



FREED-HARDEMAN UNIVERSITY

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July 15, 2015

Ms. Catherine E. Lhamon
Assistant Secretary for Civil Rights
Office of Civil Rights
U.S. Department of Education
400 Maryland Ave. S.W.
Washington, DC 20202-1100

Re: Request for exemption from certain aspects of Title IX of the Education Amendments of 1972, 20 U.S. Code §1681, on the basis of religion

Dear Assistant Secretary Lhamon:

Freed-Hardeman University is hereby respectfully requesting an exemption from certain aspects of Title IX of the Education Amendments of 1972, 20 U.S. Code §1681 *et seq* (Title IX), based on the sincerely held religious beliefs of its Board of Trustees and its founding fellowship, the churches of Christ. Recent declarations of Title IX enforcement intentions by the Department of Education's Office of Civil Rights, if applied to Freed-Hardeman University, will violate the religious tenets of Freed-Hardeman University and its controlling religious body, the churches of Christ. Specifically, Freed-Hardeman University requests an exemption, on religious grounds, from Title IX and its implementing regulations, as such apply or may apply to students, prospective students, employees, prospective employees and issues involving gender identity and sexual orientation.

Title IX expressly provides a religious exemption for educational institutions controlled by a religious organization, if application of Title IX would violate the religious tenets of the educational institution or the controlling religious organization. The exemption is found at 20 U.S. Code §1681 (a)(3), "*this section shall not apply to an educational institution which is controlled by a religious organization if application of this subsection would not be consistent with the religious tenets of such organization.*"

Freed-Hardeman University was founded by members of the churches of Christ and "*is dedicated to moral and spiritual values.*" The University's purpose is to "*provide every student an education permeated with ... Christian values.*" [Bylaws, Article I §3] Freed-Hardeman University's governing documents ensure its faithfulness to its founding religious educational purpose.

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**EACH MEMBER OF FREED-HARDEMAN UNIVERSITY'S BOARD OF TRUSTEES
MUST BE A "MEMBER OF THE CHURCH OF CHRIST IN GOOD STANDING"**

Freed-Hardeman University's Restated Charter of Incorporation and Bylaws vest control of the University in its Board of Trustees.

The Bylaws of the University require membership in the churches of Christ as a condition of membership on the Board of Trustees:

Each member of the Board of Trustees shall be a member of the church of Christ in good standing with the person's home congregation. Each member must be an active supporter of the work and worship of the church as taught in the New Testament. [Bylaws, Article II §2]

This directive ensures that Freed-Hardeman University is and will continue to be controlled by members of the churches of Christ.

**FULL TIME FREED-HARDEMAN UNIVERSITY EMPLOYEES
MUST BE MEMBERS OF THE CHURCH OF CHRIST**

The Bylaws and policies adopted by the Board of Trustees indicate the importance of Freed-Hardeman University's association with and control by our founding fellowship, the churches of Christ.

The Bylaws of the University require that all employees of the University, with limited exceptions, be members of the churches of Christ as a condition of employment:

All employees, excluding (a) temporary non-faculty, (b) hourly facilities workers, and (c) hourly security or police officers of Freed-Hardeman University shall be members in good standing of the church of Christ. Members of the church of Christ are preferred [for all positions].

For the purpose of this requirement, the church of Christ (1) teaches baptism for the remission of sins, and (2) uses a capella music in worship (meaning does not use instruments of music in worship), and (3) recognizes male spiritual leadership in the church (meaning does not have women serving in the office of elder or deacon or leadership speaking roles in primary worship assemblies). [Bylaws, Article VII §8]

The University's Nondiscrimination and Equal Opportunity in Employment policy reserves its legal right to limit employment to "coreligionists."

Freed-Hardeman University is an equal opportunity employer and does not unlawfully discriminate on the basis of race, color, national origin, age, sex, disability or prior military service in accordance with Title VII of the Civil Rights Act and other applicable laws... [Policy 3.1.1]

The University expressly reserves “the right to restrict employment in any or all employment positions to members of the churches of Christ, whose members control and operate the university.” [Policy 3.1.1A]

CHURCHES OF CHRIST ARE CONGREGATIONAL RATHER THAN HIERARCHICAL

“The largest of the three principal bodies of the American restoration movement, Churches of Christ are located throughout the nation but concentrated in the South and Southwest. Because this is not a denomination but a brotherhood with no central headquarters, activities such as record keeping are very difficult. Recent efforts show the membership to be about 1,250,000 in nearly 13,000 churches.

A distinctive plea for unity- a unity that is bible-based- lies at the heart of the Churches of Christ. It is believed that the Bible is “the beginning place,” in and through which God-fearing people can achieve spiritual oneness - to “speak where the Bible speaks and to be silent where the Bible is silent” in all matters pertaining to faith and morals. Consequently, members recognize no other written creed or confession of faith. In all religious matters, there must be a “thus said the Lord.”

...

The leaders among the Churches of Christ in the nineteenth century were more conservative than their counterparts among the Disciples of Christ. Stressing strict adherence to the New Testament pattern of worship and church organization, they refused to join any intercongregational organization such as a missionary society. Worship was simple, they opposed the addition of instrumental music on the grounds that the New Testament did not authorize it, and the early church did not use it.

...

Today, one of the outstanding features of the Churches of Christ lies in the acceptance of the Bible as a true completely adequate revelation. The basic concept has resulted in such practices as weekly observance of the Lord’s Supper, baptism by immersion, a cappella singing, a vigorous prayer life, support of church needs through voluntary giving, and a program of preaching and teaching the Bible. This concept also explains the autonomy of local churches governed by elders and deacons appointed under New Testament qualifications; dignified

worship services; enthusiastic mission campaigns and far-flung benevolence, all financed by local churches.

