



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 14, 2017

Todd J. Williams, Ph.D.  
President  
Cairn University  
200 Manor Avenue  
Langhorne, PA 19047

Dear Dr. Williams:

I write in response to your October 21, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Cairn University (University) of Langhorne, Pennsylvania, from Title IX of the Educational Amendments of 1972 (Title IX), 20 U.S.C. § 1681.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX and its implementing regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets.

Your request letter states that the University's "trustees, faculty, employees, and students are required to espouse a personal belief in the religious tenets of the Christian faith and the Bible as revealed testimony of God's truth and wisdom." Your letter also states that all undergraduate students must study 30 credit hours of Bible and theology, and that all undergraduate students, "employees, faculty, and Board of Trustees members are required to sign the Statement of Faith and Community Life Covenant."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that "they are interpreted to curtail [the University's] freedom to respond to non-heterosexual and transgender individuals with its theologically and biblically founded convictions" and "to reach gender identity or sexual orientation discrimination and . . . restrict [the University's] freedom to apply and enforce its policy on Human Sexuality and the Community Life Covenant." In support of this request, your letter cites to the University's Community Life Covenant which states that the University "affirms the biblical teachings that a sexual relationship is intended only within a heterosexual marriage of husband and wife." Your letter further cites to the University's Statement on Human Sexuality which states that "we hold that the behavioral expression of human sexuality is intended to take place within the covenant

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of marriage between a man and a woman” and “[w]e also believe that gender is part of the order of God’s creation from the beginning and that humans are created male and female.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions “to the extent that they are interpreted to reach gender identity or sexual orientation discrimination and to the extent that they restrict [the University’s] freedom to apply and enforce its policy on Human Sexuality and the Community Life Covenant”:

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-61 (governing employment).

The University is exempt from these provisions to the extent that compliance would conflict with the controlling organization’s religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Candice Jackson  
Acting Assistant Secretary for Civil Rights