



RANDALL UNIVERSITY

September 30, 2016

U.S. Department of Education
Assistant Secretary of Education Catherine E. Lhamon
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Re: Request for limited Title IX exemption based on sincerely held religious beliefs

Assistant Secretary Lhamon:

Randall University (OPEID 01026600 or Taxpayer Identification Number: 73-0774245) 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 Oklahoma State Association of Free Will Baptists. Recent declarations of Title IX enforcement intentions by the Department of Education's Office of Civil Rights, if applied to Randall University, will violate the religious tenets of Randall University and its controlling religious body, the Oklahoma State Association of Free Will Baptists. Specifically, Randall University requests an exemption, on religious grounds, from Title IX, and its implementing regulations, as such apply to 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 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.*"

Randall University (formerly Hillsdale Free Will Baptist College) currently located at 3701 South Interstate 35 Service Road in Moore, Oklahoma was founded in 1959 by members of the Oklahoma State Association of Free Will Baptists. Randall University's mission states that it is "a Christian institution of higher education committed to the intellectual, spiritual, social, moral, and physical development of its students. It seeks to prepare students to serve the Lord Jesus Christ, both in the church and society at large." Randall University operates upon a hierarchy of governing documents which detail the formation, operation, and maintenance of the corporation, and ensures its faithfulness to its founding religious educational purpose, and founding religious body, the Oklahoma State Association of Free Will Baptists. In order of authority, these documents are the (1) Articles of Incorporation, (2) By-laws, (3) Board of Trustee Manual, (4) Faculty and Staff Handbook, and (5) Student Handbook. Together, these documents provide the framework through which Randall University exists, operates, and is governed.

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"A Free Will Baptist College since 1959"

RANDALL UNIVERSITY IS GOVERNED BY A BOARD OF TRUSTEES ALL OF WHOM MUST BE FAITHFUL MEMBERS OF A FREE WILL BAPTIST CHURCH, IN GOOD STANDING

The Articles of Incorporation, By-laws, and Board of Trustee Manual require that Randall University's governing board, the Board of Trustees, be completely comprised of members of the Free Will Baptist denomination. Control of Randall University is vested in a Board that must be one hundred percent (100%) comprised of Free Will Baptist members.

Articles of Incorporation

The Articles of Incorporation forming and governing Randall University states its purpose as follows:

The purpose of this corporation shall be the creation, establishment and maintenance of a college and institution of higher learning devoted to the promotion and impartation of higher learning, Christian education and such other education, instruction, learning, training and research as may be deemed essential for the cause of Christ and to that end prescribe courses of study and grant degrees. The doctrinal and theological position of this institution shall be that of the sponsoring denomination, Oklahoma State Association of Free Will Baptists and the treatise of the National Association of Free Will Baptists as endorsed by the state body, and in connection therewith, in accordance with the stipulation of the Constitution and By-laws of the State Association of Free Will Baptists, Inc.

This governing document further limits membership on the Board of Trustees *solely* to members of the Free Will Baptist denomination:

The general control of this corporation shall be vested in a Board of Trustees consisting of seventeen (17) members, ten (10) of which shall be elected by the delegates to the annual Oklahoma State Association of Free Will Baptists—each of which shall serve for a term of five (5) years, and until his successor is elected and qualified. Two members shall be elected at each annual sitting of the State Association for the expiring five year term and vacancies that occur on the board. The representatives of the other supporting states shall be as follows: Missouri—three (3) members, Arkansas—two (2) members, and Texas—two (2) members, who shall be elected by the delegates of their representative state association, each to serve for a term designated by the states they represent.

Board of Trustee Manual

The Randall University Trustee 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 Manual indicate the importance of Randall University's association with and control by our founding fellowship, the Oklahoma State Association of Free Will Baptists.

[Randall University's] distinctly Christian commitment to the pursuit of truth, the development of the whole person, and the worthiness of Christian service provides both the foundation and the future focus of Randall University.

The Randall University Board of Trustee Manual at 1. Under the heading “Purpose Statement” the Board of Trustees' Manual states:

Intellectual

- I-1 To serve members of the Free Will Baptist denomination and others who desire an education in the Free Will Baptist tradition by providing courses of study leading to Associate, Baccalaureate, and Masters degrees.

Id. at 4. Randall University follows the doctrinal and theological position of the sponsoring denomination, Oklahoma State Association of Free Will Baptists and the Treatise of the National Association of Free Will Baptists as endorsed by the state body. The Board of Trustees as appointed by the various State Associations of Free Will Baptist must adhere to the Biblical Foundation Statement of Randall University and the Treatise of the Faith and Practices of Free Will Baptists. The Board of Trustee Manual states that “Randall University is a Christian liberal arts college and as such requires that each employee be a professing Christian, who is active in a local evangelical church. All faculty and staff must be willing to sign a pledge to respect the Biblical Foundations Statement of Randall University.” The Faculty and Staff Handbook also clearly requires that “Employees must sign an agreement to respect the Biblical Foundations Statement of Randall University (p.11).”

Through these governing documents, the Oklahoma State Association of Free Will Baptists communicates its directive that the governing Board of Trustees of Randall University shall only be comprised of members of the Free Will Baptist denomination. Following the directive requiring Trustees to be Free Will Baptists ensures that Randall University is and will continue to be controlled by members of the Free Will Baptist denomination.

