



**Matt Proctor**  
President  
Tel: 417-626-1234  
Fax: 417-624-0090

November 16, 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 ("ED OCR") acknowledge that Ozark Christian 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 Ozark Christian College's freedom to act in accordance with its religious convictions. As President of Ozark Christian College ("OCC" or "the College"), I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and am thus qualified to seek these exemptions.

Historically associated with the Stone-Campbell tradition, also known as the Restoration Movement,<sup>1</sup> Ozark Christian College was founded in 1942 to train "men and women for Christian service by teaching the Word of Christ in the Spirit of Christ."<sup>2</sup> Known for its emphasis on Christian unity, the Restoration Movement sought to "unite believers and evangelize the world by teaching and practicing the Christianity of the New Testament," and the following religious groups trace their roots to the Restoration Movement: Christian Churches/Churches of Christ, the Church of Christ, and the Disciples of Christ.<sup>3</sup>

---

<sup>1</sup> See, for example, listing of Ozark Christian College as an educational institution under the entry entitled "Christian Churches/Churches of Christ" in J. Gordon Melton, *The Encyclopedia of American Religions*, 3rd ed., pages 619-620.

<sup>2</sup> See <http://occ.edu/Events/default.aspx?id=885>.

<sup>3</sup> Sam E. Stone, "Introduction," *Simply Christians: New Testament Christianity in the 21<sup>st</sup> Century*, pages 9-10.

The College's relationships with local churches and other Christian ministries reflect its Restoration Movement heritage.<sup>4</sup> Within this historical and theological context, OCC's immediate mission is to "train men and women for Christian service as a degree-granting institution of biblical higher education."<sup>5</sup> OCC gives particular emphasis to "vocational preparation for preaching ministers, missionaries, Christian educators, ministers of music, youth ministers, day-care directors and ministers to the deaf."<sup>6</sup> Only the following degrees are offered by Ozark Christian College: Bachelor of Theology, BA in Christian Ministry, BA in Bible and Ministry, BA in Bible and Intercultural Studies, BA in Bi-Vocational Christian Ministry, BA in Biblical Studies, AA in Christian Ministry, AA in Intercultural Studies, and AA in Church Music.

Acknowledging Christ as the creator of all things, as the redeemer of people fallen into sin, as the touchstone of all truth, and as the sovereign ruler over all areas of life, OCC strives to discern and to unfold the implications of His preeminence in all things. To serve this end, the College seeks to appropriate the mind of Christ as the biblical perspective from which it characterizes and responds to reality. In attempting to make such a biblically grounded frame of reference explicit and operative, the College is committed to excellence in academic inquiry, and seeks to define its structure and programs according to this purpose.<sup>7</sup>

The College is governed by a Board of Trustees whose members are subject to explicit religious requirements; specifically, they must "believe in the full and final inspiration of the Bible to the extent that it is to him or her the infallible Word of God, and therefore the all-sufficient rule of faith and life; in the deity and supreme authority of Jesus Christ and in the divine origin and character of the Church and the necessity for the restoration of its unity on the New Testament basis."<sup>8</sup> Consistent with the College's Restoration Movement-based theology, OCC board members, administrators, and faculty must also be Christians.<sup>9</sup>

Moreover, all directors, officers, and teachers must subscribe to the beliefs described above as well as "the virgin birth of Christ, the bodily resurrection, and the reality of final judgment and heaven and hell as taught in the Bible."<sup>10</sup> Additionally, "to perpetuate sound doctrine and non-sectarian teaching, the Bible shall be taught as a textbook, and all work and study shall be conducted in harmony with the spirit and letter of the Word of God."<sup>11</sup> The Board of Trustees and the College thus submit themselves to the

---

<sup>4</sup> See, for example, listing of Ozark Christian College in the 2012 Directory of the Ministry for the Christian Churches/Churches of Christ, pages 212-215.

<sup>5</sup> See Ozark Christian College Articles of Amendment, Article II, page 1.

<sup>6</sup> See <http://occ.edu/Events/default.aspx?id=1716>.

<sup>7</sup> See Bylaws of Ozark Christian College, Article IV, page 6; Objectives of Ozark Christian College, <http://occ.edu/Events/default.aspx?id=1890>.

<sup>8</sup> Bylaws of Ozark Christian College, Article IV, page 6.

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

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

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

Bible and to these expressions of its doctrine and seek to express positions that are in accord with those standards.

