

October 21, 2016

Ms. Catherine E. Lhamon
Assistant Secretary, Office for Civil Rights
United States Department of Education
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

Dear Ms Lhamon:

As President of Cairn University (Cairn), I am writing to request supplemental approval of Cairn University's existing religious exemption under 20 U.S.C § 1681(a)(3) and 34 C.F.R. § 106.12 from Title IX of the Education Amendments of 1972. Cairn seeks additional exemption to Title IX and its accompanying regulations to the extent that the regulations and interpretations are interpreted to curtail the University's freedom to respond to individuals in accordance with religious convictions.

Enclosed for your reference is a copy of the religious exemption granted to Philadelphia College of Bible in November, 1992 by the United States Department of Education Office for Civil Rights. This letter establishes Philadelphia College of Bible meets the criteria for religious exemption.

Your letters of November 18, 1988, and April 3, 1989, indicate that the College is incorporated, and the Charter of the Corporation contains explicit references to the doctrines of the Christian religion. The College is controlled by a Board of Trustees, and the trustees, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. This relationship between the Board of Trustees and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. Section 106.12 of the Title IX regulation.

In 2000 the Commonwealth of Pennsylvania granted approval for University Status and the institution changed its name to become Philadelphia Biblical University. In 2012 the University's Board of Trustees voted to change the name of the institution to Cairn University. Through each of the name changes the Board of Trustees has maintained the original charter and trustees, faculty, employees and students are still required to espouse a personal belief in the religious tenets of the Christian faith and the Bible as the revealed testimony of God's truth and wisdom.



Cairn has studied the Title IX regulations and reviewed Dear Colleague Letters which have provided clarification and recommendations to institutions. In response Cairn has created a Title IX Team, written policy, trained students and employees, created electronic and paper resources for community members and provided easy means of students registering a complaint with the University. It is the desire of Cairn to provide an educational experience free from discrimination and harassment on the basis of sex, race, color, age, national or ethnic origin, physical or mental disability, and veteran status in all programs and activities. We are committed to equality in these areas as they are in agreement with the tenets of the Christian faith and the Bible.

Cairn University Mission Statement

"Cairn University exists to educate students to serve Christ in the church, society, and the world as biblically minded, well-educated and professionally competent men and women of character."

This statement serves not only as the mission but also as the vision. Stating who we are and what we will continue to be. The mission is further implemented through three institutional objectives:

1. *As an academic institution committed to intellectual development, the idea that all truth is God's truth, and the biblical truth that the fear of the Lord is the beginning of all wisdom, the University purposes to impart to its students a knowledge of God, themselves, and the world in which they live.*
2. *As an academic institution committed to spiritual maturation, the University purposes to develop the character of its students according to the teaching and example of the Lord Jesus Christ, as set forth in Holy Scripture.*
3. *As an academic institution committed to Christian ministry, the University purposes to prepare students to the highest degree of professional competency and to instill in them a commitment to an intentional and obedient life of service to Christ in the church, society, and the world.*

Our commitment to these institutional objectives is demonstrated by having our students study and know the Bible as the Word of God. Every undergraduate student at Cairn must study 30 credit hours of Bible and theology and before being enrolled must sign the Statement of Faith and Community Life Covenant. Likewise, all employees, faculty, and Board of Trustee members are required to sign the Statement of Faith and Community Life Covenant. Each of these documents demonstrates our commitment to the Bible and the tenets of the Christian faith.



Cairn University Statement of Faith

- *We believe that there is only one God, Creator of heaven and earth, who exists eternally in three equal persons – Father, Son, and Holy Spirit.*
- *We believe that the Old and New Testament Scriptures are the inspired Word of God, written under the guidance of the Holy Spirit without error in the words of the original documents and providentially preserved as the supreme authority for faith and life.*
- *We believe that human beings were specially created by God to be perfect bearers of His image, but that through sin they alienated themselves from Him. Consequently, they have inherited a nature incapable of pleasing God and have incurred the certainty of physical death and the prospect of eternal punishment.*
- *We believe that Jesus Christ, the eternal Son of God and second person of the Godhead, is the Word made flesh. He was conceived by the Holy Spirit and born of the virgin Mary. He is therefore fully divine and fully human.*

