



# Charlotte Christian College and Theological Seminary

Mailing Address: P.O. Box 790106 • Charlotte, North Carolina 28206-7901 • Voice (704) 334-6882

Physical Address: 3117 Whiting Avenue • Charlotte, North Carolina 28205 • Fax (704) 334-6885

June 21, 2016

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

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

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 Charlotte Christian College and Theological Seminary (CCCTS or "the College") 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 College's freedom to act in accordance with its religious convictions. As President of the College, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

Charlotte Christian College and Theological Seminary was founded in 1996 as a Christ-centered institution of higher education, and "exists to prepare Christ-centered leaders academically, professionally and spiritually, in order that they may be equipped to address creatively and effectively the needs and challenges of urban communities and society at large."<sup>1</sup> CCCTS seeks "the global advancement of the gospel of Jesus Christ and His church," and to that end, is committed to the academic and moral formation of its students, as well as the development of their interpersonal skills – especially appreciation of and commitment to racial and cultural diversity.<sup>2</sup>

---

<sup>1</sup> See <http://www.charlottechristian.edu/mission-and-vision.php>.

<sup>2</sup> *Id.*

The College is governed by a Board of Directors whose members must affirm their compliance with the College's doctrinal statement and code of conduct.<sup>3</sup> The Board of Directors and the College understand the Bible to be the infallible, written Word of God: "As originally given, the Scriptures are inspired, infallible, inerrant, and authoritative. They are without error and trustworthy in all matters upon which they speak - scientific, historical, moral, and theological."<sup>4</sup>

The College relies on and requires all Board Members, officers of the College, and faculty to affirm the following doctrines, as foundational to all that it does, including what is taught in its classes:

- I. **God** - We believe there is one and only one eternal living and true God. He is an intelligent, spiritual, and personal Being, the Creator, Redeemer, Preserver, and Ruler of the universe. God is infinite in holiness and all other perfection. To Him we owe the highest love, reverence, and obedience. The triune God exists in three distinct Persons of Father, Son, and Holy Spirit, each sharing the same nature, essence, and being, of which we understand the following:
  1. **The Father** - We believe God the Father is infinite, the First Person of the Godhead who is self-existent, eternal, unchangeable, everywhere present, all-knowing, all-powerful, independent, good, wise, holy, just, and merciful. God the Father is the Creator who from nothing preexistent, but by the word of His power, first called forth time, energy, space, and matter to form the universe.
  2. **The Son** - We believe God the Son is one with the Father. He is the Second Person of the Godhead, through whom all things were created, and He fulfills the offices of Prophet, Priest, and King. While possessing all divine perfection, Jesus was miraculously conceived, born of the Virgin Mary, of the seed of David according to the flesh and the only begotten of the Father, the only incarnation of God. He honored the divine law by His personal obedience, and in His death on the cross, made provision for the redemption of humanity from sin. He was raised from the dead with a glorified body and appeared to His disciples as the Person who was with them before the crucifixion. He ascended into heaven and is now exalted at the right hand of God. He will physically return in power and glory to consummate His redemptive mission.
  3. **The Holy Spirit** - We believe the Holy Spirit, the third person of the Godhead, is one with the Father and the Son in His divine nature and having all the attributes of God. He illuminates, regenerates, indwells, sanctifies, equips and sustains those who, through repentance, believe in Jesus Christ

---

<sup>3</sup> Charlotte Christian College and Theological Seminary Bylaws, Article XI, page 9.

<sup>4</sup> See <http://www.charlottechristian.edu/doctrinal-statement.php>.

and have entered into a personal relationship with Him. The Holy Spirit indwells and fills the lives of all believers and endows them with spiritual gifts that are used in their personal service to God; however, there are no particular gifts that serve as visible evidence of salvation or sanctification of the believer.

