



September 5, 2014

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.C. §1681, on the basis of religion.**

Dear Assistant Secretary Lhamon:

Oklahoma Christian University respectfully requests an exemption from certain aspects of Title IX of the Education Amendments of 1972, 20 U.S.C §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 Oklahoma Christian University, will violate the religious tenets of Oklahoma Christian University, and its controlling religious body, the Churches of Christ. Specifically, Oklahoma Christian University (OC) requests an exemption, on religious grounds, from Title IX, and its implementing regulations, as such apply to students, prospective students, employees, or prospective employees and issues involving gender identity and sexual orientation.

Title IX 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.C. §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.*"

OC was founded in 1950 by members of the Churches of Christ. OC's mission is to transform lives for Christian faith, scholarship and service. OC is founded and operates upon a hierarchy of governing documents which detail the formation, operation, and maintenance of the corporation, and ensure its faithfulness to its founding religious educational purpose, and founding religious body, the Churches of Christ. In order of authority, these documents are the (1) Articles of Incorporation, (2) Bylaws, (3) Board of Trustees' Policy Manual, (4) Employee Policy Manual and (5) Student Handbook. Together, these documents provide the framework through which OC exists, operates, and is governed.

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1. **OKLAHOMA CHRISTIAN UNIVERSITY IS GOVERNED BY A BOARD OF TRUSTEES "ALL OF WHOM MUST BE FAITHFUL MEMBERS OF THE CHURCH OF CHRIST, IN GOOD STANDING."**

The Articles of Incorporation, Bylaws, and Board of Trustees Policy Manual require that OC's governing board, the Board of Trustees, be completely comprised of members of the Church of Christ. Control of Oklahoma Christian University is vested in a Board that must be one hundred percent (100%) comprised of members of the Churches of Christ.

**ARTICLES OF INCORPORATION:**

The Articles of Incorporation forming and governing OC, states OC's purpose as follows:

6. To establish, maintain and operate, a nonprofit institution for general educational purposes in which the arts, sciences, and Holy Scriptures, shall always be taught, together with such courses of instruction and such extracurricular programs as shall be deemed advisable by the Board of Trustees.

This governing document further limits membership on the Board of Trustees *solely* to members of the Churches of Christ:

8. The powers of the corporation shall be exercised by, and the corporation shall be managed and controlled by a Board of Trustees to be selected as provided in the Bylaws of the corporation. Each Trustee shall be an active, faithful member, in good standing, of a local congregation of the Church of Christ and shall be a person of responsibility, integrity and high standing in the community in which he or she resides and works. The number of Trustees shall be set forth in the Bylaws of the corporation.

The Articles of Incorporation further define the term Church of Christ as follows:

7. As used throughout this instrument, the term "Church of Christ" shall mean that body of Christians described below. Said description is provided as a means to assist in the interpretation of the intent and purposes of this corporation and not as a statement of creed or doctrine.

"Church of Christ" shall mean the individual and aggregate autonomous congregations of Christians whose creed and doctrine are the Word of God, comprised of the canon of the Old Testament and New Testament without the apocryphal writings or other noncanonical writings. There is voluntary cooperation among most congregations, but no vertical human structure or hierarchy beyond the individual congregation. The churches of Christ teach salvation through grace, which comes through faith in Jesus Christ as the Son of God and baptism by immersion for the forgiveness of sin. Sunday assemblies of the Churches of



Christ are characterized by the Lord's Supper, proclamation of the Word of God, prayers, a cappella singing, and the collection of donations for the work of the Church. The Churches of Christ in America trace their heritage from the establishment of the Church on the Day of Pentecost, as recorded in Acts 2, through the Restoration Movement of the 1800s, and are committed to the restoration of the Church as found in the inspired writings of the New Testament.

### **BYLAWS:**

The Bylaws of Oklahoma Christian University, in Article Two, Section 2.02 *Number and Qualifications*, further requires membership in a Church of Christ as a condition of membership on the Board of Trustees:

- §2.02 Each Trustee shall be of legal adult age, a person of responsibility, integrity, and high standing in the community in which he or she resides, and a member of the Church of Christ in good standing, who adheres to the beliefs set forth in the Articles of Incorporation.

### **BOARD OF TRUSTEES POLICY MANUAL:**

#### **D. Performance Standards.**

As the governing Board for the University it has the legal and fiduciary duty to make policy decisions which will guide the University in fulfilling the great purposes for which it was established and is continued. To this end, each Trustee must be an active member of the Church of Christ in good standing with a local congregation. ... (*Board of Trustees Policy Manual Section 2.2 Board Process and Structure D. Performance Standards*)

Through these governing documents, the Board of Trustees communicates its directive that the governing Board of Oklahoma Christian University shall only be comprised of members of the Churches of Christ. This directive ensures that Oklahoma Christian University is and will continue to be controlled by members of the Church of Christ.

**2. ALL FULL TIME OKLAHOMA CHRISTIAN UNIVERSITY EMPLOYEES MUST BE MEMBERS OF THE CHURCH OF CHRIST.**

The Board of Trustee's Policy Manual is the statement of the governing Board's policy expectations and the parameters of operation conferred on the President and his or her corporate officers. The following excerpts from the Board of Trustee's Policy Manual indicate the importance of Oklahoma Christian University's association with and control by our founding fellowship, the Churches of Christ.

