



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 21, 2017

Henry E. Payne, Jr., Ph.D.  
President  
Florida College  
119 North Glen Arven Ave.  
Temple Terrace, FL 33617

Dear President Payne:

I write in response to your July 26, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Florida College (College) of Temple Terrace, Florida, 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.

Your request letter states that the College "is committed to the teachings of the New Testament, and requires that its governing board of directors espouse those teachings and be faithful members of local churches of Christ," and that the College "requires its faculty and all employees to be Christians, to be members of a local church Christ, and to espouse personal belief in the doctrinal and moral teachings of the Bible."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they are inconsistent with the College's religious tenets regarding sex outside of marriage, sexual orientation, and gender identity. In support of this request, your letter cites to the College's Code of Moral Conduct, which states that "[s]exual relations of any type outside of marriage as defined in Scripture (Gen. 2:18-24) are not tolerated." Your letter furthers states that "[i]n order for [the] College to be true to its founding documents and its sincerely held religious beliefs, it must continue with the belief that homosexual practice is sinful." Your letter also explains, citing "certain passages from Holy Scripture," its belief that "gender identity is given by God and is revealed in one's birth sex, regardless of one's gender confusion."

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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.*

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 extramarital sexual conduct, sexual orientation, and gender identity.

- 34 C.F.R. § 106.21 (governing 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. § 106.37 (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. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.53 (governing recruitment);
- 34 C.F.R. § 106.55 (governing job classification and structure);
- 34 C.F.R. § 106.57 (governing marital or parental status);
- 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.

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

Sincerely,



Candice Jackson  
Acting Assistant Secretary for Civil Rights