



June 1, 2015

**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 Lancaster Bible College (LBC) 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 respond to gender dysphoria and homosexual behavior in accordance with its religious convictions. As President of LBC, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

LBC is a non-profit institution of higher education with its main campus in Lancaster, Pennsylvania. Henry J. Heydt founded LBC in 1933, and LBC's mission has remained constant since that time.<sup>1</sup> LBC focuses on students fulfilling God's purpose in their lives by educating Christian students to proclaim Christ by thinking and living a biblical worldview.<sup>2</sup> LBC is committed to developing ministry leaders in a top-notch learning community with an intentional biblical and spiritual foundation.<sup>3</sup> As a school, LBC has maintained an unqualified commitment to historic, orthodox positions on essential doctrines of Christian faith—forming the center of the institution's identity.<sup>4</sup> The College exists to produce graduates who are prepared heart, mind, and body for servant ministry on a global scale.<sup>5</sup> Joining in the College's mission and vision, the LBC faculty is a dedicated group of qualified individuals, guided by a commitment to Jesus Christ and the Bible, coming together to train students for global, servant ministry.<sup>6</sup>

At its core, LBC is guided by its Statement of Faith, which is embraced by all faculty and staff. The Statement<sup>7</sup> stands as a stalwart commitment to the key positions of orthodox Christian faith, serving as a unifying and clarifying document in an age of theological shifting and confusion.<sup>8</sup> From this foundation, LBC develops students for ministry and service by preparing them academically in a premier learning community to serve Christ in the church and in society.<sup>9</sup>

<sup>1</sup> <http://www.lbc.edu/about/>

<sup>2</sup> <http://www.lbc.edu/about/>

<sup>3</sup> <http://www.lbc.edu/about/core-values-and-goals/index>

<sup>4</sup> <http://www.lbc.edu/about/statement-of-faith/index>

<sup>5</sup> <http://www.lbc.edu/about/core-values-and-goals/index>

<sup>6</sup> *Id.*

<sup>7</sup> <http://www.lbc.edu/about/statement-of-faith/index>

<sup>8</sup> *Id.*

<sup>9</sup> <http://www.lbc.edu/about/core-values-and-goals/index>

LBC has adopted seven core values and goals that direct the implementation of the College's consistent mission and vision in the context of an unqualified commitment to historic, orthodox positions on the essential doctrines of the Christian faith.<sup>10</sup> These strategic objectives include commitments to the following:

- Premier biblical education as evidenced by the encouragement of a Christ-centered learning community.
- Institutional excellence as evidenced by providing and maintaining God-honoring resources.
- Institutional distinctiveness as evidenced by preserving the integrity of our mission and legacy while planning for the future of the college.
- Biblical foundation as evidenced by the teaching of sound doctrine and the proper interpretation of Scripture in accordance with the LBC statement of faith.
- Spiritual formation as evidenced by providing an environment which encourages spiritual life and growth.
- Developing students for a ministry and service mindset as evidenced by preparing them both academically and experientially to serve Christ in the Church and society.
- Exemplifying a ministry and service mindset as evidenced by exerting a positive Christian influence both locally and globally.<sup>11</sup>

LBC states its vision as follows: "LBC will be a premier learning community that intentionally develops the head, heart, and hands of servant ministry leaders for global impact."<sup>12</sup> It articulates its mission as follows: "Lancaster Bible College exists to educate Christian students to think and live a biblical worldview and to proclaim Christ by serving Him in the Church and society."<sup>13</sup>

On November 18, 2014, LBC's Board of Trustees adopted a policy on gender identity and sexual orientation. It reads in pertinent part as follows:

We believe God created humanity, male and female, reflecting the image and likeness of God. Each person's biological sex has been sovereignly appointed by God and is an irreversible aspect of his or her nature. The first human, Adam, sinned and thereby incurred the judgment of both physical death and spiritual death which is eternal separation from God. Therefore, all human beings, with the exception of Christ Jesus, are born with a fallen nature, are accountable for their sin, and need to be born again. Rejection of one's God-ordained biological sexuality reflects a rejection of God's plans and purposes. God has established and revealed in Scripture a divine order to regulate humanity. Human institutions reflecting that order are marriage of a man and a woman, family, and human government.<sup>14</sup>

LBC has also adopted the following lifestyle standards:

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

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

<sup>13</sup> <http://www.lbc.edu/about/quick-facts/index>

<sup>14</sup> Genesis 1:1,26,27; Psalm 51:5; Jeremiah 17:9; John 3:3-7; Romans 1:21-32; 3:10-12; 5:12; 1 Thessalonians 4:3; Ephesians 2:1-10; 1 John 1:8-10; Genesis 2:18-25; Colossians 3:13-21; Romans 13:1-7

We believe in the dignity of every human who is made in the image and likeness of God. An individual's biological sex, either male or female, is sovereignly and irreversibly appointed by God and is an irreversible aspect of his or her nature.

Human sexuality is regulated by Scripture which declares that marriage is the union between one man and one woman and that sexual intimacy is reserved for marriage only. Therefore, any sexual expressions outside of that realm (sex before marriage, homosexuality, adultery, fornication, etc.) are immoral and against God's design. We also are to abstain from the promotion and advocacy of the aforementioned activities.

In the employment context, both applicants and existing employees are required to affirm their commitment to LBC's Statement of Faith and Lifestyle Standards.<sup>15</sup> Those expectations include the following: "All acts of sexual immorality are sinful perversions of God's gift of sex, i.e., homosexuality, lesbianism, incest, fornication, and adultery. Therefore, engaging in, living a lifestyle characterized by, or promoting a lifestyle that is in contradiction to this Biblical position is prohibited."<sup>16</sup>

As you know, the Office for Civil Rights has not issued regulations or guidance explaining how an educational institution's response to a transgender individual might violate Title IX and its accompanying regulations, though the Department of Education recently issued guidance on sexual violence prevention which incorporates discrimination based on "gender identity" as part of "sex discrimination" under the statute.<sup>17</sup> And as you also know, the resolution agreement<sup>18</sup> between the Arcadia Unified School District and ED OCR (and the Department of Justice) requires the 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 their chosen sex.<sup>19</sup> It is thus reasonable to suppose that ED OCR believes that such responses are required by Title IX. 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 ED OCR to reach transgender "discrimination," would be inconsistent with the religious tenets of LBC.

Additionally, recently the EEOC has begun openly 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."<sup>20</sup> 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 religious tenets of Lancaster Bible College, and the College therefore seeks exemption on this basis as well out of an abundance of caution.

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<sup>15</sup> <http://gateway.lbc.edu/about/employment/>

<sup>16</sup> Lancaster Bible College Handbook

<sup>17</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>18</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.nclrights.org/wp-content/uploads/2013/09/Arcadia\\_Resolution\\_agreement\\_07.24.2013.pdf](http://www.nclrights.org/wp-content/uploads/2013/09/Arcadia_Resolution_agreement_07.24.2013.pdf).

<sup>19</sup> *Id.*

<sup>20</sup> *See* [http://www.macon.com/2015/03/30/3668458\\_eec-issues-determination-letter.html?rh=1](http://www.macon.com/2015/03/30/3668458_eec-issues-determination-letter.html?rh=1)

LBC accordingly requests that your office acknowledge that the College is exempt from Title IX and the following implementing regulations (to the extent they are interpreted to reach gender identity or sexual orientation discrimination):

- 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.

**Very truly yours,**



**Dr. Peter W. Teague**  
**President**