



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 18, 2017

Steven F. Echols
President
Brewton-Parker College
201 David-Eliza Fountain Circle
P.O. Box 197
Mount Vernon, GA 30445

Dear President Echols:

I write in response to your May 23, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR) in which you requested a religious exemption for Brewton-Parker College (College) of Mt. Vernon, Georgia, from Title IX of the Education 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 provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to 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.

Your request explained that the College is owned by the Georgia Baptist State Convention, newly renamed, "Georgia Baptist Mission Board." Your letter stated that "[p]ursuant to the College's Articles of Incorporation and Bylaws, this organization controls the College, as the sole Member of the College corporation, and in part by exercising its right to select the entire membership of the board of directors of the College, the governing body of the College." The Bylaws of Brewton-Parker College state that the College "shall be operated and controlled by a Board of Trustees," all of whom are elected by the Georgia Baptist Convention, and at least one-fifth of whom "shall be Baptist ministers." Finally, the Bylaws provide that "[t]he Board of Trustees and the President are responsible to the Georgia Baptist Convention to maintain

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congruence in the mission and values of the College and the mission and values of the Convention.”

Your letter requests exemption “from provisions of Title IX to the extent application of those provisions would not be consistent with the controlling body’s religious tenets regarding marriage, sex outside the marriage, sexual orientation, gender identity, pregnancy, and abortion.” In support of your request, your letter cites the Baptist Faith and Message 2000, adopted by the Georgia Baptist Convention in 2000 and, according to the College’s Bylaws, adopted by the College as its Statement of Faith. The Baptist Faith and Message 2000 states, “Man is the special creation of God, made in His own image. He created them male and female as the crowning work of His creation. The gift of gender is thus part of the goodness of God’s creation.” The Baptist Faith and Message also states, “Christians should oppose every racism, every form of greed, selfishness, and vice, and all forms of sexual immorality, including adultery, homosexuality, and pornography.... We should speak out on behalf of the unborn and contend for the sanctity of all human life from conception to natural death.” In addition, the Baptist Faith and Message provides: “It is God’s unique gift to reveal the union between Christ and His church to provide for the man and the woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means for procreation of the human race.” Lastly, it states: “Children, from the moment of conception, are a blessing and heritage from the Lord.”

Your letter states that, for these reasons, the College is requesting an exemption from the following regulatory provisions to the extent application of those provisions would not be consistent with the Georgia State Baptist Convention’s tenets regarding marriage, sex outside the marriage, sexual orientation, gender identity pregnancy, and abortion:

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing limitation of rights, privileges, advantages or opportunities);
- 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 and parental status);
- 34 C.F.R. § 106.40 (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 they would require the College 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 College's controlling organization.

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 granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights