

Addendum: Religiously Affiliated Institutions

Of the 353 institutions with NCAA, D-I sports programs in 2020, 75 were affiliated with a religious group (see Table 1). Those institutions hail from 18 of 31 NCAA D-I conferences and are affiliated with 9 different religions. Ten are members of the Council for Christian Colleges and Universities (CCCU), whose mission is to “advance the cause of Christ-centered higher education and to help our institutions transform lives by faithfully relating scholarship and service to biblical truth.”¹ Though institutions are similarly associated, athletic departments within religiously affiliated institutions are not a monolith; each department, and institution, has a unique structure and collective of decision makers. Further, many of these institutions have honor codes or traditions that all campus entities are expected to maintain, including the department of athletics².

On the whole, religious identity is an important factor for consideration in analyses of the campus climate for and experiences of LGBTQ+ student-athletes as religious affiliations may play a significant role in student-athletes’ experiences in sport. In recent years, growing numbers of intercollegiate athletes are openly identifying as LGBTQ+.^{3 4} However, many student-athletes navigate their sexual identity while in college or choose to remain closeted. Historically, a majority of LGBTQ+ student-athletes on religious campuses have had to navigate the tensions between their identities and their institution’s doctrinal tenets^{5 6}, a reality with serious implications as conflicts between religion and LGBTQ+ identity often lead to extreme mental health concerns. One recent large-scale study of collegians revealed a strong relationship between the level of importance lesbian/gay individuals ascribed to religion and suicidal ideation. Specifically, “increasing religious importance was associated with 38% increased odds of recent suicide ideation and for lesbian/gay women, specifically, was associated with 52% increased odds of recent suicide ideation” (p. 646)⁷.

¹ Council for Christian Colleges and Universities (2020). *Our Work and Mission: The Leading National Voice of Christian Higher Education*. <https://www.cccu.org/about/>

² Benne, R. (2001). *Quality with soul: How six premier colleges and universities keep faith with their religious traditions*. Wm. B. Eerdmans Publishing.

³ Krane, V. (2016). *Sport for LGBT Athletes* (pp. 238-255). Routledge: New York, NY, USA.

⁴ Pariera, K., Brody, E., & Scott, D. T. (2019). Now that They’re Out: Experiences of College Athletics Teams with Openly LGBTQ Players. *Journal of Homosexuality*, 1-19.

⁵ Wedow, R., Schnabel, L., Wedow, L. K., & Ellen Konieczny, M. (2017). “I’m Gay and I’m Catholic”: Negotiating Two Complex Identities at a Catholic University. *Sociology of Religion*, 78(3), 289-317.

⁶ Dehlin, J. P., Galliher, R. V., Bradshaw, W. S., & Crowell, K. A. (2015). Navigating sexual and religious identity conflict: A Mormon perspective. *Identity*, 15(1), 1-22.

⁷ Lytle, M. C., Blosnich, J. R., De Luca, S. M., & Brownson, C. (2018). Association of religiosity

This strain between one's religion and sexual identity is especially prominent at institutions that do not affirm students' LGBTQ+ identities and or have policies that discriminate against LGBTQ+ students⁸. One exploration of sexual minority students' (e.g., those who were same-sex attracted, regardless of behaviors or self-identification) experiences with campus climate at three CCCU institutions found an overwhelming majority considered their campus' view of homosexual behavior and same-sex attraction to be negative (96% and 84%, respectively).⁹ However, those students were particularly attuned to institutional distinctions between same-sex behavior and attraction. Put simply, some campuses place more emphasis on whether someone engages in sexual acts with a same-sex partner than they do same-sex attraction, a distinction that has provided one avenue by which institutions can maintain their religious doctrines while still offering some protections to LGBTQ+ students. Rather than maintaining mainstream processes for addressing LGBTQ+ concerns¹⁰; As students seek opportunities and space to form and explore both their spiritual and sexual identities, some religiously affiliated institutions may still offer an environment where these opportunities occur.

