



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

June 29, 2017

Sam Davison  
President  
4700 NW 10th Street  
Oklahoma City, OK 73127

Dear President Davison:

I write in response to your March 31, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Heartland Baptist Bible College (College) in Oklahoma City, Oklahoma, 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 "an independent Baptist college training men and women for ministries in independent Baptist churches." The letter further explains that, according to its mission statement, the College is "committed to excellence in educating and training preachers, missionaries, and Christian workers." Finally, your letter cites the College's Doctrinal Statement, which states that "its officers are pastors or elders and deacons whose qualifications, claims, and duties are clearly defined in the Scripture."

Your letter requests exemption from Title IX and its implementing regulations to the extent that they are interpreted to prohibit discrimination based on gender identity or sexual orientation and to the extent they conflict with the gender-specific nature of the College's Biblical Studies program. In support of this request, your letter explains that the College's Doctrinal Statement provides that "God has commanded that no sexual activity should be engaged in outside of a one man one woman marriage" and that the College rejects "all attempts at defining or altering one's sexual identity or gender in any manner." According to your letter, the College also believes

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“that only men are considered clergy,” citing “I Timothy and Titus in the King James Version of the Bible” as the foundation for this doctrinal belief.

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to the extent that they conflict with the gender-specific nature of the Biblical Studies program or are interpreted to prohibit discrimination on the basis of gender identity or sexual orientation:

- 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. § 106.40 (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. § 106.53 (governing recruitment); and
- 34 C.F.R. § 106.57 (governing marital or parental status).

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 granted. Also, in the unlikely event that a complaint alleges that the practices followed by the institution are not based on the religious tenets identified in your request, 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 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