



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

January 27, 2016

Dr. Barry Creamer  
President and CEO  
Criswell College  
4010 Gaston Ave.  
Dallas, Texas 75246

Dear Dr. Creamer:

The purpose of this letter is to respond to your September 28, 2015, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Criswell College (College) of Dallas, Texas from Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. We are processing your request and have determined that we need further information.

Section 901(a)(3) of Title IX, 20 U.S.C. § 1681(a)(3), and the Department's implementing regulation at 34 C.F.R. § 106.12 provide that Title IX and its regulations do not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would not be consistent with the controlling organization's religious tenets. Such educational institutions are allowed to claim an exemption from Title IX by identifying the provisions of the Department's Title IX regulations that conflict with a specific tenet of the controlling religious organization.

An educational institution will normally be considered to be controlled by a religious organization under Title IX if one or more of the following conditions prevail:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or
- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or

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- (3) Its charter and catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

Your letter states that the College is affiliated with the Southern Baptists of Texas Convention, a state branch of the Southern Baptist Convention. Your letter also states that the "College's Articles of Faith consist of the Baptist Faith and Message 2000," which is "the official statement of faith of the Southern Baptist Convention." As such, according to your letter, the College "has aligned itself with the doctrines and values expressed" in the Baptist Faith and Message 2000.

Although your letter states that the College is "affiliated" with the Convention, it does not state that the College is controlled by the Convention. Thus, OCR requires further information to determine whether the Convention's relationship with the College meets the standard for "control" as described above. If you would like OCR to make a determination regarding the College's religious exemption request, please provide additional clarification regarding whether the Southern Baptists of Texas Convention or another religious organization controls the College. Feel free to provide any explanation or supporting documentation that may be helpful to OCR's understanding. If you no longer wish to pursue your request for an exemption at this time, please let us know and we will treat your request as withdrawn.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me. I can be reached at (202) 453-6048.

Sincerely,



Seth Galanter  
Principal Deputy Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education