained preachers (and thus, indirectly, for the president of BJU).¹³ Those passages reveal that ordained preachers must be male.¹⁴ Because BJU's selection criteria for its president are drawn directly from the Bible, and thus are based upon BJU's religious tenets, BJU requests exemption from Title IX and its accompanying regulations to the extent that they are interpreted to reach BJU's selection of its president, and any other positions at BJU for which ordination is a qualification.

BJU does not have any written policies expressing the qualifications of speakers for its conferences or other events; the president selects speakers at his discretion. Regarding those who will preach the Bible at conferences or other events, the president customarily begins with ordained preachers with whom he is familiar, possessing knowledge of their ministries, their orthodoxy, and their degree of agreement with BJU's understanding of Christian doctrine. Speakers who will not preach the Bible need not be ordained. Both men and women have spoken at campus events and conferences. However, it is the University's sincerely held belief that only males may be ordained to the preaching and pastoral ministry.

Because its conference speaker selection criteria are based upon its religious tenets, BJU requests a religious exemption to the extent that Title IX or its accompanying regulations are interpreted to include selection of conference speakers or reach BJU's selection of Bible preachers in any other context.

Specifically, BJU requests, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that the Department of Education's Office for Civil Rights acknowledge that BJU is exempt from Title IX of the Education Amendments of 1972 and the following implementing regulations, to the extent that they are interpreted to curtail the University's freedom to fill positions requiring ordination and select Bible preachers in accordance with its theological commitments:

¹² Bob Jones University Policy Manual, Vol. I, Section 1.4.1.6, p. 24.

¹³ *Id.*

¹⁴ 1 Timothy 3; Titus 1.

Ms. Catherine Lhamon

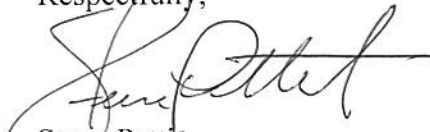
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- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment)
- 34 C.F.R. § 106.31 (education programs or activities)
- 34 C.F.R. § 106.32 (housing)
- 34 C.F.R. § 106.33 (comparable facilities)
-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

Thank you in advance for your consideration. I look forward to hearing from you soon. If you require anything further, please do not hesitate to contact me.

Respectfully,



Steve Pettit
President

SP:mam



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

June 17, 2016

Steve Pettit
President
Bob Jones University
1700 Wade Hampton Blvd.
Greenville, SC 29614

Dear President Pettit:

I write to respond to your April 1, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bob Jones University (University) of Greenville, South Carolina, 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.

Title IX and its 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 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 or regulation that conflict with those tenets.

Your request explains that members of the University's Board of Trustees, which "completely control[s]" the University, are "like-minded Christians who are required annually to read and indicate consent to the University Creed." According to your letter, the Creed states that the "general nature and object of" the University is to "conduct an institution of learning. . . , giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Your letter goes on to state that "Board members must also annually read and consent to the mission statement, as well as the general objectives of the University as set forth in the bylaws and charter, and the University's philosophy of education statement." You explain that faculty are also required "to affirm the University Creed . . . since the creed is foundational to all that [the University] does, including what is taught in its classes."

You request an exemption to the extent that Title IX or its implementing regulations "are interpreted to reach [the University's] selection of its president, and any other positions at [the University] for which ordination is a qualification." In support of this request, you explain that the University's Presidential Profile requires that the University president be an ordained preacher. You explain that the Presidential Profile is based on biblical requirements that

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Steve Pettit – page 2

ordained preachers be male.

Your letter also requests a religious exemption from certain provisions of Title IX “to the extent that Title IX or its accompanying regulations are interpreted to include selection of conference speakers or reach [the University]’s selection of Bible preachers in any other context.” You explain that the University “president selects speakers at his discretion” for University conferences or other events and that both “men and women have spoken at campus events and conferences” because “[s]peakers who will not preach the Bible need not be ordained.” However, because “it is the University’s sincerely held belief that only males may be ordained to the preaching and pastoral ministry,” only men are selected as speakers who will “preach the Bible at conferences or other events.” Specifically, “the president customarily begins with ordained preachers with whom he is familiar, possessing knowledge of their ministries, their orthodoxy, and their degree of agreement with [the University’s] understanding of Christian doctrine.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions to the extent they “are interpreted to curtail the University’s freedom to fill positions requiring ordination and select Bible preachers in accordance with theological commitments:”

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 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. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health insurance benefits and services);
- 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. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-106.61 (governing employment).

The University is exempt from these provisions to the extent that they prohibit discrimination on the basis of sex in the University’s decisions to fill positions requiring ordination and select Bible preachers for University conferences and events, and compliance would conflict with the controlling organization’s religious tenets.

Steve Pettit – page 3

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 identified in your request, OCR is obligated to identify a controlling organization to contact 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



BOB JONES UNIVERSITY

EST. 1927

September 22, 2016

Ms. 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: Supplemental Request for Religious Exemption from Certain Applications of Title IX

Dear Ms. Lhamon:

This letter supplements Bob Jones University's April 1, 2016, Request for Religious Exemption from Certain Applications of Title IX. The purpose of this supplemental request is to supplement, expand, and clarify the scope of that exemption request. Nothing herein should be construed as rescinding or withdrawing the specific provisions of that request.

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

As stated in the April 1 request, and unchanged since that time, BJU is completely controlled by a religious organization: its Board of Trustees.¹ All board members are like-minded Christians who are required annually to read and indicate consent to the University Creed, which states as follows:

¹ Bob Jones University Policy Manual, Vol. I, Bylaws, Article III, Section 1, p.8; Bob Jones University Policy Manual, Volume I, Section 1.5.2.1, p.35.

Ms. Catherine Lhamon

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September 22, 2016

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.²

At each annual board meeting, all members are required³ to read and indicate consent to the general objectives of the University as set forth in the bylaws and charter,⁴ the University's philosophy of education statement,⁵ and the Creed (copies of which are enclosed). Every member of the Board is required to indicate that they have read the Board Handbook and Bylaws and are in agreement with them.⁶ Board members who can no longer agree to these items disqualify themselves from membership.⁷

Additionally, BJU serves a particular constituency of independent, fundamental churches, and its mission is, in part, to develop individuals who are "engaged in service and leadership in a biblically faithful local church."

Not only does the University rely on and require all members of its governing board to affirm the University Creed, it also requires its faculty to do so as well, since the creed is foundational to all that it does, including what is taught in its classes.⁸ The Board of Trustees and the University submit themselves to the Bible and to these expressions of its doctrine and seek to take positions that are in accord with those standards.

² Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

³ Bob Jones University Policy Manual, Vol. I, Section 1.4.1.3(1), p.21.

⁴ Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

⁵ Bob Jones University Policy Manual, Vol. I, Section 1.2.3, p. 6.

⁶ Bob Jones University Policy Manual, Vol. I, Section 1.4.1.2(2), p. 21.

⁷ Bob Jones University Policy Manual, Vol. I, 1.4.1.3(2), p.21.

⁸ Bob Jones University Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7; Section, 1.4.1.3, p.21; Bob Jones University Policy Manual, Vol. IV, Section 4.5.2.1.1, p. 28.

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September 22, 2016

The Bob Jones University policy manual cites the passages of Holy Scripture that set forth the criteria for ordained preachers and pastoral leadership.⁹ Those passages reveal that ordained preachers and pastoral leaders must be male.¹⁰ Therefore, it is the University's sincerely held religious belief that only males may be ordained to the preaching and pastoral leadership ministry.

Because the University believes that only males may be ordained to these ministries:

- 1) it admits only males to any program whose stated purpose is to prepare for a preaching or pastoral leadership ministry (such as, but not limited to, the Master of Ministry and Doctor of Ministry);
- 2) it admits only males to any course whose stated purpose is to prepare for a preaching or pastoral leadership ministry (such as, but not limited to, homiletics, church administration, and pastoral leadership);
- 3) only males may participate in those programs and courses, or any derivative or ancillary activities; and
- 4) it employs only males to instruct and train those in programs or courses the purpose of which is to prepare for a preaching or pastoral leadership ministry.

Because only males are admitted to preaching and pastoral leadership ministry programs and courses:

- 1) scholarships, if any, specifically designed to assist those in such preaching and pastoral leadership programs and courses are available only to males;
- 2) the University recruits only males to those programs and/or courses; and
- 3) the University does not provide employment or job placement services, career counseling, or networking services for females in any preaching or pastoral leadership ministries, nor does it directly or indirectly assist any person or organization to do so.

Based upon the University's sincerely held belief that only males may be ordained to the preaching and pastoral ministry, BJU requests, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that the Department of Education's Office for Civil Rights acknowledge that BJU is exempt from Title IX of the Education Amendments of 1972 and the following implementing

⁹ Bob Jones University Policy Manual, Vol. I, Section 1.4.1.6, p. 24.

¹⁰ 1 Timothy 3; Titus 1.

Ms. Catherine Lhamon

Page 4

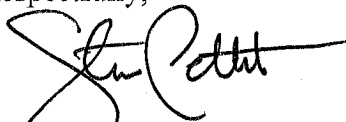
September 22, 2016

regulations, to the extent that they are interpreted to curtail the University's freedom to apply and enforce its belief that only males may be ordained to the pastoral leadership or preaching ministry and to offer programs, courses, and ancillary services as set forth above to only males in accordance with its theological commitments:

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

Thank you in advance for your consideration. I look forward to hearing from you soon. If you require anything further, please do not hesitate to contact me.

Respectfully,



Steve Pettit
President
Bob Jones University

Enclosures



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 17, 2016

Steve Pettit
President
Bob Jones University
1700 Wade Hampton Blvd.
Greenville, SC 29614

Dear President Pettit:

I write to respond to your September 22, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bob Jones University (University) of Greenville, South Carolina, 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.

Title IX and its 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 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 or regulation that conflict with those tenets.

Your September 22 letter notes that it supplements your April 1, 2016, request for a religious exemption, which OCR granted by letter dated June 17, 2016. Your request explains that members of the University's Board of Trustees, which "completely control[s]" the University, are "like-minded Christians who are required annually to read and indicate consent to the University Creed." According to your letter, the Creed states that the "general nature and object of" the University is to "conduct an institution of learning . . . , giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Your letter goes on to state that Board members must also annually "read and indicate consent to the general objectives of the University as set forth in the bylaws and charter [and] the University's philosophy of education statement." You explain that faculty is also required "to affirm the University Creed . . . , since the creed is foundational to all that [the University] does, including what is taught in its classes."

You request an exemption to the extent that Title IX or its implementing regulations "are interpreted to curtail the University's freedom to apply and enforce its belief that only males may be ordained to the pastoral leadership or preaching ministry and to offer programs, courses, and

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

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ancillary services as set forth [in the September 22 letter] to only males in accordance with its theological commitments.” In support of this request, you explain that the University’s “policy manual cites the passages of Holy Scripture that set forth the criteria for ordained pastoral leaders,” including that “only males may be ordained to the preaching and pastoral leadership ministry.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions to the extent they “are interpreted to curtail the University’s freedom to apply and enforce its belief that only males may be ordained to the pastoral leadership or preaching ministry and to offer programs, courses, and ancillary services ... to only males in accordance with its theological commitments:”

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 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. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health insurance benefits and services);
- 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. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-106.61 (governing employment).

The University is exempt from these provisions to the extent that they prohibit discrimination on the basis of sex in education programs and activities for individuals ordained to the pastoral leadership or preaching ministry, and that prepare individuals for the pastoral leadership or preaching ministry, including programs, courses, and ancillary services, 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 identified in your request, OCR is obligated to identify a controlling organization to contact to verify those

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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



BOB JONES UNIVERSITY
EST. 1927

April 5, 2017

Sandra Battle, Acting 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: Religious Exemption from Certain Applications of Title IX

Dear Ms. Battle:

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

Bob Jones University ("BJU" or "the University") was founded in 1927 as a Christ-centered institution of higher education, emphasizing theology and the arts.¹ BJU is committed, "[w]ithin the cultural and academic soil of liberal arts higher education," to "grow[ing] Christlike character that is scripturally disciplined, others-serving, God-loving, Christ-proclaiming and focused above."²

BJU is completely controlled by a religious organization: its Board of Trustees.³ All board members are like-minded Christians who are required annually to read and indicate consent to the University Creed, which states as follows:

¹ See <http://www.bju.edu/about/history.php>.

² See <http://www.bju.edu/about/mission-statement.php>.

³ Bob Jones University Policy Manual, Vol. I, Bylaws, Article III, Section 1, p. 8; Bob Jones University Policy Manual, Volume I, Section 1.5.2.1, p. 35.

Letter to Sandra Battle

April 5, 2017

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The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.⁴

At each annual board meeting, all members are required⁵ to read and indicate consent to the general objectives of the University as set forth in the bylaws and charter,⁶ the University's philosophy of education statement,⁷ and the Creed (copies of which are enclosed). Every member of the Board is required to indicate that they have read the Board Handbook and Bylaws and are in agreement with them.⁸ Board members who can no longer agree to these items disqualify themselves from membership.⁹

Additionally, BJU serves a particular constituency of independent, fundamental churches, and its mission is, in part, to develop individuals who are "engaged in service and leadership in a biblically faithful local church."¹⁰

Not only does the University rely on and require all members of its governing board to affirm the University Creed, it also requires its faculty to do so as well, since the Creed is foundational to all that the University does, including what is taught in its classes.¹¹ The Board of Trustees and the University submit themselves to the Bible and to these expressions of its doctrine and seek to take positions that are in accord with those standards.

⁴ Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

⁵ Policy Manual, Vol. I, Section 1.4.1.3(1), p. 21.

⁶ Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7.

⁷ Policy Manual, Vol. I, Section 1.2.3, p. 6.

⁸ Policy Manual, Vol. I, Section 1.4.1.2(1), p. 21.

⁹ Bob Jones University Policy Manual, Vol. I, 1.4.1.3(2), p. 21.

¹⁰ See <http://www.bju.edu/about/creed-mission.php>.

¹¹ Policy Manual, Vol. I, Preamble to Charter and Bylaws of Bob Jones University, p. 7; Section, 1.4.1.3, p. 21; Policy Manual, Vol. IV, Section 4.5.2.1.1, p. 28.

Letter to Sandra Battle

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Therefore, consistent with a biblical interpretation of the value of life, BJU has developed a position statement on the sanctity of life, which states in relevant part:

We believe that followers of Jesus Christ who are governed by the authority of the Bible are ethically obligated to preserve, promote, and defend the sanctity of human life.

We believe that when dealing with areas of uncertainty and ethical dilemmas we should take the safest possible course and promote life. Jesus teaches this principle of carefulness in the Sermon on the Mount when He instructs His followers not only to avoid killing, but to cease from any activity or passion that increases one's proclivity toward murder (Matt. 5:21-22).

We believe that the Bible consistently depicts fetal life as both personal and human. And we believe that our thinking about issues related to contraception, the harvesting of embryonic stem cells, and aborticides should be governed accordingly.

Therefore, we oppose the practice of abortion on the grounds that it involves the intentional, purposeful, and direct ending of a human life that began at conception. We oppose the causation of the death of an unborn human child even if there is a conflict between the survival of the mother and the survival of the unborn child.

In very rare cases when it is medically determined that continuing a pregnancy would jeopardize the physical life of the mother, we would support treatment to preserve the life of the mother short of abortion.

We oppose suicide on the grounds that God owns human life. (The Bible nowhere depicts suicide as a commendable personal choice [1 Sam. 31:4; 2 Sam. 17:23; 1 Kings 16:18-20; Matt. 27:5; Acts 1:18].)

We oppose all forms of euthanasia, since God reserves the right to determine life's end (1 Cor. 6:19-20; Job 14:5).

We recognize that scientific advances have raised significant ethical questions concerning the indefinite prolongation of life through medical support systems. These questions have to be handled individually by the family of those suffering. But in general, we believe that although Christians should sustain life wherever possible, we are not obligated to prolong the process of dying.

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We reserve the right to make institutional decisions consistent with these positions for employment, hiring, retention, student admissions, discipline and all other matters.¹²

For that reason, I request, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that OCR acknowledge that BJU is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail BJU's freedom to apply and enforce its position on the sanctity of human life in accordance with its theologically-grounded convictions.

Additionally, consistent with historic understanding of the Holy Scriptures and our doctrinal standards, BJU affirms the following regarding sexual conduct:

The Scriptures teach that God created man and woman in His image (Gen. 1:27-28), brought them together in the life-long covenant relationship of marriage and blessed this union (Gen. 1:28). Furthermore, the Scriptures make plain that this first marriage was intended to be an authoritative pattern for all future human marriages as evidenced by the teachings of Moses (Gen. 2:18-24), the Wisdom books (Prov. 12:4; 18:22; 31:10; Eccles. 9:9), the Prophets (Mal. 2:13-16), the Apostles (1 Cor. 7:1-16; Eph. 5:21-33; Col. 3:14-19; Heb. 13:4; 1 Pet. 3:1-7), and Jesus Himself (Matt. 19:4-6; Mark 10:1-9).

