



LIBERTY UNIVERSITY

OFFICE *of the* PRESIDENT

CONFIDENTIAL TREATMENT REQUESTED

December 5, 2022

By electronic mail only

The Honorable Catherine Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202
OCR@ed.gov

Re: Liberty University's Notice of Religious Exemption to Title IX Requirements

Dear Ms. Lhamon:

I write on behalf of Liberty University (Liberty) in response to the May 4, 2022, letter from the Office for Civil Rights (OCR) regarding a complaint received on July 27, 2021, Case No. 11-21-2235 (Complaint). Liberty asserts the religious protections in the United States Constitution, Title IX of the Education Amendments of 1972 (Title IX), the Religious Freedom Restoration Act of 1993 (RFRA), and other laws and regulations and respectfully requests that OCR dismiss the Complaint or otherwise resolve this matter in Liberty's favor without further investigation.

I hereby incorporate by reference and adopt the enclosed letter, dated June 3, 2022, that identifies the provisions of the Title IX regulations from which Liberty is exempt, the specific tenets of the religious organization that conflict with the provisions of the Title IX regulations, and establishes that Liberty University is controlled by a religious organization for purposes of Title IX. I understand that Liberty University "is not required to seek assurance from the Assistant Secretary in order to assert such an exemption" under Title IX. 34 C.F.R. § 106.12(b). I appreciate that OCR will take notice of Liberty's religious exemption.

Sincerely,

Jerry Prevo
Interim President, Liberty University

Enclosures

cc: David M. Corry, General Counsel, Liberty University
Sarah Morgan, U.S. Department of Education, Office for Civil Rights

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CONFIDENTIAL TREATMENT REQUESTED

June 3, 2022

Sarah Morgan
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1475
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sarah.morgan@ed.gov

Re: Liberty University's Notice of Religious Exemption to Title IX Requirements and Response to July 27, 2021, Complaint, Case No. 11-21-2235

Dear Ms. Morgan:

We write on behalf of Liberty University (Liberty) in response to the May 4, 2022, letter from the Office for Civil Rights (OCR) regarding a complaint received on July 27, 2021, Case No. 11-21-2235 (Complaint). We appreciate receiving that redacted copy of the Complaint that you provided to Liberty on May 9, 2022, as well as the two-week extension to respond. Liberty asserts the religious protections in the United States Constitution, Title IX of the Education Amendments of 1972 (Title IX), the Religious Freedom Restoration Act of 1993 (RFRA), and other laws and regulations and respectfully requests that OCR dismiss the Complaint or otherwise resolve this matter in Liberty's favor without further investigation.

I. The Allegations in the Complaint Concern Events from Almost 10 Years Ago and Are Untimely Under OCR's Case Processing Manual § 106.

As a threshold matter, the Complaint on its face is untimely. Although the personal details of the Complainant are redacted from the copy of the Complaint that the Department has provided to Liberty, it is clear from the context—including the attachment of a filing from a public federal court case—that the Complainant graduated from Liberty approximately 10 years ago and has not

had any affiliation with the school since then.¹ Accordingly, the allegations, which concern events from 10 years ago, are untimely under OCR's Case Processing Manual (CPM) § 106, which requires the Complaint to be filed within 180 calendar days of the date on which the Complainant first had knowledge of the alleged discrimination.

Neither does the Complaint present adequate reasons to excuse this untimeliness based on a "continuing violation" or other grounds for excuse. CPM § 106. While the Complaint contains a cursory assertion that discrimination is "current, ongoing," Compl. ¶ 6, it does not contain any concrete allegations to support that conclusion. Rather, the Complaint contains only general assertions about how "Liberty continues" to act and that the Complainant "remain[s] in contact [with] other alumni and current students" who take issue with Liberty's policies. Compl., Ex. A ¶¶ 10–11. The Complaint also contains no basis to assume, much less conclude, that the challenged activities and the particular policies claimed to be occurring and in effect during his time at Liberty continue to occur or remain in effect. Under these circumstances, OCR should dismiss the Complaint for a lack of sufficient factual detail such that OCR cannot infer that discrimination or retaliation has occurred within 180 calendar days of July 27, 2021, the date when the Complaint was filed, or may be occurring now under CPM §§ 106 & 108(b).

Moreover, the grounds cited in the Complaint for waiving the limitations period cannot excuse the Complainant's delay. As previously mentioned, the suggestion of a continuing violation is factually unsupported.² The "Covid-19 pandemic," Compl. ¶ 7, does not provide grounds for excusing delay because the Complaint was already untimely by several years in early 2020 when the pandemic arose. Moreover, the Complaint offers no explanation why the spread of COVID-19 interfered with the Complainant's ability to submit an online form. Finally, "[t]he Trump administration's policies and statements," *id.*, cannot possibly form grounds for excusable delay. We would be shocked to learn that OCR excuses delay on this basis, as it would allow complainants to engage in all manner of unseemly gamesmanship. And in any event, the Complaint was already untimely in January 2017 at the beginning of the Trump Administration.

Accordingly, OCR should dismiss the untimely Complaint under CPM §§ 106 & 108(b).

II. Even If the Complaint Were Timely, It Would Still Fail to State a Violation of Title IX Because Title IX Addresses Discrimination on the Basis of Biological Sex.

Liberty also respectfully disagrees with the apparent position of both the Complainant and the Department that "sex" has the same meaning under Title IX that the Supreme Court attributed to that term under Title VII in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020). The Supreme Court specifically said in *Bostock* that its holding was limited to Title VII and did not reach Title IX. *See id.* at 1753. Unlike Title VII, Title IX has numerous provisions for sex-based distinctions that can only reasonably be understood to refer to biological sex. And just as importantly, there

¹ Liberty does not believe that it is necessary to identify the Complainant here. If the Department believes that our assumptions are incorrect, however, we do ask that you please provide the identity of the Complainant to allow Liberty a meaningful opportunity to provide a more specific response.

² If the Department believes that it has additional information not contained in the redacted Complaint that bear on this issue, we ask that you please provide it.

are many instances in which Title IX and its implementing regulations not only permit but *require* schools to consider a student’s biological sex. *See* 20 U.S.C. §§ 1681(a), 1686; 34 C.F.R. §§ 106.32(b), 106.33, 106.34, 106.40, 106.41, 106.43, 106.52, 106.59, 106.61. It therefore does not follow from *Bostock* that “sex” under Title IX should be interpreted to mean anything other than biological sex. And at any rate, as the *Bostock* Court itself indicated, a broader reading of “sex” should not be deployed in a way that infringes on an institution’s Free Exercise rights. *See* 140 S. Ct. at 1753–54.

OCR should dismiss the Complaint under CPM § 108(a) because the Complaint does not assert that Liberty discriminated against anyone on the basis of biological sex. The Complaint therefore fails to state any violation of the laws or regulations that OCR enforces.

III. The Complaint Further Fails to State a Claim Because the Complainant’s View of Title IX Does Not Apply to Liberty University, an Educational Institution Which Is Controlled by a Religious Organization; For the Same Reasons, OCR Lacks Subject Matter Jurisdiction Over the Complaint.

Even under OCR’s view that Title IX addresses discrimination on the basis of sexual orientation and gender identity, the Complaint does not state a claim against Liberty under Title IX, as that statute does “not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization.” 20 U.S.C. § 1681(a)(3); *see also* 34 C.F.R. § 106.12(a); CPM § 108(a).³

Liberty is a proudly Christian school that enjoys this religious exemption under Title IX.⁴ It is beyond peradventure that applying Title IX in the way the Complaint suggests would be inconsistent with Liberty’s religious tenets. OCR acknowledges that it “will not interpret any statute or regulation to require impinging upon rights protected under the First Amendment or require recipients to encroach upon the exercise of such rights,” including Liberty’s free-exercise rights. CPM § 109. This matter falls squarely within the exemption because Liberty is a covered institution, and the Complaint seeks to apply Title IX in conflict with Liberty’s religious tenets.⁵

³ OCR acknowledges that the Title IX religious exemption applies to OCR’s interpretation of sex as meaning sexual orientation and gender identity. *See* U.S. Dep’t of Educ., Office for Civil Rights, Notice of Interpretation, Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, 86 Fed. Reg. 32,637, 32,639 n.2 (June 22, 2021).

⁴ OCR’s regulations provide a mechanism through which a religious school may seek and obtain “assurances” of its religious exemption. *See* 34 C.F.R. § 106.12(b). We note, however, that Title IX itself provides that exemption as a matter of law. Seeking and obtaining a letter of assurance is not a statutory prerequisite to application of the exemption. Congress’s religious exemption is self-executing and requires no agency action. The Complaint is therefore subject to dismissal without Liberty’s needing to first seek and obtain any authorization from the Department. The Department and OCR acknowledge as much. *See* 34 C.F.R. § 106.12(b) (“An institution is not required to seek assurance from the Assistant Secretary in order to assert such an exemption.”).

⁵ As discussed further in Part IV *infra*, the First Amendment also provides a wholly sufficient religious exemption to Title IX outside of the one penned by Congress.

OCR should dismiss this Complaint because it does not state a claim. *See* CPM § 108(a).⁶

Liberty University is “an educational institution which is controlled by a religious organization” under 20 U.S.C. § 1681(a)(3). As reflected in its Amended and Restated Articles of Incorporation, dated June 22, 2021, Liberty “exist[s] for the purpose of glorifying God by equipping men and women in higher education in fidelity to the Christian faith expressed through the Holy Scriptures, the orthodox religious and moral foundations of that education being a central and perpetual purpose and mission of the [school].” Art. III. Liberty carries out that mission “under the auspices of the Thomas Road Baptist Church.” *Id.*

The Church is responsible for the school’s founding and continues to play a “sacred role as guardian of the spiritual mission and doctrinal purity of Liberty University to assure that its founding vision of an evangelical Christian institution of higher education is never lost or abandoned.” Art. IV. Indeed, Liberty’s Amended and Restated Bylaws (dated April 16, 2021) provide that the “Pastor of Thomas Road Baptist Church shall serve as an ex officio, voting member and Chairman of the Spiritual Mission Committee” of the Board of Trustees in part to “[a]dvise the President and the Chancellor of Spiritual Affairs, or their designee(s), on matters of spiritual significance, including the spiritual integrity of academic programs, courses, events, and student affairs.” Bylaws, Art. IV, § 2(b). As the Articles of Incorporation continue to explain:

Liberty University is a distinctively Christian university. Biblical values frame, underpin and inform all that is done at Liberty University as members of the University community live, learn and serve. The mission, philosophy and doctrine of the Corporation is set forth in the Holy Scriptures, the statement of Purposes in Article III hereto and in the Liberty University Philosophy of Education, Liberty University Statement of Mission and Purpose, and Liberty University Doctrinal Position attached hereto as Exhibit A. These are essential parts of these Articles of Incorporation and fix the University inextricably to its doctrinal core. ***The Doctrinal Position attached within Exhibit A may be amended only by a two-thirds (2/3) majority vote of the entire Board of Trustees of the Corporation and with the consent of the Board of Directors of Thomas Road Baptist Church.***

The Corporation’s mission requires it to be forever linked to the Doctrinal Position and the scriptural principles that flow from it concerning a biblically faithful university. All functions, operations, and actions of the Corporation, including its policies, rules of conduct and athletic programs, must be consistent with the Doctrinal Position and corresponding biblical principles, and members of the University community must respect and act in harmony therewith. While welcoming the lost and sinners has long been the practice of Liberty University, that spirit of inclusion should not be mistaken for affirming and celebrating any form of sin, or for inviting in those who would undermine the biblical foundations that distinguish Liberty University from other institutions of higher education.

⁶ Alternatively, and regardless of whether it would otherwise state a claim against Liberty, OCR should dismiss the Complaint because it lacks jurisdiction over the subject matter of the allegation. *See* CPM § 108(f).

Members of the University community must maintain high standards of integrity, honesty, morality and modesty of dress, refraining from behaviors prohibited in the Holy Scriptures.

Art. IV (emphasis added).⁷ As discussed further below, the premise of the Complaint—that Liberty must accept student conduct based on homosexual orientation or transgender ideology—is flatly inconsistent with the Doctrinal Position that is foundational to everything Liberty does.

Liberty University’s Board of Trustees is itself a Christian organization. *See* Art. VI. That Board is “organized as a Christian body governed by the Christian tenants described in the documents listed in this section.” Art. VI, § 4. The Articles of Incorporation go on to provide:

No person may be appointed as a member of the Board of Trustees who does not subscribe to the mission and philosophy of the Corporation, reflected in the Liberty University statement of Purposes in Article III and to the tenets of the Christian faith as reflected in the Holy Scriptures and in the Liberty University Philosophy of Education, Liberty University Statement of Mission and Purpose, and Liberty University Doctrinal Position attached hereto as Exhibit A.

Id. They further provide that a Board member may be removed for “cause” based on “[f]ailure to live a Christian life consistent with the Corporation’s Doctrinal Position (attached hereto as Exhibit A) and spiritual mission,” Art. VI, § 6(f), or “[a]ffirmative efforts that undermine, contradict or attempt to alter the Christian identity or spiritual mission of the Corporation,” *id.* § 6(g).⁸

Liberty requires its officers and faculty to further its Christian identity as well. Under the school’s Amended and Restated Bylaws (dated April 16, 2021), the University President “shall live a Christian life consistent with the University’s Doctrinal Position and spiritual mission.” Art. III, § 2. Copies of the [Doctrinal Position](#), which is sometimes referred to as the Doctrinal Statement, are also included in Liberty’s Faculty and Employee Handbooks, and the school requires that all employees and faculty members assent to the Doctrinal Position and/or the Doctrinal Statement. *See, e.g., Liberty University Faculty Handbook*, 1.5 Liberty University Doctrinal Position; *Statement of Professional Ethics & Harassment and Discrimination Avoidance Policy*, Doctrinal Statement, at 3. Liberty’s all-Christian faculty are each required to write a biographical sketch, describing how they came to faith in Christ for salvation and their personal spiritual growth since, including church involvement. Faculty members also must explain in writing how they share the University’s Statement of Doctrine. Liberty hires only those faculty who espouse a personal belief

⁷ Liberty’s Articles of Incorporation also provide that upon dissolution of Liberty as a corporation, “all assets remaining after the payment of all lawful debts will be distributed to the Thomas Road Baptist Church.” Art. IX.

⁸ Liberty’s Amended and Restated Bylaws (dated April 16, 2021) further provide that “the Board of Trustees is obligated to act upon a determination by the Board of Directors of Thomas Road Baptist Church that any Trustee has during his or her term as Trustee either failed to live a Christian life consistent with the University’s Doctrinal Position and spiritual mission or affirmatively engaged in efforts that intentionally undermine, contradict or attempt to significantly alter the Christian identity or spiritual mission of the University.” Art. II, § 5. The Bylaws afford the Trustee certain procedural protections in such cases, including allowance for the Board of Trustees to seek reconsideration by the Board of Directors of Thomas Road Baptist Church. *See id.*

in the Statement of Doctrine. Non-faculty employees must acknowledge the Statement of Doctrine and support the Christian mission of the University.

Liberty places clear, unambiguous expectations of moral conduct on its students that are consistent with its Doctrinal Position. Liberty adopted a student honor code called [The Liberty Way](#) that incorporates the standards, informed by the school's Christian mission and the Doctrinal Position, to which all students are expected to adhere. As part of The Liberty Way, "[e]very student is expected to respect Liberty's Statement of Doctrine and Purpose and should avoid any activity, on or off campus, which would contradict the university's mission or purpose, compromise the testimony or reputation of the university, or disrupt Liberty's Christian learning environment." *The Liberty Way*, at 3. Liberty further asks all of its students to affirm the following statement: "***We have a responsibility to uphold the moral and ethical standards of Liberty University and personally confront those who do not.***" *Id.*

The Liberty Way covers many topics including academic honor, the school's anti-discrimination policy, and appropriate dress guidelines.⁹ As relevant here, The Liberty Way also includes a "Statement on Sexuality and Relationships" that is informed by its Christian mission and Doctrinal Position:

Sexual relations outside of a biblically-ordained marriage between a natural-born man and a natural-born woman are not permissible at Liberty University. While mental thoughts, temptations and states of mind are not regulated by The Liberty Way, ***statements and behaviors that are associated with LGBT states of mind are prohibited.*** For example, romantic displays of affection with a member of the same sex (e.g., hand-holding, kissing, dating, etc.) and actions confirming denial of biological birth sex (e.g., asking to be referred to by pronouns inconsistent with one's birth sex, using restrooms and changing facilities reserved for persons other than one's birth sex, etc.) are prohibited. In personal relationships, students are encouraged to know and abide by common-sense guidelines to avoid the appearance of impropriety. ***Activities inconsistent with these standards and guidelines are violations of The Liberty Way.***

Id. at 11 (emphasis added). The Liberty Way provides procedures for student discipline, *see id.* at 16–19, and allows for a range of sanctions, all of which are "intended to be redemptive, restorative, and carried out with love and grace," *id.* at 19–22.

⁹ Neither the Complaint nor OCR's letter, dated May 4, 2022, identifies any provision or specific requirement under Title IX that Liberty University is allegedly violating. Nonetheless, Liberty would be exempt from any Title IX requirements related to sexual orientation or gender identity to the extent that those requirements conflict with the Thomas Road Baptist Church's teachings as reflected in Liberty's Doctrinal Position, which the Church approved. Accordingly, Liberty's exemption would apply to requirements in 34 C.F.R. § 106.21-22 (admission), 34 C.F.R. § 106.23 (student 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. § 106.42 (textbooks and curricular material), 34 C.F.R. § 106.43 (measuring skills or progress in physical education classes), and 34 C.F.R. § 106.51-61 (employment).