**A. The Oklahoma Christian University President must be a faithful member in good standing of a local Church of Christ congregation.**

***Board of Trustee's Policy Manual §2.3.6: Presidential Succession and Leadership Development Policy.*** Among the most important traits for the president of OC are: (A.) A deep and pervasive faith in God and Christ. (B.) A strong engagement and loyalty to the Church of Christ.

**B. The Board's Nondiscrimination and Equal Opportunity in Employment Statement acknowledges and reiterates the Christian mission focus and reserves its legal rights to limit employment to coreligionists.**

***Board of Trustee's Policy Manual §3.4.5: Non-discrimination/Equal Opportunity.*** ...The University shall not discriminate on the basis of race, color, age, sex, disability, or national or ethnic origin in employment opportunities, in employment, admissions, or the provision of services, in keeping with applicable state and federal laws. Accordingly, subject to the provisions of the following paragraph, the University shall actively seek to diversify its employee and student base. In applying this policy, the Board recognizes that Oklahoma Christian University is affiliated with the fellowship of the Church of Christ and that the University is controlled by a Board of Trustees all of whom are members of the Church of Christ, and is operated within the Christian-oriented aims and ideals and religious tenets of the Church of Christ as taught in Holy Scripture. Thus, as a religiously-controlled institution of higher education, Oklahoma Christian University is exempt from compliance with some provisions of certain civil rights laws, including some provisions of Title IX of the Education Amendments of 1972. The University very intentionally claims and protects its rights to hire co-religionists and individuals who share and support the mission of the University, and who follow the doctrines and practices of its founding fellowship, and to exclude from employment individuals who do not meet these criteria.

**C. Each full time faculty member must be a member of the Churches of Christ, in good standing.**

***Board of Trustee's Policy Manual §3.7.2: Faculty Hiring and Tenure Policy.*** ...Prior to hiring a new faculty member, the President, the Chief Academic Officer, and the Dean of the appropriate college will interview each prospective faculty member to determine his or her compatibility and commitment to the spiritual and academic mission and purposes of the University. Among the factors to be evaluated should be the prospect's **active membership**



**in the Church of Christ**, basic Biblical views, integration of faith and learning, and commitment to going beyond the call of duty to teach and mentor students and promote the spiritual and academic mission and purposes of the University. The prospect may be asked to write a statement addressing these matters. Commitment to and compatibility with the spiritual and academic mission and purposes of the University shall be required for employment.

Prior to forwarding the names of tenure candidates to the Board of Trustees, the President, Chief Academic Officer, and the Dean of the appropriate college will review each faculty member applying for tenure to determine his or her compatibility and commitment to the spiritual and academic mission and purposes of the University. Among the factors to be evaluated should the prospect's **active membership in the Church of Christ**, basic Biblical views, integration of faith and learning, and commitment to going beyond the call of duty to teach and mentor students and promote the spiritual and academic mission and purposes of the University. The candidate will be required to write a statement addressing these matters. Commitment to and compatibility with the spiritual and academic mission and purposes of the University shall be required for employment and tenure.

- D. **The Employee Policy Manual requires Church of Christ membership for tenure, lists inactive or token membership as a means for dismissal of a tenured faculty member, and in its nondiscrimination statement reserves the right to hire coreligionists.**

**EPM §5.9 Qualification for Tenure.**

...(b) The Faculty member shall be an active member of a local congregation of the Churches of Christ, as attested by a letter from the Faculty member describing his or her membership and participation and by a letter from the elders of the congregation (or by other church leaders, in the absence of elders). (Pg. 161)

**EPM §5.14.2 Dismissal for Personal Circumstances.** ... Inactive membership or token attendance at a congregation of the Church of Christ.

**EPM §12.1 Non-Discrimination Policy.** Oklahoma Christian University does not unlawfully discriminate on the basis of age, sex, national origin, race, color, or disability. The University is religiously affiliated with the Churches of Christ and reserves the right to seek, hire, and promote persons who support the goals and mission of the institution, including the right to prefer co-religionists.

3. **THE 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, Pgs. 91-93. ISBN: 0687014786)*



**4. UNIVERSALLY, 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 Old and New Testament Scriptures, 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 that 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.”

From such passages, those in Churches of Christ believe it is not God’s intention for people to engage in homosexual behavior. In order for Oklahoma Christian 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.

**5. GENERALLY, THE 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 like, but not limited to, those below:

- A. In **Deuteronomy 22:5**, 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. “A woman must not wear men’s clothing, nor a man wear women’s clothing ...”
- B. **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.

- C. **I 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.

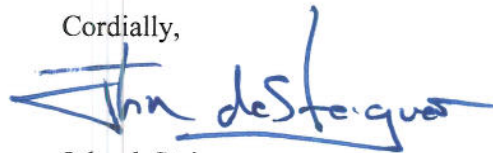
**SPECIFIC EXEMPTION REQUEST:**

Based upon the religious control, religious heritage, and the sincerely held religious beliefs of Oklahoma Christian University, and the Churches of Christ, Oklahoma Christian 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 Oklahoma Christian University and the Churches of Christ.

This request for religious exemption includes but may 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 Assistance; 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; and 34 CFR §106.60 Pre-employment inquiries.

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

Cordially,

A handwritten signature in blue ink that reads "John deSteiguer". The signature is stylized with a large, sweeping initial "J" and a long horizontal line extending to the right.

John deSteiguer  
President

Cc: Don Millican, Chair, Board of Trustees  
Stephen Eck, Vice President and General Counsel