Marriage is a covenantal life-long relationship between a woman and a man who were physically created and assigned these genders by God (Gen. 1:27; Ps. 139:13-16; Matt. 19:4; Mark 10:6). We believe God intended heterosexual marriage for the propagation of the human race and the loving expression of healthy relational and sexual intimacy, and to picture the covenant relationship He has with all believers (Eph. 5:22-33).

Human sexuality is part of God's divine design for human beings (Gen. 1:28). However, the Bible restricts all forms of consensual sexual activity to within the boundaries of the marriage relationship (1 Cor. 7:1-5; Heb. 13:4). The Bible clearly prohibits not only non-consensual sexual misconduct (Deut. 22:25-27) but also any consensual sexual activity outside the boundaries of heterosexual marriage (1 Thess. 4:1-8). Furthermore the Bible specifically names as sinful and prohibits any form of sexual activity between persons of the same sex (Rom. 1:26-27; 1 Cor. 6:9-10; 1 Tim. 1:10), polygamy (Matt. 19:4-6; 1 Cor. 7:11), incest (Lev. 18:6-18; 1 Cor. 5:1), bestiality (Exod. 22:19; Lev. 18:23; 20:15-16; Deut. 27:21; Gal. 5:19; Eph. 5:3; Col. 3:5), adultery (Exod. 20:14; Mark 10:19; Luke 18:20; James 2:11), and

¹² See <http://www.bju.edu/about/positions.php>.

Letter to Sandra Battle
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fornication of any sort including pornography (1 Cor. 6:9-10; 1 Thess. 4:3-8; Lev. 18:20).¹³

BJU, in service to the Church, understands that some with Christian faith may struggle with same-sex attraction. But, BJU, consistent with Scriptural teaching, affirms that sexual activities with members of the same sex cannot be condoned as acceptable expressions of one's sexuality. As you are aware, the EEOC has begun declaring that the ban on sex discrimination in Title VII of the Civil Rights Act of 1964 also forbids discrimination on the basis of sexual orientation.¹⁴

It is conceivable that OCR could interpret Title IX of the Education Amendments of 1972 the same way. To the extent these suppositions are correct, it appears as though compliance with Title IX, if interpreted by ED OCR to reach sexual orientation discrimination, would also be inconsistent with the theological commitment of BJU. BJU, therefore, also claims exemption on this basis out of an abundance of caution.

Finally, consistent with these theological standards, the University has developed a position statement addressing gender identity (enclosed). That statement provides in pertinent part as follows:

God created man and woman in His image as two distinct but equal genders which He intends to use for His glory (Gen. 1:26-27). Furthermore, individual gender is assigned by God and determined at conception (Ps. 139:13-16). Therefore we believe that to intentionally alter or change one's physical gender or to live as a gender other than the one assigned at conception is to reject God's right as Creator to assign gender to His creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual (1 Cor. 10:31).

Because the positions set forth in this statement are grounded in the biblical, moral and ethical commands clearly taught and demanded by Scripture, BJU expects all employees and students enrolled at BJU to agree with and abide by this statement on marriage, human sexuality, and gender identity.

As you know, OCR has issued a "Dear Colleague" letter jointly with the Department of Justice, which states that Title IX's prohibition on sex discrimination "encompasses discrimination based on a student's gender identity, including discrimination based on a student's transgender

¹³ See <http://www.bju.edu/about/positions.php>.

¹⁴ See <http://www.eeoc.gov/decisions/0120133080.pdf>.

Letter to Sandra Battle

April 5, 2017

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status.”¹⁵ That is, a school “must not treat a transgender student differently from the way it treats other students of the same gender identity.”¹⁶

OCR’s letter indicated that a school must use pronouns and names that reflect a transgender student’s gender identity, and permit the student full access, based upon gender identity, to sex-segregated activities and facilities, including locker rooms, restrooms, showers, housing (including overnight accommodations), and athletic teams.¹⁷ And as you also know, OCR previously issued guidance on sexual violence prevention which incorporates discrimination based on “gender identity” as part of “sex discrimination” under the statute.¹⁸

Moreover, the resolution agreement¹⁹ between the Arcadia Unified School District and OCR (and the Department of Justice) requires that school district to permit transgender students to use the restroom, locker room, and living accommodations of their choice, and to participate in athletic programs as a member of the sex to which they believe they belong.²⁰ It is thus reasonable to suppose that OCR believes that Title IX requires such responses.

It is also reasonable to presume that your office interprets Title IX to impose gender identity non-discrimination obligations upon covered institutions in the employment context. To the extent these suppositions are correct, it appears as though compliance with Title IX, as interpreted by OCR to reach transgender discrimination, would be inconsistent with the religious tenets of the University.

For that reason, I request, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, that OCR acknowledge that BJU is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail BJU’s freedom to respond to transgender individuals in accordance with its theologically-grounded convictions.

All of us are sinners. We live in a world broken by sin and are called to live out our biblical beliefs among those who may disagree with us. We desire to do so in ways that honor God and point them to Him (1 Pet. 1:11-12). We believe every person must be treated with respect and

¹⁵ U.S. Department of Justice and U.S. Department of Education, Dear Colleague Letter on Transgender Students, *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>.

¹⁶ *Id.* at p. 2.

¹⁷ *Id.*

¹⁸ U.S. Department of Education, Questions and Answers on Title IX and Sexual Violence, *available at* <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf> at 5 (“Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation.”)

¹⁹ 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/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf>.

²⁰ *Id.*

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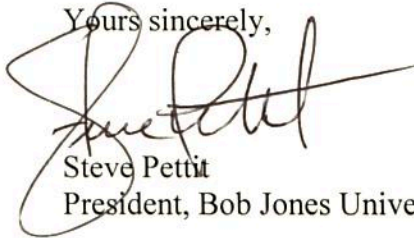
compassion and are committed to living out our commitments to these biblical standards with grace and humility. We also believe that we are called to speak God's truth in love (Eph. 4:15) as we call all men to recognize that all human sinfulness is an offense to God (Rom. 3:10-11; Rom. 6:23a), that God has displayed immense grace and mercy toward all sinners (Eph. 2:1-10), and that He offers a full and free forgiveness through Jesus Christ to all who repent and forsake their sin and turn in faith to Him (Acts 3:19-21; Rom. 6:23; 10:9-10; 1 Cor. 6:9-11; 1 John 1:8-9).²¹

BJU accordingly requests that your office acknowledge that the BJU is exempt from Title IX and the following implementing regulations (to the extent they restrict BJU's freedom to apply and enforce its position on the sanctity of human life, and to the extent they are interpreted to reach sexual orientation or gender identity):

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

Thank you in advance for your consideration. I look forward to hearing from you soon. If you require anything further, please do not hesitate to contact me.

Yours sincerely,



Steve Pettit
President, Bob Jones University

²¹ See <http://www.bju.edu/about/positions.php>.

Charter and Bylaws of Bob Jones University

Preamble

The basic principles of all bylaws or rules and regulations of Bob Jones University shall be the fundamental truths embodied in the University Creed as perpetuated in the charter of the institution as follows:

The general nature and object of the corporation shall be to conduct an institution of learning for the general education of youth in the essentials of culture and in the arts and sciences, giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures, combating all atheistic, agnostic, pagan, and so-called scientific adulterations of the Gospel, unqualifiedly affirming and teaching the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God. This charter shall never be amended, modified, altered or changed as to the provisions hereinbefore set forth.

All resolutions, motions and actions of the Board of Trustees of the University and the Executive Committee shall be construed and interpreted in the light of this creed. All resolutions, motions or actions by the Board of Trustees, the Executive Committee, the faculty, or any officer or agent of the University which are contrary to the fundamental principles set forth in the creed are hereby declared to be null and void. It shall be the duty of the Executive Committee hereinafter provided for to keep a strict supervision over the affairs of the University and at all times to protect, uphold and defend the creed and all other bylaws and rules and regulations of the University lawfully adopted.

1.2.3 Christian Philosophy of Education

Christian education at BJU is a spiritual ministry that has as its purpose to further the process of spiritual development in the image of God. BJU endeavors to teach students to know God and to imitate Him in His character and in His works. This commitment embraces all that is done in and out of the classroom. Knowledge of the written Word of God, the Bible, remains at the center. The academic studies radiate from this center as studies of God's works. Biblical truth is not confined to the required Bible courses but is diffused throughout the curriculum.

Yet to know God implies more than just knowledge about God. The knowledge of God that is unique to Christian education is a personal knowledge that begins with repentance of sin and faith in Jesus Christ as Savior and develops through obedience to and communion with God. To know God is to be born into the family of God and to live in fellowship with Him. With this knowledge as the starting point, student attention is directed outward to the full range of natural facts and human experience and to formulations of that experience in history and philosophy, literature and art—all as reflective of the work of God intersecting with the work of man. The student develops a worldview coherent with the work of God in his life.

The work of God in a student's life is a process of his imitating God in his character and service. Accordingly, BJU faculty and Administration urge students onward in this process and provide an environment structured toward this purpose. As in secular education, the environment of Christian education is artificially selective, including elements favorable to its purpose and suppressing those unfavorable to it. BJU does not apologize for the prescriptiveness of the educational experience here. Its character goals require it.

BJU also provides students with ministry opportunities so it becomes natural to them to live out their beliefs in service to God and to others. Students are requested to have weekend ministries of various sorts both in the immediate area and in surrounding states as well. The University keeps before all its students their responsibility to share the Gospel and minister to others.

Bob Jones University Creed

I believe in the inspiration of the Bible (both the Old and the New Testaments); the creation of man by the direct act of God; the incarnation and virgin birth of our Lord and Saviour, Jesus Christ; His identification as the Son of God; His vicarious atonement for the sins of mankind by the shedding of His blood on the cross; the resurrection of His body from the tomb; His power to save men from sin; the new birth through the regeneration by the Holy Spirit; and the gift of eternal life by the grace of God.

Statement about Gender Identity

God created man and woman in His image as two distinct but equal genders which He intends to use for His glory (Gen. 1:26-27). Furthermore, individual gender is assigned by God and determined at conception (Ps. 139:13-16). Therefore we believe that to intentionally alter or change one's physical gender or to live as a gender other than the one assigned at conception is to reject God's right as Creator to assign gender to His creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual (1 Cor. 10:31).



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 21, 2017

Steve Pettit
President
Bob Jones University
1700 Wade Hampton Blvd.
Greenville, SC 29614

Dear President Pettit:

I write in response to your April 5, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bob Jones University (University) of Greenville, South Carolina, from Title IX of the Educational 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. Title IX and its implementing regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may 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 or regulation that conflict with those tenets.

Your request letter states that the University is "completely controlled" by its Board of Trustees, the members of which are "like-minded Christians who are required annually to read and indicate consent to the University Creed." According to your letter, the Creed states that the "general nature and object of" the University is to "conduct an institution of learning . . . , giving special emphasis to the Christian religion and the ethics revealed in the Holy Scriptures." Your letter goes on to state that Board members must also annually "read and indicate consent to the general objectives of the University as set forth in the bylaws and charter [and] the University's philosophy of education statement." You explain that faculty members are also required "to affirm the University Creed . . . , since the creed is foundational to all that the University does, including what is taught in its classes."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent they restrict the University's freedom to apply and enforce its position on the sanctity of human life, and to the extent they are interpreted to reach sexual orientation or gender identity. In support of this request, your letter cites the University's position statement on the sanctity of life, which explains that "followers of Jesus Christ who are governed by the

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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.

Steve Pettit — page 2

authority of the Bible are ethically obligated to preserve, promote, and defend the sanctity of human life, and that the University therefore opposes “the practice of abortion on the grounds that it involves the intentional, purposeful, and direct ending of a human life that began at conception,” “suicide on the grounds that God owns human life,” and “all forms of euthanasia, since God reserves the right to determine life’s end.” Your letter further states that “God created man and woman in His image,” that “[m]arriage is a covenantal life-long relationship between a woman and a man who were physically created and assigned these genders by God” and that the Bible prohibits “any consensual sexual activity outside the boundaries of heterosexual marriage.” Finally, your letter cites the University’s position on gender identity, which provides that “individual gender is assigned by God and determined at conception” and “that to intentionally alter or change one’s physical gender or to live as a gender other than the one assigned at conception is to reject God’s right as Creator to assign gender to His creatures.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent they restrict the University’s freedom to apply and enforce its position on the sanctity of human life, and to the extent they are interpreted to reach sexual orientation or gender identity:

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

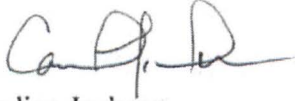
The University is exempt from these provisions to the extent that compliance would conflict with the controlling organization’s religious tenets.

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 recognized.

Steve Pettit — page 3

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Candice Jackson". The signature is fluid and cursive, with the first name being the most prominent.

Candice Jackson
Acting Assistant Secretary for Civil Rights



August 26, 2021

Caley:

As is stated in our Graduate and Seminary Handbook, Lincoln Christian University is a Christian community committed to academic pursuit and spiritual growth under the Lordship of Jesus Christ and as such, all members of this community agreed to live within the boundaries established in the Handbook.

I recognize that this is a tender and sensitive topic, but it has come to my attention that you have made lifestyle choices that do not comply with our behavioral expectations. According to a blog post you contributed to *Whosoever* on June 23, 2021 and your biographical information on the First Christian Church website, it seems you have chosen to identify as and live as a transgender woman. Our Graduate and Seminary Handbook clearly states:

Section 350: Sexual Immorality

Sexual immorality is prohibited by God's Word, and therefore by the University. This includes premarital sex, extramarital sex, homosexual activity, gender modification, and any other sexual activity outside the bounds of a Biblical marriage. It also includes erotic physical contact outside the traditional definition of sexual intercourse.

Homosexuality is defined as romantic, physical, or sexual attraction to a member of the same gender. Homosexual activity is defined as romantic, physical, or sexual acts with a member of the same gender. Gender is defined as a person's physical condition as male or female at birth. Gender modification or medical procedures to become transgender are considered sexual immorality. Similarly, cross-dressing for the purpose of presenting oneself as an opposite gender is considered inappropriate.

Please note that being attracted to a member or members of the same sex is not a disciplinary matter under this Handbook. However, in light of our understanding of Biblical teaching regarding human sexuality, acting on these attractions will be treated as a disciplinary issue under this Handbook.

Even though a Biblical worldview does not support homosexual activity or an elected transgender lifestyle, it also clearly promotes general respect for and tolerance of people who do not share a Biblical worldview or interpret pertinent Biblical texts in a manner that is inconsistent with orthodox Christian scholarship.

In addition, the most recent Mentored Ministry reports submitted on your behalf are written in a way to conceal your choice to live as a woman. The reports are written awkwardly in an attempt to not use pronouns when speaking about your work at the church. This is a cause of concern as they seem to have been written and submitted to be intentionally less than forthright.

We desire that any action taken by LCU be done so with the best interest of the student and community in mind. Any action we take is not undertaken to be punitive, but instead used as an opportunity for growth. Our redemptive process is in place to call members of our community to a high standard of

behavior and to establish and maintain an environment conducive to learning and personal growth. As an LCU student you are agreeing to live by our community standards.

If you choose to remain enrolled at LCU, this matter will be referred to the Disciplinary Committee for further action. Please find our due process information below so you can be fully informed regarding the steps that will be taken.

If, for any reason, you were unaware of our stance on gender and now recognize that you cannot abide by our conduct expectations, you may simply withdraw from classes and no further action will be taken. Students may drop classes anytime before September 6 and receive a full refund. If you choose to withdraw from your classes, you should contact the Registrar's Office (registrar@lincolnchristian.edu).

Please acknowledge receipt of this Notice of Charge by responding via email. As you'll note below, if you would like to be heard by the Disciplinary Committee, you may submit a request to me within fourteen (14) days of receipt of this Notice. If you do not request to be heard and you do not voluntarily choose to withdraw from your courses, this matter will be presented to the Disciplinary Committee for further action.

We seek to find a redemptive and respectful conclusion to this matter. If you would like to speak to me or to Dr. Barney Wells, Graduate and Seminary Dean about this matter, please let us know.



Jill Dicken
Vice President of Student Development

Section 415: Due Process

A student who is subject to any disciplinary action as outlined in this Handbook and who is not suspected or determined as provided elsewhere to be a direct threat to self or others has the following, and only the following, rights:

Formal Actions. Before being subjected to any Formal Actions, a student is entitled to written Notice of Charge and may, upon request, be heard by and personally appear before the Disciplinary Committee. Such a request must be made to the Vice President of Student Development in writing within fourteen (14) days of the Notice of the Charge. The Vice President of Student Development may, in her sole discretion, choose to submit the matter to the Disciplinary Committee for decision. The Disciplinary Committee will have ten (10) days to render a decision.

