



BELMONT ABBEY COLLEGE

That in all things God may be glorified

January 16, 2015

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: Belmont Abbey College, Inc. ("Belmont Abbey") Request for Title IX Religious Exemption

Dear Ms. Lhamon:

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

Belmont Abbey College is a Catholic, Benedictine learning community committed to developing each member of the college community in mind, faith and character for a life of meaningful work and service. Our identity as a Catholic, Benedictine institution is central to all we do and teach at Belmont Abbey College.

Belmont Abbey is owned by and affiliated with the Southern Benedictine Society of North Carolina, Inc. whose Members are Benedictine Monks. The Monks founded the college on the basis of, and as an expression of, their Catholic faith. The Monks and the College itself, believe that the Bible is the divinely inspired Word of God and thus has authority for all Christian life. On the basis of the Catholic faith, the Monks and the College also believe that the Church was founded by Jesus Christ and given authority by him authentically to interpret the Word of God and to teach with binding authority on questions of faith and morals. This authoritative teaching includes teaching about human sexuality and provides norms for morally acceptable behavior.

OFFICE OF THE PRESIDENT

Belmont Abbey College and the sponsoring monastic community believe that human beings, fashioned by God in His own image and likeness, are thus created male and female (Genesis 1:27). The New Testament, Jesus confirms that the heterosexual creation of human beings expresses God's creative intention (Matthew 19:4). On the basis of this biblical teaching, of our faith in the Incarnation of the Son of God, and of the constant teaching of the Catholic Church, we believe that the creative intent of God is inextricably linked with our creation in the complementary reality of male and female sexual identity. *[We likewise believe, on the basis of the Bible and the teaching of the Catholic Church, that sexual intimacy is intended by God to be expressed solely within a marriage between one man and one woman, and that sexual relations of any kind outside the confines of marriage between one man and one woman are inconsistent with the teaching of the Bible and of the Catholic Church. Sexual practices which are divorced from a loving, covenantal relationship between a man and a woman frustrate God's intention and result in behaviors that rupture good human relationships and erodes the relationship between human beings and their Creator.]*

We affirm the dignity of all human beings and distinguish the inalienable dignity of each person from the behavioral choices a person makes. We believe that, as Catholics, we are called to treat all people with charity and respect, including those whose beliefs and behaviors differ from the teachings of the Catholic Church. We are not able, however, in good conscience to support or affirm choices and behaviors that conflict with our identity as a Catholic, Benedictine institution. We do not, therefore, support or affirm the resolution of tension between one's biological sex and the experience of gender by the adoption of a psychological identity discordant with one's birth sex, nor attempts to change one's birth sex by surgical intervention, nor conduct or dress consistent with an identity other than one's biological birth sex. *[We do not affirm or support sexual relations of any kind outside of marriage between one man and one woman.]* We will make institutional decisions in light of this policy regarding housing, student admission and retention, appropriate conduct, employment, hiring and retention, and other matters.

¹ Resolution Agreement Between the Arcadia Unified School District, the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, available at <http://www.justice.gov/crt/about/edu/documents/acardiaagree.pdf>

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

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

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

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

Very truly yours,



Dr. William K. Thierfelder,
President

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