One instance of this distinction and how it is being interpreted by collegiate athletics departments within religiously affiliated institutions can be seen at Brigham Young University (). Athletics offers a publicly available and comprehensive nondiscrimination policy that reaffirms that provides equal opportunity in employment and athletic participation for all administrators, employees, and student-athletes without discrimination on the basis of sex, gender (including identity and expression) and sexual orientation, reaffirming "all relationships within the community should reflect devout love of God and a loving, genuine concern for the welfare of our neighbor." This statement then reiterates that "Brigham Young University and the Athletic Department regulate conduct that is inconsistent with essential elements of the religious values and beliefs of The Church of Jesus Christ of Latter-day Saints. All members of our Athletic Department community are required to comply with the Brigham Young University Honor Code." The Honor Code, updated on February 19th, 2020, prohibits all forms of

with sexual minority suicide ideation and attempt. *American journal of preventive medicine*, 54(5), 644-651.

⁸ Coley, J. S. (2018). *Gay on God's campus: Mobilizing for LGBT equality at Christian colleges and universities*. UNC Press Books.

⁹ Yarhouse, M. A., Stratton, S. P., Dean, J. B., & Brooke, H. L. (2009). Listening to sexual minorities on Christian college campuses. *Journal of Psychology and Theology*, 37(2), 96-113.

¹⁰ Stratton, S. P., Dean, J. B., Yarhouse, M. A., & Latoria, M. D. (2013). Sexual minorities in faith-based higher education: A national survey of attitudes, milestones, identity, and religiosity. *Journal of Psychology and Theology*, 41(1), 3-23.

same-sex physical intimacy, in or out of marriage. Thus, while same-sex attractions or relationships are not prohibited, physical same-sex relationships are. Following this code, the Department of Athletics also offers a sexual misconduct policy and educational resources around LGBTQ inclusion, allowing them to score highly on the Athletic Equality Index.

Beyond campus climate, but relative to the experiences of LGBTQ+ students on religious campuses, are Title IX and its exemptions. Title IX prohibits educational institutions that receive any form of federal funding from excluding, separating, or denying benefits to students on the basis of sex in its educational programs or activities. However, in the 1975 explanation of Title IX released by the Office for Civil Rights (OCR), there is no explanation of or definition for sex¹¹. This has led to confusion in recent years over who, exactly, is protected by Title IX^{12 13}. Some, including institutional representatives, interpret sex as a gender assigned at birth, legally allowing them to dismiss and discriminate against students based on due to their gender identity, gender expression, and/or sexual orientation^{14 15 16 17}.

Institutions may claim a religious exemption to Title IX regulations by submitting a written statement to the US Office of Civil Rights (OCR)¹⁸. As of January 15, 2020, an institution's exempt status is "not dependent upon its submission of a written statement to OCR"; Rather, writing in to the office and proving that an institution is controlled by a

¹¹ U.S. Department of Education. (1975, July 21). *Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance*. Ed.gov. www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html#S

¹² Lhamon, C. E., & Gupta, V. (2016). Dear colleague letter on transgender students. *US Department of Justice, Civil Rights Division and US Department of Education, Office for Civil Rights*.

¹³ Battle, S., & Wheeler, T. E. (2017). Dear colleague letter. *US Department of Justice Civil Rights Division and US Department of Education Office for Civil Rights, February, 22*.

¹⁴ Girard, F. (2017). Implications of the Trump Administration for sexual and reproductive rights globally. *Reproductive Health Matters, 25*(49), 6-13.

¹⁵ West, E. (2018, October 15). *How Title IX exemptions allow religious colleges to discriminate against LGBTQ students*. Teen Vogue. <https://www.teenvogue.com/story/how-religious-colleges-discriminate-lgbtq-students-title-ix-exemptions>

¹⁶ Fetter-Harrott, A., Decker, J. R., & Eckes, S. (2018). Sex Discrimination in Schools: Has Change in Administration Meant Change in Protections for Transgender Students and Educators. *University of Dayton Law Review, 44*, 455.

