



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 18, 2017

David B. Fincher, Ph.D
President
Central Christian College of the Bible
911 East Urbandale Drive
Moberly, MO 65270

Dear President Fincher:

I write in response to your April 7, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Central Christian College of the Bible (College) of Moberly, Missouri, 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 College is controlled by the Independent Christian Churches and "exists to develop servant-leaders for the church." Your letter explains that the College is governed by a Board of Directors, all of whom must be members of the independent Christian Churches. The letter also states that College faculty members must agree to abide by certain theological affirmations and College employees "are expected to participate in a Restoration Movement (Independent Christian/Church of Christ) Church."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent they "would violate the sincerely held religious beliefs of Central Christian College of the Bible and the Christian Churches." In support of this request, your letter cites the College's Bylaws, which "reiterate [the College's] Biblical stance and core religious beliefs," including with respect to gender and sexuality, the sanctity of human life, and marriage. The letter further explains that the College's beliefs include that "God wonderfully and immutably creates each person as male or female" and that "rejection of one's genetic gender is a rejection of the image of God within that person," that "all human life is sacred and created by God in His image," and that the term 'marriage' only refers to the united of one man and one woman in a single, exclusive union as delineated in Scripture."

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Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to the extent that they are interpreted to require the College to violate these sincerely held beliefs:

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment);
- 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. § 106.37 (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. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.53 (governing recruitment);
- 34 C.F.R. § 106.55 (governing job classification and structure);
- 34 C.F.R. § 106.57 (governing marital or parental status); and
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

The College 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 granted. Also, in the unlikely event that a complaint alleges that the practices followed by the institution are not based on the religious tenets identified in your request, OCR is obligated to identify a controlling organization to contact to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education