

EXHIBIT 5



October 13, 2017

Nathan T. Brittsan

San Jose, CA 95112-3131

nathan@[REDACTED]

Re: Letter of Dismissal from Fuller Theological Seminary

Dear Nathan,

My staff have apprised me of your application, dismissal, appeal, and subsequent denial of appeal, as well as your ongoing interest in dialoguing concerning your candidacy for attendance at Fuller Theological Seminary. With this letter, I hope to satisfy your desire for a perspective and decision from the School of Theology.

At the outset, I would like to apologize if there was any miscommunication of Fuller's Community Standards to you by any Fuller employees. Institutionally, Fuller remains committed to its Community Standards, which it believes to be informed by our understanding of the Biblical vision for human sexuality. All students, employees, faculty, and trustees of the Seminary agree to abide by them on a continuing basis. Accordingly, whenever violations of our Sexual Standards are brought to Fuller leadership's attention, we address them as dictated by our policies and procedures.

By submitting your application, you affirmatively indicated that you read, understood, and confirmed compliance with our Community Standards.¹ And, you acknowledged that our admissions committee thoughtfully, thoroughly, and prayerfully reviews an applicant's entire application file, and may also consider other publicly available information (such as public records, social media, or other communications) that is relevant to an applicant or student's consideration.² To certify alignment with the Sexual Standards³ component of Fuller's Community Standards when that was in fact inaccurate was not only a substantive violation of that Standard, but also an infringement of Fuller's Standards for Respect for People and Property⁴, which provide that the Seminary "regards as unacceptable lying, misrepresentation, or

¹ Please refer to the component of your application designated as *Key Information for Prospective Applicants*, which reads, in pertinent part: "Please review Fuller Seminary's Statements of Community Standards. These seven statements are affirmed by all trustees, faculty, administrators, staff, and students of the seminary. Please note that, if admitted, adherence to Fuller's ethical and behavioral standards is a continuing condition of student enrollment."

² *Id.* ("The admissions committee carefully reviews an applicant's entire application file and may also consider other available public information that is deemed relevant.").

³ See Sexual Standards, available at [http://fuller.edu/about/mission-and-values/community-standards\(4\)/](http://fuller.edu/about/mission-and-values/community-standards(4)/)

⁴ See Respect for People and Property, available at [http://fuller.edu/about/mission-and-values/community-standards\(3\)/](http://fuller.edu/about/mission-and-values/community-standards(3)/).

deceptions in representations an individual makes about one's self or others in any phase of seminary life."

Because your appeal specifically mentions Title IX, I believe it important for Fuller to provide you additional information before you proceed to invest further efforts into our appeals process, or to even seek a legal remedy. According to the U.S. Department of Education's Office for Civil Rights, the regulatory agency tasked with enforcing Title IX, "Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that application of Title IX would be inconsistent with the religious tenets of the organization."⁵ Application of Title IX's nondiscrimination provisions on the basis of sex, as you described in your appeal, is inconsistent with Fuller's religious tenets, as evidenced by our Community Standards, Statement of Faith, and other governing documents. Apart from these legislative mandates, the U.S. Supreme Court regularly unanimously upholds the principles of religious liberty that permit faith associations to select their beliefs and require their adherents to abide by them.

On these bases, our legal counsel believes that Fuller's actions here are categorically defensible, and that your pursuit of administrative or judicial relief would be flatly unavailing. While additional appeal to Fuller's Board of Trustees is available to you if you would like to pursue it, I believe that it is important for you to have access to the information I've described before you decide how to proceed. Please be aware that the additional review remaining within our procedures is a limited one that essentially ensures fidelity of process—i.e., that earlier decision makers followed procedures in applying their judgment—but that does not second-guess earlier decisions. Additionally, Fuller's Board of Trustees is the very body that implemented the Community Standards. If, notwithstanding all of this additional context, you still wish to pursue further appeal, please connect with Nicole Boymook for guidance in doing so.

Nathan, it gives me no joy to have to deliver this message to you. We will pray for success in your future endeavors.

Sincerely,



Marianne Meye Thompson
Acting Dean, School of Theology
George Eldon Ladd Professor of New Testament
Fuller Theological Seminary

⁵ See Exemptions from Title IX, available at <https://www2.ed.gov/about/offices/list/ocr/docs/t9-rel-exempt/index.html> (citing 20 U.S.C. § 1681(a)(3); 34 C.F.R. § 106.12).