

June 8, 2017

U.S. Department of Education, Office for Civil Rights  
Assistant Secretary for Civil Rights  
400 Maryland Ave. S.W.  
Washington, DC 20202-1100

Via Certified Mail # 7012-0470-0001-8323-6868

Dear Assistant Secretary:

The Baptist Missionary Association Theological Seminary (BMA Seminary) of Jacksonville, Texas, which also includes an extension site in Conway, Arkansas, requests a religious exemption from Title IX of the Education Amendments of 1972 based upon the option(s) available per 20 U.S.C. 1681(a)(3) and 34 C.F.R. 106.12(a). This letter is intended to satisfy the criteria for requesting such an exemption as given in 34 C.F.R. 106.12(b).

On May 2, 2017, BMA Seminary's Board of Trustees "voted for the seminary to pursue Title IX exemption . . . according to the statement in the law regarding religious tenets." BMA Seminary meets more than one of the conditions required for general consideration of an institution's religious exemption as demonstrated by the following:

**BMA Seminary is controlled by a religious organization**

The Baptist Missionary Association of America (BMAA), an association of evangelical churches formed in 1950, controls the BMA Seminary. BMA Seminary's catalog clearly identifies itself as "an institution owned and operated by the Baptist Missionary Association of America" (2016-2017 Catalog, p. 1). This qualifies the institution for religious exemption from Title IX in that compliance with all of Title IX would be inconsistent with the BMAA's religious tenets.

**BMA Seminary specifically prepares students for religious ministry**

BMA Seminary's formally published purpose/mission statement declares its exclusive mission of "equipping individuals for Christ-centered service and leadership roles" (2016-2017 Catalog, p. 8). Such a statement singularly focuses BMA Seminary education upon the preparation of students for religious ministry, religious vocation, and/or the teaching of theological subjects.

**BMA Seminary's Governing Board is elected by its controlling religious organization**

According to the BMA of America's (BMAA) Statement of Principles of Cooperation (i.e., bylaws), "this association [BMAA] shall elect . . . a board of trustees for the Baptist Missionary Association Theological Seminary" (Article XI Section 1).

**BMA Seminary faculty must espouse personal belief in the BMAA's tenets**

Article XI Section 3 of the BMA of America's (BMAA) Statement of Principles of Cooperation, authorizes the board "to require each applicant for a position on the faculty to sign a statement that he/she is in agreement with the Statement of Principles of Cooperation and the Doctrinal Statement of this association before his/her election."

## **BMAA Religious Tenets are inconsistent with some parts of Title IX**

### *BMAA Doctrinal Statement on Creation*

According to the BMAA's official Doctrinal Statement on *Creation*, "God created humankind (male and female) in His own image (Ps. 8; Gen. 1:27; 2:7). Consequently, every person from conception is of inherent dignity and worth and merits the respect of all other persons (Ps. 51:5; 139:13-16; Gen. 9:6; Matt. 10:28-31; Jam. 3:9)." Such a statement declares the BMAA's religious belief that God biologically creates the sex of each individual. The statement also affirms the sanctity of human life from the point of conception, thus, recognizing the termination of pregnancy as contrary to God's intention for life while recognizing inherent value of and respect for all persons.

### *BMAA Doctrinal Statement on Marriage*

The BMAA's Doctrinal Statement on Marriage further says that "God created marriage (Gen. 1:27-28; 2:23-24). Jesus Christ declared the Creator's intention for marriage to be the inseparable and exclusive union between a male and female (i.e., a natural man and a natural woman) (Matt. 19:4-6; Mark 10:6-9; Rom. 1:25-27). Marriage testifies of the union between Christ and the church (Eph. 5:31-32)." Such a statement establishes the BMAA's religious belief that God created marriage as an exclusively monogamous and biologically heterosexual union. The belief necessitates that human premarital, marital, and extramarital relations adhere to the Creator's intention.

### *BMAA Resolutions*

Since 1990, the BMAA has adopted 12 resolutions clarifying its view of same-sex relations and 19 resolutions regarding the termination of pregnancies. For example, both in 2010 and 2016 the BMAA approved a resolution that affirmed "God's plan for marriage and sexual intimacy as one man and one woman legally married for life" and that "any other relationship that involves sexual intimacy is considered outside the bounds of God's law." In 2014, the BMAA approved a resolution "to take a Biblical stand against homosexuality." Similarly, in 2017 the BMAA approved a resolution that churches "continue to believe that marriage is a holy institution and denounce cohabitation as a sin according to God's Word." The BMAA formally approved a 2017 resolution recommending that BMAA churches "continue to proclaim pro-life and save the lives of innocent babies." In 2006, the BMAA adopted a resolution clarifying its Doctrinal Statement on Officers of the Church. The resolution clarified "that the proper, biblical, and intended interpretation of [the Doctrinal Statement] is that the offices of Pastor and Deacon are limited to men only."

## **Conclusion**

The previous items demonstrate that BMA Seminary is controlled by a religious organization and meets the criteria for religious exemption in that compliance with some aspects of Title IX are inconsistent with the religious tenets of the Baptist Missionary Association of America. Such aspects include tenets regarding pregnancy outside of marriage, abortion, marriage, sex outside of marriage, sexual orientation, and gender identity. Although the BMAA and BMA Seminary tout the "inherent dignity and worth" of all persons, prudence demands that the seminary give consideration to such matters when employing, recruiting, and admitting individuals as employees or students. Likewise, such consideration applies to governing rules of behavior or

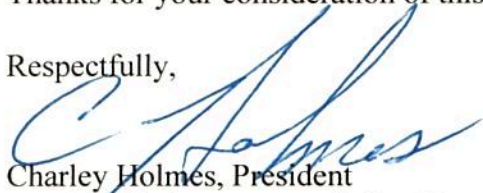
sanctions for students and employees. Compliance with all Title IX requirements forces BMA Seminary to treat marriage, sex outside of marriage, same-sex relations, gender identify, pregnancy, and abortion in manners that are inconsistent with the religious tenets of the Baptist Missionary Association of America.

Therefore, BMA Seminary formally requests Title IX religious exemption from the following:

- 34 C.F.R. § 106.21** (governing admissions)
- 34 C.F.R. § 106.23** (governing recruitment of students)
- 34 C.F.R. § 106.31(b)(4)** (governing different rules of behavior or sanctions)
- 34 C.F.R. § 106.31(b)(7)** (governing the limitation of rights, privileges, advantages, or opportunities)
- 34 C.F.R. § 106.32** (governing housing)
- 34 C.F.R. § 106.33** (governing comparable facilities such as restrooms and locker rooms)
- 34 C.F.R. § 106.40** (governing different rules based on marital or parental status of students)
- 34 C.F.R. § 106.51** (governing employment)
- 34 C.F.R. § 106.52** (governing employment criteria)
- 34 C.F.R. § 106.53** (governing recruitment of employees)
- 34 C.F.R. § 106.57** (governing the consideration of marital or parental status employment decisions)
- 34 C.F.R. § 106.60** (governing pre-employment inquiries)
- 34 C.F.R. § 106.61** (sex as a bona-fide occupational qualification)

Thanks for your consideration of this request.

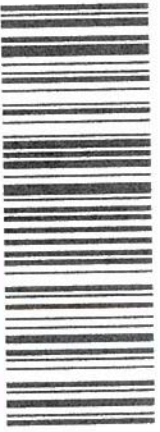
Respectfully,



Charley Holmes, President  
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