



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 21, 2017

David V. Melton  
Boston Baptist College  
950 Metropolitan Ave.  
Boston, MA 02136

Dear President Melton:

I write in response to your July 14, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Boston Baptist College (College) of Boston, Massachusetts, from Title IX of the Educational Amendments of 1972 (Title IX), 20 U.S.C. § 1681.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX and its implementing regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the College is controlled by the Baptist Bible Fellowship International, which 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." The Baptist Bible Fellowship has a "right to approve the selection of every member of the College's Board of Trustees which governs the College." Your letter cites to the bylaws, which state that "[m]embership in the Corporation shall be open to any Baptist pastor of a supporting Baptist Church who is a member of the Baptist Bible Fellowship International." The bylaws also indicate that one of the "mission[s] of the [College] is to educate men and women in the academic capacities necessary to serve in the domestic and international ministries of Baptist churches, particularly those affiliated with the Baptist Bible Fellowship International."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that "application of those provisions would not be consistent with the

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

College's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion." In support of this request, your letter cites the Statement on Sexuality, which articulates the College's religious tenets on the subject of sexuality. The Statement on Sexuality states that "[t]he canon of Scripture clearly declares that God's design at Creation for sexual desire, orientation and identity is within the bounds of the marital union of one natural-born man and one natural-born woman," and that "all other sexual activity, including premarital sex, extramarital sex, polygamy, bisexual acts, same-sex marriage, homosexual acts, and bestiality violate clear biblical teaching on sexual purity." It further states that "the college community unites in the conviction that God opposes any attempt to alter one's gender by surgery or appearance," and that "[g]iven that human life is God's creation, including the life of the unborn, [the College] affirm[s] the 'sanctity of life' as an integral representation of our college faith and values."

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to the extent that they are interpreted to prohibit discrimination based on marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion:

- 34 C.F.R. § 106.21 (governing admission);
- 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 other limitations);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.36 (governing counseling);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 34 C.F.R. § 106.41 (governing athletics);
- 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);
- 34 C.F.R. § 106.56 (governing fringe benefits);
- 34 C.F.R. § 106.57 (governing marital or parental status); and
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

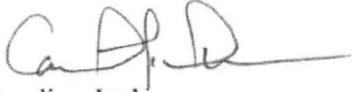
The College is exempt from these provisions to the extent that compliance would conflict with the controlling organization's religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized.

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I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. A. D.' followed by a long horizontal flourish.

Candice Jackson  
Acting Assistant Secretary for Civil Rights