



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 5, 2022

James Lytle
President
Clarks Summit University
538 Venard Road
Clarks Summit, PA 18411

Dear President Lytle:

I write in response to your February 3, 2022, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Clarks Summit University ("the University") in Clarks Summit, Pennsylvania.

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 regulations at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption. 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. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

Your letter states that the University was founded in 1932 as Baptist Bible Seminary. It later changed its name to Baptist Bible College, and then to Clarks Summit University. The University states that its original foundation as a school based on the Bible and biblical principles remains the same today.

The University's mission statement notes that Clarks Summit University is an educational institution that "embraces its Baptist heritage," and that the University has a "commitment to biblical authority." The mission statement also provides that the University "serves undergraduate, graduate, and seminary students by preparing them for lives of significant service for the cause of

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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.

Jesus Christ in a variety of ministries and careers.” Your letter explains that the University is controlled by a “religiously defined and spiritually committed board of trustees.” In support of this assertion, the University notes that the Board of Trustees Policy Manual states that “only individuals who are members in good standing of churches whose teaching is, in word and spirit, in harmony with the University’s Articles of Faith and Standard of Conduct” shall be eligible for membership on the Board of Trustees. Further, the University notes that members of the Board of Trustees, in addition to faculty, staff, and administrators, are expected to sign their support for the University’s Articles of Faith on a yearly basis. Those Articles of Faith state, in part:

We believe God created two and only two distinct, unchangeable sexes, male and female, as evidenced by biological gender. Based on that creation model, God designed marriage to be a one-flesh union of only one male and only one female. Marriage is the only divinely sanctioned relationship for sexual intimacy.

Your letter asserts that the University’s religious beliefs conflict with Title IX to the extent it covers discrimination on the basis of sexual orientation. The University states that “Christian teaching regarding sexuality is grounded in the creation account found in the Bible,” in which “God creates two distinct yet complementary sexes, male and female.” The University views marriage as being between one man and one woman, and the University believes that the Bible forbids “same-sex behavior.” The University also asserts that its religious beliefs conflict with Title IX based on the University’s policies on gender identity and cross-dressing because the University interprets the Bible as forbidding “the different genders” from “represent[ing] themselves as the opposite gender.”

For the above reasons, Clarks Summit University requests assurance of its exemption from the following regulatory provisions to the extent that they conflict with its religious beliefs pertaining to sexual orientation and gender identity:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (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. § 106.35 (access to institutions of vocational education)
- 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 (standards for measuring skill or progress in physical education classes)
- 34 C.F.R. §§ 106.51-61 (relating to employment)

Clarks Summit University is exempt from these provisions to the extent they conflict with its religious beliefs pertaining to sexual orientation and gender identity.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations 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 black ink, appearing to read 'C. Lhamon', with a long horizontal flourish extending to the right.

Catherine E. Lhamon
Assistant Secretary for Civil Rights