



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

August 5, 2026

**Via e-mail only to:** [redacted content]

David Boshart

Re: Anabaptist Mennonite Biblical Seminary (IN)– OCR Case Number 05-25-2294

Dear David Boshart:

This letter is to inform you of the disposition of the above-referenced complaint filed against Anabaptist Mennonite Biblical Seminary (the Seminary), with the United States Department of Education, Office for Civil Rights (OCR), on March 12, 2025. OCR opened the above-referenced complaint against the Seminary alleging that the Seminary discriminated on the basis of sex by offering or promoting the following scholarships or programs:

1. Darrell W. Fast Scholarship
2. Alvera Mickelsen Memorial Scholarship (AMMS)
3. Janeen Bertsche Johnson Scholarship
4. Sue Conrad Howes Pastoral Leadership Fund
5. Werner K Fransen Next Generation Scholarship
6. Nancy Swartzentruber Lapp Scholarship for Women
7. Ella Mae Lehman Memorial Scholarship for International Women
8. Mary Irene Liechty Smucker Next Generation scholarship
9. Mary Schiedel Scholarship
10. Lily C Chan and Ida K Cheng Scholarship

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department.

**Legal Standard**

Title IX and its implementing regulations, at 34 C.F.R. § 106.31(a)-(b), prohibit a recipient from excluding, denying benefits to, or otherwise treating any person differently on the basis of sex in its education programs or activities, unless expressly authorized to do so under Title IX or the regulations. The regulations, at 34 C.F.R. § 106.34, further prohibit any recipient, including an elementary, secondary, or postsecondary institution, from carrying out its education programs or activities separately on the basis of sex, unless an exception applies.

Title IX itself includes several exceptions to the general prohibition against sex discrimination in admissions and access to specific programs. *See, e.g.*, 20 U.S.C. §§ 1681(a), 1686. The Title IX

regulations, at 34 C.F.R. § 106.34, specify additional exceptions, including that a recipient may separate students by sex in physical education classes during sports involving bodily contact, classes or portions of classes in elementary and secondary schools that deal primarily with human sexuality, and nonvocational classes and extracurricular activities if certain criteria are met. The Department's Title IX regulations do not prohibit schools from employing the following facially neutral tests or criteria even if they have a disproportionate effect on persons on the basis of sex: the grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex; and the use of requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex. 34 C.F.R. § 106.34(a)(2) and (4).

In addition, the regulations, at 34 C.F.R. §106.31(b)(6), prohibit recipients from providing significant assistance to any outside organization that discriminates on the basis of sex in providing any aid, benefit, or service to students or employees. Title IX does not, however, apply to the membership practices of certain tax-exempt organizations, including social fraternities and social sororities, YMCA, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations. 20 U.S.C. § 1681(a)(6); 34 C.F.R. § 106.14.

The Title IX regulation, at 34 C.F.R. § 106.3(b), provides that “[i]n the absence of a finding of discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex.”

The Title IX regulation, at 34 C.F.R. § 106.37, addresses financial assistance. Section 106.37(a) sets forth the general rule that a recipient shall not, on the basis of sex: (1) provide different amounts or types of financial assistance, limit eligibility, apply different criteria, or otherwise discriminate; (2) assist any foundation, trust, agency, organization, or person in providing assistance to a recipient's students in a manner which discriminates; or (3) apply any rule or assist in the application of any rule concerning eligibility for financial assistance that treats people differently with regard to marital or parental status.

The Title IX regulation at 34 C.F.R. § 106.37(b) addresses scholarships, fellowships, or other forms of financial assistance established by domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government that require the award to be made to members of a particular sex and provides:

- (1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; Provided, That the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.
- (2) To ensure nondiscriminatory awards of assistance as required in paragraph (b)(1) of this section, recipients shall develop and use procedures under which:

- (i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;
- (ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under paragraph (b)(2)(i) of this section; and
- (iii) No student is denied the award for which he or she was selected under paragraph (b)(2)(i) of this section because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

### **Summary of Investigation and Resolution**

OCR conducted a preliminary examination of the web pages identified by the Complainant and found possible compliance concerns as to whether the Seminary discriminated by offering or promoting sex-restricted scholarships or programs. Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's [Case Processing Manual](#) (February 19, 2025), the Seminary expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Accordingly, the Seminary signed the enclosed Resolution Agreement which, when fully implemented, will address all of the allegations investigated. OCR will monitor the Seminary's implementation of the Agreement until the Seminary has fulfilled its terms.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the Seminary must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR would like to thank the Seminary for the cooperation and courtesy extended to OCR during our investigation. If you have any questions about this letter, you may contact Camille D. Lee, Senior Civil Rights Attorney via email at [Camille.Lee@ed.gov](mailto:Camille.Lee@ed.gov).

Sincerely,

/s/

Sandra Roesti  
Team Leader

Enclosure: Resolution Agreement