



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 15, 2017

Daniel H. Brokke
President
Bethany Global University
6820 Auto Club Road Suite C
Bloomington, MN 55438

Dear President Brokke:

I write in response to your March 22, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Bethany Global University (University) of Bloomington, Minnesota, 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. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the University is "the training ministry of Bethany International" and has been "dedicated from its inception to training Christian missionaries." The University's University Governance Policy provides that the "Board of Bethany International shall control and manage Bethany Global University through a University Board of Directors," of which "[n]ot less than fifty and not more than seventy percent of directors are from the Bethany International Board of Trustees." The University's Constitution requires that "[e]very member of the University Board of Directors, Administrative Officers, and Faculty, shall be in whole-hearted accord with the Statement of Faith, Statement of Holiness and Missions, Values, and the principles and practices as set forth in the By-Laws and Policies of Bethany International" and that "[t]he curriculum shall conform to the Purposes, Mission, Statement of Faith, Statement of Holiness and Missions, and Values of Bethany International."

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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.

Your letter requests exemption from certain provisions of Title IX and its implementing regulations “to the extent that application of these provisions would not be consistent with the University’s religious tenets regarding marriage, premarital sex/pregnancy, sexual orientation, gender identity, and sanctity of human life.” In support of this request, your letter cites its Statement of Faith, which expresses the University’s belief that “the Bible is ‘the only inspired, inerrant, and authoritative Word of God’ and as such it ‘is the final authority concerning truth, morality, and the proper conduct of mankind.’” Your letter explains that “[t]he Bible thus informs the University’s belief that human beings, created by God in his own image, are created male and female (Genesis 1:27),” that “Jesus confirms this heterosexual creation of human beings stating that God ‘made them male and female’ (Matthew 19:4),” and that “the sexual differences between man and woman are pronounced ‘very good’ (Genesis 1:31).” Your letter also cites the University’s Lifestyle Statement, which states that the University “uphold[s] the sanctity of marriage as God-ordained, a special union between a man and a woman.” Your letter also states that the University “affirm[s] the value of human life from conception to natural death, and thus believe[s] that abortion is not part of God’s design for human flourishing.” Finally, your letter explains that “any individual who violates campus standards for biblical living is subject to discipline, including expulsion.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent that application of these provisions would not be consistent with the University’s religious tenets regarding marriage, premarital sex/pregnancy, sexual orientation, gender identity, and sanctity of human life:

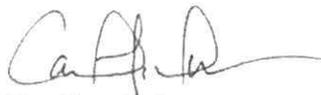
- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing 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); 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.

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', with a long horizontal flourish extending to the right.

Candice Jackson
Acting Assistant Secretary for Civil Rights