- *We believe that Jesus Christ, being without sin, died as the substitute for sinful humanity, and that His death is sufficient both to satisfy the justice of an offended holy God and to reconcile sinners to Him. We believe that Jesus Christ was raised from the dead bodily and ascended in that form into heaven, where He sits at the right hand of the Father, and is presently interceding for His own as High Priest and Advocate.*
- *We believe that sinners are justified by faith alone, forgiven, reconciled to God, kept by Him, and granted eternal life as a gift of His grace, which they receive by faith alone in the crucified and risen Savior, Jesus Christ. We believe that all who trust Him are born of the Holy Spirit and thereby become the children of God.*
- *We believe that the Church is the body of Christ inaugurated by the Holy Spirit at Pentecost, and consists solely of those who have trusted Jesus Christ for salvation. We believe that its members are indwelt by the Holy Spirit from the moment of conversion and are enabled by Him to glorify the Lord Jesus by living godly lives, strengthening one another, and making disciples throughout all nations.*
- *We believe that Jesus Christ will return to the earth personally and physically to receive His people into His presence, to bring judgment on an unbelieving world, and to establish His sovereign rule of righteousness and peace over the earth. We believe His coming could occur at any time.*
- *We believe that both believers and unbelievers will be raised from the dead bodily, believers to conscious eternal blessedness in God's presence and unbelievers to conscious eternal punishment and separation from Him.*

Cairn University Community Life Covenant

Cairn is an academic community of Christian students, faculty, and staff. As such, and in keeping with the mission and vision of the University, members of the Cairn community are to exhibit biblical wisdom and Christian maturity regarding their personal conduct and behavior toward others. They should be sensitive regarding the testimony of their personal lives in representing the Lord Jesus Christ, His Church, and the University. Members of the University community should live according to 1 Corinthians 10:31: "Whatever you do, do all to the glory of God."

Christian community involves covenantal responsibility and mutual obligation to one another as members of one body living together before a righteous and holy God. Therefore, members of the University community are to be guided by biblical admonitions to demonstrate Christian love and concern for others, honesty, fairness, justice, kindness, forgiveness, mutual edification, self-control, deference, respect, and social responsibility toward one another and all people.

Because Christian community exists in social and cultural context, members must be careful to demonstrate civility and respect for those with whom they disagree, while exercising wisdom in evaluating the ideas and activities of others. Christians living in harmony share a deep concern for the Body of Christ, defer to one another, reason together, and express genuine Christian love, as outlined in Romans chapter fourteen.

The following standards apply to University students while enrolled in the traditional undergraduate programs at Cairn. These standards are established on the bases of state and federal laws, biblical teaching, and University policy and tradition. The administration is responsible to, and reserves the right to, exercise judgment in interpreting and enforcing these standards and all matters related to them based upon the totality of the circumstances.

- 1. University students are subject to the responsibility of academic integrity which demands honesty and giving credit to the proper sources.*
- 2. Hazing is classified as a crime by the Commonwealth of Pennsylvania; the University will not allow this type of activity. Hazing is defined as any type of initiation process which includes actions that may potentially cause bodily harm, physical exhaustion, personal embarrassment, loss of dignity, emotional trauma, or mental duress.*
- 3. Harassment or discrimination against others on the basis of race, national origin, age, sex, or handicap is not tolerated. Intimidation and violence through words or action are prohibited. This includes but is not limited to threats, verbal attacks, vandalism, stalking, acts of hatred, and physical attack.*

4. Students are to be highly selective in their choices of entertainment and recreation, including television, videos, motion pictures, theater, dancing, sports, reading materials, music, video games, web postings, and file downloads. Biblical standards and discernment, especially in reference to worldly values, profanity, violence, immorality, sexuality, and nudity, should serve as guidelines in making personal decisions in these areas. Pornographic materials, including electronic media, sexually explicit internet sites and email are not to be viewed, possessed, distributed, or transmitted on or away from campus.