Appeal of Disciplinary Committee Actions. A student may appeal Informal or Formal Actions taken by the Disciplinary Committee as follows: an appeal may be made to the President, or his designee. The President, or his designee, may, in his sole discretion, grant the student an opportunity to appear in person and be heard. Appeals must be made in writing and within fourteen (14) days of the decision being appealed. The response to the appeal must be made within ten (10) days of the appeal.

Appeals are Successive. Note that these appeals are successive, meaning that, for example, informal action by a Residence Hall Director must first be appealed to the Vice President of Student Development, and a denial of that appeal by the Vice President must then be appealed to the Disciplinary Committee, and a denial of that appeal by the Disciplinary Committee must then be appealed to the President.

Disciplinary Committee Hearings. If a student appears before the Disciplinary Committee, the student may personally appear before and be heard by the Disciplinary Committee and may make a statement and respond to committee questions. A student is **not** entitled to (though may be permitted upon request) present evidence, cross examine witnesses, or be represented by legal counsel.

FW: meeting yesterday

Wolff, Joshua <jwolff@adler.edu>

Fri 10/22/2021 11:12 AM

To: Paul Southwick <paul@paulsouthwick.com>; Josiah Robinson <josiahr@paulsouthwick.com>

From: Wolff, Joshua

Sent: Thursday, September 29, 2016 5:23 PM

To: joseph.wheeler@ed.gov; seth.galanter@ed.gov

Subject: meeting yesterday

Dear Joseph and Seth,

I'd like to extend my utmost appreciation for making the time to meet with Jenny Smulson and I yesterday. I felt very heard, and appreciated your thoughtful questions. If there is any way I can be of help to your Office now or in the future, please don't hesitate to ask.

Also, I would be most appreciative if you forward my gratitude to your other colleagues who were present (I only got business cards from the two of you, or I would have included them on this email as well).

Best regards,

Josh

Joshua R. Wolff, PhD

Assistant Professor

Department of Psychology

Adler University – Chicago campus

Phone: (312) 662-4371

Licensed Psychologist (IL)

Gender pronouns: he, him

FW: [EXTERNAL] Meeting follow up

Wolff, Joshua <jwolff@adler.edu>

Fri 10/22/2021 11:14 AM

To: Paul Southwick <paul@paulsouthwick.com>; Josiah Robinson <josiahr@paulsouthwick.com>

From: Wolff, Joshua

Sent: Wednesday, June 30, 2021 3:41 PM

To: 'Polishchuk, Kenneth' <KPolishchuk@apa.org>; suzanne.goldberg@ed.gov; Alice.Abrokwa@ed.gov; joseph.wheeler@ed.gov; jessica.cook@ed.gov; joseph.Golinker@ed.gov; tina.sohaili@ed.gov

Cc: Studwell, Karen <KStudwell@apa.org>; Theresa Kay <tkay@weber.edu>; Mira Krishnan <mira@miracharlotte.com>; Christina Patterson <capatterson42@gmail.com>

Subject: RE: [EXTERNAL] Meeting follow up

Dear OCR staff,

I'd also like to reiterate our appreciation for your willingness to meet with us and listen to our concerns about the safety and mental health of LGBTQ+ students in non-affirming religious colleges and universities (NARUs). We recognize this is a complex issue, and we appreciate OCR's willingness to engage in dialogue about it as you seek to strengthen Title IX protections for often marginalized groups.

To briefly recap, we are requesting that OCR and ED take the following actions:

1. Issue guidance against the use of harmful practices being used toward LGBTQ+ students at some NARUs. This should include guidance that sexual orientation/gender identity change efforts (i.e., conversion therapy) - practices which research and anecdote state are occurring at some NARUs - are harmful and incompatible with receipt of federal dollars. Similarly, stronger guidance is needed that bullying, harassment, and sexual assault of LGBTQ+ students are unacceptable regardless of religious affiliation.
2. Expand research opportunities offered through ED on LGBTQ+ student well-being and campus climates. Similarly, incentivize NARUs to build safer campus climates for LGBTQ+ students, faculty, and staff through grants and other regulatory strategies.
3. Hire psychologist(s) to join OCR's team. We offer significant expertise in research, clinical mental health services at schools and universities, and psychometric assessment which could be a valuable asset to OCR.

Please do not hesitate to reach out should we be able to assist.

Best regards,

Josh

Joshua R. Wolff, Ph.D.

Adjunct Professor – Department of Psychology
Adler University
Chicago, IL

Lic. Clinical Psychologist (IL)
Gender pronouns: he/him



From: Polishchuk, Kenneth <KPolishchuk@apa.org>
Sent: Tuesday, June 29, 2021 4:55 PM
To: suzanne.goldberg@ed.gov; Alice.Abrokwa@ed.gov; joseph.wheeler@ed.gov;
jessica.cook@ed.gov; joseph.Golinker@ed.gov; tina.sohaili@ed.gov
Cc: Studwell, Karen <KStudwell@apa.org>; Wolff, Joshua <jwolff@adler.edu>; Theresa Kay
<tkay@weber.edu>; Mira Krishnan <mira@miracharlotte.com>; Christina Patterson
<capatterson42@gmail.com>
Subject: [EXTERNAL] Meeting follow up

Good afternoon,

Thank you again for taking the time to meet with us today. We appreciate your willingness to engage on these critical issues and we look forward to continuing the conversation. I wanted to follow up with several documents I mentioned during the call. Below are links to several APA resolutions and attached please find recent comments APA joined that were submitted during the public hearing period a few weeks ago, as well as comments that we provided a few years ago when the current Title IX rule was being considered. We will be submitting new comments once the NPRM is published, but wanted to share these as well.

- [APA Resolution on Campus Sexual Assault](#)
- [APA Resolution on Sexual Orientation Change Efforts](#)
- [APA Resolution on Opposing Discriminatory Laws, Policies, and Practices Aimed at LGBTQ+ Persons](#)

Thank you again, and please do not hesitate to reach out if you have any questions.

Kenneth

Kenneth Polishchuk (*hel/him*) | Senior Director for Congressional & Federal Relations
Advocacy
202-336-5945
kpolishchuk@apa.org

American Psychological Association
750 First Street NE, Washington, DC 20002

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS



CASE PROCESSING MANUAL
(CPM)

EFFECTIVE DATE: AUGUST 26, 2020

INTRODUCTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. The Case Processing Manual (CPM) provides OCR staff and stakeholders with information regarding how OCR promptly and effectively investigates and resolves complaints, compliance reviews, and directed investigations, to ensure compliance with the civil rights laws and regulations enforced by OCR.

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ARTICLE I: EVALUATION

Upon receipt of information, OCR will determine whether the information provided to OCR is subject to further processing pursuant to applicable statutes and regulations and OCR's CPM. As appropriate, OCR will provide complainants¹ with assistance regarding the nature of their rights and of the OCR investigation process. Also, as appropriate, OCR will provide assistance to complainants who are individuals with disabilities,² individuals of limited English proficiency, and individuals whose communication skills are otherwise limited. All written information provided to OCR should include the sender's contact information.³ Written information may be filed online, as well as by mail, electronic mail, or fax.

SECTION 101 PRIVACY ACT AND FREEDOM OF INFORMATION ACT

To investigate a complaint, OCR may collect and analyze personal information. The Privacy Act of 1974, as amended 5 U.S.C. § 552a (Privacy Act) and the Department's Privacy Act regulations at 34 C.F.R. Part 5b, Section 444 of the General Education Provisions Act (commonly referred to as the Family Educational Rights and Privacy Act (FERPA)), 20 U.S.C. § 1232g and FERPA's implementing regulations at 34 C.F.R. Part 99, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and FOIA's implementing regulations at 34 C.F.R. Part 5, may apply to the personal information collected by OCR and, where applicable, govern its disclosure. OCR does not reveal the name or other personal information about an individual unless: (1) such information is necessary for the completion of an investigation or in enforcement activities against an institution that violates the laws and regulations enforced by OCR; (2) such information is required to be disclosed by law; or (3) such information is permitted to be disclosed under the Privacy Act and FERPA, as applicable. Disclosure will only be made as consistent with the Privacy Act, FERPA, and FOIA.

Subject to the restrictions imposed by the Privacy Act, OCR may release certain information about a complaint to the press or general public, including the name of the school or institution; the date a complaint was filed; the type of discrimination included in a complaint; the date a complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; or other related information. Under these circumstances, any information OCR releases to the press or general public will not include the complainant's name, the name of the person on whose behalf the complaint was filed, or personal information about the complainant or the person on whose behalf the complaint was filed, except as noted in the paragraph above. See CPM Section 703.

SECTION 102 DETERMINE WHETHER THE INFORMATION PROVIDED IS SUBJECT TO FURTHER PROCESSING

OCR will determine whether the information provided to OCR is subject to further processing pursuant to OCR's CPM, as follows:

- (a) Not all information that OCR receives is sufficient to constitute a complaint subject to further processing pursuant to OCR's CPM. The following are generally not subject to further processing, but this determination will be made on an individualized basis, as appropriate:
 - i. Anonymous correspondence with OCR;
 - ii. Courtesy copies of correspondence or documentation filed with or otherwise submitted to another person or entity;
 - iii. Inquiries that solely seek advice or information from OCR; or

¹ This manual uses the term "complainant" throughout. The term "complainant" refers to (a) the person who files a complaint; or (b) the person or group injured by the alleged discriminations on whose behalf a complainant files a complaint.

² See 34 C.F.R. Part 105.

³ Contact information should include, for example, mailing address, phone number, or an electronic mail address.

- iv. Allegations that are communicated to OCR only orally and not in writing.
- (b) OCR must have jurisdiction over the subject matter of the allegations. An allegation over which OCR lacks subject matter jurisdiction is not subject to further processing and will be dismissed pursuant to CPM Section 108.

For OCR to establish subject matter jurisdiction, the written information must allege, or OCR must be able to infer from the facts given, an allegation of: (1) discrimination based on race, color, national origin, sex, disability, or age, (2) discrimination in violation of the Boy Scouts of America Equal Access Act of 2001, or (3) retaliation for the purpose of interfering with any right or privilege secured by the civil rights laws and regulations enforced by OCR, or as a result of making a complaint, testifying, or participating in any manner in an OCR proceeding. *See* 34 C.F.R. §§ 100.7(e), 104.61, 106.71, 108.9, 110.34; and 28 C.F.R. § 35.134.

OCR has jurisdiction pursuant to the following statutory and regulatory authorities:

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000d et seq., 34 C.F.R. Part 100.

Under Title VI, OCR has jurisdiction to investigate complaints involving individuals who allege discrimination in a recipient's education program or activity, including applicants, students, and parents, as well as certain employment complaints, based on race, color, or national origin.⁴ With respect to employment, OCR has jurisdiction if: (1) the alleged discrimination could adversely affect program beneficiaries on the basis of race, color, or national origin, or (2) a primary objective of the federal financial assistance is to provide employment. *See* CPM subsection 701(b) for processing Title VI complaints with respect to proprietary vocational schools. For employment complaints, OCR follows procedures consistent with the employment coordinating regulations at 28 C.F.R. Part 42 and 29 C.F.R. Part 1691. *See* CPM subsection 701(c).

- **Title IX of the Education Amendments of 1972**, as amended, 20 U.S.C. §§ 1681 et seq., 34 C.F.R. Part 106.

Under Title IX, OCR has jurisdiction to investigate complaints involving individuals who allege discrimination in a recipient's education program or activity, including applicants, students, and parents, as well as employment complaints, based on sex. For employment complaints, OCR follows procedures consistent with the employment coordinating regulations at 28 C.F.R. Part 42 and 29 C.F.R. Part 1691. *See* CPM subsection 701(c).

- **Section 504 of the Rehabilitation Act of 1973**, as amended, 29 U.S.C. § 794, 34 C.F.R. Part 104.

Under Section 504, OCR has jurisdiction to investigate complaints involving individuals who allege discrimination in a recipient's education program or activity, including applicants, students, and parents, as well as employment complaints based on disability. For employment

⁴ This manual uses the term "recipient" throughout. With respect to Title VI, Title IX, Section 504 and the Age Discrimination Act, a recipient is an entity that receives federal financial assistance from the Department. With respect to the Boy Scouts of America Equal Access Act, a recipient is a public elementary or secondary school or local or State educational agency that receives funds made available through the Department. With respect to Title II, the term is intended to include public entities whether or not they receive federal financial assistance. Specifically, the Department of Justice has identified the Department of Education as the designated agency to carry out Title II compliance activities regarding public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry and nursing, and other health-related schools) and public libraries.

complaints, OCR follows procedures consistent with the employment coordination regulations at 28 C.F.R. Part 37 and 29 C.F.R. Part 1640. See CPM subsection 701(e).

- **Age Discrimination Act of 1975**, 42 U.S.C. §§ 6101 et seq., 34 C.F.R. Part 110.

Under the Age Discrimination Act, OCR has jurisdiction to investigate complaints involving individuals who allege discrimination in a recipient's program or activity, including applicants, students, and parents. For instructions regarding referral of complaints to the Federal Mediation and Conciliation Service (FMCS) before investigation, see CPM subsection 701(a). OCR does not have jurisdiction over employment under the Age Discrimination Act. See CPM subsection 701(a).

- **Title II of the Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12131 et seq., 28 C.F.R. Part 35.

Under Title II, OCR has jurisdiction to investigate complaints involving individuals alleging discrimination in a recipient's education program or activity, including applicants, students, and parents, as well as employment complaints based on disability. For employment complaints, OCR follows procedures consistent with the employment coordination regulations at 28 C.F.R. Part 37 and 29 C.F.R. Part 1640, which address coordinating disability employment complaints with the Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC). See CPM subsection 701(e).

- **Boy Scouts of America Equal Access Act of 2001**, 20 U.S.C. § 7905, 34 C.F.R. Part 108.

Under the Boy Scouts Act, OCR has jurisdiction to investigate complaints involving the denial of equal access or a fair opportunity to meet to, or discrimination against, any group officially affiliated with the Boy Scouts of America or officially affiliated with any other youth group listed in Title 36 of the United States Code.

- (c) OCR must have personal jurisdiction over the entity alleged to have discriminated. An allegation about an entity over which OCR lacks personal jurisdiction will not be processed further but will be dismissed pursuant to Section 108.

Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has personal jurisdiction over institutions that receive federal financial assistance from the Department and institutions for which OCR has been delegated authority from other federal agencies. Under Title II, OCR has personal jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry and nursing, and other health-related schools), and public libraries – regardless of whether these institutions receive federal financial assistance. Under the Boy Scouts Act, OCR has personal jurisdiction over public elementary schools, public secondary schools, local educational agencies and State educational agencies that receive funds made available through the Department.

Where appropriate, OCR will refer the written information to the appropriate agency. See CPM Section 701.

- (d) Generally, statistical data alone are not sufficient to warrant opening an investigation but, as part of an individualized determination with regard to the complaint at issue, can serve to support the opening of an investigation when presented in conjunction with other facts and circumstances.

When OCR determines that the written information provided to the Department is not subject to further processing pursuant to CPM Section 102, OCR will notify the sender in writing of its determination.

SECTION 103 ASSIGN A CASE NUMBER AND ESTABLISH A FILE

Once OCR determines pursuant to CPM Section 102 that written information it has received is appropriate for further processing, the information is referred to as a complaint, and OCR will assign a case number to the complaint and establish a file. The case opening date for each complaint is the date on which OCR assigns a case number. The following guidelines will be applied in determining how many case numbers should be assigned:

- When OCR receives written information at or around the same time by the same complainant that raises identical allegations against the same recipient, OCR will assign one case number to the complaints.
- When OCR receives written information alleging discrimination against multiple recipients and OCR has determined, pursuant to CPM Section 102, that the written information is appropriate for further processing, OCR will assign a separate case number to each recipient named. If, during the course of the investigation, OCR determines that other recipients are involved in the alleged acts of discrimination, OCR will assign a separate case number for each such recipient.
- Written information from more than one person against the same recipient that contains different or distinct allegations will be assigned separate case numbers.
- Written information from one or more than one person that raises the same or a similar allegation based on the same operative facts against the same recipient may be assigned one case number when OCR makes this determination prior to the docketing.
- New allegations filed by the same person against the same recipient after OCR has begun to investigate the original complaint are reviewed on a case-by-case basis to determine whether to consolidate the allegations with the existing investigation and dismiss the subsequent complaint under CPM Section 108, or to proceed with a separate investigation of the new allegations.

SECTION 104 ACKNOWLEDGE THE COMPLAINT

OCR will promptly acknowledge, in writing, the receipt of the complaint. OCR will also inform the complainant that the complaint will be evaluated to determine whether OCR will proceed to investigate the allegations and that further communications about complaint processing will be forthcoming. A Consent Form, a Complaint Form, and *OCR Complaint Processing Procedures* are available online at: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

SECTION 105 OBTAIN A CONSENT FORM

When it is necessary to disclose the identity of the complainant to the recipient and witnesses in order to resolve the complaint, OCR will require written consent before proceeding. The complainant will be informed that the complaint will be dismissed if written consent is necessary in order to resolve the complaint and is not received within 20 calendar days of the date that OCR requests the Consent Form from the complainant. The signed Consent Form may be submitted to OCR by mail, fax, electronic mail or in person. If OCR does not receive a signed written Consent Form, and it is necessary in order to resolve the complaint, the complaint will be dismissed and the complainant so informed in writing.