Under both the plain meaning of Title IX's religious exemption and the Department's implementing regulations, Liberty qualifies as "an educational institution which is controlled by a religious organization." 20 U.S.C. § 1681(a)(3). As outlined above Liberty requires its Trustees, officers, and faculty to espouse a personal belief in its Doctrinal Position and/or its Doctrinal Statement and requires other employees and students to acknowledge the statement of Doctrine and support the University's Christian mission. *See* 34 C.F.R. § 106.12(c)(2). Throughout its foundational documents, Liberty explicitly commits itself "to the doctrine or practices" of the Christian faith, and the Thomas Road Baptist Church has defined authority in the appointment and removal of the Board of Trustees and in the formulation of the school's Doctrinal Position. *See id.* § 106.12(c)(3). As set forth in the Doctrinal Position and Doctrinal Statement, Liberty has specific religious beliefs and practices that members of the institution must respect and promote in different ways according to their role within the community. *See id.* § 106.12(c)(4). And Liberty has a published institutional mission that expressly rests on its Christian identity. *See id.* § 106.12(c)(5). These and other facts, *see id.* § 106.12(c)(6), make it unmistakably clear that Liberty is a Christian school entitled to the religious exemption that Congress included in Title IX.

Applying Title IX as argued in the Complaint "would not be consistent with the religious tenets" of Liberty University. The Complainant's allegations self-evidently conflict with Liberty's religious tenets. The formal "Liberty University Doctrinal Position," certified by Thomas Road Baptist Church, Inc., expressly denounce homosexual acts:

We affirm that the Holy Spirit indwells all who are born again, conforming them to the likeness of Jesus Christ. This is a process completed only in Heaven. Every believer is responsible to live in obedience to the Word of God in separation from sin. Doing so produces a distinctly Christian lifestyle of practicing virtues and avoiding sin. . . . Sinful acts are prohibited by God and include but are not limited to . . . ***denial of birth sex by self-identification with a different gender; . . . sexual relations outside of marriage between one natural-born man and one natural-born woman; [and] romantic coupling among persons of the same sex***

(Emphasis added). The substance of the Complaint and the relief sought are flatly inconsistent with these beliefs. The discrimination it alleges is based on the school's policy that "behavior reflecting LGBT identity is a violation of the Student Honor Code." Compl. ¶ 5.¹⁰ The Complaint also asserts, for instance, that Liberty must treat "same-sex dating relationships and displays of affection . . . in the same manner as opposite sex dating relationships and displays of affection" and that Liberty University must extend its "non-discrimination policy [to] sexual orientation and gender identity as applied to all aspects of Liberty, including housing and other programs." Compl. ¶ 11. Even assuming that Title IX would otherwise impose a requirement of non-discrimination based on sexual orientation and/or gender identity, it is clear under the statutory religious exemption that such policies and views cannot be forced onto Liberty University.

¹⁰ To the extent the unredacted Complaint contains any additional alleged discriminatory acts, Liberty University has not been provided any notice nor any meaningful opportunity to respond.

IV. Liberty University Remains Free to Practice Its Religious Beliefs Without Government Interference or Entanglement.

It is not clear to Liberty why OCR would pursue an untimely Complaint that lacks any allegations of specific conduct within the preceding 180 calendar days, and which self-evidently conflicts with Liberty's long-standing and clearly-articulated religious beliefs. Under Title IX itself, and the Department's implementing regulations and guidance, it is unmistakably clear that this Complaint should have been dismissed already. But proceeding further would not just conflict with OCR's statutory and regulatory mandates; it would violate Liberty's fundamental right to religious liberty.

No law may require Liberty to "renounce its religious character in order to participate" in higher education. *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2024 (2017). Our Nation enjoys a proud history of religious education that has included governmental support. *See Espinoza v. Montana Dep't of Revenue*, 140 S. Ct. 2246, 2258 (2020). A critical matter for people of any faith—and thus for the constitutional guarantee of free exercise—is the ability to "preserve and transmit their teachings from one generation to the next." Michael W. McConnell, *Academic Freedom in Religious Colleges and Universities*, 53 L. & CONTEMP. PROBS. 303, 316 (1990); *see also* Douglas Laycock & Susan E. Waelbroek, *Academic Freedom and the Free Exercise of Religion*, 66 TEX. L. REV. 1455, 1466 (1988) ("To build and run a religious university is an exercise of religion."). Liberty is proud to be a part of that tradition.

Applying Title IX to Liberty in conflict with its religious tenets would "impose[] a penalty on the free exercise of religion that must be subjected to the 'most rigorous' scrutiny." *Trinity Lutheran*, 137 S. Ct. at 2024 (quoting *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993)). Among other things, it would interfere with Liberty's "internal governance," its "control over the selection of those who will personify its beliefs," and its "right to shape its own faith and mission" through rules based on both faith and conduct. *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 188 (2012). It would also create an "excessive governmental entanglement in the affairs of the church-operated schools." *N.L.R.B. v. Cath. Bishop of Chicago*, 440 U.S. 490, 501 (1979). And to the extent the Complaint would compel Liberty to espouse views about homosexuality that conflicts with its own beliefs, it would equally run afoul of the First Amendment's Speech Clause. *Cf. Agency for Int'l Development v. Alliance for Open Soc'y*, 133 S. Ct. 2321 (2013).

Further proceedings on the Complaint would not involve application of a neutral law of general applicability under *Employment Division v. Smith*, 494 U.S. 872 (1990). The existence of a statutory exemption for *some* religious institutions and practices would necessarily subject the Department to strict scrutiny in denying an exemption to *others*. *See Fulton v. City of Philadelphia*, 141 S. Ct. 1868, 1878 (2021). But at any rate, RFRA would subject further proceedings to strict scrutiny even if the Constitution did not. *See* 42 U.S.C. 2000bb. Eradicating religious conduct codes in private religious schools can hardly be considered a compelling governmental interest—particularly when in Title IX, Congress has adopted the opposite view that such institutions should preserve their religious autonomy. RFRA protects the rights of religious institutions and entities, just as much as the rights of religious individuals. *See, e.g., Burwell v.*

Hobby Lobby Stores, Inc., 134 S. Ct. 2751 (2014). And OCR itself has acknowledge that RFRA applies to Title IX and to its enforcement actions under the Act.¹¹

* * * * *

For the foregoing reasons, and consistent with applicable laws and regulations, Liberty University urges the Office to dismiss the Complaint under CPM §§ 106, 108(a), 108(b), 108(f), or 109, or otherwise to resolve this matter in Liberty’s favor without further investigation.

