



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 14, 2017

Ron White, Ed. D.
President
Emmanuel College
P.O. Box 129
Franklin Springs, GA 30639

Dear Dr. White:

I write in response to your June 2, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Emmanuel College (College) of Franklin Springs, Georgia, from Title IX of the Education 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 education institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets.

Your request indicates the College is "a Christ-centered institution of higher education." The sponsoring denomination of Emmanuel College is the International Pentecostal Holiness Church (IPHC)." The request explains that "Fourteen (14) officials of the IPHC, including the General Superintendent (CEO), are *ex officio* members of the Emmanuel College Board of Trustees." Your letter further explains that "Emmanuel College and the IPHC, as the sponsoring denomination, understand the Bible to be the infallible, written Word of God" and that "both the Denomination and the College affirm that the Apostle's Creed, the Article of Faith, the Ordinances of the Church, and the Covenant of Commitment as expressed in the IPHC Church Manual ..., provide the most adequate and comprehensive expression of the system of doctrine taught in the Bible. The IPHC and Emmanuel College submit themselves to the Bible and to these historic expressions of its doctrine and seek to express positions that are in accord with those standards."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations "to the extent they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict Emmanuel College's freedom to apply and enforce its Statement on Human Life." In support of this request, your letter

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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.

cites to the College's Policy on Sexual Behavior and Gender Identity, which states that "God's original and ongoing intent and action were the creation of humanity manifest as two distinct sexes, male and female," "that each person was intended to experience congruence between the physical and experiential dimensions of their sexuality," and that "the utilization of surgical or other medical procedures or interventions to change one's biological gender as established at birth or presenting oneself in a manner intended to change society's perception of one's biological gender are violations of institutional policy." Your letter also states that the IPHC maintains "a strong biblical position against premarital, extramarital, and deviant sex, including homosexual and lesbian relationships." Your letter also explains that the College "adheres to the biblical teaching that God had, and continues to have, a specific design for sexual behavior and marriage" and that "God established and sanctified marriage as the covenant relationship between a man and a woman." In addition, your letter indicates that the IPHC "affirm[s] every person's right to life and maintain a strong position against abortion and euthanasia, both of which undermine the biblical sanctity of life." The letter explains that the College's Code of Student Conduct and Employee Handbook reflect this biblical interpretation.

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions "to the extent they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict the Emmanuel College's freedom to apply and enforce its Statement on 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 'C. Jackson', with a long horizontal flourish extending to the right.

Candice Jackson
Acting Assistant Secretary for Civil Rights