A complainant filing on behalf of or pertaining to another person is responsible for securing any necessary written consent from that individual, including when a parent files for a student over the age of 18 or one who

becomes 18 while the complaint is under investigation or in monitoring. Where the person is a minor (under the age of 18) or a legally incompetent adult, the Consent Form must be signed by that person's parent or legal guardian. Parental or legal guardian consent may not be required for persons under the age of 18 if they are emancipated under state law or in the context of Section 504, whose IDEA rights have transferred under 20 USC § 1415(m), and are therefore considered to have obtained majority. Proof of transfer for IDEA rights, emancipation, incompetence, and/or legal guardianship must be provided if requested by OCR.

SECTION 106 DETERMINE WHETHER THE ALLEGATIONS ARE TIMELY

OCR will take action only with respect to those allegations (except allegations of age discrimination and allegations relating to breach of Facilitated Resolution Between the Parties agreements) that have been filed within 180 calendar days of the date of the alleged discrimination, unless the complainant is granted a waiver under CPM Section 107. With respect to allegations of age discrimination, OCR will take action with respect to those complaint allegations that have been filed within 180 calendar days of the date the complainant first had knowledge of the alleged discrimination. OCR may extend this time limit for age discrimination complaints for good cause shown. See CPM subsection 701(a). With respect to the timeliness requirements for allegations relating to the breach of Facilitated Resolution Between the Parties agreements, see CPM Section 205.

The filing date of a complaint, for the purpose of determining timeliness, is the following:

- The filing date of complaints submitted online or by electronic mail or fax is the date the complaint was received by OCR. The filing date of complaints submitted by mail is the date the complaint is postmarked.
- For Title II complaints referred from DOJ, the filing date is the date the complaint was received by DOJ.

Timely allegations may include those where OCR determines that the complainant has alleged a continuing violation and/or a pattern or practice of discrimination.

SECTION 107 DETERMINE WHETHER A WAIVER SHOULD BE GRANTED

If a complaint allegation⁵ is not filed in a timely manner (see CPM Section 106), where appropriate, OCR will notify the complainant of the opportunity to request a waiver.⁶ OCR may grant a waiver of the 180 calendar day filing requirement for reasons such as:

- (a) The complainant could not reasonably be expected to have known the act was discriminatory within the 180 calendar day period and the complaint allegation was filed within 60 calendar days after the complainant could have become aware of the alleged discrimination (note that a lack of previous awareness of OCR or the civil rights laws and regulations enforced by OCR is not a basis for a waiver).
- (b) The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180 calendar day period that rendered the complainant physically or mentally incapable of filing a complaint or obtaining assistance so that a complaint could be filed on their behalf, the complainant provides to OCR documentation demonstrating such

⁵ Although the manual refers to "complaints" and "complaint allegations," OCR makes a determination as to each allegation in a complaint. For example, in a single complaint, OCR may decide that it is appropriate to investigate one or more allegations while dismissing another allegation or other allegations. The complainant will be informed of OCR's decision with respect to each allegation.

⁶ OCR's complaint form notifies the complainant of the opportunity to request a waiver of OCR's timeliness requirement.

lack of capacity, and the complaint allegation was filed within 60 calendar days after the incapacitation ended.

- (c) The complainant filed a complaint alleging the same or similar allegation based on the same operative facts within the 180 calendar day period with another federal, state or local civil rights enforcement agency, or federal or state court, and filed a complaint with OCR within 60 calendar days after the other agency completed its processing of the complaint or, in the case of a court, after there had been no decision on the merits or settlement of the complaint allegations. Dismissal with prejudice is considered a decision on the merits.
- (d) The complainant filed, within the 180 calendar day period, an internal grievance with the recipient, or a due process hearing, alleging the same discriminatory conduct that is the subject of the OCR complaint, and the complaint is filed no later than 60 calendar days after the internal grievance is concluded.
- (e) Unique circumstances generated by OCR's actions adversely affected the complainant.

SECTION 108 DISMISSAL OF ALLEGATIONS

Allegations can be dismissed during the evaluation stage of case processing or after the allegations have been opened for investigation.

As appropriate, in the evaluation stage, OCR will assist the complainant in understanding the information that OCR requires in order to proceed to the investigation of the complainant's allegations. This will include explaining OCR's investigation process and the rights of the complainant under the statutes and regulations enforced by OCR. OCR may also specifically identify the information necessary for OCR to proceed to investigation. OCR staff will provide assistance to complainants who are individuals with disabilities,⁷ individuals of limited English proficiency, or persons whose communication skills are otherwise limited.

As a threshold issue and throughout the processing of the complaint, OCR addresses First Amendment and other Constitutional considerations. See CPM Section 109.

When an allegation is dismissed during the evaluation stage, OCR will issue a letter to the complainant explaining the reason for the decision.⁸ When a complaint allegation is dismissed after the complaint allegation has been opened for investigation, OCR will issue a letter to the complainant and the recipient explaining the reason for the decision. Complainants may elect to refile complaints that were dismissed pursuant to CPM Sections 108(a), (b), (c), (e), (q), (r), or (s) if they have addressed the deficiencies stated by OCR in the dismissal; such refiled complaints will not be dismissed pursuant to CPM Section 108(m).

Where OCR has approved issuance of a final determination under CPM Section 303 with regard to any allegations, OCR will not dismiss the allegations, but will proceed in accordance with CPM Section 303.

OCR will dismiss an allegation, or, if appropriate, the complaint⁷ in its entirety, when:

- (a) The allegation, on its face or as clarified, fails to state a violation of one of the laws or regulations OCR enforces.

⁷ See 34 C.F.R. Part 105.

⁸ In circumstances where the complaint contains an allegation of age discrimination and therefore has been referred to the Federal Mediation and Conciliation Service, OCR will also notify the recipient of the dismissal.

- (b) The allegation, on its face or as clarified, lacks sufficient factual detail (e.g., who, what, where, when, how), or is so speculative, conclusory⁹ or incoherent that OCR cannot infer that discrimination or retaliation may have occurred or may be occurring.

Before dismissing an allegation under CPM subsection 108(b), OCR will contact the complainant either by telephone or in writing (by letter or via electronic mail) to: (i) explain the information necessary for OCR to open an investigation of the allegation; (ii) request that the information be received within 14 calendar days of the date of the telephone contact, letter, or electronic mail; and (iii) advise the complainant that the allegation will be dismissed if the information is not received by that date. OCR will dismiss the allegation if the requested information is not received within 14 calendar days of the date of the telephonic or written request, unless the complainant has requested additional time to provide the information.

- (c) Based on all of the facts/information provided by the complainant or publicly available information, OCR cannot reasonably conclude that the recipient has violated a law OCR enforces.
- (d) The allegation is not timely filed with OCR pursuant to CPM Section 106 and a waiver was not requested or was requested but not granted pursuant to CPM Section 107.
- (e) OCR determines that a signed Consent Form is required to proceed with an investigation, and the Consent Form has not been provided.
- (f) OCR determines that it lacks jurisdiction over the subject matter of the allegation.
- (g) OCR determines that it lacks personal jurisdiction over the entity alleged to have discriminated. When appropriate, OCR will refer the complaint to the appropriate agency. See CPM Section 701.
- (h) OCR transfers or refers the complaint to another agency for investigation. See CPM Section 701.
- (i) The same or a similar allegation based on the same operative facts has been filed either by the complainant or someone other than the complainant against the same recipient with another federal, state, or local civil rights enforcement agency⁹ or through a recipient's internal grievance procedures, including due process proceedings, and
 1. OCR anticipates that all allegations will be investigated and that there will be a comparable resolution process pursuant to legal standards that are acceptable to OCR. OCR will advise the complainant that she or he may re-file with OCR within 60 calendar days of the completion of the other entity's action. Generally, OCR will not conduct its own investigation. Instead, OCR reviews the results of the other entity's determination and decides whether the other entity provided a comparable resolution process pursuant to legal standards that are acceptable to OCR;or
 2. OCR determines that all allegations were investigated and there was a comparable resolution process pursuant to legal standards that are acceptable to OCR.
- (j) The same or a similar allegation based on the same operative facts has been filed either by the complainant or someone other than the complainant against the same recipient with a state or federal court. OCR will advise the complainant that she or he may re-file the complaint with OCR within 60 calendar days following the termination of the court proceeding if there has been no decision on the

⁹ This provision applies where the complaint allegation (including any additional information provided by the complainant) does not provide sufficient information to raise the allegation above the level of speculation. The complaint must provide more than bare conclusions of alleged violations of the laws and regulations enforced by OCR.

merits or settlement of the complaint allegations. A dismissal with prejudice is considered a decision on the merits.

- (k) OCR obtains credible information indicating that the allegations raised by the complainant are currently resolved.
- (l) A class action with the same or a similar allegation with the same operative facts has been filed against the same recipient with a state or federal court. OCR will advise the complainant that she or he may re-file with OCR within 60 calendar days following the termination of the court proceeding if there has been no decision on the merits or settlement of the state or federal complaint. A dismissal with prejudice is considered a decision on the merits.
- (m) The complaint filed by the complainant or someone other than the complainant against the same recipient raises the same or similar allegations based on the same operative facts that were previously dismissed or closed by OCR.
- (n) OCR has recently investigated or is currently investigating the same or similar allegations based on the same operative facts involving the same recipient in a compliance review, directed investigation or OCR complaint.
- (o) The complainant withdraws the allegation or complaint.
- (p) The death of the complainant makes it impossible to investigate the allegations fully.
- (q) OCR determines that its ability to complete its evaluation of the complaint or an investigation is substantially impaired by the complainant's refusal to provide information that is reasonably accessible to the complainant and is necessary for the investigation of the complaint. OCR will include documentation in the case file of its efforts to contact the complainant to request the necessary information and of the complainant's refusal to provide information.
- (r) OCR determines that its ability to complete its evaluation of the complaint or an investigation is substantially impaired by its inability to contact the complainant in order to obtain information that is necessary for investigation of the complaint. OCR will include documentation in the case file of its unsuccessful efforts to contact the complainant to request the necessary information.
- (s) OCR determines that the complaint is moot or unripe.

SECTION 109 FIRST AMENDMENT PRINCIPLES

Although OCR does not have jurisdiction to enforce the First Amendment to the U.S. Constitution, as a threshold issue and throughout the processing of the complaint, OCR interprets its statutes and regulations consistent with the requirements of the First Amendment, and all actions taken by OCR must comport with First Amendment principles. OCR will not interpret any statute or regulation to require impinging upon rights protected under the First Amendment or to require recipients to encroach upon the exercise of such rights.

SECTION 110 RAPID RESOLUTION PROCESS

The Rapid Resolution Process (RRP) is an expedited case processing approach that can be used to resolve cases in any of OCR's statutory areas either during the evaluation stage or after issuance of the letter of notification informing the complainant that OCR is opening an investigation. The outcomes in all RRP cases must meet OCR's standards for legal sufficiency and be consistent with applicable statutory and regulatory

authority. Any resolution agreement reached through RRP must be aligned with the allegations in the complaint deemed appropriate for resolution pursuant to RRP. See CPM Article III.

Once OCR has determined that the complaint is appropriate for RRP, OCR will promptly attempt to resolve the complaint and obtain information necessary to make a compliance determination. OCR will contact the recipient to determine if the recipient is interested in immediately resolving or has taken action to resolve the complaint allegations. Where such interest is expressed, RRP may be used to resolve complaints under the following circumstances:

- (a) Where a recipient has already taken action that will resolve the complaint allegations, the complaint may be resolved without an agreement where compliance is verified and does not require monitoring by OCR. Under this circumstance, OCR will issue a dismissal letter pursuant to CPM subsection 108(k).
- (b) Where a recipient has indicated that it is willing to take action in the future to resolve the complaint allegations, or the recipient has already taken action that requires monitoring, upon the recipient's request and OCR's agreement, the complaint may be resolved pursuant to CPM Section 302. Per CPM Section 302(b), the recipient will sign a resolution agreement, the implementation of which OCR will monitor. See CPM Section 304. Under this circumstance, OCR will issue a resolution letter pursuant to CPM subsection 302(c).
- (c) Where OCR obtains sufficient information from the recipient to make a compliance determination pursuant to CPM Section 303, OCR will issue a letter of finding pursuant to CPM subsection 303(a) or OCR will issue a letter of finding and obtain a resolution agreement pursuant to CPM subsection 303(b), the implementation of which OCR will monitor.

For cases in RRP, OCR must ensure expeditious completion in accordance with the applicable statutes, regulations, and case processing procedures

SECTION 111 OPENING THE COMPLAINT ALLEGATIONS FOR INVESTIGATION

When OCR opens a complaint for investigation, it will issue letters of notification to the complainant and the recipient that contain the following information:

- OCR's jurisdiction, with applicable statutory and regulatory citations;
- The allegations to be investigated;¹⁰
- A statement that OCR is a neutral fact-finder and citing the CPM;
- Information about OCR's Facilitated Resolution Between the Parties process, if appropriate;
- A statement that the complainant may have a right to file a private suit in federal court whether or not OCR finds a violation; and
- Contact information for the OCR staff person who will serve as the complainant's and the recipient's primary contact during the investigation and resolution of the complaint.

A copy of "*OCR Case Processing Procedures*" will be included with the letter to the recipient. A copy of the complaint will be provided to the recipient.

¹⁰ Complainants sometimes raise multiple or overlapping allegations that result in OCR investigating one or more issues. Use of the term "allegations" should be read to encompass the term "issues," as appropriate.

ARTICLE II: FACILITATED RESOLUTION BETWEEN THE PARTIES

SECTION 201 ROLES

The Facilitated Resolution Between the Parties (FRBP) process facilitates the resolution of complaints by providing an opportunity for the parties involved to voluntarily resolve the complaint allegations. When OCR determines, on an individualized basis with regard to the complaint at issue, that a complaint is appropriate for FRBP, it shall contact the parties to offer this resolution option.

(a) OCR's Role

- To serve as an impartial, confidential facilitator between the parties;
- To inform the parties of FRBP procedures;
- To establish a constructive tone, and encourage the parties to work expeditiously and in good faith toward a mutually acceptable resolution;
- To review the allegations with the parties and assist both parties in understanding the pertinent legal standards and possible remedies;
- To facilitate a discussion between the parties regarding possible actions that the parties may consider in working toward a resolution; and
- To offer assistance, as appropriate, with regard to reducing any resolution to writing. When an agreement is reached, the parties will be informed that OCR will issue a closure letter reflecting the resolution of the complaint by agreement of the parties.

(b) Role of the Participants

- Participate in the discussions in good faith;
- Consider offers or suggestions with an open mind and work constructively toward a mutually acceptable resolution; and
- Implement any agreement in good faith.

OCR does not sign, approve, endorse, or monitor any agreement reached between the parties.

SECTION 202 INITIATION AND TERMINATION OF THE FRBP PROCESS

If OCR determines that FRBP is appropriate and the complainant and the recipient are willing to proceed with this resolution option, OCR will designate staff to facilitate an agreement between the recipient and complainant. Staff assigned to conduct FRBP of a complaint shall not be staff assigned to the investigation of that complaint.

An Agreement to Participate in FRBP must be reviewed and signed, verbally agreed to, or agreed to by electronic mail by the complainant and recipient. In circumstances where verbal agreement is obtained, the FRBP facilitator shall send a confirmatory letter or electronic mail to the parties.

If a case has been opened for investigation, OCR has the discretion to suspend its investigation for up to 30 calendar days to facilitate an agreement between the parties. If an agreement is not reached, OCR will resume its investigation.

SECTION 203 CONFIDENTIALITY OF THE FRBP PROCESS

A Confidentiality Agreement must be reviewed and signed, verbally agreed to, or agreed to by electronic mail by the FRBP facilitator and the parties to the FRBP (the complainant or complainant's representative and the

recipient or recipient's representative). In circumstances where verbal agreement is obtained, the FRBP facilitator shall send a confirmatory letter or electronic mail to the parties.

In order to maintain the integrity of the FRBP process apart from OCR's investigation, any notes taken during FRBP by the facilitator and/or any records or other documents offered by either party to the facilitator during FRBP will be kept in a separate file and will not be shared with the staff members assigned to investigate the complaint.

SECTION 204 SUCCESSFUL CONCLUSION OF THE FRBP PROCESS

At the conclusion of a successful FRBP, OCR will obtain a copy of either: (1) a statement signed by the complainant that the allegations have been resolved; or (2) a copy of the agreement that was signed by the parties. After a successful FRBP, OCR will send the parties closure letters that specify the allegations that have been resolved, and that other outstanding allegations, if any, will be resolved through the investigation and resolution process. See CPM Article III. A copy of the signed statement from the complainant or the agreement between the parties will be attached to the closure letter.