Please be further advised that we have submitted to the Department a letter seeking confidential treatment under FOIA of this letter and submission to the Department. A copy of that letter is enclosed. This letter and any document marked “Confidential” in connection with this Complaint remain the property of Liberty and are provided to you in connection with OCR’s inquiry in this matter. If any of the documents are found to be “agency records” within the meaning of the Freedom of Information Act, 5 U.S.C. § 552, as amended (FOIA), and the applicable regulations of the Department, 34 C.F.R. § 5.2(e)(2), we request confidential treatment for such materials pursuant to FOIA and the applicable regulations. If any person (including any government employee who is not an employee of the Department) should request an opportunity to inspect or copy any or all of the documents marked “Confidential,” we request that Liberty, by communication with David M. Corry, General Counsel, 1971 University Boulevard, Green Hall, Suite 2730, Lynchburg, Virginia 24515, legalaffairs@liberty.edu, (i) be promptly notified of such request; (ii) be furnished with a copy of all written materials pertaining to such request (including, but not limited to, the request itself and any Department determination with respect to any such request); and (iii) be given sufficient advance notice of any intended release of the Confidential documents so that Liberty, if it deems necessary or appropriate, may pursue any remedies available, including but not limited to objecting to the request.

Sincerely,

/s/ Farnaz Farkish Thompson
Farnaz Farkish Thompson
Partner

/s/ John S. Moran
John S. Moran
Partner

¹¹ U.S. Dep’t of Educ., Office of the General Counsel, Notice, Guidance Regarding Department of Education Grants and Executive Order 13798, 85 Fed. Reg. 61,736, 61,783 (“RFRA therefore applies to all laws governing ED programs, including but not limited to nondiscrimination laws such as Title IX of the Education Amendments of 1972 RFRA further applies to all actions by ED, including rulemaking, adjudication, or other enforcement actions and grant or contract distribution and administration.”).

Office for Civil Rights
June 3, 2022
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CONFIDENTIAL

cc:

David M. Corry, General Counsel, Liberty University
Dr. Jerry L. Prevo, President, Liberty University

Enclosures:

Liberty University's Articles of Incorporation, dated June 22, 2021
FOIA Confidential Treatment Request Letter, dated June 3, 2022

CONFIDENTIAL TREATMENT REQUESTED

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF
LIBERTY UNIVERSITY, INC.**

ARTICLE I – NAME

The name of this corporation is Liberty University, Inc.

ARTICLE II – PRINCIPAL OFFICE

The principal office of the corporation shall be located in the City of Lynchburg, Virginia.

ARTICLE III – PURPOSES

The Corporation shall exist for the purpose of glorifying God by equipping men and women in higher education in fidelity to the Christian faith expressed through the Holy Scriptures, the orthodox religious and moral foundations of that education being a central and perpetual purpose and mission of the Corporation. Founded by Thomas Road Baptist Church, the Corporation is an expression of the church's sincerely-held religious belief in obedience of its biblical mandate to provide Christian education to the community and the world.

Guided by this overriding and perpetual purpose and mission, the Corporation shall provide and maintain, under the auspices of the Thomas Road Baptist Church, schools or colleges devoted to the study of theology, liberal arts, fine arts, languages, literature, sciences, government, business and finance, law, education and other appropriate fields of spiritual, professional, and intellectual inquiry, and shall grant upon satisfactory completion of prescribed courses of study such undergraduate or graduate degrees, certificates, or diplomas as are appropriate to the level of instruction offered, as well as honorary degrees to persons distinguished for learning, ability, and character in their respective vocations.

The Corporation shall have all other powers granted to corporations similarly situated under the laws of the State of Virginia except that, in fulfilling its stated purposes, the Corporation shall not engage, except to an insubstantial extent of its activities, in any course of action that is not deemed educational, religious, or philanthropic under the applicable sections of the Internal Revenue Code dealing with tax exempt foundations and educational institutions.

The Corporation is organized, and shall at all times be operated exclusively for religious, charitable, and educational purposes, and no part of the net earning or assets of the Corporation shall inure to whole or in part to the benefit of or be distributed to its Trustees, Officers, or to other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to

make payments and distributions in the furtherance of the purposes set forth in this Article III hereof.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

The Corporation shall have and exercise all other powers granted to Virginia non-stock corporations except as expressly limited by these Articles.

ARTICLE IV – BENEFACTOR AND DOCTRINE

This Corporation was founded by Thomas Road Baptist Church as a ministry of that church. Funds raised through the tithes, offerings, direct mail campaigns and broadcast ministries of Thomas Road Baptist Church were the sole source of funding for its founding and the primary source of funding for Liberty University's campus acquisition and for all campus construction in its first three decades. As the founder and chief benefactor of the Corporation, Thomas Road Baptist Church is entitled to have and maintain its sacred role as guardian of the spiritual mission and doctrinal purity of Liberty University to assure that its founding vision of an evangelical Christian institution of higher education is never lost or abandoned.

Liberty University is a distinctively Christian university. Biblical values frame, underpin and inform all that is done at Liberty University as members of the University community live, learn and serve. The mission, philosophy and doctrine of the Corporation is set forth in the Holy Scriptures, the statement of Purposes in Article III hereto and in the Liberty University Philosophy of Education, Liberty University Statement of Mission and Purpose, and Liberty University Doctrinal Position attached hereto as Exhibit A. These are essential parts of these Articles of Incorporation and fix the University inextricably to its doctrinal core. The Doctrinal Position attached within Exhibit A may be amended only by a two-thirds (2/3) majority vote of the entire Board of Trustees of the Corporation and with the consent of the Board of Directors of Thomas Road Baptist Church.