Therefore, consistent with these theological standards, the College has developed a Statement of Religious Beliefs on Human Life, Gender, Marriage and Sexuality (enclosed). That statement provides in pertinent part as follows:

**Statement of Religious Belief on Gender**

- We believe that man and woman were created by God to be two distinct, complementary genders—male and female—possessing equal value, made to glorify Him and who together reflect the image of God.
- However, as a result of living in a fallen world, we understand that some people experience gender confusion (i.e. perceived gender identity that is different from their biological birth gender).
- We affirm that those who experience gender confusion are image-bearers of God, and we are called to extend to them our compassion and care.
- We believe that God’s design for all people is to live out their biological birth gender, and we are opposed to any efforts to alter one’s identity to conform with a perceived gender (e.g., cross-dressing, hormone therapy, gender reassignment surgery). (Gen 1:26-27; Matt 19:4).

**Conclusion**

Ozark Christian College will make institutional decisions consistent with these positions for employment, hiring, retention, student admissions, discipline and all other matters.<sup>12</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>13</sup>

And as you also know, the resolution agreement<sup>14</sup> between the Arcadia Unified School District and ED OCR (and the Department of Justice) requires that school district to permit transgender students to use the restroom, locker room, and living accommodations

---

<sup>12</sup> See The Ozark Christian College Statement of Religious Beliefs on Human Life, Gender, Marriage and Sexuality, page 1.

<sup>13</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>14</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>.

of their choice, and to participate in athletic programs as a member of the sex to which they believe they belong.<sup>15</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 OCC.

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 OCC 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 transgender individuals in accordance with its theologically grounded convictions.

Additionally, consistent with historic understanding of the Holy Scriptures and our doctrinal standards,<sup>16</sup> the College affirms the following regarding sexual conduct:

- We believe that God has ordained marriage as a covenant relationship to bring Him glory.
- We believe that the Bible teaches that the term "marriage" has only one meaning: the uniting of one man and one woman in a single, exclusive, permanent union as taught in Scripture. (Gen 2:18-24.) By "man" and "woman," we believe the Bible is referring to each individual's biological birth gender.
- We believe that God intends intimate sexual activity to occur only between a man and a woman who are married to each other. (1 Cor 6:18; 7:2-5; Heb 13:4.)
- We believe that God has commanded that no intimate sexual activity be engaged in outside of such a marriage, and therefore that any form of sexual immorality (including sexual activity outside of biblical marriage, homosexual practice, bestiality, incest, and use of pornography) is prohibited. (Matt 15:18-20; 1 Cor 6:9-10; Gen 2:24; Ex 20:14, 17; Lev 18:22-23; Matt 19:4-6; Rom. 1:18-31; 1 Cor 6:15-20; 1 Tim 1:8-11; Jude 7).
- We desire Ozark Christian College to be an atmosphere of grace, trust and freedom, and we encourage those who struggle with same-sex attraction, as well as those who struggle with other sexual temptations, to share this

---

<sup>15</sup> *Id.*

<sup>16</sup> See OCC Statement of Religious Beliefs, page 1; "Doctrinal Statement," Bylaws of Ozark Christian College, Article IV, page 6.

with trusted spiritual mentors for encouragement, counsel and prayer.  
(James 5:16)

- We believe that God's standard for sexual activity outside of biblical marriage is celibacy. We believe that celibacy is a gift from God, possible through the power of the indwelling Holy Spirit, which allows the unmarried to live a life of sexual purity. (1 Cor 7:7-9)<sup>17</sup>

The College, in service to the Church, welcomes those of professed Christian faith even as they experience same-sex attraction. But, the College, also consistent with Church teaching, affirms that sexual activities with members of the same sex are sinful and are not to 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 on the basis of sexual orientation.<sup>18</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 theological commitment of OCC. 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 in its Statement on the Sanctity of Human Life provides the following summary of its beliefs regarding the sanctity of human life:

- We believe that all human life is sacred and created by God in His image. Human life is of inestimable worth in all its dimensions, including pre-born babies, the aged, and those with special needs.
- We are called to defend, protect, and value all human life. (Psalm 139)<sup>19</sup>

OCC 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, and to the extent they restrict the College's freedom to apply and enforce its Statement on the Sanctity of Human Life):

- 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)

---

<sup>17</sup> See "Statement of Religious Belief on Marriage and Sexuality," OCC Statement of Religious Beliefs, page 2.

<sup>18</sup> See <http://www.eeoc.gov/decisions/0120133080.pdf>.

<sup>19</sup> See "Statement on the Sanctity of Human Life," OCC Statement of Religious Beliefs, page 1.

- 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.

Yours sincerely,

A handwritten signature in black ink that reads "Matt Proctor". The signature is written in a cursive, flowing style.

Matt Proctor  
President, Ozark Christian College