



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 21, 2017

Robert B. Sloan, D. d. Theol.
President
Houston Baptist University
7502 Fondren Road
Houston, TX 77074-3298

Dear President Sloan:

I write in response to your March 23, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Houston Baptist University (University) 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 University was founded by the Union Baptist Association of Houston and is affiliated with the Baptist General Convention of Texas (Convention). Your letter explains that, according to the University's bylaws, "a supermajority of the members of the University's trustees must be active members of a Baptist church" and "all of the trustees must be professing Christians who adhere to the University's preamble." The preamble to the University's bylaws provides that "all those who become associated with Houston Baptist University as a trustee, officer, member of the faculty or of the staff, and who perform work connected with the educational activities of the University, must believe in the divine inspiration of the Bible, both the Old Testament and New Testament, that man was directly created by God, the virgin birth of Jesus Christ, our Lord and Savior, as the Son of God, that He died for the sins of all men and thereafter arose from the grave, that by repentance and the acceptance of and belief in Him, by the grace of God, the individual is saved from eternal damnation and receives eternal life in the presence of God."

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.

religious tenets of the Convention regarding marriage, sex outside marriage, sexual orientation, gender identity (including but not limited to transgender status), pregnancy, and abortion.” In support of this request, your letter cites the Convention’s resolution *On Sexual Ethics*, which states that “the Bible teaches that the ideal for sexual behavior is the marital union between husband and wife and that all other sexual relations—whether premarital, extramarital, or homosexual—are contrary to God’s purposes and sinful.” Your letter also explains that the Convention has stated its religious beliefs opposing abortion and that “gender is based on biological attributes and is seen as a gift from God and immutable.”

Your letter states that, for the above reasons, the Universities is requesting an exemption from the following regulatory provisions to the extent that they would require the University to “treat marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion in a manner that is inconsistent with the religious tenets of the Convention”:

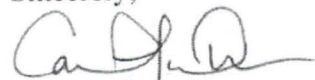
- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing other limitations);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 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. § 106.57 (governing marital or parental status); and
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

The University 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