SECTION 205 BREACH OF FRBP AGREEMENTS

OCR will not monitor or enforce the agreement, but will inform the parties that if a breach occurs, the complainant has the right to file a new complaint; such new complaint is not subject to dismissal pursuant to CPM section 108(m). If a new complaint is filed, OCR will not address the alleged breach of the agreement. To be considered timely, the new complaint must be filed either within 180 calendar days of the date of the original allegations of discrimination, or within 60 calendar days of the date that the complainant obtains notice that a breach occurred, whichever date is later.

SECTION 206 INVESTIGATIVE DETERMINATION WHEN FRBP IS NOT ACHIEVED

OCR will ensure that there will be adequate time for completion of the investigation if FRBP is unsuccessful. Where FRBP is unsuccessful, an investigation will proceed in accordance with applicable law and OCR's case processing procedures.

ARTICLE III: CASE PLANNING, INVESTIGATION AND RESOLUTION

OCR will ensure that the actions it takes in investigations are legally sufficient, supported by evidence, and dispositive of the allegations. OCR can resolve allegations at any point during the course of the investigation, if appropriate. OCR resolution agreements will be drafted to ensure compliance with the civil rights laws and regulations enforced by OCR.

When, during the course of the investigation of a complaint, OCR identifies compliance concerns and/or violations involving issues that were not raised in the complaint, OCR will address any compliance concerns and/or identified violations in the resolution letter or letter of findings and the resolution agreement, or, depending on the nature of the compliance concerns, provide technical assistance or consider the compliance concerns for a possible compliance review or directed investigation. See CPM Sections 401 and 402.

SECTION 301 CASE PLANNING

Case planning will begin as early as possible, will be thorough, and will be conducted throughout the processing of every case to ensure high quality decisions, prompt investigations and the efficient use of OCR resources. Planning decisions will reflect sound legal standards and will be adjusted as necessary to take into

account information obtained during case processing. See CPM Section 702. The scope of OCR's investigation and resolution activities is governed by applicable statutes and regulations.

OCR regional office management and investigative staff are accountable for effective planning and will participate in critical planning decisions commensurate with the nature and complexity of the case to ensure consistent high-quality casework.

The following essential elements of case planning will be addressed in every OCR file (unless inapplicable):

- The allegations;
- OCR's jurisdiction over the subject matter and entity;
- The legal standards, regulatory authority and elements of proof;
- Ensuring that OCR's actions comport with First Amendment principles;
- The scope of the investigation;
- Investigative methods (i.e., what data and/or information are necessary to resolve the case and the means and methods OCR will employ to obtain the relevant data and/or information); and
- The resolution strategy.

The case file will contain documentation that supports the decisions made. Planning documentation should be organized so that it can be readily located in the case file. Case planning should be documented in the Case Planning Document.

These planning activities will ensure accountability for high quality and consistency with OCR standards, and will address:

- Required actions to investigate compliance;
- Dates for completion of specific actions;
- Description of evidence required; and
- All settlement activities.

SECTION 302 RESOLUTION AGREEMENT REACHED DURING AN INVESTIGATION

Allegations under investigation may be resolved at any time when, prior to the point when OCR issues a draft letter of findings under CPM Section 303(b), the recipient expresses an interest in resolving the allegations *and* OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. The provisions of the resolution agreement must be tied to the allegations, and the evidence obtained during the investigation and will be consistent with applicable regulations.

OCR will inform the recipient that this resolution process is voluntary before proceeding to resolution pursuant to this section. When OCR determines that it is appropriate to resolve the allegations pursuant to CPM Section 302, OCR will notify the complainant of the recipient's interest in resolution.

(a) Statement of the Case

For cases with allegations proposed for resolution under CPM Section 302, OCR will prepare a Statement of the Case. The Statement of the Case sets forth:

- A statement of OCR's jurisdictional authority, including recipient status and the statutory basis for the investigation;
- An explanation of the pertinent legal standards;
- The allegations investigated;

- Relevant background information; and
- A summary of the investigation and the evidence, and the identified concerns that support the need for the provisions of the agreement.

The Statement of the Case must address all of the allegations proposed for resolution under CPM Section 302.

(b) Timeframes and Procedures for Negotiations

From the date that the proposed resolution agreement is shared with the recipient, OCR and the recipient will have a period of up to 30 calendar days within which to reach final agreement.

During the negotiations period (which may be less than 30 calendar days, at the discretion of OCR), OCR may suspend its investigation of the case. Where a final agreement is not reached by the 30th calendar day, OCR will resume its investigation thereafter. However, negotiations may continue while the investigation resumes. This 30 calendar day period for suspension of the investigation in order to conduct negotiations cannot be restarted.

(c) Resolution Letters

The resolution letter will address all allegations in the case resolved pursuant to CPM Section 302. The letter must include, at a minimum:

- A statement of OCR’s jurisdictional authority, including recipient status and the statutory basis for the investigation;
- A statement of the allegations investigated and a summary of the evidence obtained to date;
- A statement that, when fully implemented, the resolution agreement will address all of the allegations investigated and that OCR will monitor the implementation of the agreement (see CPM Section 304 and CPM Article V); and
- The following statement: “The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.” For service complaints under the Age Discrimination Act, the complainants may file in federal court only after they have exhausted administrative remedies. See CPM subsection 701(a).

OCR will issue a draft resolution letter and a proposed resolution agreement to the recipient. The recipient shall have five calendar days from the date of the issuance of the draft resolution letter to inform OCR of any factual errors contained therein.

If, after due consideration of the recipient’s concerns, OCR determines that the draft resolution letter contains factual errors, it will correct the errors, make any other revisions it deems appropriate, and promptly issue a revised final resolution letter. In addition, where appropriate, OCR will modify the proposed resolution agreement to reflect any corrections.

If the recipient does not inform OCR of factual errors within five calendar days from the date of the issuance of the draft resolution letter, OCR will issue a final resolution letter in due course.

Once the recipient signs the resolution agreement, OCR will monitor its implementation until the recipient has fulfilled the terms and obligations of the resolution agreement. Upon completion of the terms and obligations under the agreement, OCR will close the case. See CPM Article V.

SECTION 303 INVESTIGATIVE DETERMINATIONS

At the conclusion of an investigation, OCR will determine, using a preponderance of the evidence standard, whether:

- There is insufficient evidence to support a conclusion of noncompliance, or
- The evidence supports a conclusion of noncompliance.

(a) Insufficient Evidence Determination

When OCR determines that the preponderance of the evidence does not support a conclusion that the recipient failed to comply with applicable statutes and regulations, OCR will issue a letter of findings to the parties explaining the reasons for its decision. See CPM subsection 303(e).

(b) Non-Compliance Determination

When OCR determines that the preponderance of the evidence supports a conclusion that the recipient failed to comply with applicable statutes and regulations, OCR will issue a draft letter of findings and a proposed resolution agreement to the recipient. See CPM subsection 303(e) and Section 304.

The recipient shall have five calendar days from the date of the issuance of the draft letter of findings to inform OCR of any factual errors contained therein.

If, after due consideration of the recipient's concerns, OCR determines that the draft letter of findings contains factual errors, it will correct the errors, make any other revisions it deems appropriate, and promptly issue a revised final letter of findings. In addition, where appropriate, OCR will modify the proposed resolution agreement to reflect any corrections.

If the recipient does not inform OCR of factual errors within five calendar days from the date of the issuance of the draft letter of findings, OCR will issue a final letter of findings in due course.

When OCR determines that it will resolve the allegations pursuant to CPM subsection 303(b) and initiates negotiation of the resolution agreement with the recipient, OCR will notify the complainant that OCR has initiated negotiation of the resolution agreement pursuant to this subsection.

(c) Mixed Determination

A "mixed determination" is appropriate for complaints with multiple allegations, where the allegations will be resolved in different ways (e.g., the investigation has found a violation with regard to some allegations and insufficient evidence with regard to other allegations; the investigation has found a violation with regard to some allegations and there are other allegations that are appropriate to resolve prior to the conclusion of the investigation pursuant to CPM Section 302; or OCR has found insufficient evidence with regard to some allegations and determined that other allegations are appropriate to resolve prior to the conclusion of the investigation pursuant to CPM Section 302). In a "mixed determination" case, where OCR is making a determination pursuant to subsection 303(b), OCR will negotiate a resolution agreement and issue a letter of findings. See CPM subsections 303(e) and 304. In a "mixed determination" case where OCR is not making a determination pursuant to 303(b), but is resolving allegations pursuant to Section 302, OCR will issue a resolution letter pursuant to Section 302(c).

(d) Statement of the Case

OCR will prepare a Statement of the Case for investigative determinations under CPM Section 303. The Statement of the Case sets forth:

- The allegations raised in the complaint;
- A statement of OCR’s jurisdictional authority, including recipient status and the statutory basis for the investigation;
- An explanation of the pertinent legal standards;
- Relevant background information;
- A statement of each allegation investigated and the findings of fact for each, including analysis of the evidence on which the findings are based; and
- Conclusions for each allegation that reference the relevant facts, the applicable regulations, and the appropriate legal standards.

(e) Letter of Findings

For insufficient evidence determinations, OCR will issue a letter of findings that explains the reasons for OCR’s decision to both the recipient and the complainant.¹¹ For non-compliance and mixed determinations that include a non-compliance determination, OCR will issue a letter of findings explaining the reasons for its decision to the recipient after engaging in the process set forth in Section 303(b).

Letters of findings will address all allegations opened for investigation. The letter includes, as appropriate:

- A statement of the allegations opened for investigation;
- A statement of OCR’s jurisdictional authority, including recipient status and the statutory basis for the investigation;
- A statement of the findings of fact for each allegation investigated, supported by any necessary explanation and/or analysis of the evidence on which the findings are based;
- Conclusions for each allegation that reference the relevant facts, the applicable regulations and the appropriate legal standards; and
- A statement that: “The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.” For service complaints under the Age Discrimination Act, the complainant may file in federal court only after they have exhausted administrative remedies. See CPM subsection 701(a).

(f) Timeframes and Procedures for Negotiations

From the date that the proposed resolution agreement is shared with the recipient, OCR and the recipient will have a period of up to 90 calendar days within which to reach final agreement.

(g) Negotiation Impasse

OCR may end the 90-calendar day negotiations period if no agreement has been reached by the 90th day. OCR may end the negotiations period at any time prior to the expiration of the 90 calendar day period when it is clear that agreement will not be reached (e.g., the recipient has refused to discuss any resolution; the recipient has indicated a refusal to agree to a key resolution term; the recipient has not responded to a proposed resolution agreement and at least 30 calendar days have passed). At such

¹¹ For recipients operating under federal court order, see CPM Section 704.

time, OCR shall issue an Impasse Letter that informs the recipient that OCR will issue a Letter of Impending Enforcement Action in 10 calendar days if a resolution agreement is not reached within that 10-day period. The letter will include a description of OCR's unsuccessful attempts to resolve the complaint. If the recipient does not enter into a resolution agreement within 10 calendar days of the date of the issuance of the Impasse Letter, OCR must follow the procedures in CPM Section 305 for the issuance of a Letter of Impending Enforcement Action regarding its non-compliance determinations.

In the case of a mixed determination, when the negotiations included allegations that were appropriate to resolve prior to the conclusion of the investigation pursuant to CPM Section 302 and allegations for which OCR made determinations of non-compliance, OCR shall issue an Impasse Letter of Impending Enforcement Action. If the recipient does not enter into a resolution agreement within 10 calendar days of the date of the issuance of the Impasse Letter, OCR must follow the procedures in CPM Section 305 for the issuance of a Letter of Impending Enforcement Action regarding its non-compliance determinations.

(h) Negotiations Progressing at the End of the 90 Calendar Day Period

If OCR and the recipient negotiate for 90 calendar days and fail to reach final agreement by the 90th day, but negotiations are progressing, OCR shall inform the recipient that OCR will issue a Letter of Impending Enforcement Action in 30 calendar days if a resolution is not reached within that 30-day period. Negotiations will be considered progressing if the recipient has agreed in principle to the terms and obligations of the agreement, but needs a short period of time within which, for example, to obtain approval of the agreement (e.g., by a board of education or president of a college) and/or the appropriate signature on the agreement; or where the recipient has agreed to most of the terms and obligations of the agreement but requests a short period of additional time to negotiate other terms and obligations. If the recipient does not enter into a resolution agreement within 30 calendar days, OCR will issue a Letter of Impending Enforcement Action regarding its non-compliance determinations pursuant to CPM Section 305.

In the case of a mixed determination, when the negotiations included allegations that were appropriate to resolve prior to the conclusion of the investigation pursuant to CPM Section 302, and allegations for which OCR made determinations of non-compliance, OCR shall inform the recipient that OCR will issue a Letter of Impending Enforcement Action in 30 calendar days if a resolution is not reached within that 30-day period. If the recipient does not enter into a resolution agreement within 30 calendar days, OCR will issue a Letter of Impending Enforcement Action regarding non-compliance determinations pursuant to CPM Section 305.

SECTION 304 CONTENTS OF RESOLUTION AGREEMENTS

The complaint will be considered resolved and the recipient deemed compliant when the recipient, after negotiating with OCR and reaching agreement on its terms and obligations, enters into and fulfills them.

Resolution Agreements:

- Must be signed by a person with authority to bind the recipient; and
- Must include, in the agreement itself or through an exchange of letters or other written communications:
 - Specific acts or steps the recipient will take to resolve compliance concerns and/or violations;
 - Dates for implementing each act or step;
 - Dates for the submission of reports and documentation;

- Where appropriate, language requiring submission of documents and/or other information or actions for OCR’s review and approval, and timeframes for their submission;
- Timeframes requiring the recipient to implement what OCR has approved, and language requiring documentation verifying implementation; and
- The following statements of principle:
 - The recipient understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the recipient understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms and obligations of the resolution agreement;
 - Upon the recipient’s satisfaction of the terms and obligations of the resolution agreement, OCR will close the case; and
 - The recipient understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

SECTION 305 LETTER OF IMPENDING ENFORCEMENT ACTION

When, following the expiration of the 10 calendar day period referenced in CPM subsection 303(g) or the 30 calendar day period referenced in CPM subsection 303(h), the recipient does not enter into a resolution agreement to resolve the identified areas of non-compliance, OCR will prepare a Letter of Impending Enforcement Action, which will include the following:

- A statement of the allegations opened for investigation;
- A statement of OCR’s jurisdictional authority, including recipient status and the statutory basis for the investigation;
- A statement of the findings of fact for each allegation investigated supported by any necessary explanation or analysis of the evidence on which the findings are based;
- Conclusions for each allegation that reference the relevant facts, the applicable regulations, and the appropriate legal standards;
- Notice that the Letter of Impending Enforcement Action is not intended and should not be construed to cover any other issue regarding the recipient’s compliance;
- Notice of the time limit on OCR’s resolution process and the consequence of failure to reach agreement;
- A description of OCR’s unsuccessful attempts to resolve the case;
- When a decision is made to defer final approval of any applications by the recipient for additional federal financial assistance or, with respect to the Boy Scouts Act, additional funds made available through the Department over what the recipient is presently receiving, the letter also will provide notice of such possible deferral. A separate deferral letter will be prepared; and
- Title II letters will include the following language: “The complainant may have a right to file a private suit pursuant to Section 203 of the Americans with Disabilities Act, whether or not OCR finds a violation of Title II.”

To resolve the case after issuance of the Letter of Impending Enforcement Action, any resolution agreement that the recipient proposes must be approved by OCR.

SECTION 306 REFERRALS FROM THE DEPARTMENT OF JUSTICE AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

When a Title II complaint is referred to OCR by DOJ, OCR will send a copy of the letter resolving the case to DOJ, if requested by DOJ. When a Title II/504 employment discrimination complaint has been dual-filed with the Equal Employment Opportunity Commission (EEOC) and OCR, or when a complaint has been referred to OCR by EEOC, OCR will notify EEOC once the complaint has been resolved. See 28 C.F.R. Part 37 and 29 C.F.R. Part 1640.

SECTION 307 APEALS

OCR affords an opportunity to complainants to appeal determinations based on CPM Section 303(a) and dismissals based on CPM subsection 108(a), (b), (c), (d), (i), or (j). Information about the appeal process is provided to complainants in *OCR Complaint Processing Procedures*, which is enclosed with OCR's letter acknowledging receipt of the complaint. Information is also published at <http://www.ed.gov/about/offices/list/ocr/complaints-how.html>.

OCR will provide notice of the right to appeal in letters setting forth determinations based on CPM Section 303(a) and dismissals based on CPM subsection 108(a), (b), (c), (d), (i), or (j).