¹⁷ Green, Erica. (2019, July 29th). *L.G.B.T.Q. rights cases stall under DeVos, report finds*. *The New York Times*. <https://www.nytimes.com/2019/07/29/us/politics/gay-transgender-rights-devos.html>

¹⁸ Office for Civil Rights. (2020, January 10). *Title IX and sex discrimination*. U.S. Department of Education. www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

religious institution *and* that their religious tenets conflict with Title IX, is an *assurance* of exemption, which seems to imply that religious institutions are already exempt¹⁹.

For LGBTQ+ student-athletes, the impact of a Title IX exemption can vary. Exemption may allow the institution, and athletic department, to discriminate against trans or non-binary student-athletes through disqualification of athletic participation²⁰. An exemption may permit an institution to include discriminatory language in its student handbook or housing procedures. Amidst the practical concerns surrounding Title IX exemptions, there can also be more subtle damage. The ideological weight of knowing that their institution has chosen to opt into discrimination is unfathomable. Furthermore, whether intentional or not, some institutions obscure their exemptions. Resources like Know Your IX²¹ can be helpful, but the responsibility for uncovering institutional policy should not rest on students. As such, we felt it was paramount to list here any institutions who have applied for, who have received or withdrawn from, or who may retroactively apply for a Title IX exemption.

Of the 75 religiously affiliated schools evaluated in the AEI, 10 have received Title IX exemptions prior to 2020 and two have requested exemption in the past but later rescinded their request, nullifying the exemption and returning to compliance with Title IX²². The connection between discriminatory institutional policies abetted by a Title IX exemption and the grievous effects on LGBTQ+ students, and student-athletes, have been well documented.^{23 24 25}

LGBTQ+ student-athletes are experiencing a crucial moment in their lives as they embark on a collegiate career. Understanding the difficulties facing those at religious institutions is critical, especially as student-athletes are being recruited to, and selecting the school they will compete for, at younger and younger ages²⁶.

¹⁹ Office for Civil Rights (2020, December 15). *Exemptions from Title IX*. U.S. Department of Education. <https://www2.ed.gov/about/offices/list/ocr/docs/t9-rel-exempt/index.html>

²⁰ Husch-Blackwell (2020, May 7). *Thought Leadership: Department of Education Releases Final Title IX Regulation*. <https://www.huschblackwell.com/newsandinsights/department-of-education-releases-final-title-ix-regulations>

²¹ Know Your IX. (n.d.) *Title IX*. Know Your IX. www.knowyourix.org/college-resources/title-ix/

²² Office for Civil Rights (2020, December 15). *Exemptions from Title IX*. U.S. Department of Education. <https://www2.ed.gov/about/offices/list/ocr/docs/t9-rel-exempt/index.html>

²³ Coley, J. S. (2020). Have Christian Colleges and Universities Become More Inclusive of LGBTQ Students Since Obergefell v. Hodges?. *Religions*, 11(9), 461.

²⁴ Btyk, A. (2015). Title IX giveth and the religious exemption taketh away: How the religious exemption eviscerates the protection afforded transgender students under title IX. *Cardozo Law Review*, 37, 751.

²⁵ Bell, A. T. (2019). Federally Funded and Religiously Exempt: Exploring Title IX Exemptions and Their Discriminatory Effect on LGBT Students. *U. Pitt. L. Rev.*, 81, 735.

²⁶ Knight Commission (2006). *Athletics Recruiting and Academic Values: Enhancing*

Table 1. NCAA Division-I Athletic Departments within Religiously Affiliated Institutions