The Corporation's mission requires it to be forever linked to the Doctrinal Position and the scriptural principles that flow from it concerning a biblically faithful university. All functions, operations, and actions of the Corporation, including its policies, rules of conduct and athletic programs, must be consistent with the Doctrinal Position and corresponding biblical principles, and members of the University

community must respect and act in harmony therewith. While welcoming the lost and sinners has long been the practice of Liberty University, that spirit of inclusion should not be mistaken for affirming and celebrating any form of sin, or for inviting in those who would undermine the biblical foundations that distinguish Liberty University from other institutions of higher education. Members of the University community must maintain high standards of integrity, honesty, morality and modesty of dress, refraining from behaviors prohibited in the Holy Scriptures.

ARTICLE V – MEMBERS

This Corporation shall have no members.

ARTICLE VI – TRUSTEES

All corporate powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation managed under the direction of, the Board of Trustees. The entire voting power, except as provided in these Articles, shall be vested in the Board of Trustees.

Qualifications, election, term of office and removal of the Trustees shall be as follows:

(1) The number of Trustees shall be fixed by the Bylaws of the Corporation, and in the absence of a bylaw fixing the number, the number shall in no case be less than five (5). The majority of the membership of the Board of Trustees shall have no contractual, employment, personal, familial, or financial interest in the Corporation.

(2) Except as to any Trustee elected to fill an unexpired term arising from a vacancy, the term of office of a Trustee shall be three years from the date of the meeting of Trustees wherein said Trustee was elected. Trustees may be elected to succeed themselves.

(3) Any vacancy occurring in the Board of Trustees, whether by expiration of term, death, resignation, removal, or any other cause or new position may be filled by nomination of the Executive Committee, if such a committee has been appointed by the Board of Trustees, and the majority affirmative vote of all members of the Board of Trustees present at such regular or special meeting called for the purpose of appointing a new Trustee.

(4) The Board of Trustees is hereby organized as a Christian body governed by the Christian tenants described in the documents listed in this section. No person may be appointed as a member of the Board of Trustees who does not subscribe to the mission and philosophy of the Corporation, reflected in the Liberty University statement of Purposes in Article III and to the tenets of the Christian faith as reflected in the Holy Scriptures and in the Liberty University Philosophy of Education, Liberty University

Statement of Mission and Purpose, and Liberty University Doctrinal Position attached hereto as Exhibit A.

(5) Any member of the Board of Trustees may be removed for cause (as listed below) at a meeting called in whole or in part for that purpose and by a majority vote of those Trustees present (excluding the member in question). A Trustee, prior to the vote to remove, shall have the opportunity to address the Board. A Trustee shall be automatically removed, with no further vote or action required, for missing two (2) consecutive regular meetings.

(6) The following items constitute "cause" for removal of a member of the Board of Trustees:

- (a) Suspension, revocation, or cancellation of the Trustee's right to practice his/her profession.
- (b) Failure to comply with the reasonable policies, standards and regulations of the Board.
- (c) Failure to faithfully and diligently perform the duties of a Trustee.
- (d) Total disability, making it impossible for the Trustee to perform the duties of the position.
- (e) Conduct that is unethical, unprofessional, immoral, or fraudulent; or being cited for unprofessional or unethical conduct by a board or group having any privilege or right to pass upon the conduct of the Trustee.
- (f) Failure to live a Christian life consistent with the Corporation's Doctrinal Position (attached hereto as Exhibit A) and spiritual mission.
- (g) Affirmative efforts that undermine, contradict or attempt to alter the Christian identity or spiritual mission of the Corporation.
- (h) Any reason found to be appropriate by a three-fifths (3/5) majority vote of those Trustees present.

(7) Notwithstanding Article VI (5) - (6) above, the Board of Trustees is obligated to act upon a determination by the Board of Directors of Thomas Road Baptist Church that any Trustee has during his or her term as Trustee either failed to live a Christian life consistent with the Corporation's Doctrinal Position and spiritual mission or affirmatively engaged in efforts that undermine, contradict or attempt to significantly alter the Christian identity or spiritual mission of the Corporation. Such a determination shall be made only after the Trustee is given notice and the opportunity to appear before the Board of Directors of Thomas Road Baptist Church to address its concerns prior to its determination. If requested, the Trustee shall be given notice and the opportunity to

appear before the Board of Trustees to address any determination of the Board of Directors of Thomas Road Baptist Church. The Board of Trustees may request that the Board of Directors of Thomas Road Baptist Church reconsider its determination and take into account the information submitted to it by the Board of Trustees.

The Trustees may by resolution passed by a majority of the whole Board of Trustees designate not less than five (5) of their number to constitute an Executive Committee, which shall have and exercise the power of the Board of Trustees in the control of the business and affairs of the Corporation during the interim between board meetings to the extent permitted by law, except as limited by these Articles, by the Bylaws of the Corporation or by express resolution of the Board of Trustees. The Executive Committee shall have all the powers of the Board of Trustees, except that it shall have no power (i) to establish Board policy, (ii) elect or remove members of the Executive Committee or any standing committee of the Board, (iii) appoint or remove Trustees, (iii) to make, amend, repeal, or adopt Articles of Incorporation or Bylaws of the Corporation, (iv) to fix the compensation of the Trustees for serving on the Board or on any standing committee thereof, (v) to hire or fire the President or the Chancellor of Spiritual Affairs without the express authorization of the Board of Trustees, or (vi) to amend or repeal any resolution of the Board that by its terms shall not be so amendable or repealable.

One-half of the entire Board of Trustees as constituted from time to time shall at any regular or special meeting of the Board of Trustees constitute a quorum for the transaction of business. Unless otherwise specified in these Articles or in the Bylaws, a majority vote of the duly constituted quorum shall determine the outcome of the matter under consideration.

