



January 27, 2022

Ms. Catherine Lhamon, Assistant Secretary for Civil Rights
U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Re: Lincoln Christian University's Request for Title IX Religious Exemption

Dear Ms. Lhamon,

REQUEST

I write to request, that under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, the Department of Education's Office for Civil Rights acknowledge that Lincoln Christian University is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail Lincoln Christian University's freedom to act in accordance with its religious convictions. As President of Lincoln Christian University, I am the "highest ranking official of the institution," 34 C.F.R. § 106.12(b), and thus qualified to seek these exemptions.

BACKGROUND

Incorporated as Lincoln Bible Institute in 1944, our stated purpose was:

"To establish, maintain, and conduct, an institution of learning at Lincoln, Illinois, for the advancement of education in arts, science, language, and theology, and especially for instruction in the New and Old Testaments of the Holy Scriptures, which shall be designed to encourage and qualify young men and young women to make the Christian Religion their life work, either as ministers, missionaries or church-workers in the Churches of Christ, together with such other courses of instruction as the Board of Trustees shall deem advisable, provided, however such institution shall at all times be independent, separate and apart from all other agencies."¹ Though worded a bit differently – and more succinctly – today, this remains our purpose. Our present mission is stated this way, "Lincoln Christian University is a Christian higher education community whose mission is to nurture and equip Christians with a Biblical worldview to serve and lead in the church and the world."²

Our core institutional values reflect our purpose and mission:

"We believe our highest privilege is to glorify God, serve His Son, and rely upon His Holy Spirit. To that end we pledge ourselves to these core values:

- a. *Authentic community* that fosters Christian character, conduct, accountability, and unity amidst growing diversity.
- b. *Holistic development* of students in and out of the classroom as spiritually mature and academically prepared lifelong learners.
- c. *Servant leadership* and its focus on leading and learning through serving, based on one's gifts, passion, and sense of calling.

¹ See Attachment A: Articles of Incorporation.

² See Attachment B: Mission Statement, Core Values, and Statement of Faith.

- d. *Responsible stewardship* of the abilities and resources that God provides for and through His people.
- e. *Our Restoration heritage* and its plea for Christian unity and Biblical authority in carrying out God's global mission."³

And, finally, our Statement of Faith identifies the core beliefs from which our purpose, mission, and values arise:

"Lincoln Christian University is a private religious institution affiliated with independent Christian Churches and Churches of Christ. These churches arose from the "Restoration Movement" begun in the early 19th century on the American frontier under the leadership of such men as Barton Stone and Alexander Campbell. Churches within the Stone-Campbell heritage seek to honor Jesus' prayer in John 17, promoting world evangelism by practicing unity in the church based upon the restoration of Biblical authority and the essential elements of New Testament Christianity. This movement refuses to embrace extra-biblical creeds as tests of fellowship, standing on the Scriptures alone as the foundation for faith and practice. Furthermore, each congregation is self-governing under Christ, so individual churches may differ from one another on non-essentials. Therefore, the statements that follow are descriptive, not creedal—designed to help people understand the positions generally held by Christian Churches and Churches of Christ, including Lincoln Christian University. We believe that:

- **God** is one being in three persons—God the Father, God the Son, and God the Holy Spirit. He is the source of all creation (Gen. 1:1; John 1:1-2), which He sustains (Col. 1:17) and is in the process of redeeming (Rom. 8:19-22). God the Father loves us and desires that we have fellowship with Him as His children (1 John 1:3).
- **Jesus** of Nazareth is the incarnation of God the Son. He is the Word become flesh (John 1:14), and He now holds all authority in heaven and on earth (Matt. 28:18). He is Savior and Lord. He made human salvation possible through His life, death on the cross, and resurrection. He ascended into heaven where He is now our high priest and advocate. He is head of the Church.
- **The Holy Spirit** works actively in the world, seeking to glorify Jesus. The Holy Spirit convicts people of sin, righteousness, and judgment to come (John 16:5-11). The Holy Spirit indwells believers individually and corporately in the Church. The Holy Spirit develops within the Christian a pure heart which results in Christ-like character expressed in private and public conduct and action.
- **The Bible**, the Old and New Testament Scriptures, is the uniquely inspired Word of God (2 Tim. 3:14-17; 2 Peter 1:16-21). The Bible is the rule of faith and practice for Christians. We affirm that Scripture is the authoritative revelation from God by which we know God's will and Christ's authority. We seek to assert what the Scriptures clearly assert and allow freedom in other cases. We seek to understand divine intent, through authorial intent, and we seek to apply its teaching to the contemporary church and culture.
- **The Church** is the body of Christ on earth, the community of believers throughout the world. Upon surrender to Christ, a person is added to the Church. In addition, the priesthood of all believers means each Christian is called to be a serving minister (1 Peter 2:9-10). The Church's mission is the Great Commission (Matt. 28:18-20).
- **Human beings** were created by God to walk in fellowship with Him. However, all (except Jesus) have sinned and fall short of the glory of God (Rom. 3:23) and must rely on God's grace and forgiveness. Every human from the moment of life is in the image of God (*imago dei*), a person to be nurtured, protected, and developed.
- **Salvation** is by God alone through Jesus Christ alone. One accepts Christ as Savior through a conversion process that includes faith, repentance, confession, and baptism (Acts 2:38, 8:12, 10:47-48, Rom. 10:9, etc.).