School	Religious Affiliation	Exemption Status
Abilene-Christian University	Churches of Christ	Can Apply Retro-Actively
Baylor University	Baptist	Approved Title IX Exemption
Belmont University	Christian	Approved Title IX Exemption
Bethune-Cookman University	Methodist	Approved Title IX Exemption
Boston College	Catholic	Can Apply Retro-Actively
Brigham Young University	Latter-Day Saints	Approved Title IX Exemption
California Baptist University	Southern Baptist	Can Apply Retro-Actively
Campbell University	Baptist	Approved Title IX Exemption
Canisius College	Catholic	Can Apply Retro-Actively
Charleston Southern University	Baptist	Approved Title IX Exemption
College of the Holy Cross	Catholic	Can Apply Retro-Actively
Creighton University	Catholic	Can Apply Retro-Actively
Davidson College	Presbyterian	Can Apply Retro-Actively
DePaul University	Catholic	Can Apply Retro-Actively
Duke University	Methodist	Can Apply Retro-Actively
Duquesne University	Catholic	Can Apply Retro-Actively
Fairfield University	Catholic	Can Apply Retro-Actively
Fordham University	Catholic	Can Apply Retro-Actively
Gardner–Webb University	Baptist	Withdrawn Title IX Exemption
Georgetown University	Catholic	Can Apply Retro-Actively
Gonzaga University	Catholic	Can Apply Retro-Actively
Grand Canyon University	Christian	Can Apply Retro-Actively
High Point University	Methodist	Can Apply Retro-Actively
Houston Baptist University	Baptist	Approved Title IX Exemption
Iona College	Catholic	Can Apply Retro-Actively
La Salle University	Catholic	Can Apply Retro-Actively
Lafayette College	Presbyterian	Can Apply Retro-Actively
Liberty University	Christian	Approved Title IX Exemption
Lipscomb University	Churches of Christ	Can Apply Retro-Actively

Loyola Marymount University	Catholic	Can Apply Retro-Actively
Loyola University Chicago	Catholic	Can Apply Retro-Actively
Loyola University Maryland	Catholic	Can Apply Retro-Actively
Manhattan College	Catholic	Can Apply Retro-Actively
Marist College	Catholic	Can Apply Retro-Actively
Marquette University	Catholic	Can Apply Retro-Actively
Merrimack College	Catholic	Can Apply Retro-Actively
Mount St. Mary's University	Catholic	Can Apply Retro-Actively
Niagara University	Catholic	Can Apply Retro-Actively
Oral Roberts University	Christian	Approved Title IX Exemption
American University	Methodist	Can Apply Retro-Actively
Pepperdine University	Churches of Christ	Withdrawn Title IX Exemption
Presbyterian College	Presbyterian	Can Apply Retro-Actively
Providence College	Catholic	Can Apply Retro-Actively
Sacred Heart University	Catholic	Can Apply Retro-Actively
Saint Francis University	Catholic	Can Apply Retro-Actively
Saint Joseph's University	Catholic	Can Apply Retro-Actively
Saint Louis University	Catholic	Can Apply Retro-Actively
Saint Mary's College of California	Catholic	Can Apply Retro-Actively
Saint Peter's University	Catholic	Can Apply Retro-Actively
Samford University	Baptist	Approved Title IX Exemption
Santa Clara University	Catholic	Can Apply Retro-Actively
Seattle University	Catholic	Can Apply Retro-Actively
Seton Hall University	Catholic	Approved Title IX Exemption
Siena College	Catholic	Can Apply Retro-Actively
Southern Methodist University	Methodist	Can Apply Retro-Actively
St. Bonaventure University	Catholic	Can Apply Retro-Actively
St. Francis College	Catholic	Can Apply Retro-Actively
St. John's University	Catholic	Can Apply Retro-Actively
Syracuse University	Methodist	Can Apply Retro-Actively
Texas Christian University	Disciples of Christ	Can Apply Retro-Actively
University of Dayton	Catholic	Can Apply Retro-Actively

University of Detroit Mercy	Catholic	Can Apply Retro-Actively
University of Evansville	Methodist	Can Apply Retro-Actively
University of Notre Dame	Catholic	Can Apply Retro-Actively
University of Portland	Catholic	Can Apply Retro-Actively
University of San Diego	Catholic	Can Apply Retro-Actively
University of San Francisco	Catholic	Can Apply Retro-Actively
University of the Incarnate Word	Catholic	Can Apply Retro-Actively
University of the Pacific	Methodist	Can Apply Retro-Actively
University of Tulsa	Presbyterian	Can Apply Retro-Actively
Valparaiso University	Lutheran	Can Apply Retro-Actively
Villanova University	Catholic	Can Apply Retro-Actively
Wagner College	Lutheran	Can Apply Retro-Actively
Wofford College	Methodist	Can Apply Retro-Actively
Xavier University	Catholic	Can Apply Retro-Actively