



950 Metropolitan Ave. • Boston, MA 02136
(P) 617.364.3510 • (F) 617.399.8228
www.boston.edu

To: Ms. Catherine E. Lhamon
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Ave. S.W.
Washington, DC 20202-1100

From: President David Melton

Date: July 14, 2016

Re: Claim of Title IX Religious Tenet Exemption

I am President of Boston Baptist College. As such, I am the highest ranking official of this institution. I submit the following statement in order to claim on behalf of the College the religious tenet exemption from Title IX of the Education Amendments of 1972 which is provided for in 20 U.S.C. 1681, and which is the subject of 34 C.F.R. 106.12.

Boston Baptist College is a Massachusetts nonprofit corporation whose address is 950 Metropolitan Avenue, Boston, Massachusetts 02136. I enclose the Articles of Organization, all amendments thereto, and Bylaws of the College.

The College is an institution of, and is controlled by, a religious body, Baptist Bible Fellowship, International. Baptist Bible Fellowship International is a fellowship of pastors, and by extension, a network of preachers, churches, missionaries, and educational institutions worldwide, affiliated for the purpose of church planting and sharing the truth of the Word of God.

That control is effectuated by the exercise by that body of its right to approve the selection of every member of the College's Board of Trustees which governs the College. See Article III of the Bylaws which are enclosed.

The religious tenets of the Baptist Bible Fellowship, International on the subject of sexuality are reflected by the enclosed Statement on Sexuality. This Statement on Sexuality flows from the Articles of Faith declared by Baptist Bible Fellowship, International, also enclosed.

This request for exemption is from provisions of Title IX to the extent application of those provisions would not be consistent with the College's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion.

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I identify those provisions to include:

Admissions:

34 C.F.R. §106.21 including but not limited to (b)(iii) (governing differential treatment on the basis of sex in admissions); and (c) (governing admissions prohibition on the basis of marital or parental status).

Recruitment:

34 C.F.R. §106.23 (governing nondiscriminatory recruitment).

Education Programs or Activities:

34 C.F.R. §106.31(b)(4) (governing different rules of behavior or sanctions), and (b)(7) (otherwise limiting any person in the enjoyment of any right, etc);
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. §106.36 (governing counseling and use of appraisal and counseling methods);
34 C.F.R. §106.37 (governing financial assistance);
34 C.F.R. §106.38 (governing employment);
34 C.F.R. §106.39 (governing health and insurance benefits and services);
34 C.F.R. §106.40 (governing different rules based on marital or parental status of students); and
34 C.F.R. §106.41 (governing athletics);

Employment:

34 C.F.R. §106.51 (governing employment);
34 C.F.R. §106.52 (employment criteria);
34 C.F.R. §106.53 (recruitment);
34 C.F.R. §106.56 (governing fringe benefits);
34 C.F.R. §106.57 (governing the consideration of marital or parental status in employment decisions); and
34 C.F.R. §106.60 (governing pre-employment inquiries).

Application of a regulation would not be consistent with these tenets if the regulation prohibited the institution from following its policies, that is, if the regulation prohibited the College:

From engaging in recruiting and admissions under a policy which called for the consideration of an applicant for admission's sexual orientation, gender identity (including but not limited to transgendered status), marital status, past and present practices regarding marriage, sex outside marriage, pregnancy, and abortion (these considerations collectively referred to hereafter as "student and employee characteristics"), and prohibited the institution from treating that person differently as a result of that consideration;

From subjecting students to rules of behavior, sanctions, or other treatment because of these student characteristics. Examples would be the institution's rules regarding eligibility for

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employment of the student by the institution; the assignment of housing, restrooms and locker rooms; restrictions to athletic activities by birth sex; rules prohibiting homosexual conduct including but not limited to a prohibition of a student's engaging in sex with a person of his or her birth sex; prohibition of sex outside of marriage between a man and a woman; and sanctions as the result of pregnancy and abortion;

From making all employment decisions, including but not limited to selection criteria and pre-employment inquiries, recruitment, the decision to employ, retention decisions, and decisions regarding sanctions, in a manner which takes into consideration these employee characteristics.

Thus, this claim for exemption includes exemption from the regulations to the extent the regulation would require the institution to treat marriage, sex outside of marriage, homosexuality, gender identity, pregnancy, and abortion in a manner that is inconsistent with the religious tenets of the Convention.

I trust this letter is sufficient, but if you have any questions, please let me know. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Melton", written in a cursive style.

David V. Melton, President
Boston Baptist College

DVM:nrs