

From: Bryant, Michael
Sent: Wed, 2 Jun 2021 16:54:19 +0000
To: T9PublicHearing
Cc: Wood, Faye
Subject: Written Comments: Title IX Virtual Public Hearing (Perspective from a Christian Higher Education Institution)
Attachments: Public Comments 5-31-21.pdf

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To Whom It May Concern:

I am writing on behalf of Dr. Dondi Costin, President of Charleston Southern University in Charleston, South Carolina. Dr. Costin would like to submit the attached public comments to the OCR for their review of Title IX.

Thank you.

Sincerely,

Michael Bryant

Sent from [Mail](#) for Windows 10

To Whom It May Concern:

I want to begin by expressing my sincere appreciation for the opportunity to provide public comments that inform the Office for Civil Right's review of all policies related to Title IX. Thank you for allowing me to comment.

I serve as President of Charleston Southern University, a private, South Carolina Baptist institution whose mission is to "promote academic excellence in a Christian environment." Charleston Southern University allows people of all faiths or no faith to enroll at our institution to pursue an education marked by academic excellence grounded in the biblical worldview.

We attempt to communicate our biblical perspective and policies to all prospective students prior to their enrollment at the institution. We aim to be truthful and transparent regarding our distinctively Christian identity. If prospective students choose to enroll, we request that they respect our governing principles and policies, several which include the following biblical affirmations:

- Christians are to love their neighbor as themselves (Matt 22:39).
- God created people in His image (Gen 1:26-27).
- God created two biological sexes, male and female (Gen 1:27; Matt 19:4).

The idea of "loving" others includes treating them with the same grace, compassion, care, and respect desired for oneself. Furthermore, the term "neighbor" refers to *all* people with whom one comes into contact in need, not only one's family, friends, or those with whom one has a particular affinity or bond. Nevertheless, loving one's neighbor does not require a Christian to agree with or affirm others' views when those views clearly contradict other biblical teachings. Biblical love must be balanced with biblical truth.

To regard people as beings created in God's image entails treating them with dignity and respect. Specifically, it is through one's speech and actions that one demonstrates an authentic commitment to treating people as divine image bearers.

Affirming that God created people as male or female includes recognizing the uniqueness and equality of both biological sexes. This is not a belief based on hate or intolerance.

As a Christian institution, we take seriously the truths expressed in these biblical teachings as we seek to fulfill our educational mission. In fact, they are truths affirmed not only by believers in the Christian tradition but also by followers of the Jewish faith.

Please note that my formal comments articulated below are undergirded by these and other biblical teachings. Furthermore, my comments are not mine alone. Rather, they are informed by my interactions with students, parents, faculty, and staff.

Formal Comments

1. Uphold the First Amendment's Protection of Religious Liberty.

The Founders established strong support for religious liberty in the First Amendment of the United States Constitution when they wrote, "Congress shall make no law . . . prohibiting the free exercise of [religion]." In your review, please uphold the Founders' commitment to religious liberty for all, which has distinguished our nation as unique from most other countries in the history of the world. Their foresight has allowed religious people to hold and practice beliefs that at times were exceedingly unpopular in the surrounding culture (e.g., conscientious objection to combat). In addition, it has provided protection to religious minorities (e.g., Jews, Muslims), guarding them from harassment, punishment, and harm. The Founders understood well the importance of allowing people to follow their conscience in religious matters.

2. Consider the Religious Freedom Restoration Act.

The Religious Freedom Restoration Act (RFRA) is relevant to the proposed review of Title IX as it requires government not to burden or restrict a person's exercise of their religion, unless it can be shown that the burden advances a compelling government interest and is carried out through the least restrictive means. Please consider this legislation as you review Title IX, applying it in a manner that does not restrict religious institutions from exercising their convictions related to such matters as housing and use of bathroom facilities according to one's birth sex.

3. Uphold the Current Title IX Exemption for Religious Educational Institutions.

The government has wisely included an important exemption within Title IX that allows religious institutions to follow their convictions. The inclusion of this provision maintains the United States' historic commitment to religious liberty while at the same time pursuing equality for all citizens. In your review, please uphold the current Title IX exemption for religious educational institutions. Maintaining this exemption does not undercut efforts to promote equality or human rights. Rather, it upholds equality and human rights for all.

4. Respect Females' Private or Intimate Space.

A major concern of female students in our educational context is for government to respect their private or intimate space in dorm rooms and restrooms, which relate closely to their female sexuality. In religions such as Christianity, Judaism, and Islam, devout female believers view their personal female sexuality as one of several private or intimate spaces of their life. Females in these faith traditions regard such private spaces as reserved only for themselves or their current or future spouse. If forced by government to dress, undress, shower, live, or use bathroom facilities with a biological male who claims to be a female, devout religious female students would experience great emotional distress, feeling that they had disobeyed their religion's ethical standards by having their private space violated. Furthermore, such an arrangement would create an environment extraordinarily hostile to learning.

The reality of the difficulty of protecting females' private or intimate space at Charleston Southern University if required to place a biological male in a room with a female is made vividly clear when one understands that our female dorm rooms are approximately 16 x 11 feet,

showers must be shared by four individuals, and roommates are required to dress and undress within view of one another and sleep closely together. In our context, it would be impossible for a devout female believer to maintain her private or intimate space if forced by government to share a dorm room or bathroom facilities with a biological male who claims to be a female. In your review of Title IX, then, please respect the private space of women, whether religious or non-religious. Recognize that females have rights too.

In closing, thank you again for your openness to receiving my comments. I sincerely appreciate your willingness to take them into consideration.

Best wishes,

Dr. Dondi Costin
President, Charleston Southern University
Charleston, South Carolina