An appeal can be filed electronically, by mail, or fax. The complainant must submit a completed online appeal form or written statement of no more than 10 pages (double-spaced, if typed). If submitted by mail, send to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. If submitted via electronic mail, send to OCR@ed.gov. If submitted via fax, send to 202-453-6012. The filing date of an appeal is the date the appeal is postmarked, submitted electronically, or submitted via fax.

In the appeal, the complainant must explain why she or he believes the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how the correction of any errors would change the outcome of the case. Failure to provide this information may result in denial of the appeal.

OCR reviews appeals to determine whether there is a clear error of fact and/or an error in the legal conclusion that changes the outcome of the determination.

All information to support the appeal must be submitted in writing at the time the complainant files the appeal. The complainant may not submit new evidence for consideration on appeal. Instead, if a complainant has new evidence, the complainant should file a new complaint. (Note that complaints must be filed within 180 calendar days of the last act of alleged discrimination or retaliation in order to be considered timely filed with OCR. A waiver of this 180-day timeframe may be requested. See CPM Section 307.)

An appeal must be submitted within 60 calendar days of the date indicated on the letter of finding or the dismissal. A waiver of this 60-day timeframe may be granted where:

- (a) The complainant was unable to submit the appeal within the 60-day timeframe because of incapacitating illness or other incapacitating circumstances during the 60-day timeframe, and the appeal was submitted within 30 calendar days after the period of incapacitation ended; or
- (b) Unique circumstances generated by OCR's actions have adversely affected the complainant's ability to submit a timely appeal.

A request for a waiver may be submitted with the appeal, if the appeal is submitted beyond the 60 calendar day timeline. A request for a waiver can also be filed prior to the expiration of this 60-day timeframe, by electronic mail, fax, or mail. The waiver will be considered by the office reviewing and responding to the appeal.

For appeals of determinations under Section 303(a), OCR will forward a copy of the complainant's online appeal form or written statement to the recipient. The recipient has the option to submit to OCR a response to the complainant's appeal. Any response to the complainant's appeal must be submitted to OCR within 14 calendar days of the date that OCR forwarded a copy of the complainant's appeal to the recipient.

OCR will issue a written decision on the appeal to the complainant for appeals of determinations under Section 108 and to both parties for appeals of determinations under Section 303(a).

ARTICLE IV: COMPLIANCE REVIEWS AND DIRECTED INVESTIGATIONS

The investigation and resolution options and procedures identified in the CPM will be utilized for compliance reviews and directed investigations, as appropriate. See CPM Articles III, V, and VI. The initiation date for the compliance review or directed investigation is the date of the letter notifying the recipient of the compliance review or directed investigation.

SECTION 401 COMPLIANCE REVIEWS

In addition to the regulations implementing Title VI that govern OCR's investigations, the regulations require OCR to, "from time to time," initiate "periodic compliance reviews" to assess the practices of recipients to determine whether they comply with the Title VI regulations. See 34 C.F.R. § 100.7(a). This regulatory provision is incorporated by reference in the regulations implementing other statutes enforced by OCR. See Title IX (34 C.F.R. § 106.71), Section 504 (34 C.F.R. § 104.61), the Boy Scouts Act (34 C.F.R. § 108.9); the Age Discrimination Act, (34 C.F.R. § 110.30; and Title II (28 C.F.R. § 35.172).

The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations.

SECTION 402 DIRECTED INVESTIGATIONS

In appropriate circumstances, OCR may conduct a directed investigation when information indicates a possible failure to comply with the laws and regulations enforced by OCR; the matter warrants attention; and the compliance concern is not otherwise being addressed through OCR's complaint, compliance review, or technical assistance activities. See Title VI, 34 C.F.R. § 100.7(c). This regulatory provision is incorporated by reference in the regulations implementing the other statutes enforced by OCR. See Title IX (34 C.F.R. § 106.71), Section 504 (34 C.F.R. § 104.61), the Boy Scouts Act (34 C.F.R. § 108.9); the Age Discrimination Act (34 C.F.R. § 110.30), and Title II (28 C.F.R. § 35.172).

ARTICLE V: MONITORING RESOLUTION AGREEMENTS

SECTION 501 RESPONDING TO MONITORING REPORTS AND VERIFYING RECIPIENT'S IMPLEMENTATION

OCR will promptly acknowledge its receipt of interim and final monitoring reports. OCR will evaluate each report and issue an appropriate response (i.e., where OCR determines actions taken are sufficient or insufficient under the agreement). OCR must obtain sufficient information to determine whether the recipient complied with the terms and obligations of the resolution agreement. Depending on the nature of the agreement, verification of remedial actions may be accomplished by, for example, the review of reports,

documentation and other information submitted by recipients and knowledgeable persons; interviews of the recipients and knowledgeable persons; or site visits.

SECTION 502 IMPLEMENTATION PROBLEMS

OCR will promptly provide written notice to the recipient of any deficiencies with respect to implementation of the terms and obligations of the agreement and will request appropriate action to address such deficiencies. When OCR has determined that a recipient has failed to comply with the agreement or any of the terms and obligations thereof for reasons that do not justify the modification of the agreement pursuant to CPM subsection 503(a), OCR will take prompt action to enforce the agreement pursuant to CPM Section 305 and CPM Article VI.

SECTION 503 MODIFICATION OF AGREEMENTS

(a) Changed Circumstances Affecting Agreements

OCR may agree to modify (including with respect to deadlines for submitting a report or completing a required action) or terminate a resolution agreement when it learns that circumstances have arisen that substantially change, fully resolve, or render moot some or all of the compliance concerns that were addressed by the resolution agreement. OCR may also modify the agreement in response to changes in controlling case law, statutes, and regulations.

(b) New Compliance Issues

OCR may address new compliance issues identified for the first time during monitoring by providing technical assistance or considering the issues for a possible compliance review or directed investigation. See CPM Sections 401 and 402.

(c) Approval of Modifications

OCR must approve modifications to the agreement (e.g., requests to change the substance of any provision in the agreement, or requests for extension of time to submit a report or to complete a required action). Approved modifications must be set forth in writing and appended to the original agreement. Requests for modification must be documented in the case file. OCR will send the complainant written notification of approved modifications to the substance of the original agreement, where appropriate.

SECTION 504 CONCLUSION OF MONITORING

OCR will conclude the monitoring of a resolution agreement when it determines that the recipient has fully and effectively implemented the terms and obligations of the resolution agreement, including any subsequent approved modifications to the agreement. OCR will promptly send written notification to the recipient, and the complainant where appropriate, of its determination that the terms and obligations of the resolution agreement have been implemented and that OCR is closing the case.

ARTICLE VI: INITIATION OF ENFORCEMENT ACTION

When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement, OCR will initiate enforcement action. OCR will either: (1) initiate administrative proceedings to suspend, terminate, or refuse to grant or continue financial assistance from, or, with respect to the Boy Scouts Act, funds made available through, the Department to the recipient; or (2) refer the case to DOJ for judicial proceedings to enforce any rights of the United States under any law of the United States.

SECTION 601 INITIATE ADMINISTRATIVE PROCEEDINGS, WHERE APPROPRIATE

When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement and OCR decides, within its discretion, to initiate administrative proceedings, it will request that an administrative proceeding be initiated. In collaboration with other Department personnel as appropriate, OCR will establish a team to prosecute the case. If OCR decides to defer new funds, a Notice of Opportunity for Hearing will be issued within 30 calendar days of the notice of the deferral action. See Section 305.

SECTION 602 REFER TO DOJ, WHERE APPROPRIATE

When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement and OCR decides, within its discretion, to refer the matter to DOJ, it will issue a letter to the recipient stating that the case will be referred to DOJ within 10 calendar days of the date of the letter.

SECTION 603 ENFORCEMENT FOR DENIAL OF ACCESS

A recipient denies access to OCR when it:

- Refuses to permit OCR access during the recipient's normal business hours to information maintained by the recipient that is necessary to determine the compliance status of the allegations under investigation or, during monitoring, the recipient's compliance with a resolution agreement. Generally, this includes access to books, records, and accounts, including electronic storage media; retrieval systems and photocopies; and other sources of information, including witnesses and the recipient's facilities;
- Refuses to permit OCR access to its employees during the recipient's regular business hours;
- Fails to provide information by virtue of the refusal of one of its employees to do so or to provide access to information maintained exclusively by an employee in his/her official capacity; or
- Refuses to complete applicable Office of Management and Budget-approved compliance and survey forms relevant to an investigation.

Where the recipient has refused to provide OCR with access orally, either in person, over the telephone or through use of other media, OCR must attempt to ascertain the basis for the recipient's refusal and explain OCR's authority to obtain the evidence. Where attempts to persuade the recipient to provide access have failed, OCR must send a letter to the recipient that sets forth in detail the evidence (e.g., documents, data, other information, or witnesses) to which the recipient denied OCR access and specifies the efforts that OCR has made to obtain the evidence. If the recipient does not voluntarily provide OCR with access to the requested evidence within 30 calendar days of OCR's issuance of the letter to recipient, OCR will issue a Letter of Impending Enforcement Action. If the recipient continues to deny OCR access to the requested evidence, OCR will issue a letter to the recipient stating OCR's intention to take enforcement action.

SECTION 604 ENFORCEMENT FOR FAILURE TO COMPLY WITH OCR AGREEMENT

Where the recipient has failed to comply with the terms and obligations of a resolution agreement, OCR will issue a Letter of Impending Enforcement Action pursuant to CPM Section 305. If the recipient does not come into compliance after issuance of the Letter of Impending Enforcement Action, OCR will initiate enforcement action pursuant to either CPM Section 601 or CPM Section 602.

ARTICLE VII: APPENDICES

SECTION 701 SPECIAL INTAKE PROCEDURES

(a) Age Discrimination Complaints

An age discrimination complaint is timely when it is filed within 180 calendar days of the date the complainant first had knowledge of the alleged discrimination. For good cause shown, OCR may extend this time limit.

For service complaints under the Age Discrimination Act, the complainant may file a civil action under the Age Discrimination Act in federal court but only after she or he has exhausted administrative remedies. Administrative remedies are exhausted when either of the following has occurred:

(1) 180 calendar days have elapsed since the filing of a complaint with OCR and OCR has made no finding, or (2) OCR issues a finding in favor of the recipient. If OCR fails to make a finding within 180 calendar days or issues a finding in favor of the recipient, OCR will promptly notify the complainant of this fact and of her or his right to bring a civil action for injunctive relief. OCR's notice must also contain the following information: (1) that a civil action can be brought only in a United States district court for the district in which the recipient is located or transacts business; (2) that a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that these costs must be demanded in the complaint filed with the court; (3) that before commencing the action, the complainant shall give 30 calendar days' notice by registered mail to the Secretary, the Secretary of Health and Human Services, the Attorney General of the United States, and the recipient; (4) that the notice shall state the alleged violation of the Age Discrimination Act, the relief requested, the court in which the action will be brought, and whether or not attorney's fees are demanded in the event the complainant prevails; and (5) that the complainant may not bring an action if the same alleged violation of the Age Discrimination Act by the same recipient is the subject of a pending action in any court of the United States.

1. Employment Complaints

OCR does not have jurisdiction over employment complaints under the Age Discrimination Act. Employment complaints filed by persons 40 and older are referred to the appropriate EEOC office, and the OCR complaint is dismissed. Employment complaints filed by persons under 40 are not within the jurisdiction of EEOC and may be closed with notice to the complainant that there is no jurisdiction under the Age Discrimination Act. If the complaint alleges age discrimination in employment that is within EEOC's jurisdiction and also contains allegations of discrimination in services within the jurisdiction of OCR, the complaint is split into two separate cases. Each is given its own case number, the age employment complaint is referred to EEOC with the OCR age employment case being dismissed, and OCR proceeds with the complaint based on allegations of discrimination in services.

2. Service Complaints

All complete and timely complaints (see 34 C.F.R. §§ 110.31 and 110.32) containing an allegation of age discrimination in services are promptly referred to the following address or the appropriate regional office by electronic mail or mail:

Federal Mediation and Conciliation Service
Attention: Alternative Dispute Resolution Department
250 E. Street SW
Washington, D.C. 20427

Where OCR receives a complaint containing both allegations of age discrimination in services and allegations under Title VI, Title IX, Title II, Section 504, and/or the Boy Scouts Act, and OCR determines that the non-age allegation is independent and separable from the age allegation, OCR will refer only the age portion of the complaint to FMCS. OCR will proceed to investigate the additional allegations over which OCR has jurisdiction. OCR will not wait for mediation of the age portion of the complaint to conclude before beginning investigation of the non-age portion of the complaint.

Copies of the complaint and letters to the complainant and recipient and a completed FMCS “Request for ADA Mediation Assistance” must be included.

If FMCS does not resolve the complaint within 60 calendar days from the date of filing with OCR, OCR will resume processing the age aspects of the complaint. The date that the complaint or any portion of a complaint is sent to FMCS shall be entered in CMS. The date that the complaint is referred back from FMCS shall also be entered in CMS. FMCS’s processing time will, therefore, not be included in OCR’s case processing time.

(b) Title VI Complaints against Proprietary Schools

Authority to process Title VI complaints against proprietary vocational schools (privately owned, profit-making enterprises that teach a trade or skill) has, with certain exceptions, been delegated to the U.S. Department of Veterans Affairs. Such complaints must be forwarded to:

U.S. Department of Veterans Affairs
Office of Resolution Management
810 Vermont Avenue, N.W.
Washington, D.C. 20420

OCR must refer to the U.S. Department of Health and Human Services Title VI complaints filed against a proprietary school operated by a hospital. The complaint is then dismissed. The complainant must be notified of the referral.

The following exceptions apply.

- OCR remains responsible for enforcement of Title VI where a proprietary vocational school is operated by a college or university. See 38 C.F.R. § 18a.1(a).
- OCR remains responsible for enforcement of Title VI where a proprietary vocational school offers non-degree courses for which credit is given and which, on transfer, would be accepted toward a baccalaureate or higher degree by a degree-granting institution. See 38 C.F.R. § 18a.1(b).

(c) Title VI and Title IX Employment Complaints (see 29 C.F.R. §§ 1691.1 – 1691.13 and 28 C.F.R. §§ 42.601 – 42.613)

Race, color, national origin, and sex discrimination in employment complaints will be processed in accordance with the government-wide regulations. OCR will:

1. Within 10 calendar days of receipt, notify the complainant and the recipient that OCR has received the complaint, including the date, place and circumstances of the alleged unlawful employment practice.

2. Within 30 calendar days of receipt:

- i. Determine whether OCR has jurisdiction over the complaint under Title VI and/or Title IX.
- ii. Determine whether EEOC may have jurisdiction over the complaint.
- iii. Transfer to EEOC all complaints over which OCR does not have jurisdiction but over which EEOC may have jurisdiction and notify the complainant and the recipient of the transfer, the reason for the transfer, the location of the EEOC office to which the complaint was transferred and that the date the agency received the complaint will be deemed the date it was received by EEOC.
- iv. Refer to EEOC certain complaints over which both OCR and EEOC appear to have jurisdiction (“joint complaints”), consistent with the following guidance:

Absent special circumstances, OCR will refer a joint complaint that solely alleges employment discrimination against an individual.

Absent special circumstances, OCR will not refer a joint complaint alleging a pattern or practice of employment discrimination.

Absent special circumstances, OCR will not refer a joint complaint that alleges discrimination in employment and includes allegations regarding other practices of a recipient. If, because of special circumstances, the employment allegations of such a complaint are referred to EEOC, OCR will assign a new case number to the allegations that are retained.

OCR will notify the complainant and recipient of the action taken on the joint complaint. In the case of a referral to EEOC, the notice will include the location of the EEOC office to which the complaint was referred, the civil rights provisions involved, the authority of EEOC under this regulation and that the date the agency received the complaint will be deemed the date it was received by EEOC.

For those joint complaints retained for OCR investigation, OCR will contact EEOC to ensure that, in the event EEOC has also received the complaint, EEOC defers its investigation.

(d) Title II ADA Complaints (Other than Employment) (see 28 C.F.R. § 35.171(a)(2)(i))

OCR has jurisdiction to investigate Title II complaints against public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries. When OCR receives an ADA-only complaint over which it does not have jurisdiction, it will be referred to DOJ and then dismissed. The complainant will be notified of the referral.

(e) Section 504 and Title II Disability Employment Complaints (see 28 C.F.R. Part 37 and 29 C.F.R. Part 1640)

1. Referral or Deferral

- i. Disability employment complaints shall be referred to the DOJ Civil Rights Division if OCR has no jurisdiction under either Title II of the ADA or Section 504 of the Rehabilitation Act of 1973, and EEOC does not have jurisdiction under Title I (*i.e.*, the recipient has fewer than 15 employees). If EEOC has jurisdiction under Title I

(i.e., the recipient has 15 or more employees), the complaint shall be referred to EEOC.