- II. **The Bible** - We believe that the Scriptures, consisting of all the sixty-six canonical books of the Old and New Testaments are divinely inspired. As originally given, the Scriptures are inspired, infallible, inerrant, and authoritative. They are without error and trustworthy in all matters upon which they speak - scientific, historical, moral, and theological.
  1. **Special Creation** - We believe God created the universe and in it a world without sin, by His spoken word. This was accomplished in a literal six-day creation week as recorded in the book of Genesis.
  2. **Historicity** - We believe all historical matters in the Bible, including Genesis 1-11, are to be considered as an accurate and literal record. The full historicity of the biblical record includes the literal existence of Adam and Eve as the progenitors of all people, the literal fall and resultant divine curse on the creation, the worldwide cataclysmic deluge, and the origin of nations and languages at the Tower of Babel.
- III. **Humanity** - We believe the human race was created by a special act of God, in His own image, and that humanity is the crowning work of His creation. Adam and Eve were created without sin and were endowed by God with freedom of choice. By free choice, Adam and Eve sinned against God and brought sin into the human race; whereby their posterity inherit a sinful nature and an environment inclined toward sin and are under condemnation. Only the grace of God can bring lost humanity into His holy fellowship and enable humanity to fulfill the creative purpose of God.
- IV. **Redemption** - We believe that Jesus Christ, the second person of the Divine Trinity, by His incarnation, life, sufferings, substitutionary death for sin, burial, and resurrection, offered Himself for all on behalf of our redemption from sin and is the ground of salvation by faith through His death and resurrection. Jesus died for our sins, was resurrected, and ascended to heaven, where He serves as the only mediator between God and humanity, making intercession for believers.
- V. **Salvation** - We believe individuals, by their own goodness or works, cannot become the children of God. Personal salvation from the eternal penalty of sin is provided solely by the grace of God on the basis of the atoning death and resurrection of Jesus Christ. Salvation is received only through personal faith in Jesus Christ and His atoning work and justifying resurrection.
- VI. **Satan** - We believe in the existence of a personal, malevolent creature called Satan who acts as tempter and accuser, continually soliciting men to sin. Satan is to be

resisted by submitting to God. As the original sinner and enemy of God, he will forever be confined to hell, where he is to be tormented forever.

VII. **Last Things** - We believe the Lord Jesus, who ascended on high and sits at the right hand of God, will personally and bodily return in glory at the end of time to glorify His saints and judge the world. At the end of time, there will be a bodily resurrection of the dead and all persons will be judged according to their works. Following the judgment, the righteous will enter into everlasting life, and the wicked will be condemned to a state of endless punishment.

VIII. **The Church Community** - We believe that Christ has one Body of the redeemed, whom He calls to gather in local assemblies for worship, discipleship, prayer, ministry, and mutual encouragement. As Lord of His Church, Christ commissions His people to love each other as He has loved us and to serve our world by extending the gospel of His saving love to all nations.<sup>5</sup>

The Board of Directors and the College submit themselves to the Bible and to these expressions of its doctrine and seek to convey positions that are in accord with those standards. Therefore, consistent with these theological standards, the Board has developed a Human Sexuality and Gender Identity Policy for the College (enclosed). That statement provides in pertinent part as follows:

Since this institution's Code of Conduct is supported by the Scripture, sexuality and gender identity is grounded in this institution's Christian identity. As such, this institution regards the sex at birth as the identification of the given biological gender of every member of this institution. Therefore, any attempts to blur the demarcations between maleness and femaleness—e.g., identifying oneself as a transvestite, transsexual, or transgendered—is contrary to biblical principles. The institution views the actions or intentions of those seeking fundamental alterations of any kind from the individual's sex identity at birth as a rejection of the biblical and theological underpinnings to which this institution is committed, and therefore grounds for expulsion and permanent barring of a current student, employee, or director, or the denial of consideration for enrollment, hiring, or service of an applicant. The same actions may be taken against any persistent or exaggerated display of cross-dressing, or other relevant manifestation of actions that are deliberately cacophonous with one's sex at birth, or activist promoting the acceptance of such unbiblical views.<sup>6</sup>

As you know, the Department of Education's Office for Civil Rights (OCR) has issued a "Dear Colleague" letter jointly with the Department of Justice, which states that Title IX's

---

<sup>5</sup> *Id.*

<sup>6</sup> Human Sexuality and Gender Identity Policy, page 1.

prohibition on sex discrimination “encompasses discrimination based on a student’s gender identity, including discrimination based on a student’s transgender status.”<sup>7</sup> That is, a school “must not treat a transgender student differently from the way it treats other students of the same gender identity.”<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

Moreover, the resolution agreement<sup>11</sup> 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.<sup>12</sup> 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 CCCTS.

For that reason, I 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 CCCTS is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail CCCTS’s freedom to respond to transgender individuals in accordance with its theologically-grounded convictions.

---

<sup>7</sup> 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>.

<sup>8</sup> *Id.* at page 2.

