



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

January 2, 2018

Charley Holmes  
President  
Baptist Missionary Association Theological Seminary  
P.O. Box 670  
1530 East Pine Street  
Jacksonville, TX 75766-0670

Dear President Holmes:

I write in response to your June 8, 2017, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for the Baptist Missionary Association Theological Seminary (Seminary) of Jacksonville, 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 Seminary is controlled by the Baptist Missionary Association of America (BMAA), an association of evangelical churches, which elects the Seminary's governing board. Your letter further explains that the Seminary's exclusive mission is "equipping individuals for Christ-centered service and leadership roles," which "focuses BMA Seminary education upon the preparation of students for religious ministry, religious vocation, and/or teaching of theological subjects."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that compliance with them would be inconsistent with BMAA's religious tenets, including with respect to "pregnancy outside of marriage, abortion, marriage, sex outside of marriage, sexual orientation, and gender identity." In support of this request, your letter cites the BMAA Doctrinal Statement of Creation, which "affirms the sanctity of human life from the point of conception, thus, recognizing the termination of pregnancy as contrary to

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
www.ed.gov

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

God's intention for life while recognizing inherent value of and respect for all persons." Your letter also cites the BMAA Doctrinal Statement on Marriage, which "establishes BMAA's religious belief that God created marriage as an exclusively monogamous and biologically heterosexual union." In addition, you letter cites resolutions BMA has adopted clarifying its view of same-sex relations and termination of pregnancies.

Your letter states that, for the above reasons, the Seminary is requesting an exemption from the following regulatory provisions to the extent that they are inconsistent with BMAA's religious tenets on pregnancy outside of marriage, abortion, marriage, sex outside of marriage, 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(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. § 106.40 (governing marital or parental status);
- 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);
- 34 C.F.R. § 106.60 (governing pre-employment inquiries); and
- 34 C.F.R. § 106.61 (governing sex as a bona-fide occupational qualification).

The Seminary 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