



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

June 11, 2018

Thomas White, Ph.D.  
President  
Cedarville University  
251 North Main Street  
Cedarville, Ohio 45314

Dear President White:

I write in response to your March 13, 2018, letter to the U.S. Department of Education's Office for Civil Rights (OCR). In your letter, you indicate that Cedarville University (University) of Cedarville, Ohio is entitled to a religious exemption 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, specify the tenets of that organization, and state the provisions of the law or regulation that conflict with those tenets. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your letter states that the University "was established in 1887 as an institute for Christian higher education," and that it was "[o]riginally affiliated with the Reformed Presbyterian Church," but subsequently "became a Baptist college of arts and sciences by mutual agreement of the Reformed Presbyterian Church and the Baptist Bible Institute of Cleveland, Ohio." You state that the University is "operating in accordance with Baptist doctrines of faith." For instance, it requires a "five-class Bible minor" for all undergraduate students, and "also offers graduate degrees, including ministry degrees (M.Min. and M.Div.), all of which require some demonstration of biblical proficiency." Further, "[i]n order to attend Cedarville, all students must make a written profession of faith in Jesus Christ . . . [and] attend worship services five days per week in which the Bible is taught and religious songs are sung together." The University is governed by a Board of Trustees, and "[e]ach member of the Board of Trustees must annually subscribe to the University's doctrinal statement and standards of conduct."

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Further, your letter states that the University “is committed to the biblical principle that all human beings are created in the image of God, a principle that promotes respect for the bodily integrity of all persons and the sacredness of human sexuality.” Your letter indicates, without expressly stating, a position that portions of Title IX and its accompanying regulations conflict with the University’s religious tenets. On that basis, your letter asserts an exemption from “any application of Title IX and or its regulations,” noting that this “includes but is not limited to 34 C.F.R. §§ 106.21-106.61.” OCR acknowledges that the University is exempt from Title IX to the extent that compliance would conflict with the controlling organization’s religious tenets.

In order to provide a more specific assurance to the University, OCR would need further information identifying the provisions of Title IX that conflict with specific tenets of the religious organization. An institution claiming an exemption may refer to a broad scope of relevant literature in this regard, including biblical scripture, doctrinal statements, catalogs, statements of faith, or other documents reflecting religious tenets. Note, however, that to avoid possible constitutional entanglements, OCR does not engage in an inquiry as to whether certain religious tenets actually conflict with Title IX. *If the University would like a more specific written assurance from OCR*, it may submit a statement of its tenets, or alternatively, submit a statement of its practices, as based on religious tenets, that conflict with the provisions of Title IX. Otherwise, we will consider the matter closed.

Note, however, that Title IX does not require that a recipient institution submit a written statement to OCR in advance of claiming a religious exemption. Religious institutions that have neither sought nor received prior written assurance from OCR may still invoke their exemption after OCR receives a Title IX complaint. Primarily, the written claim or “request” for exemption from an institution is a request for assurance from OCR of exemptions to certain sections of the regulation.

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,

A handwritten signature in blue ink, appearing to read 'C. Jackson', with a stylized flourish at the end.

Candice Jackson

Acting Assistant Secretary for Civil Rights