ALL FULL TIME RANDALL UNIVERSITY EMPLOYEES MUST BE EVANGELICAL CHURCH MEMBERS AND SIGN A PLEDGE TO SUPPORT THE RANDALL UNIVERSITY BIBLICAL FOUNDATIONS STATEMENT

All faculty and administrative staff must also sign an affirmation of the Randall University's Biblical Foundations Statement. The Biblical Foundations Statement and stated goals of Randall University as set by the sponsoring organization, the Oklahoma State Association of Free Will Baptists, consistently highlights the religious beliefs throughout the Randall University Faculty and Staff Handbook. Some examples include:

Statement of Faith

Randall University is a Christian liberal arts college and as such requires that each employee be a professing Christian, who is active in a local evangelical church. All faculty and staff must be willing to sign a pledge in support of the Biblical Foundations Statement of Randall University.

Biblical Foundations Statement

Employees must sign an agreement to respect the Biblical Foundations Statement of Randall University.

Randall University Faculty and Staff Handbook (page 41):

Responsibilities During the Course

1. Know and comply with the mission statement, goals, and objectives (see Randall University *Catalog*).
2. Respect the Biblical Foundations Statement of Randall University.

Id. at 43.

Academic Freedom

The instructor is granted the liberty to present objectively the subject matter of the course within the confines of acceptable Biblical principles, and is expected to respect the Biblical Foundations Statement signed by the faculty member.

The goal is to create an academic environment that is also faithful to the core tenets and beliefs of the sponsoring organization the Oklahoma State Association of Free Will Baptists. Failure to adhere to the fundamental teachings and beliefs of the Free Will Baptist denomination would violate both the Articles of Incorporation of Randall University and the teaching of scripture as understood by Free Will Baptists.

FREE WILL BAPTIST CHURCHES ARE CONGREGATIONAL RATHER THAN HIERARCHICAL

The Free Will Baptist denomination is a fellowship of evangelical believers united in extending the witness of Christ and the building of His Church throughout the world. The rise of Free Will Baptists can be traced to the influence of Baptists of Arminian persuasion who settled in the colonies from England.

The denomination sprang up on two fronts at almost the same time. The southern line, or Palmer movement, traces its beginnings to the year 1727 when one Paul Palmer organized a church at Chowan, North Carolina. Palmer had previously ministered in New Jersey and Maryland, having been baptized in a congregation which had moved from Wales to a trace on the Delaware River in northern Pennsylvania.

The northern line, or Randall movement, had its beginnings with a congregation organized by Benjamin Randall June 30, 1780, in New Durham, New Hampshire. Both lines of Free Will Baptists taught the doctrines of free grace, free salvation and free will, although from the first there was no organizational connection between them.

The northern line expanded more rapidly in the beginning and extended its outreach into the West and Southwest. In 1910-1911 this body of Free Will Baptists merged with the Northern Baptist denomination, taking along more than half its 1,100 churches and all denominational property, including several major colleges. On December 28, 1916, at Pattonsburg, Missouri, representatives of remnant churches in the Randall movement reorganized into the Cooperative General Association of Free Will Baptists.

Free Will Baptists in the southeastern United States, having descended from the Palmer foundation, had often manifested fraternal relationships with Free Will Baptists of the Randall movement in the north and west; but the slavery question and the Civil War prevented formal union between them. The churches in the southern line were organized into various associations and conferences from the beginning and had finally organized into a General Conference by 1921. These congregations were not affected by the merger of the northern movement with the Northern Baptists.

Now that the remnants of the Randall movement had reorganized into the Cooperative General Association and the Palmer movement had organized into the General Conference, it was inevitable that fusion between these two groups of Free Will Baptists would finally come. In Nashville, Tennessee, on November 5, 1935, representatives of these two groups met and organized the National Association of Free Will Baptists.

This body adopted a Treatise which set forth the basic doctrines and described the faith and practice that had characterized Free Will Baptists through the years. Having been revised on several occasions, it serves as a guideline for a denominational fellowship which comprises more than 2,400 churches in 42 states and 14 foreign countries.

UNIVERSALLY FREE WILL BAPTISTS BELIEVE THAT ALL SEXUAL RELATIONS OUTSIDE OF A HETEROSEXUAL MARRIAGE COVENANT ARE SIN

Since Free Will Baptist seek to base what they both believe and practice about marriage and sexual relations upon the Old and New Testament Scriptures, Free Will Baptists point to such passages of Holy Scripture as those listed below as providing the Scriptural position which they should hold.

1. 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.”
2. Leviticus 18:22 “Do not have sexual relations with a man as one does with a woman; that is detestable.”
3. 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.”
4. 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 the Free Will Baptist denomination believe it is not God's intention for people to engage in homosexual behavior. In order for Randall 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 Randall University from its beginning.

GENERALLY, FREE WILL BAPTISTS 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:

1. Deuteronomy 22:5 “A woman must not wear men’s clothing, nor a man wear women’s clothing, for the LORD your God detests anyone who does this.”

2. 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."

Based on passages such as these, Free Will Baptists 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.

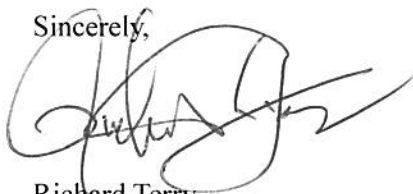
SPECIFIC EXEMPTION REQUEST:

Based upon the religious control, religious heritage, and the sincerely held religious beliefs of Randall University and the Oklahoma State Association of Free Will Baptists, Randall 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 Randall University and the Oklahoma State Association of Free Will Baptists.

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 and 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.

Sincerely,



Richard Terry
Chair, Randall University Board of Trustees



Timothy W. Eaton, Ph.D.
President, Randall University