



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 14, 2017

William Blocker, DMCE
President
College of Biblical Studies
7000 Regency Square Blvd.
Houston, TX 77036-3211

Dear President Blocker:

I write in response to your August 31, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for the College of Biblical Studies (College) of Houston, Texas, 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's mission is to provide "biblically based education for the Body of Christ." Your letter explains that the College "equips its students with a biblical worldview for Christian service to the church and the world." You state that the College "exists to prepare students to become ministers and to teach theological subjects, in contradistinction to the broader focus of a religious liberal arts college." Your letter also states that the College's religious board of trustees must affirm the College's doctrinal statement and submit themselves to the Bible.

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that "they are interpreted to curtail the College's freedom to respond to transgender individuals in accordance with its theologically-grounded convictions," "reach sexual orientation discrimination," "curtail the College's freedom to act in accordance with its theological commitments regarding gender roles," or restrict the College's application of its "Statement on Human Life."

In support of this request, your letter cites to the College's Statement on Human Sexuality, which states that "the Bible encourages Christians to understand their sexual orientation and sexual

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identity in the original design of God as biologically created at birth; male and female with distinct differences but equal value in God's eyes," and "[a]s a result, the Bible forbids individuals from adopting a gender identity that conflicts with the biological sex they received from birth and to affirm others who accept the sex they were biologically assigned at birth." Your letter also cites to the College's doctrinal standards, indicating that the College affirms that "[s]ome sexual actions are always prohibited in the Bible including, but not limited to, fornication, adultery, homosexuality, transgender identification, bestiality/zoophilia, prostitution, rape, and sinful lust in all forms." Further, you state that the College believes "that God gives two life-enhancing options for human sexual behavior according to the Bible: (1) a regular, active, biblical conjugal 'one flesh' marital sexual union of one man and one woman to help overcome the temptations of the evil one, . . . , and (2) celibacy." Your letter also cites to the College's Statement on Gender Roles, which states that "God has established distinct roles and responsibilities for women and men. We affirm the Bible's teaching on biblical gender roles, which teaches men and women are equal in value but different in their functions within the home and the church" and "it would not be biblically appropriate for a woman to have the same authority as a man in terms of leadership and the pastoral role in the local church." Finally, your letter cites to the College's Statement on the Sanctity of Human Life, which states that "the Bible portrays human life as sacred with inherent value because humans are created in the image of God." The College therefore "does not endorse the taking of life without just cause including, but not limited to, murder, abortion, euthanasia, and suicide."

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 reach gender identity or sexual orientation discrimination, and to the extent they restrict the College's freedom to apply and enforce its Statement on Gender Roles and Statement on the Sanctity of Human Life":

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 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. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-61 (governing employment).

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.

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 "Candice Jackson", with a long horizontal flourish extending to the right.

Candice Jackson
Acting Assistant Secretary for Civil Rights