³ See Attachment B: See Attachment B: Mission Statement, Core Values, and Statement of Faith.

- In **baptism** a believer is immersed, crucified and buried with Christ (Rom. 6:3-4), receives forgiveness of sin and the gift of the Holy Spirit (Acts 2:38), is resurrected (Col. 2:12) and clothed with Christ (Gal. 3:27), and becomes saved (1 Peter 3:21) because of God's free gift of grace received by faith.
- **The Lord's Supper** is the celebration of the New Covenant, in which the Christian community remembers Christ and celebrates the covenantal relationship they have with Him and with each other. Congregations in this fellowship typically celebrate the Lord's Supper at least weekly (1 Cor. 11:17-34; Acts 20:7).
- **The Final Coming** of Jesus is a time when Christ will personally come again as savior and judge of the world. At that time there will be the bodily resurrection of the dead—believers to eternal life with God and unbelievers to eternal judgment. Sin will be no more and believers will live in fellowship with God forever (I Thess. 4:13-18 and Rev. 20:11-15).⁴

Every trustee, employee (faculty or otherwise), and student, is required to make a profession of faith in Christ as a requirement of admission, employment, or affiliation, and all are required to be an active member of a church.⁵

RELIGIOUS BELIEFS AND THEIR APPLICATION

Beliefs

All universities have behavioral expectations of their students, and that is true of us as well, but unique to us because of our purpose, mission, core values, and statement of faith, is the fact that most of our beliefs, practices, and policies are unavoidably linked to our interpretation of scripture. In our tradition, scripture is the primary means of God's revelation. We also recognize the other three means that complete what is known as the Wesleyan Quadrilateral: reason, tradition, and experience, but believe each of them to be subservient to the text. To put in in terms that might be more familiar to a lawyer, we see the text as mandatory authority, and reason, tradition, and experience as persuasive authority. They are critical for filling in gaps, providing nuance, and the like, but they cannot overrule the text. This position arises from our belief that scripture is divinely inspired, and that reason, tradition, and experience are simply too subject to human frailty to enjoy the same level of authority as the text. This position is distinct from many other faith traditions that place all four means on an equal playing field and thus can reach very different conclusion about the same matters.

It is because of our belief that scripture is divinely inspired, mandatory authority, that we take its admonitions very seriously. And some of the protections that have been held to exist in Title IX, particularly for LGBTQ+ students, conflict fundamentally with our religious beliefs.

First, in our faith tradition, our identity is found in our acceptance or rejection of Jesus Christ. Our race, ethnicity, who we are sexually attracted to, height, past experiences, future prospects, and any and all other of the many ways in which we, as human beings, are able to categorize ourselves certainly exist, but they are not core to our identity.⁶ Thus we believe that being required to adopt Title IX's interpretation of identity as including sexuality would be inconsistent with our Christian understanding of identity.

Second, in finding our identity in Christ, scripture calls us to be devoted to a lifetime of becoming more like Him, and less like who we are at the beginning of our faith journey. It is stated in

⁴ See Attachment B: See Attachment B: Mission Statement, Core Values, and Statement of Faith.

⁵ Attachment C: Policies (Undergraduate Handbook, Section 200; Graduate and Seminary Handbook, Section 200; Staff Handbook, Section 3.4; Faculty Handbook, Section 3.5; Board Policy Category 2, Document 1).

⁶ See, for example, Ephesians 1:3-14 and Galatians 3:23-28.

different ways in scripture, but it is most clearly stated by Jesus in Matthew chapter 16, verses 24 through 26, when he says that to follow Him, one must “deny himself and take up his cross and follow me.” Or, as the Apostle Paul says it in 1 Corinthians, chapter 15, verse 31, “I die every day!” Thus, we believe that Title IX prohibiting us from expecting any of our students to refrain from engaging in activities not permitted by scripture would be inconsistent with our understanding of Christian faith formation.

Third, in seeking to live less like us and more like Christ, we look primarily to scripture to see how to do that. Sexual activity is one of the aspects of life that we believe scripture informs – though it is by no means the only one. Our marriages, our work, our children, our financial resources, the way we treat others – particularly the poor and vulnerable, are all also subject to the teachings of scripture. With particular regard to Title IX, though, scripture is clear that God intends us to live as the man or woman He created, and that sexual activity between us is to take place, if at all, within a monogamous, marriage between one man and one woman, and violations of these expectations are routinely used as examples of what it means to reject God’s directives.⁷ It is also worth noting that many of the sexual ethics scripture teaches and that are built into our policies are not impacted by Title IX. Thus to the extent that Title IX would prohibit us from disciplining students who engage in romantic relationships, or sexual activity with member of the same sex, or reject these teachings and choose to transition from one sex to another, that would be inconsistent with our understanding of behavioral expectations for Christians.