<sup>9</sup> *Id.*

<sup>10</sup> 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.”)

<sup>11</sup> Resolution Agreement Between the Arcadia Unified School District, the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, available at <http://www.justice.gov/sites/default/files/crt/legacy/2013/07/26/arcadiaagree.pdf>.

<sup>12</sup> *Id.*

Additionally, consistent with historic understanding of the Holy Scriptures and our doctrinal standards,<sup>13</sup> the College, in compliance with Board policy, affirms the following regarding sexual conduct:

Our commitment and adherence to strict biblical teachings and biblical worldview means that all members of the CCCTS community are expected to follow the teachings of the sixty-six books of the Bible, defined herein as Scripture. We believe in the authority of Scripture and hold that it is the only trustworthy guide for determining appropriate moral judgments. We affirm that human sexuality, as designed by God, is intended to be expressed solely in a heterosexual monogamous marriage. This view is rooted deeply in Scripture going all the way back to the Genesis account of creation and is maintained consistently throughout all of Scripture. It unmistakably teaches that God designed sexual union for the purpose of uniting one man with one woman into a permanent, lifelong commitment, thus becoming one flesh (Gen. 2:23-24; Mark 10:4-12) and bearing children through procreation. Scripture teaches that God views marriage, sexual relationships, and procreation as good, and that male and female are indispensable colleagues in procreation and a fulfilling sexual relationship.

We hold that chastity for the unmarried person is sexual purity and chastity within marriage to be sexual faithfulness, and that both are affirmed by Scripture and blessed by God. Consequently, as part of living out a consistent, biblical spirituality, one dedicated to the pursuit of Christ-likeness, all members of CCCTS are to avoid sexual intimacy outside of monogamous heterosexual marriage and to refrain from encouraging said action in others. Whatever one's personal feelings or desires, the call of Jesus on our lives is the same: sexual purity manifest among the married as complete faithfulness and by those who are single by living a pure and unblemished life (I Thessalonians 4:3-8).<sup>14</sup>

The College, in service to the Church, welcomes those of professed Christian faith who experience same sex attraction. However, the College also, consistent with Church 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 based on sexual orientation.<sup>15</sup>

---

<sup>13</sup> See <http://www.charlottechristian.edu/doctrinal-statement.php>.

<sup>14</sup> Human Sexuality and Gender Identity Policy, page 1-2.

<sup>15</sup> See <http://www.eeoc.gov/decisions/0120133080.pdf>.

It is conceivable that the Department of Education's Office for Civil Rights 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 the College. The College, therefore, also seeks exemption on this basis out of an abundance of caution.

Lastly, consistent with a biblical interpretation of the value of life, the College provides the following summary of its beliefs, as adopted by the Board of Directors, regarding the sanctity of human life:

Charlotte Christian College and Theological Seminary (CCCTS) draws its understanding of the Sanctity of Human Life on the teachings of the sixty-six books of the Bible, herein referred to as Scripture, and holds all human life to be sacred and is to be respected and protected from conception to death. The selfish taking of human life through any method is considered abhorrent, as well as being contrary to Scripture and to the institution's missional core. Therefore, CCCTS stands against abortion, infanticide, euthanasia, mercy killing, etc., and considers such acts to go against Scripture and to be morally wrong. Further, we hold that violence against innocent human beings is therefore violence against God. We hold that such acts violate the character of God and the sanctity of those made in His image. (Exodus 20:13, Genesis 1:26-27, 9:6, Psalm 127:3, 139:13-18)

CCCTS understands that in rare cases triage decisions related to pregnancies and end-of-life decisions must be made. The end-of-life decisions of disease-ridden bodies are difficult, due in part, to modern methods available to prolong one's physical life and should be made prayerfully and in consultation with one's doctor, family, and pastor.<sup>16</sup>

CCCTS accordingly requests that your office acknowledge that CCCTS is exempt from Title IX and the following implementing regulations (to the extent they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict the College's freedom to apply and enforce its Sanctity of Human Life Policy):

- 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)

---

<sup>16</sup> See Sanctity of Human Life Policy.

Letter to Catherine Lhamon

Page 8 of 8

June 21, 2016

- 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.

Sincerely,



Dr. Eddie G. Grigg, President  
Charlotte Christian College and Theological Seminary

EGG/hp

Enclosures: 3

cc: Christen Price, Legal Counsel, Alliance Defending Freedom