



September 28, 2015

Assistant Secretary  
 U.S. Department of Education  
 Office of Civil Rights  
 400 Maryland Avenue, SW  
 Washington, D.C. 20202

Re: Application for Recognition of Exemption from Certain Title IX Regulations

Dear Assistant Secretary,

As the highest-ranking official of Criswell College, I am making this application for recognition by the Office for Civil Rights of the Department of Education that the College is exempt from compliance with certain Title IX regulations under the religious exemption provided in 20 USCA § 1681(a)(3). The particular regulations for which exemption is requested are:

34 CFR §106.21(b)(1)(iii)	regarding prohibitions on the basis of sex in admissions
34 CFR §106.21(c)	regarding prohibitions based on marital or parental status in admissions
34 CFR §106.31(b)(4)	regarding different rules of behavior, sanctions, or other treatment in education programs and activities
34 CFR §106.32	regarding housing
34 CFR §106.33	regarding restrooms and locker rooms
34 CFR §106.36	regarding counseling and use of appraisal and counseling materials
34 CFR §106.37	regarding financial assistance for students
34 CFR §106.38	regarding employment assistance to students
34 CFR §106.40	regarding marital or parental status of students
34 CFR §106.51(a)	regarding discrimination in employment

34 CFR §106.51(b)(6)	regarding discrimination in employment for pregnancy
34 CFR §106.57	regarding marital or parental status of employees
34 CFR §106.60(a)	regarding pre-employment inquiries concerning marital status

Criswell College is a distinctively Christian institution of higher education located in Dallas, Texas. The College’s purpose for existence is articulated in its Bylaws and current mission statement, copies of which are attached hereto as Exhibits “A” and “B”, respectively.

*The mission for which the corporation is formed is set forth in Corporation’s Certificate of Formation, as amended, which provides principally for the operation of a Christian college to prepare men and women for a biblically-based gospel ministry. (Bylaws 2.01). The mission of Criswell College is to provide ministerial and professional higher education for men and women preparing to serve as Christian leaders throughout society, while maintaining an institutional commitment to biblical inerrancy. (Strategic Plan 2014-16, Mission Statement)*

The College is governed by a Board of Trustees (the “Board”). Members of the Board must be professing Christians and are required to affirm the College’s Articles of Faith (Bylaws 4.02). Members may be removed from the Board for failure to uphold the Articles of Faith and for behavior inconsistent with the values of the College (Bylaws 4.07).

The College’s Articles of Faith consist of the Baptist Faith and Message 2000 (“BF&M 2000”) with several addenda. The BF&M 2000 is the official statement of faith of the Southern Baptist Convention (SBC). As the College is affiliated with a state branch of the SBC, the Southern Baptists of Texas Convention, it has aligned itself with the doctrines and values expressed in the BF&M 2000. The College has also included several addenda within the BF&M 2000, which articulate a more specific understanding of the Bible and eschatology (Articles of Faith: I: The Scriptures; X: Last Things [Addenda appear in italics.]).

Among the tenets of the College’s Articles of Faith are the beliefs that (1) God created two sexes, male and female; (2) marriage is the uniting of one man and one woman in a covenant commitment for a lifetime; (3) husbands and wives have distinct and complementary roles in marriage; (4) human life begins at conception; (5) the office of a pastor is reserved for men; and (5) sexual immorality, including fornication, adultery and homosexuality, are prohibited (Articles of Faith III: Man; VI: The Church; XV: The Christian and the Social Order; XVIII: The Family).

In a policy approved by the Board of Trustees, the College has further clarified its understanding of sexuality and its policies regarding those who promote or practice sexual behavior inconsistent with the College’s tenets.

*In keeping with an institutional commitment to biblical inerrancy and conscientious submission to scripture, the only practices and beliefs Criswell College can affirm, approve, or endorse regarding gender and sexuality are those which align with a traditional, Judeo-Christian view of human identity and marriage—specifically that humans are normatively and innately male or female, that marriage is to be heterosexual, monogamous, and for a lifetime, and that sexual relationships are to be consummated only in marriage. The college will not admit or employ anyone practicing or endorsing activities incompatible with or contrary to these views. (Gender and Marriage Policy)*

The College has also emphasized biblically-based Christian values in its Student Handbook, Staff Handbook, and Faculty Handbook which are consistent with the tenets listed above. The College may impose disciplinary action for behavior not in keeping with these tenets, including dismissal from the College or termination of employment.

On the basis of the religious tenets noted above, the College is requesting exemption from certain Title IX regulations. The table below includes each regulation and corresponding reasons for an exemption.

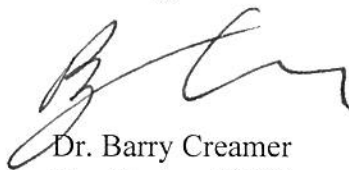
<b>Title IX Regulations</b>	<b>Reasons for Exemption</b>
34 CFR §106.21(b)(1)(iii) 34 CFR §106.21(c)	The regulations would require the College to admit pregnant unmarried students, to admit and retain students engaged in sexual immorality or homosexual behavior, and to admit and retain students who identify as a gender different from their birth sex.
34 CFR §106.31(b)(4)	The regulation would prohibit the College from subjecting persons to separate or different rules of behavior, sanctions, or other treatment in accordance with the College’s beliefs about sexuality.

34 CFR §106.32	The regulation would require the College to assign housing to a student according to his or her self-assigned sexual identity rather than according to his or her birth sex. The regulation would also require the College to allow students of the opposite sex to cohabit and provide housing for pregnant unmarried students and to allow homosexual students to live together.
34 CFR §106.33	The regulation would require the College provide restrooms and locker rooms to a student according to his or her self-assigned sexual identity rather than according to his or her birth sex.
34 CFR §106.36	The regulation would prohibit the College from assigning counseling services and materials in a way that is consistent with the College's religious beliefs concerning male and female sexual identities and roles.
34 CFR §106.37	The regulation would prohibit the College from limiting eligibility for certain financial assistance on the basis of the College's religious act restricting the pastoral office to males.
34 CFR §106.38	The regulation would prohibit the college from assisting churches, whose religious tenets restrict the pastoral office to males, in making students available for their employ.

34 CFR §106.40	The regulation would require the College to retain pregnant unmarried students, and married or unmarried students who elect to terminate their pregnancy.
34 CFR §106.51(a) 34 CFR §106.51(b)(6) 34 CFR §106.60(a)	The regulations would require the College to employ pregnant unmarried individuals, individuals engaged in homosexual behavior and individuals who identify as a gender different from their birth or those who elect to terminate a pregnancy.
34 CFR §106.57	The regulation would require the College to retain pregnant unmarried employees, and married or unmarried employees who elect to terminate their pregnancy.

Criswell College is requesting exemption from the specific Title IX regulations referenced in this letter so that the College can discriminate in regard to its students and employees on grounds consistent with its religious tenets. The institutional documents cited in this letter have been included for your reference. If you have any questions, or if additional information is required, please contact me.

Sincerely,



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