- ii. OCR shall defer individual complaints unless the complainant elects to have OCR process the charge. OCR must notify the complainant in writing that he or she may choose whether to have OCR or EEOC process the complaint and that if the complainant would like OCR to process the complaint, OCR must receive such written request within 20 calendar days of the date of the letter. See 28 C.F.R. § 37.8(a)(1). If special circumstances make deferral inappropriate, OCR and the appropriate agency may jointly determine to reallocate investigation responsibilities. See 28 C.F.R. § 37.8(e).

2. Retention

- i. When OCR has jurisdiction over a disability employment complaint under Section 504, OCR shall retain the complaint if:
 - EEOC does not have jurisdiction under Title I (i.e., if fewer than 15 employees);
 - EEOC has jurisdiction, but the complainant elects to have OCR process the complaint;
 - The complaint alleges discrimination in both employment and other practices or services covered by Section 504; or
 - The complaint alleges a pattern or practice of employment discrimination. See 28 C.F.R. § 37.6(d)(1).
- ii. When OCR has jurisdiction under Title II of the ADA but not under Section 504, OCR shall retain jurisdiction over a complaint when it determines that EEOC does not have jurisdiction under Title I. See 28 C.F.R. §§ 37.6(d)(2) and (3).

SECTION 702 DATA COLLECTION AND INFORMATION GATHERING

(a) Generally

OCR's data collection and information gathering activities will vary from case to case depending on applicable legal standards, investigative strategies, and the extent to which relevant data/information are in the control of the recipient or others. Some general investigative principles and practices include:

- Obtain independent written documentation to corroborate oral statements;
- Label all evidence, documents, electronic media, and written records of contact with information identifying the case being investigated and the circumstances under which the evidence was obtained (e.g., where and when an interview was conducted, and who provided a given document);
- Document efforts to obtain access to recipient data and witnesses;
- Undertake a robust outreach to the recipient community to increase access to relevant information in the conduct of an investigation (e.g., by publicizing OCR's presence and availability in onsite investigations for individual interviews and focus groups as well as OCR's availability for discussion with interested individuals before and subsequent to the onsite), as appropriate; and
- Collect data resulting from any methods that OCR or recipients use to track and evaluate compliance with their legal responsibilities (e.g., data from OCR's Civil Rights Data Collection, recipient public websites, climate surveys, and other self-assessment tools).

(b) OCR's Authority to Obtain Information

OCR has the right of access during a recipient's regular business hours to the recipient's facilities and to information maintained by the recipient that is necessary to determine compliance status on those issues under investigation. See 34 C.F.R. § 100.6(c), 34 C.F.R. § 99.31(a)(3)(iii) and 34 C.F.R. § 110.22. Generally, this includes access to such of the recipient's books, records, accounts, including electronic storage media, microfilming, retrieval systems and photocopies maintained by the recipient, and other sources of information, including witnesses, and its facilities, as may be relevant, in OCR's judgment, to ascertain compliance.

(c) Requests for Records**1. Data Requests**

A data request seeks information from the recipient relevant to the investigation. It can be used to initiate information collection or to request further information, as necessary.

2. Timeframes for Recipient's Response

The recipient will be given an appropriate amount of time to submit the information required, which shall be determined on the basis of the nature and extent of OCR's data request. This timeframe is established in OCR's discretion, considering factors such as the feasibility of complying with the request in the determined time period.

3. Data Provided by Recipient

A recipient must submit information as necessary for OCR's compliance activities. However, other federal regulations and policies may restrict OCR's information requests:

- i. For example, in the context of an ongoing complaint, compliance review, or directed investigation, OCR may require recipients to record information in such form and containing such information as OCR may determine is necessary to assess compliance, without obtaining prior approval for its use by the Office of Management and Budget.¹² See 34 C.F.R. § 100.6(b).
- ii. OCR must consider federal policies concerning paperwork burdens when requesting that a recipient do more than provide OCR access to normally maintained information. Requests that a recipient generate, aggregate, or compile information to meet an OCR need must be reasonable and may not be unduly burdensome.. Recipients that maintain data in an electronic format must provide the data in that format to OCR in a file type that can be accessed by OCR. Recipients that do not maintain data in an electronic format are encouraged to provide the requested information in an electronic format that can be accessed by OCR.

If a recipient invites OCR to come onsite and collect the requested information, including the interview of witnesses and provides OCR with sufficient access to files, records, logs, and appropriate indexes for OCR to obtain the needed information, then the recipient shall be deemed to have provided OCR with the requisite access necessary to satisfy this provision.

¹² The Paperwork Reduction Act only applies to collections directed at ten or more respondents, with one important exception. Any information requirement in a "rule of general applicability" is presumed to affect or potentially affect at least ten respondents.

4. Confidentiality

OCR has the right of access to a recipient's records, even if those records identify individuals by name. To protect the confidential nature of the records, OCR may, for example, permit the recipient to replace names with a code, and to retain a key to the code. However, OCR should inform the recipient that if at any time, such a procedure impedes the timely investigation of the case, OCR shall have access to the unmodified records. See 20 U.S.C. §§ 1232g(b)(1)(C)(i)(II) and (b)(3) and 34 C.F.R. §§ 99.31(a)(3)(iii) and 99.35 regarding the applicable provisions of the Family Educational Rights and Privacy Act.

(d) Interviews

1. Introduction

Interviews are an integral part of investigations. The objective of interviews is to gain an understanding of the records and data relevant to the issues in the case; to obtain information from and assess the credibility of witnesses; and to evaluate recipient defenses. OCR may conduct individual interviews and focus groups, as appropriate, as part of its investigations. OCR will make efforts to work with recipients to conduct interviews in a manner that minimizes disruptions to the recipient's educational environment.

2. Notice

Prior to initiating an interview, OCR will inform the witness of the following.

- i. The general purpose of the interview, including OCR's role, what law or laws may be pertinent to the investigation, and where appropriate, a brief explanation of what is under investigation.
- ii. The approximate maximum amount of time that the interview may take.
- iii. The potential uses of the information to be obtained from the witness and the Freedom of Information Act. A witness who wants a more thorough explanation should be given a copy of the "OCR Notice of Witness Rights." This Notice is available at: (<https://www2.ed.gov/about/offices/list/ocr/docs/witness-notice-mw.pdf>).
- iv. The witness's right to personal representation during the interview by a person of his or her choice.
- v. When the witness is an employee of a recipient, his or her right to refuse to have anyone else present during the interview and his or her right to refuse to reveal the content of an interview.
- vi. The regulatory provisions concerning prohibition of intimidating or retaliatory acts by a recipient.
- vii. In most cases, the recipient's counsel will be allowed to be present during upper level management interviews.

3. Privacy

The privacy interests of witnesses will be considered in selecting the conditions and means employed by OCR to conduct witness interviews. An interpreter may be used when safeguards are taken to ensure the competence of the interpreter and to protect the witness's privacy.

4. Interviews with Minors (Persons under 18) or Legally Incompetent Individuals

OCR shall obtain written consent from a parent or guardian prior to conducting an interview of any person under 18 years of age or otherwise adjudicated legally incompetent, for example, mentally impaired. Parental or legal guardian consent may not be required for persons under 18 if they are emancipated under state law or in the context of Section 504, whose IDEA rights have transferred under 20 U.S.C. § 1415(m), and are therefore considered to have obtained majority. For persons under 18 who state they are emancipated or whose IDEA rights have transferred, OCR should obtain proof of emancipation or proof of transfer of IDEA rights.

Parental or legal guardian consent may not be necessary where the questions asked are of a general nature, not related to any specific events in which the minor was involved, and there are no records kept to identify the student. Where a recipient refuses to allow minor students to be interviewed without consent where the questions asked are of a general nature, not related to any specific events in which the minor was involved, and there are no records kept to identify the student, written consent must be obtained.

Where parents or guardians refuse to provide consent for an interview, and OCR determines that the child's information is critical, OCR may attempt to secure parental or guardian consent by inviting the parent or guardian to be present during the interview. Where consent is denied, OCR will not interview the child.

5. Records of Interviews

A written record of interviews (i.e., in-person, telephonic, or through use of other electronic media) must be kept. Interviewers will notify interviewees when recording is used and recording will be done only with the consent of the interviewee. When interviewers record interviews, the recording becomes part of the case record along with the written record. Regardless of the technique used during the interview, a written record of the interview must be created.

The record of the interview to be placed in the case file must contain the following information.

- i. The case identification (name and case number).
- ii. The name and identification of the interviewee, interviewer, and any other person present (include an explanation for the presence of any other persons).
- iii. The date, time, and location of interview (including whether the interview was conducted in person or through use of media (e.g., telephone, videoconferencing)).
- iv. A record of whether the interviewee was informed of required notifications.
- v. A written record reflecting the questions and responses obtained during the interview (this need not be a verbatim transcript but must accurately reflect the responses of the witness).

SECTION 703 FREEDOM OF INFORMATION ACT AND PRIVACY ACT

The information OCR collects is analyzed by authorized personnel within the agency and is used only for authorized civil rights compliance and enforcement activities. In order to resolve a complaint OCR may need to reveal certain information to persons outside the agency to verify facts or gather additional information. Such information could include the name, the age or physical condition of a complainant. The Privacy Act of 1974 (Privacy Act), 5 U.S.C. § 552a, governs the maintenance of records contained in a system of records, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, establishes a public right of access (with certain exemptions) to OCR's records.

The Privacy Act regulates the collection, maintenance, use, and dissemination of certain personal information in records contained in a federal agency's system of records. OCR's investigation files have been exempted from certain provisions of the Privacy Act, including, but not limited to, provisions that provide individuals with notification of, access to, and correction or amendment of records maintained on them. See 34 C.F.R. § 5b.11(c)(2)(ii). The Department has published in the Federal Register a Privacy Act system of records notice entitled "Complaint Files and Log" (18-08-01). Third parties may not gain access to records about individuals within a system of records without the prior written consent of the subject individual except as required by FOIA or pursuant to other statutory exceptions contained in the Privacy Act. See 5 U.S.C. § 552a(b).

The FOIA gives the public a right of access to records of federal agencies. The FOIA is implemented by Department regulations. See 34 C.F.R. Part 5.

Although each FOIA request will be reviewed on a case-by-case basis, generally, OCR is not required to release documents, or portions thereof, during the case resolution and investigation process or enforcement proceedings if the release could reasonably be expected to interfere with OCR's law enforcement activities. See 5 U.S.C. § 552(b)(7)(A). Also, a federal agency is not required to release inter- or intra-agency records, or portions thereof, if they are pre-decisional, deliberative documents, or if the records would otherwise be subject to certain privileges in litigation. See 5 U.S.C. § 552(b)(5). Further, a federal agency may not release documents, or portions thereof, that constitute commercial or financial information, obtained from a submitter, that is privileged or confidential. See 5 U.S.C. § 552(b)(4). Finally, a federal agency may not release documents, or portions thereof, if their release would or could result in an unwarranted invasion of privacy of an individual. See 5 U.S.C. §§ 552(b)(6) and (7)(C). Disclosure will only be made as consistent with the Privacy Act and FERPA. OCR will only reveal the name or identifying information about an individual if such disclosure is consistent with the Privacy Act and FERPA.

In addition, OCR can release certain information about the complaint to the press or general public, including the name of the school or institution; the date the complaint was filed; the type of discrimination included in the complaint; the date the complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; and other related information. Any information OCR releases to the press or general public will not include the complainant's name or the name of the person on whose behalf the complaint was filed, except as noted in the paragraph above.

SECTION 704 RECIPIENTS OPERATING UNDER FEDERAL COURT ORDER

(a) When the United States is a Party to the Court Order

When OCR receives a complaint alleging discrimination by a recipient against which the DOJ represents the United States as a party in pending litigation, the following procedures will apply:

1. **OCR notification to DOJ:** OCR will forward the complaint to DOJ by electronic mail immediately and ask whether DOJ wants OCR to refer the complaint to DOJ. This will occur before any OCR evaluation of the complaint begins and even if it is clear on the face of the complaint that OCR would not open it for investigation.
2. **DOJ response:** DOJ will have seven calendar days after the date of OCR's electronic mail notification to determine whether: (1) DOJ wants OCR to refer the complaint to DOJ; or (2) DOJ does not want OCR to refer the complaint to DOJ. There are no additional options. For example, a complaint cannot be conditionally referred or conditionally declined, nor may DOJ request referral of only a portion of a complaint.

3. **No referral to DOJ:** When DOJ indicates that it does not want OCR to refer the complaint, or DOJ does not respond within seven calendar days of the date of OCR's electronic mail notification, OCR, in its sole authority, will immediately process the complaint.
4. **Referral to DOJ:** When DOJ indicates that it wants OCR to refer the complaint, then:
 - i. OCR will refer the entire complaint to DOJ;
 - ii. OCR will dismiss the complaint and notify the complainant that the complaint has been referred to DOJ; and
 - iii. Once the complaint is referred to DOJ, DOJ will be responsible for investigating and resolving the entire complaint. OCR will forward all communications it receives from the complainant relating to the complaint to DOJ and DOJ will be responsible for addressing all such communications. OCR will not accept any type of return or re-referral of the complaint from DOJ.

(b) When the United States is Not a Party to the Court Order

As part of evaluation of the complaint, OCR will consult with parties about the current status of the court order.

Docket No.	Recipient	Received	Stage	OCR Regional Office	Re: Plaintiff	180-Day Waiver Requested? Status?	Communication/Interaction with Complainant/Plaintiff (Date/type)
09212318	Azusa Pacific University	7/27/2021	Eval	San Francisco Office	Jonathan Jones	Yes (pending)	7/28/21: OCR SF issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/13/21: OCR SF emailed Lauren Swain asking to schedule an intake interview with this plaintiff. 10/18/21: Lauren Swain replied to OCR's request for an interview date requesting interview questions be sent by email. She further stated she would reply with her availability after November 5, 2021.
06212204	Baylor University	7/28/2021	Eval	Dallas Office	Justin Tidwell-Davis	Yes (pending)	7/28/21: OCR Dallas issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/13/21: OCR Dallas emailed Lauren Swain asking to schedule an intake interview with this plaintiff; awaiting response.
06212205	Baylor University	7/28/2021	Eval	Dallas Office	Jake Picker	Yes (pending)	7/29/21: OCR Dallas issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/8/21: OCR Dallas emailed 14-Day clarification questions to Swain, with an invitation to provide answers via phone.

06212206	Baylor University	7/28/2021	Eval	Dallas Office	Veronica B. Penales	Yes (pending)	7/29/21: OCR Dallas issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/12/21: OCR Dallas emailed 14-Day clarification questions to Lauren Swain, with an invitation to provide answers via phone.
06212226	Baylor University	8/25/2021	Eval	Dallas Office	Lauren Ashley Moser	Yes (pending)	8/27/21: OCR Dallas issued acknowledgement letter to Lauren Swain. 10/12/21: OCR Dallas emailed 14-Day clarification questions to Lauren Swain, with an invitation to provide answers via phone.
11212234	Bob Jones University	7/28/2021	Eval	Metro Office	Elizabeth Hunter	Yes (pending)	7/28/21: OCR Metro issued acknowledgement letter to Lauren Swain.
08212212	Brigham Young University	7/27/2021	Closed (dismissed)	Denver Office	Ashtin Markowski	Yes (moot; dismissed under 108(j))	8/19/21: OCR Denver emailed Lauren Swain acknowledgment letter. 8/19/21: Lauren Swain asked OCR Denver to identify which plaintiff was associated with the case number. 8/20/21: OCR Denver replied Ashtin Markowski. 10/19/21: OCR Denver sent dismissal letter to Lauren Swain pursuant to 108(j) of OCR's Case Processing Manual (Markowski v. Brigham Young University, Civil No.: 2:20-cv-000872-JNP, U.S. District Court, Utah).
10212151	Brigham Young University-Idaho	7/27/2021	Eval	Seattle Office	Chandler Horning	Yes (pending)	9/17/21: Received email from Lauren Swain requesting update. 9/22/21: OCR SEA sent Lauren Swain acknowledgment letter. 10/19/21: OCR SEA sent Lauren Swain email to schedule interview.

10212152	Brigham Young University-Idaho	7/28/2021	Eval	Seattle Office	Rachel Moulton	Yes (pending)	9/17/21: Received email from Lauren Swain requesting update. 9/22/21: OCR SEA sent Lauren Swain acknowledgment letter.
15212122	Cedarville University	7/28/2021	Eval	Cleveland Office	Brooke C.	Yes (pending)	7/28/2021: OCR CLE sent letter of acknowledgement. 9/20/21: OCR CLE received letter from Lauren Swain requesting update. 10/20/2021: OCR sent email to Lauren Swain to schedule intake interview.
03212192	Clarks Summit University (Formerly Baptist Bible College)	7/28/2021	Eval	Philadelphia Office	Gary Campbell	Yes (pending)	7/28/21: OCR issued acknowledgement letter to Lauren Swain. 8/9/21: OCR contacted Lauren Swain about scheduling evaluation interview. 8/10/21: OCR and Lauren Swain agree on 8/11/21 for evaluation interview. 8/11/21: OCR interviewed Lauren Swain and Paul Southwick. 9/17/21: Lauren Swain requested update on status of OCR's evaluation. 9/20/21: OCR provided update on status of complaint, saying it is in evaluation.