The scriptural doctrines usually classified as conservative are found in Churches of Christ; belief in the Father, the Son and the Holy Ghost as members of the Godhead; the incarnation, Virgin birth, and bodily resurrection of Christ; the universality of sin after the age of accountability, its only remedy the vicarious atonement of the Lord Jesus Christ. A figurative rather than a literal view is prevalent with reference to the book of Revelation. Membership is contingent upon an individual's faith in Jesus Christ as the only begotten son of God, repentance, confession of faith, and baptism by immersion for the remission of sins. Church attendance is stressed.

...

Properties owned by the group probably exceed \$2.5 billion in value. There are 21 colleges, including one in Japan and several in Europe; 70 secondary and elementary schools; 83 child-care facilities 46 senior citizen facilities; and 117 periodicals, newspapers, and magazines published throughout the country." [Handbook of Denominations in the United States; Mead, Frank Spencer, 1898-1982. Abingdon Press, 1995, pp. 91-93. ISBN: 0687014786]

CHURCHES OF CHRIST BELIEVE THAT ALL SEXUAL RELATIONS OUTSIDE OF A HETEROSEXUAL MARRIAGE COVENANT ARE SIN

Since churches of Christ seek to base what they both believe and practice about marriage and sexual relations upon the Bible, churches of Christ point to such passages of Holy Scripture as those listed below as providing the Scriptural position which they should hold.

A. **Hebrews 13:4** *"Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral."*

B. **Leviticus 18:22** *"Do not have sexual relations with a man as one does with a woman; that is detestable."*

C. **1 Corinthians 6:9-10** *"or do you not know the wrongdoers will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor men who have sex with men nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God."*

D. **Romans 1:24-28** *"Therefore God gave them over in the sinful desires of their hearts to sexual impurity for the degrading of their bodies with one another. They exchanged the truth about God for a lie, and worshiped and served created things rather than the Creator- who*

is forever praised. Amen. Because of this, God gave them over to shameful lusts. Even their women exchanged natural sexual relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error. Furthermore, just as they did not think it worthwhile to retain the knowledge of God, so God gave them over to a depraved mind, so that they do what ought not to be done.”

Based on the authority of these and other passages, those in the churches of Christ believe it is not God’s intention for people to engage in homosexual behavior. In order for Freed-Hardeman University to be true to its founding documents and the sincerely held religious beliefs of its controlling church constituency, it must continue with the view that homosexual practice is sinful, a view which has characterized the University from its beginning.

CHURCHES OF CHRIST BELIEVE GENDER IDENTITY IS GIVEN BY GOD AND IS REVEALED IN ONE’S BIRTH SEX, REGARDLESS OF ONE’S GENDER CONFUSION

This view also comes from Holy Scripture and is based upon certain Scriptures including, but not limited to, those below:

A. **Genesis 1:27** *“So God created mankind in his own image, in the image of God he created them; male and female he created them.”* The original account of the creation of human beings shows God’s original intention of creating two and only two distinct sexes.

B. **Deuteronomy 22:5** *“A woman must not wear men’s clothing, nor a man wear women’s clothing...”* God gives laws about a person’s attempt to show himself or herself as of a sex different from the sex assigned by God at birth.

C. **1 Corinthians 11:14-15**, *“Does not the very nature of things teach you that if a man has long hair, it is a disgrace to him, but that if a woman has long hair, it is her glory? For long hair is given to her as a covering.”* In this passage, Paul describes his personal attitudes toward a culturally relevant distinction between the sexes and how confusion of these culturally relevant distinctions is divisive for the Kingdom of God. Paul’s personal teaching about a specific cultural problem in the church in Corinth indicated that clear distinction between the sexes is necessary to prevent division in the church in Corinth.

Based on passages such as these, churches of Christ would oppose a person’s attempt to modify his or her birth sex, and present as a sex other than his or her original birth sex, and would consider one who does so misguided and a disruptive presence.

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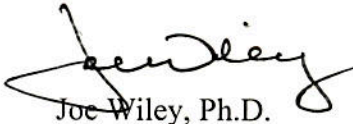
SPECIFIC EXEMPTION REQUEST

Based upon the religious control, religious heritage, and the sincerely held religious beliefs of Freed-Hardeman University, and the churches of Christ, Freed-Hardeman University specifically requests a religious exemption from Title IX of the Education Amendments of 1972, and all implementing regulations related thereto, which would violate the sincerely held religious beliefs of Freed-Hardeman University and the churches of Christ.

This request for religious exemption includes, but not be limited to, the following specific regulations, growing out of Title IX, as such regulations may be amended hereafter: 34 CFR §106.21 Admission; 34 CFR §106.23 Recruitment; 34 CFR §106.31 Education programs or activities; 34 CFR §106.32 Housing; 34 CFR §106.33 Separate Facilities; 34 CFR §106.34 Access to classes and schools; 34 CFR §106.37 Financial Assistances; 34 CFR §106.38 Employment Assistance to Students; 34 CFR §106.39 Health Insurance Benefits and Services; 34 CFR §106.41 Athletics; 34 CFR §106.51 Employment; 34 CFR §106.53 Recruitment of Employees; 34 CFR §106.55 Job Classification and Structure; 34 CFR §106.57 Marital or Parental Status; 34 CFR §106.60 Pre-employment inquires.

Thank you for your consideration of this request for exemption. If you need further clarification, please do not hesitate to contact me.

Sincerely,



Joe Wiley, Ph.D.
President

Cc: Brett L. Pharr