



March 13, 2018

Candice Jackson
Acting Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Re: Cedarville University's Religious Exemption to Title IX

Dear Acting Assistant Secretary Jackson:

As the President and highest-ranking administrator of Cedarville University, I am writing to inform the Department of Education's Office of Civil Rights that Cedarville University hereby claims its religious exemption to Title IX of the Education Amendments of 1972 ("Title IX"). Cedarville University is a non-profit, faith-based university located in Cedarville, Ohio. Pursuant to the University's constitutional rights under the First Amendment and statutory rights under 20 U.S.C. § 1681(a)(3), the University is entitled to an exemption from all provisions of Title IX that are not consistent with its religious tenets.

Title IX provides that it "*shall not apply* to [a religious educational institution] if the application of this subsection would not be consistent with the religious tenets of such organization[.]" 20 U.S.C. § 1681(a)(3). The "shall not apply" language indicates that the exemption is automatic and Title IX cannot be enforced in a way that is inconsistent with a school's religious tenets.

On October 6, 2017, U.S. Attorney General Sessions issued a memorandum entitled "Federal Law Protections for Religious Liberty." Regarding the Title IX religious exemption process, the memorandum explained: "Although eligible institutions may 'claim the exemption' in advance by 'submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions . . . [that] conflict with a specific tenet of the religious organization,' 34 C.F.R. § 106.12(b), they are not required to do so to have the benefit of it, *see* 20 U.S.C. § 1681."

Cedarville University was established in 1887 as an institute for Christian higher education. Originally affiliated with the Reformed Presbyterian Church, the Cedarville College (subsequently known as "Cedarville University") became a Baptist college of arts and sciences by mutual agreement of the Reformed Presbyterian Church and the Baptist Bible Institute of Cleveland, Ohio. Cedarville University remains a non-profit educational institution operating in accordance with Baptist doctrines of faith.

Cedarville University is a Christ-centered learning community equipping students for lifelong leadership and service through an education marked by excellence and grounded in biblical truth. Cedarville University offers more than 130 programs of study, which cover most areas of the liberal arts, the sciences, professional programs, and theological studies. It also offers approximately 40 minors, including a five-class Bible minor, which is required for all undergraduate students. The University also offers graduate degrees, including ministry graduate degrees (M.Min. and M.Div.), all of which require some demonstration of biblical proficiency. The University achieves its mission by accomplishing the following objectives or "portrait statements" which reflect characteristics of a Cedarville University graduate:

Glorify God

The Cedarville graduate exemplifies devotion to the triune God, Christ-like character, and faithfulness to the teachings of the Scriptures.

Think Broadly and Deeply

The Cedarville graduate evaluates ideas, practices, and theories across disciplines within the framework of God's revelation.

Communicate Effectively

The Cedarville graduate listens well, and produces and delivers clear, compelling, accurate, and truthful messages in a relevant, respectful manner.

Develop Academically and Professionally

The Cedarville graduate demonstrates competence and integrity in academic and professional endeavors.

Engage for Christ

The Cedarville graduate lives to further the mission of Christ in the world as an active influence in spiritual, moral, professional, and social spheres.

In order to attend Cedarville, all students must make a written profession of faith in Jesus Christ. Students are required to attend worship services five days per week in which the Bible is taught and religious songs are sung together. Students affirm their commitment to the Cedarville Covenant with the pledge "We will love God and others, live with integrity, and pursue excellence in all we do." Similarly, all faculty and staff agree to the doctrinal statement and community covenants annually as a condition of employment.

Cedarville is governed by an independent, self-perpetuating Board of Trustees operating under the laws of the state of Ohio. Each member of the Board of Trustees must annually subscribe to the University's doctrinal statement and standards of conduct. A minimum of 50% of the Board of Trustees must be considered pastors or in religious vocations. Cedarville University's Bylaws outlines its doctrinal statement and standards of conduct, which are attached to this letter.

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For all these reasons, Cedarville University is an educational institution that is controlled by a religious organization. Therefore, under the plain language of 20 U.S.C. § 1681(a)(3), Cedarville University is exempt from any application of Title IX or the regulations issued thereunder that conflict with the University's religious tenets, which includes, but is not limited to, 34 C.F.R. §§ 106.21 - 106.61. Cedarville University believes that Section 1681 and the regulations thereunder, as interpreted by the government and some courts, is inconsistent with the University's religious tenets. It remains the prerogative of Cedarville University, not the government or the courts, to evaluate and decide when and to what extent Title IX conflicts with the University's religious tenets. *See Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, 2778 (2014) ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine . . . the plausibility of a religious claim"); *Thomas v. Review Bd. of Ind. Emp't Sec. Div.*, 450 U.S. 707, 716 (1981) ("[I]t is not within the judicial function and judicial competence to inquire whether" someone who has religious qualms with a law has "correctly perceived the commands of [his] . . . faith.").

At the same time, I wish to emphasize that Cedarville University is committed to providing a safe environment for all students, ensuring that its programs and activities are free from sexual misconduct, sexual violence, sexual assault, illegal discrimination, bullying, and harassment. Cedarville 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. Sexual misconduct is antithetical to the standards and ideals of our community and will not be tolerated. Cedarville recognizes the spiritual, moral, legal, physical, and psychological seriousness of all sexual misconduct. Cedarville aims to prevent sexual misconduct through education, training, clear policies, and serious consequences for violations of these policies. The University will take immediate action to address allegations of any form of sexual misconduct.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink that reads "Thomas White". The signature is fluid and cursive, with the first name "Thomas" and last name "White" clearly distinguishable.

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