



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 5, 2022

Silas L. McCormick
President
Lincoln Christian University
100 Campus View Dr.
Lincoln, IL 62656

Dear President McCormick:

I write in response to your January 27, 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 (Title IX), for Lincoln Christian University ("the University") in Lincoln, Illinois.

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 incorporated as Lincoln Bible Institute in 1944. Your letter explains that "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." The letter states that the University is affiliated with independent Christian Churches and Churches of Christ, which arose from the Restoration Movement in the early 19th century. Based upon your letter and the associated materials cited therein, OCR understands the University's position to be that the University is controlled by its Board of Trustees.

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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.

Your letter included the University’s Mission Statement, Core Values, and Statement of Faith. The letter explains that every trustee, employee, 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. The University notes that it has certain “behavioral expectations” of their students that are linked to their interpretation of scripture, which the University views as “divinely inspired, mandatory authority.”

Your letter states that “some of the protections that have been held to exist in Title IX, particularly for LGBTQ+ students, conflict fundamentally with our religious beliefs.” In particular, the University asserts that “being required to adopt Title IX’s interpretation of identity as including sexuality would be inconsistent with our Christian understanding of identity.” In addition, the University states that “to the extent that Title IX would prohibit us from disciplining students who engage in romantic relationships or engage in sexual activity with a 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 of Christians.” The University has a Sexual Immorality policy in its Student Handbook that prohibits “premarital sex, extramarital sex, homosexual activity, gender modification, and any other sexual activity outside the bounds of a Biblical marriage,” as well as “erotic physical contact outside the traditional definition of sexual intercourse.” The University also has a Sexual Immorality policy for employees that prohibits “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).”

For the above reasons, Lincoln Christian University requests assurance of its exemption from the following regulatory provisions to the extent that application of these provisions conflicts with its religious beliefs.

- 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)

Lincoln Christian University is exempt from these provisions to the extent that application of these provisions conflicts with its religious beliefs.

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 'CEL', with a long horizontal flourish extending to the right.

Catherine E. Lhamon
Assistant Secretary for Civil Rights