Application

We only have a few policies that conflict with how Title IX is interpreted, although their application obviously cuts across a large swath of activities. The first is our Sexual Immorality policy found in our Student Handbooks (Section 350 in the Graduate and Seminary Student Handbook; Section 355 in the Undergraduate Student Handbook), the second is our Sexual Immorality policy found in our employee handbooks, particularly Sections 9.1 and 9.10 in the Faculty Handbook, and Sections 8.1 and 8.10 in the Staff Handbook. They are reproduced below.

Student Policy

“Sexual immorality is prohibited by God’s Word, and therefore by the University. This includes premarital sex, extramarital sex, homosexual activity, gender modification, and any other sexual activity outside the bounds of a Biblical marriage. It also includes erotic physical contact outside the traditional definition of sexual intercourse.

Homosexuality is defined as romantic, physical, or sexual attraction to a member of the same gender. Homosexual activity is defined as romantic, physical, or sexual acts with a member of the same gender. Gender is defined as a person’s physical condition as male or female at birth. Gender modification or medical procedures to become transgender are considered sexual immorality. Similarly, cross-dressing for the purpose of presenting oneself as an opposite gender is considered inappropriate.

Please note that being attracted to a member or members of the same sex is not a disciplinary matter under this Handbook. However, in light of our understanding of Biblical teaching regarding human sexuality, acting on these attractions will be treated as a disciplinary issue under this Handbook.

Even though a Biblical worldview does not support homosexual activity or an elected transgender lifestyle, it also clearly promotes general respect for and tolerance of people who do not share a

⁷ See, for example, Genesis 1:27-28, Genesis 2:24, 1 Corinthians 7:1-5 and Romans 1:18-32.

Biblical worldview or interpret pertinent Biblical texts in a manner that is inconsistent with orthodox Christian scholarship.”

Employee Policies

[Sections 8.1 and 9.1] “Scripture makes it clear that among Christians *“there must not be even a hint of sexual immorality, or of any kind of impurity . . . because these are improper for God’s holy people. Nor should there be obscenity, foolish talk or coarse joking, which are out of place”* (Ephesians 5:3-4). Any such behavior is also “out of place” in the Christian community of Lincoln Christian University and will be treated very seriously. Lincoln Christian defines sexual immorality as sexual activity in violation of the law, outside the marriage covenant, between members of the same sex, or otherwise in violation of Scripture (as determined by the Board of Trustees). This policy also prohibits use of pornography (including inappropriate web sites, with school computers monitored for such use) and sexual harassment.”

[Sections 8.10 and 9.10] “Below is a summary of the Sexual Misconduct and Sexual Violence policy and procedures. For the full policy and procedures for preventing and responding, contact the Human Resource Office, or view it on the LCU website (<https://lincolncchristian.edu/studentlife/campus-safety/>) or Employee Resource Intranet.

Lincoln Christian University (sometimes referred to herein as the “University” or “LCU”) strives to provide a safe environment in which students, employees and other members of the campus community can pursue their education and work free from the detrimental effects of sexual misconduct and sexual violence, including domestic violence, dating violence, sexual assault and stalking. Such actions, in any form, are prohibited and will not be excused or tolerated. Therefore, the University seeks to educate students and employees about these issues and to provide a means of recourse should a member of the campus community believe he or she has been the victim of sexual violence and/or sexual misconduct. When brought to the attention of the University, such actions will be appropriately responded to according to the procedures outlined in this policy.

Further, as a University that seeks to glorify God in every way, we seek to obey all of the teachings of the Bible on all issues, including human sexuality. All of those Biblical principles are incorporated into this policy even though not all of them are set forth word for word herein. The University deeply holds to the following religious beliefs: That sexual immorality as defined in the Bible is sin and should be fled from by all persons associated with the University. Sexual intimacy of any kind must be exclusively reserved for a marriage relationship where mutual love exists. We believe that the marriage relationship is defined by God as a lifelong committed and loving covenant relationship between one woman and one man. All other sexual intimacy outside of such a marriage relationship is sin. While avoiding sexual sin is the primary goal of this policy, the University acknowledges that no person associated with the University is without sin and that at some times and in some situations sexual intimacy may occur outside of Biblically accepted standards. This policy addresses these situations.

This policy strives to ensure that the campus community is knowledgeable about:

- procedures survivors should follow if sexual misconduct and sexual violence has occurred;
- how to report such offenses;
- definitions of behaviors that constitute sexual misconduct, including domestic violence, dating violence, sexual assault and stalking;
- ways to prevent or reduce the incidence of these behaviors;
- disciplinary procedures for and potential consequences of engaging in such acts.”

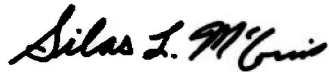
CONCLUSION

Therefore, Lincoln Christian University requests that your office acknowledge that the University is exempt from Title IX and the following implementing regulations to the extent they are interpreted to reach:

- 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. § 106.36 (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. § 106.51-61 (Relating to Employment)

Thank you for your attention to this matter.

Yours truly,



Silas L. McCormick, President
Lincoln Christian University