ARTICLE VII – INDEMNIFICATION OF TRUSTEES/OFFICERS

Each person now or hereafter a Trustee or Officer of the Corporation (and his heirs, executors and administrators) shall be indemnified by the Corporation against all claims, liabilities, judgments, settlements, costs and expenses, including all attorney's fees imposed upon or reasonably incurred by him in connection with or resulting from, any action, suit, proceeding or claim to which he is or may be made a party by reason of his being or having been a Trustee or Officer of the Corporation (whether or not he is a Trustee or Officer at the time such costs or expenses are incurred by, or imposed upon, him) so long as he conducted himself in good faith; believed that in the case of conduct in his official capacity, that his conduct was in the best interests of the Corporation, and that in all other cases, that his conduct was not opposed to the best interests of the Corporation; and in the case of any criminal proceeding, he had no reasonable cause to believe that his conduct was unlawful. The Corporation will not indemnify any Trustee or Officer in such action, suit or proceeding if it is determined that said Trustee or Officer was liable as a result of gross negligence, willful misconduct, or a knowing violation of criminal law. In the event of any judgment against such Trustee or Officer or in the event of a settlement, the indemnification shall be made only if the Corporation shall be advised, in case none of the persons involved shall be or have been a Trustee, by the

Board of Trustees of the Corporation, and otherwise by independent counsel to be appointed by the Board of Trustees, that in its or his opinion such Trustee or Officer was not guilty of gross negligence, willful misconduct, or a knowing violation of the criminal law, and in the event of a settlement, that such settlement was or is in the best interest of the Corporation. If such determination is made by the Board of Trustees, it may rely as to all questions of law, on the advice of counsel.

ARTICLE VIII – DURATION

The period of duration of the Corporation is unlimited.

ARTICLE IX – DISSOLUTION

In the event of the dissolution of the Corporation, all assets remaining after the payment of all lawful debts will be distributed to the Thomas Road Baptist Church, an entity recognized as tax-exempt by the Internal Revenue Service. Upon said dissolution of the Corporation, the Board of Trustees shall secure and preserve all academic records of the University.

However, if the named recipient is not then in existence or no longer a qualified distributee, or unwilling or unable to accept the distribution, then the assets of this Corporation shall be distributed to a fund, foundation or corporation organized and operated exclusively for the purposes specified in Section 501(c)(3) of the Internal Revenue Code.

ARTICLE X – AMENDMENTS

These Articles of Incorporation may be amended only by two-thirds majority vote of the entire Board of Trustees.

**CERTIFICATION OF
AMENDED AND RESTATED ARTICLES OF INCORPORATION OF
LIBERTY UNIVERSITY, INC.**

I, David M. Corry, being the duly appointed Secretary of Liberty University, Inc., a Virginia non-stock corporation (the “Corporation”), hereby certify that the foregoing Articles of Incorporation are a true and complete copy of the Amended and Restated Articles of Incorporation duly adopted by the Corporation’s Board of Trustees as amended by the Board of Trustees through April 16, 2021 and in effect as of the date of this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of June, 2021.



David M. Corry, Secretary

EXHIBIT A

LIBERTY UNIVERSITY PHILOSOPHY OF EDUCATION

Liberty University is a distinctively Christian academic community. As such, Liberty continues the philosophy of education which first gave rise to the university, and which is summarized in the following propositions.

God, the infinite source of all things, has shown us truth through scripture, nature, history, and above all, in Christ.

Persons are spiritual, rational, moral, social, and physical, created in the image of God. They are, therefore, able to know and to value themselves and other persons, the universe, and God.

Education as the process of teaching and learning, involves the whole person, by developing the knowledge, values, and skills which enable each individual to change freely. Thus it occurs most effectively when both instructor and student are properly related to God and each other through Christ.

LIBERTY UNIVERSITY STATEMENT OF MISSION AND PURPOSE

Maintaining the vision of the founder, Dr. Jerry Falwell, Liberty University develops Christ-centered men and women with the values, knowledge, and skills essential to impact the world.

Through its residential and online programs, services, facilities, and collaborations, the University educates men and women who will make important contributions to their workplaces and communities, follow their chosen vocations as callings to glorify God, and fulfill the Great Commission.

Liberty University will:

1. Emphasize excellence in teaching and learning.
2. Foster university-level competencies in communication, critical thinking, information literacy, and mathematics in all undergraduate programs.
3. Ensure competency in scholarship, research, and professional communication in all graduate programs and undergraduate programs, where appropriate.
4. Promote the synthesis of academic knowledge and Christian worldview in order that there might be a maturing of spiritual, intellectual, social and physical value-driven behavior.
5. Enable students to engage in a major field of study in career-focused disciplines built on a solid foundation in the liberal arts.
6. Promote an understanding of the Western tradition and the diverse elements of American cultural history, especially the importance of the individual in maintaining democratic and free market processes.

7. Contribute to a knowledge and understanding of other cultures and of international events.
8. Encourage a commitment to the Christian life, one of personal integrity, sensitivity to the needs of others, social responsibility and active communication of the Christian faith, and, as it is lived out, a life that leads people to Jesus Christ as the Lord of the universe and their own personal Savior.

LIBERTY UNIVERSITY DOCTRINAL POSITION

We affirm our belief in one God, infinite Spirit, creator, and sustainer of all things, who exists eternally in three persons, God the Father, God the Son, and God the Holy Spirit. These three are one in essence but distinct in person and function.

We affirm that the Father is the first person of the Trinity and the source of all that God is and does. From Him the Son is eternally generated and from Them the Spirit eternally proceeds. He is the designer of creation, the speaker of revelation, the author of redemption, and the sovereign of history.

We affirm that the Lord Jesus Christ is the second person of the Trinity. Eternally begotten from the Father, He is God. He was conceived by the virgin Mary through a miracle of the Holy Spirit. He lives forever as perfect God and perfect man: two distinct natures inseparably united in one person.

We affirm that the Holy Spirit is the third person of the Trinity, proceeding from the Father and the Son and equal in deity. He is the giver of all life, active in the creating and ordering of the universe; He is the agent of inspiration and the new birth; He restrains sin and Satan; and He indwells and sanctifies all believers.

We affirm that all things were created by God. Angels were created as ministering agents, though some, under the leadership of Satan, fell from their sinless state to become agents of evil. The universe was created in six historical days and is continuously sustained by God; thus it both reflects His glory and reveals His truth. Human beings were directly created, not evolved, in the very image of God, as either biologically male or female from the womb. As reasoning moral agents, they are responsible under God for understanding and governing themselves and the world.