07212131	College Of The Ozarks	7/28/2021	Eval	Kansas City Office	Saren Craig	Yes (pending)	<p>7/28/21: OCR KC issued acknowledgement letter to Lauren Swain.</p> <p>8/5/21: OCR KC corresponded with Lauren Swain to schedule interview for 8/10/21.</p> <p>8/9/21: OCR KC cancelled the phone interview and indicated the staff member would contact Lauren Swain at a later date regarding the complaint.</p> <p>8/11/21: Lauren Swain sent an email requesting a reason the interview was cancelled and for a timeframe in which it would be rescheduled.</p> <p>9/17/21: Lauren Swain sent an email requesting a status update, and when the intake interview would be rescheduled.</p> <p>10/4/21: OCR KC sent an email to Lauren Swain to reschedule the intake interview.</p> <p>10/6/21: OCR KC sent Lauren Swain an email indicating the intake interview was scheduled for 10/8/21. Both parties agreed to the time. Lauren Swain requested OCR KC send call-in information to their office's legal fellow, Josiah Robinson.</p> <p>10/8/21: OCR KC conducted an intake interview of Lauren Swain.</p> <p>10/12/21: OCR KC sent Lauren Swain an email with a link to OCR's Case Processing Manual; OCR KC also indicated where to direct FOIA requests.</p>
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08212214	Colorado Christian University	8/3/2021	Eval	Denver Office	Journey Mueller	Yes (pending)	8/23/21: OCR Denver sent acknowledgment letter. 9/1/21: OCR Denver emailed Complainant Lauren Swain to request the <i>Hunter</i> class action complaint. 9/17/21: OCR Denver replied to Lauren Swain's email requesting status of complaint and stated that case was in evaluation.
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05212268	Dordt University	7/28/2021	Eval	Chicago Office	Avery Bonestroo	Yes (pending)	<p>8/3/21: OCR Chicago issued acknowledgement letter to Lauren Swain.</p> <p>8/10/21: OCR Chicago emailed Lauren Swain to schedule an interview with her.</p> <p>8/10/21: Lauren Swain emailed OCR Chicago providing her availability for an interview and asked to include REAP attorney Paul Southwick.</p> <p>8/11/21: OCR Chicago emailed Lauren Swain and Paul Southwick indicating the meeting needed to be rescheduled.</p> <p>8/11/21: Lauren Swain emailed OCR Chicago asking for an explanation as to why the interview was rescinded.</p> <p>9/17/21: Lauren Swain emailed OCR Chicago asking for an update.</p> <p>10/4/21: OCR Chicago emailed Lauren Swain to schedule interview with her.</p> <p>10/4/21: Lauren Swain emailed OCR Chicago providing her availability and asked to include REAP attorney Joe Baxter.</p> <p>10/5/21: OCR Chicago emailed Lauren Swain and Joe Baxter confirming meeting time.</p> <p>10/5/21: Lauren Swain emailed OCR Chicago acknowledging receipt of meeting time.</p> <p>10/7/21: OCR Chicago interviewed Lauren Swain via Microsoft Teams; Joe Baxter participated in the meeting.</p> <p>10/12/21: OCR Chicago emailed Lauren Swain and Joe Baxter to schedule interviews with Avery Bonestroo. OCR Chicago provided proposed dates and times for the interview.</p> <p>10/12/21: Joe Baxter emailed OCR Chicago</p>
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							<p>stating he would reach out to students to arrange meeting.</p> <p>10/12/21: Joe Baxter emailed OCR Chicago to confirm the times provided by OCR were Central Standard time.</p> <p>10/13/21: OCR Chicago emailed Joe Baxter confirming the times provided for an interview with Avery Bonestroo were Central Standard time.</p> <p>10/18/21: Lauren Swain emailed OCR stating Avery Bonestroo was not available during any of the dates/times proposed by OCR and that she would follow up with OCR with proposed dates/times for an interview.</p>
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05212269	Dordt University	7/28/2021	Eval	Chicago Office	Lauren Hoekstra	Yes (pending)	<p>8/3/21: OCR Chicago issued Acknowledgement Letter to Lauren Swain.</p> <p>8/10/21: OCR Chicago emailed Lauren Swain to schedule an interview with her.</p> <p>8/10/21: Lauren Swain emailed OCR Chicago providing her availability for an interview and asked to include REAP attorney Paul Southwick.</p> <p>8/11/21: OCR Chicago emailed Lauren Swain and Paul Southwick indicating the meeting needed to be rescheduled.</p> <p>8/11/21: Lauren Swain emailed OCR Chicago asking for an explanation as to why the interview was rescinded.</p> <p>9/17/21: Lauren Swain emailed OCR Chicago asking for an update.</p> <p>10/4/21: OCR Chicago emailed Lauren Swain to schedule interview with her.</p> <p>10/4/21: Lauren Swain emailed OCR Chicago providing her availability and asked to include REAP attorney Joe Baxter.</p> <p>10/5/21: OCR Chicago emailed Lauren Swain and Joe Baxter confirming meeting time.</p> <p>10/5/21: Lauren Swain emailed OCR Chicago acknowledging receipt of meeting time.</p> <p>10/7/21: OCR Chicago interviewed Lauren Swain via Microsoft Teams; Joe Baxter participated in the meeting.</p> <p>10/12/21: OCR Chicago emailed Lauren Swain and Joe Baxter to schedule interviews with Lauren Hoekstra. OCR Chicago provided proposed dates and times for the interview.</p>
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							<p>10/12/21: Joe Baxter emailed OCR Chicago stating he would reach out to students to arrange meeting.</p> <p>10/12/21: Joe Baxter emailed OCR Chicago to confirm the times provided by OCR were Central Standard time.</p> <p>10/13/21: OCR Chicago emailed Joe Baxter confirming the times provided for an interview with Lauren Hoekstra were Central Standard time.</p> <p>10/18/21: Lauren Swain emailed OCR Chicago stating Lauren Hoekstra was not available for an interview during any of the dates/times proposed by OCR and that she would follow up with OCR with proposed dates/times for an interview.</p> <p>10/19/21: Lauren Swain emailed OCR with proposed dates and times for Lauren Hoekstra's interview.</p>
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03212191	Eastern University	7/28/2021	Eval	Philadelphia Office	Faith Millender	Yes (pending)	7/28/21: OCR Phila sent acknowledgement letter. 9/17/21: Lauren Swain emailed OCR asking for status. 10/13/21: OCR emailed Lauren Swain to request phone call to clarify complaint. 10/18-19/21: Correspondence with Lauren Swain regarding questions about clarification interviews. Lauren Swain responded that she will check student's availability.
09212315	Fuller Theological Seminary in California	7/27/2021	Eval	San Francisco Office	Darren McDonald	Yes (pending)	7/28/21: OCR SF issued Acknowledgement Letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/13/21: OCR SF emailed Lauren Swain asking to schedule an intake interview with this plaintiff. 10/14/21: OCR SF spoke briefly with Lauren Swain, who informed OCR SF that she would be back in the office on 10/18/21 and would contact us then. 10/18/21: Lauren Swain emailed OCR SF, requesting a phone interview for Friday, October 22 at 3:30pm PST. OCR SF confirmed the date/time of the interview. Lauren Swain also stated that she would be joined by attorney Paul Southwick during the interview and requested interview questions in advance.

09212317	Fuller Theological Seminary in California	7/27/2021	Eval	San Francisco Office	Joanna Maxon	Yes (pending)	<p>7/28/21: OCR SF issued Acknowledgement Letter to Lauren Swain.</p> <p>9/17/21: Lauren Swain emailed asking for an update on this matter.</p> <p>10/13/21: OCR SF emailed Lauren Swain asking to schedule an intake interview with this plaintiff.</p> <p>10/14/21: OCR SF spoke briefly with Lauren Swain who informed OCR SF that she would be back in the office on 10/18/21 and would contact us then.</p> <p>10/18/21: Lauren Swain emailed OCR SF, requesting a phone interview for Friday, October 22 at 3:30pm PST. OCR SF confirmed the date/time of the interview. Lauren Swain also stated that she would be joined by attorney Paul Southwick during the interview and requested interview questions in advance.</p>
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09212322	Fuller Theological Seminary in California	7/28/2021	Eval	San Francisco Office	Nathan Brittsan	Yes (pending)	7/28/21: OCR SF issued Acknowledgement Letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/13/21: OCR SF emailed Lauren Swain asking to schedule an intake interview with this plaintiff. 10/14/21: OCR SF spoke briefly with Lauren Swain who informed OCR SF that she would be back in the office on 10/18/21 and would contact us then. 10/18/21: Lauren Swain emailed OCR SF, requesting a phone interview for Friday, October 22 at 3:30pm PST. OCR SF confirmed the date/time of the interview. Lauren Swain also stated that she would be joined by attorney Paul Southwick during the interview and requested interview questions in advance.
10212150	George Fox University	7/27/2021	Eval	Seattle Office	Audrey Wojnarowisch	Yes (pending)	9/17/21: Received email from Lauren Swain requesting update. 9/22/21: OCR SEA sent Lauren Swain acknowledgment letter.

05212226	Indiana Wesleyan University	6/24/2021	Eval	Chicago Office	Mortimer Halligan	Yes (pending)	<p>6/24/21: OCR Chicago sent letter of acknowledgement to Lauren Swain. OCR Chicago sent introductory email to Lauren Swain, requesting evaluation interview and consent form. OCR Chicago received email from Lauren Swain, with signed consent form attached.</p> <p>6/28/21: OCR Chicago sent another email requesting intake interview, and received response with proposed dates.</p> <p>6/29/21: OCR Chicago exchanged emails with Lauren Swain setting up date for intake interview and providing copy of complaint processing procedures.</p> <p>7/2/21: OCR Chicago conducted intake interview.</p> <p>7/12/21: OCR Chicago sent request to Lauren Swain requesting follow-up interview.</p> <p>7/14/21: Lauren Swain responded with email that she would contact client to set up follow-up interview.</p> <p>7/16/21: Lauren Swain sent email proposing date for follow-up interview.</p> <p>7/19/21: OCR Chicago sent Lauren Swain email confirming follow-up interview date; Lauren Swain responded with thank you and also asked for different attorney to also be invited.</p> <p>7/20/21: OCR Chicago contacted Lauren Swain to confirm other attorney would be invited.</p> <p>7/22/21: OCR Chicago conducted follow-up interview.</p> <p>9/17/21: Lauren Swain sent Office email requesting update on status of case.</p>
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							9/23/21: OCR Chicago sent Lauren Swain email advising that it would get back to her with update on status and next steps.
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05212266	Indiana Wesleyan University	7/30/2021	Eval	Chicago Office	Louis James	Yes (pending)	<p>8/2/21: Office sent letter of acknowledgement to Lauren Swain.</p> <p>8/6/21: Office sent email to Lauren Swain requesting intake interview; Lauren Swain provided copy of Federal lawsuit.</p> <p>8/10/21: Lauren Swain sent email with proposed dates for intake interview; Office emailed Lauren Swain to say that interview would not occur that week.</p> <p>8/11/21: Lauren Swain emailed to ask why Office rescinded interview request.</p> <p>9/17/21: Lauren Swain sent Office email requesting update on status of case, including whether interview request will be reinstated.</p> <p>9/23/21: Office sent Lauren Swain email advising that it would get back to her regarding interview.</p> <p>10/1/21: Office emailed Lauren Swain with proposed interview dates; Lauren Swain said she would get back to Office.</p> <p>10/6/21: Email exchange scheduling interview for 10/15/21.</p> <p>10/12/21: Office received email from Joe Baxter advising that 10/15 would not work and requesting other dates; Office replied with list of possible dates.</p> <p>10/18/21: Office emailed Joe Baxter to propose additional dates for interview.</p>
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09212314	La Sierra University	7/27/2021	Eval	San Francisco Office	Cameron Martinez	Yes (pending)	7/28/21: OCR SF issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/13/21: OCR SF emailed Lauren Swain asking to schedule an intake interview with this plaintiff. 10/18/21: Lauren Swain replied to OCR's request for an interview date requesting interview questions be sent by email. She further stated she would reply with her availability after November 5, 2021.
04212293	Lee University	7/27/2021	Eval	Atlanta Office	Daniel Christopher Tidwell-Davis	Yes (pending)	7/28/2021: OCR Atlanta issued acknowledgement letter.
11212235	Liberty University	7/28/2021	Eval	Metro Office	Lucas Wilson	Yes (pending)	7/28/21: OCR Metro issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter.
04212295	Lipscomb University	7/28/2021	Eval	Atlanta Office	Victoria Joy Bacon	Yes (pending)	7/28/21: OCR Atlanta emailed acknowledgement letter.
03212193	Messiah University	7/28/2021	Eval	Philadelphia Office	Rachel Held	Yes (pending)	7/29/21: Acknowledgment letter sent to Lauren Swain. 9/17/21: Lauren Swain emailed requesting status. 9/20/21: OCR Phila responded that complaint was in evaluation. 10/13/21: OCR Phila emailed Lauren Swain to request phone call to clarify complaint. 10/18-19/21: Lauren Swain emailed requesting list of questions/clarifications; OCR responded with the purpose of the interviews; Lauren Swain responded that she would check student's availability.

05212273	Moody Bible Institute	7/28/2021	Eval	Chicago Office	Megan Steffen	Yes (pending)	8/16/21: OCR Chicago sent email to Complainant/student. 9/27/21: OCR Chicago sent copy of letter of acknowledgement to Lauren Swain. 10/18/21: OCR Chicago contacted Lauren Swain seeking to arrange intake interview; Lauren Swain replied and intake interview was scheduled for 10/27.
07212133	Oklahoma Baptist University	7/28/2021	Eval	Kansas City Office	Tristan Campbell	Yes (pending)	7/28/21: OCR KC issued Acknowledgement Letter to Lauren Swain. 9/17/21: Lauren Swain requested a status update. 9/20/21: OCR KC responded with a status update.
10212153	Regent University School Of Law	7/28/2021	Eval	Metro Office	Jamie Lord	Yes (pending)	7/28/21: OCR Metro issued Acknowledgement Letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter.
10212153	Seattle Pacific University	7/28/2021	Eval	Seattle Office	Spencer Vigil	Yes (pending)	9/17/21: Received email from Lauren Swain requesting update. 9/22/21: OCR SEA sent Lauren Swain acknowledgment letter.
04212297	Toccoa Falls College	7/28/2021	Eval	Atlanta Office	Natalie Carter	Yes (pending)	7/28/21: OCR Atlanta issued acknowledgement letter.

04212294	Union University	7/27/2021	Eval	Atlanta Office	Alex Duron	Yes (pending)	<p>7/28/21: Sent acknowledgement letter.</p> <p>8/3/21: OCR requests availability for clarification interview via email to Lauren Swain. Lauren Swain responds asking for clarification on which of her 5 complaints this is about.</p> <p>8/4/21: OCR sends Lauren Swain and Alex Duron calendar invite for 8/11/21 interview.</p> <p>8/5/21: Alex Duron asks if meeting time is Eastern or Pacific. OCR resends calendar invite to clarify meeting is scheduled for 12p Eastern/ 9a Pacific Time.</p> <p>8/9/21: Lauren Swain asks OCR to also send invitation to attorney Paul Southwick.</p> <p>8/10/21: OCR emails link to join meeting to Paul Southwick. Lauren Swain acknowledges receipt.</p> <p>8/11/21: OCR clarification interview with Lauren Swain, Paul Southwick, and Alex Duron. Alex Duron emails OCR regarding Union University correspondence informing him admission rescinded & Union Univ. Community Values.</p> <p>9/17/21: Lauren Swain requests status update.</p> <p>9/22/21: OCR responded to Lauren Swain's request for status update.</p>
04212296	Union University	7/28/2021	Eval	Atlanta Office	Scott McSwain	Yes (pending)	7/28/2021: OCR Atlanta sent acknowledgement letter.

09212316	Westmont College	7/27/2021	Eval	San Francisco Office	Darren McDonald	Yes (pending)	7/28/21: OCR SF issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain emailed asking for an update on this matter. 10/13/21: OCR SF emailed Lauren Swain asking to schedule an intake interview with this plaintiff. 10/18/21: Lauren Swain replied to OCR's request for an interview date requesting interview questions be sent by email. She further stated she would reply with her availability after November 5, 2021.
07212132	York College	7/27/2021	Eval	Kansas City Office	Hayden Brown	Yes (pending)	7/28/21: OCR KC issued acknowledgement letter to Lauren Swain. 9/17/21: Lauren Swain requested a status update. 9/20/21: OCR KC responded with a status update.