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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

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Re: Life Pacific College's 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.ⁱ As President of Life Pacific College ("LPC" or "the College"), a private, historic Bible college in California, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and am thus qualified to hereby request, under 34 C.F.R. §106.12, an exemption for LPC from this interpretation of Title IX, due to the religious beliefs of our institution.

Life Pacific College is a Christ-centered learning community that exists for the transformational development of students into leaders prepared to serve God in the Church, the workplace, and the world. Therefore, our identity as a Christian institution within the Foursquare tradition, characterized by a diverse community of Spirit-empowered students, scholars, and practitioners whose hearts and minds are devoted to Christ and His Kingdom, is central to all that we do and teach at LPC, including the co-curricular educational context, such as the residence halls.ⁱⁱ

Life Pacific College is affiliated with and supported by the International Church of the Foursquare Gospel. The denomination and the College itself believes in the inspiration and truth of Scripture as presented in the Holy Bible. We believe the Bible speaks to many social issues of our time, including human sexuality, and provides guidelines for the conduct of our community members.

The College and its sponsoring denomination believe that human beings were created in the image of God as gendered beings, both male and female (Genesis 1:27) and that the very nature of God is expressed uniquely in each gender. Like the rest of God's creation, the sexual differences between man and woman are pronounced "very good" (Genesis 1:31). In the New Testament, Jesus confirms the heterosexual creation of human beings (Matthew 19:4). However, sexual practices that are divorced from loving, covenantal relationships between men and women, as expressed through the permanent and exclusive bond of marriage, are inconsistent with God's intentions for humanity and result in what Scripture identifies as sinful behavior that distorts relationships between men and women, and erodes the relationship between human beings and their Creator. We affirm that sexual identity is grounded in God's creative intent and holy



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character. To go against this belief would violate the biblical witness, God's plan for human flourishing, and our educational principles and standards of conduct.

We affirm the dignity of all human beings. We also separate the value of each person from the behavioral choices one makes. We believe that, as Christians, we are called to treat all people, including those who practice sexual behavior in conflict with the Bible, with compassion, and to extend the gospel of repentance, forgiveness, and transformation through Jesus Christ to such persons without reservation. However, in keeping with our biblical beliefs surrounding the morality of such actions, we cannot in good conscience support or encourage an individual to live in conflict with the biblical principles upon which our college was founded and continues to operate. Moreover, any individual who violates our community standards has traditionally been subject to disciplinary action.

Based on the resolution recently adopted 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 also to 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. Furthermore, recent guidance from the Department of Education suggests that "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."ⁱⁱⁱ We would not be able to make similar accommodations consistent with our religious beliefs.

Moreover, 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 on the basis of sexual orientation.^{iv} It is conceivable that the Department could interpret Title IX of the Education Amendments of 1972 the same way. If the Department interprets Title IX to reach sexual orientation discrimination, compliance with such an interpretation would also be inconsistent with the theological commitment of the College.

The International Church of the Foursquare Gospel understands marriage to be a biblical covenant between a man and a woman, per Bylaw 14.4B. Furthermore, Life Pacific College has affirmed the following in its Statement on Sexual Orientation and Gender Identity:



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“The command to ‘be fruitful and multiply’ indicates that God intended for humans to engage in sexual intimacy and that this is a good thing (it is included in a blessing—Gen. 1:28). Creation of a single pair along with the language of Gen. 2:24 denotes that sexual activity was intended to exist in a mutually and exclusively committed pair of male and female. This conclusion is supported in that the man in Gen. 2 finds his equal counterpart only in the biologically-complementary woman rather than in any other created being. The preceding texts along with images such as God being a jealous God (Exod. 20:5; Deut. 4:24; Josh. 24:19), Israel’s marital unfaithfulness to Yahweh (Hosea), proverbial instructions concerning faithfulness in marriage

(Prov. 2:17; 5:15-18), and the Church being presented as a spotless bride of Christ (Eph. 5:25-27; 2 Cor. 11:2) among others, affirm Scripture’s continual commitment to marital exclusivity. Scripture’s consistent affirmation of sexual intimacy only within the exclusive confines of marriage between one man, and one woman prevents one from assuming the limits Scripture places on acceptable sexual activity are merely cultural. As a result, only sexual intimacy inside a marriage between a man and a woman is deemed appropriate.”

Life Pacific College maintains the view that all official student data (including, but not limited to admissions applications, enrollment data, alumni records, and transcripts) and decisions (including, but not limited to housing assignments and the application of other residential policies) will reflect a student's gender at birth.

Regarding the sanctity of human life, the International Church of the Foursquare Gospel adopted a resolution on April 27, 1998, supporting the God-given right of each child to live out his or her full life from conception to natural death. Therefore, Life Pacific College affirms the following in its employment and student handbooks:

Life Pacific College believes in the sanctity of life whereby each person, being created in the image of God^v, has the right to live out his or her life fully from the point of conception^{vi} until the time of natural death^{vii}. Based on these biblical beliefs and convictions, LPC seeks to preserve the life of every person at each stage of their lives, especially the vulnerable, innocent, and the elderly^{viii}. Therefore, all members of the LPC community, including students, faculty, and staff^x, will not participate in or support practices that may end life prematurely, such as abortion at any stage of life, except when tragically unavoidable and necessary to prevent the imminent death of another human being, the use of abortifacient drugs, the destruction of pre-born life in medical research or procedures, suicide or euthanasia. Members of the LPC community agree to exercise great care and discretion in their personal selection of family planning methods that do not



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prematurely end a human life. As a Christian community that values the dignity and worth of all human life, we will provide support to those involved in an unplanned pregnancy through various academic and student support services. Furthermore, LPC is committed to preparing students who will address the social conditions within their communities that often contribute to the tragic choice of ending a life early.

Due to our biblical beliefs regarding human sexuality, gender, and the sanctity of life, 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), we believe that this interpretation does not apply to Life Pacific College: “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.” Furthermore, we believe that such a requirement, and any penalty for failing to comply, would directly and substantially burden and undermine LPC’s exercise and expression of its Christian beliefs.

Thus, on behalf of Life Pacific College, I hereby request that your office acknowledge that the College is exempt from Title IX of the Education Amendments of 1972 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 Life Policy Statement):

- 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)



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

Respectfully,

Dr. Jim J. Adams
President
Life Pacific College

ⁱ Resolution Agreement Between the Arcadia Unified School District, the U.S. Department of Education, Office of Civil Rights. Retrieved from: <http://www.justice.gov/crt/about/edu/documents/arcadiaagree.pdf>.

ⁱⁱ See <http://lifepacific.edu/about-life/who-we-are/#our-heritage>

ⁱⁱⁱ United States Department of Education, Office of Civil Rights. (2014, April 11). Questions and answers on title IX and sexual violence. Retrieved from: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

^{iv} See <http://www.eeoc.gov/decisions/0120133080.pdf>.

^v Gen 1:26-28; 5:1-3; 9:6.

^{vi} Jer 1:5; Job 31:15; Psalm 139:13-16.

^{vii} Ex 20:13; Ecc 3:1-2; Matt 5:21-22; Heb 9:27.

^{viii} Ex 21:12-25; 23:7; Deut 27:25; Jer 2:34-35; 22:17; Ez 23:37; Acts 20:35; 1 Tim 5:8.

^{ix} Including currently enrolled students (both traditional and non-traditional), all faculty (including full-time and adjunct), and all staff (full-time, part-time, temporary, and volunteer).