We affirm that the Bible, both Old and New Testaments, though written by men, was supernaturally inspired by God so that all its words are the written true revelation of God; it is therefore inerrant in the originals and authoritative in all matters. It is to be understood by all through the illumination of the Holy Spirit, its meaning determined by the historical, grammatical, and literary use of the author's language, comparing Scripture with Scripture.

We affirm that Adam, the first man, willfully disobeyed God, bringing sin and death into the world. As a result, all persons are sinners from conception, which is evidenced in

their willful acts of sin; and they are therefore subject to eternal punishment, under the just condemnation of a holy God.

We affirm that Jesus Christ offered Himself as a sacrifice by the appointment of the Father. He fulfilled the demands of God by His obedient life, died on the cross in full substitution and payment for the sins of all people, was buried, and on the third day He arose physically and bodily from the dead. He ascended into heaven where He now intercedes for all believers.

We affirm that each person can be saved only through the work of Jesus Christ, through repentance of sin and by faith alone in Him as Savior. The believer is declared righteous, born again by the Holy Spirit, turned from sin, and assured of heaven.

We affirm that the Holy Spirit indwells all who are born again, conforming them to the likeness of Jesus Christ. This is a process completed only in Heaven. Every believer is responsible to live in obedience to the Word of God in separation from sin. Doing so produces a distinctly Christian lifestyle of practicing virtues and avoiding sin. Among other virtues, followers of Jesus Christ will: show evidence of the Holy Spirit living within them such as love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control; put on compassion, kindness, humility, gentleness, patience, forgiveness and supremely, love; seek righteousness, mercy and justice, particularly for the helpless and oppressed; love and side with what is good in God's eyes and abhor what is evil in God's eyes; uphold the God-given worth of all human beings, from conception to death, as the unique image-bearers of God; treat all people impartially, seeing them as equals before God and worthy of salvation; pursue unity and embrace people of all tribes and tongues as part of God's design for humanity; uphold chastity among the unmarried and the sanctity of marriage between one natural-born man and one natural-born woman; be people of integrity whose word can be fully trusted; give faithful witness to the Gospel; practice good works toward all; and live lives of prayer and thanksgiving. Sinful acts are prohibited by God and include but are not limited to: worship of idols or gods other than the Lord God of the Bible; denying Jesus Christ as eternal, as God's son in flesh, as resurrected, as Creator, as Lord or as Messiah who died for the sins of all people; rejection of Jesus Christ or rebellion against God; blasphemy; participation in devil worship, practice of the occult, astrology, fortune-telling, sorcery, or witchcraft; taking of innocent life; denial of birth sex by self-identification with a different gender; married persons sexually or romantically coupling with a person other than their spouse; sexual relations outside of marriage between one natural-born man and one natural-born woman; romantic coupling among persons of the same sex; prostitution; orgies; rape; drunkenness; use of profanity and vulgarity; injustice; making false statements; dishonest sales and exchanges of money; thievery; fits of rage; and illegal activity.

We affirm that God ordained three institutions with unique purposes in society: marriage, government and the church. God established marriage as a covenantal bond between a natural-born man and a natural-born woman to populate the earth, to raise and spiritually train children within a family, to provide the couple with intimate companionship, loving help and joy, and to serve as an illustration of the relationship of Jesus Christ to the

church. God established civil government to protect its citizens, punish evil and reward good. God established the church as the entire body of believers with Jesus Christ as the cornerstone and the apostles as its foundation to evangelize, baptize and disciple people of all nations.

We affirm that a church is a local assembly of baptized believers, under the discipline of the Word of God and the lordship of Christ, organized to carry out the commission to evangelize, to teach, and to administer the ordinances of believer's baptism and the Lord's table. Its offices are pastors and deacons, and it is self-governing. It functions through the ministry of gifts given by the Holy Spirit to each believer.

We affirm that the return of Christ for all believers is imminent. It will be followed by seven years of great tribulation, and then the coming of Christ to establish His earthly kingdom for a thousand years. The unsaved will then be raised and judged according to their works and separated forever from God in hell. The saved, having been raised, will live forever in heaven in fellowship with God.

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McGUIREWOODS

CONFIDENTIAL TREATMENT REQUESTED

June 3, 2022

FOIA CONFIDENTIAL TREATMENT REQUEST

VIA REGULAR MAIL

Mr. Gregory Smith
FOIA Director
U.S. Department of Education
400 Maryland Ave., SW
LBJ 7W104
Washington, DC 20202-4500
edfoiamanager@ed.gov

RE: In the Matter of Liberty University

Dear Mr. Smith:

On behalf of our client, Liberty University, we hereby request confidential treatment of Liberty University's letter, dated June 3, 2022 and all enclosures (Confidential Materials) to Sarah Morgan, Attorney, U.S. Department of Education, Office for Civil Rights (OCR), with respect to OCR Complaint, Case No. 11-21-2235.

If any person (including any government employee who is not an employee of the Department) should request an opportunity to inspect or copy any or all of the Confidential Materials, we request that Liberty University, by communication with David M. Corry, General Counsel, 1971 University Blvd., Green Hall, Suite 2730, Lynchburg, Virginia 24515, (434) 592-7200, legalaffairs@liberty.edu, (i) be promptly notified of such request; (ii) be furnished with a copy of all written materials pertaining to such request (including, but not limited to, the request itself and any Department determination with respect to any such request); and (iii) be given sufficient advance notice of any intended release of the Confidential Materials so that Liberty University, if it deems it necessary or appropriate, may pursue any remedies available. We would likewise appreciate being advised promptly as to any determination not to accord confidential

treatment to the Confidential Materials. In the event the Department is inclined to release any Confidential Materials, Liberty University requests that Mr. Corry be notified by telephone at the above-mentioned telephone number. If the Department is not satisfied that the Confidential Materials are exempt from disclosure, Liberty University stands ready to supply further particulars and to request a hearing on the claim of exemption.

Please acknowledge receipt of this letter by signing the space provided on the enclosed duplicate copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Sincerely,

/s/ Farnaz Farkish Thompson
Farnaz Farkish Thompson
Partner

/s/ John S. Moran
John S. Moran
Partner

cc:
David M. Corry, General Counsel, Liberty University