5. Cairn affirms the biblical teachings that a sexual relationship is intended only within a heterosexual marriage of husband and wife. Students are to abstain from any type of sexual activity or immoral relationship outside of the marriage of a man and a woman.

6. Tobacco, alcohol, illegal drugs, including illegally obtained prescription drugs, and gambling are prohibited on the Cairn campus. All state and federal laws concerning these are to be strictly observed. In addition, students will not possess, use, or distribute tobacco, alcohol, illegal drugs, including illegally obtained prescription drugs and similar elements, or gamble, on or away from campus. Attendance at clubs, bars, casinos and similar places is prohibited.

On May 15, 2015 the University approved additional clarification on issues of sexuality with the release of the following statement:

Statement on Human Sexuality

Cairn University is a Christian university community, embracing both the authority of the Old and New Testament scriptures as God's Word, and the historic orthodox Christian understanding of marriage and human sexuality. As such, we hold that the behavioral expression of human sexuality is intended only to take place within the covenant of marriage between a man and a woman. We also believe that gender is part of the order of God's creation from the beginning and that humans are created male and female and that both are very good in God's eyes. We seek to honor God by cultivating a community that reflects these biblical commitments and upholds biblical standards related to gender and sexual behavior.

Our foundational biblical commitments are:

1. Human beings – male and female – are created as gendered beings. The goodness of these distinctions is explicitly affirmed by God (Genesis 1:27, 1:31).
2. Marriage between a man and a woman is a gift from God, with many benefits and with great spiritual significance. Sexual intimacy is to take place only within the marriage covenant, made between a man and a woman. This is affirmed throughout the Bible, and reaffirmed by the Lord Jesus Christ (Genesis 2:18, 21-24; Matthew 19:4-9; Ephesians 5:32; Hebrews 13:4).

3. Followers of Jesus Christ are to remain celibate outside the bonds of marriage (1 Corinthians 6:13, 18-20; Hebrews 13:4).
4. Scripture expressly forbids certain sexual behaviors, including, but not limited to: fornication, adultery, incest, and homosexual acts (Exodus 20:14; Leviticus 18:7-23, 20:10-21; Matthew 5:27-28; Romans 1:20-27; 1 Corinthians 6:9; Galatians 5:19; Ephesians 4:17-19; Colossians 3:5).

Cairn University is committed to following the Lord Jesus Christ in all areas of community life. This means that, in addition to pledging ourselves to the preceding biblical principles of sexual fidelity, we also are committed to being a community governed by love of all people, a community of grace, and a place that allows for repentance and redemption.

With the recent publication of the Dear Colleague Letter from U.S. Departments of Education and Justice on “Joint Guidance to Help Schools Ensure the Civil Rights of Transgender Students” and additional clarifying statements on sexuality it is apparent that the position of OCR is inconsistent with the religious tenets of Cairn University.

For that reason, I request under 20 U.S.C § 1681(a)(3) and 34 C.F.R. § 106.12 that the United States Department of Education Office for Civil Rights acknowledge that Cairn is exempt from Title IX of the Education Amendments of 1972 and its accompanying regulations, to the extent that they are interpreted to curtail Cairn’s freedom to respond to non-heterosexual and transgender individuals with its theologically and biblically founded convictions.

Cairn University was previously granted religious exemption by OCR in November, 1992 for issues surrounding pregnancy covered under regulations 34 C.F.R. § 106.21(c)(2), § 106.39 and § 106.57.

Cairn University now requests that your office acknowledge that the University is exempt from Title IX and the following implementing regulations (to the extent that they are interpreted to reach gender identity or sexual orientation discrimination and to the extent that they restrict Cairn’s freedom to apply and enforce its policy on Human Sexuality and the Community Life Covenant):

- 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 § 106.43 (Standards for Measuring Skill or Progress in Physical Education Classes)

34 C.F.R § 106.51-61 (Relating to Employment)

Thank you in advance for your consideration of this expanded request covering Cairn University Title IX exemption. I look forward to hearing from you soon. If you require anything further, please do not hesitate to contact me.

Sincerely

Todd J. Williams, Ph.D.

President

Cairn University