



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 14, 2017

Philip Speas, D.D.
President
Kentucky Mountain Bible College
855 Hwy 541
Jackson, KY 41339

Dear Dr. Speas:

I write in response to your July 27, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Kentucky Mountain Bible College (College) of Jackson, Kentucky, 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 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 "purpose of the College from the beginning has been to provide students with a thorough Bible education and to prepare them for Christian ministry." The letter explains that the College is a member of the Kentucky Mountain Holiness Association (Association) and is "committed to the ideals of the [Association], its sponsoring organization." The Association's by-laws require that the president of the College and all regular staff be members of the Association. Your letter further explains that the College is "committed to the Wesleyan interpretation of Christian doctrine and expects all members of faculty and staff to affirm yearly their allegiance to the doctrine." Your letter also states that the "College and Association believe that the Bible is the true, infallible, inerrant Word of God and seek to follow, teach and apply its principles to all of our life's practices and behaviors, which involve the students and employees."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that "they are interpreted to reach gender identity or sexual orientation discrimination, and to the extent they restrict the College's freedom to apply and enforce its Statement on Human Life." In support of this request, your letter cites to the section on "The Sacredness of Marriage and Human Sexuality" in the College's Statement of Faith, wherein it

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.

states that “God created humanity male and female and brought them together in marriage. These two distinct, complementary genders together reflect the image and nature of God,” and that “we affirm the biological sex of all persons and that any and all attempts to physically change, alter, or disagree with one’s predominant biological sex is disordered, according to the Bible.” The Statement of Faith further explains: “We subscribe to a Biblical view regarding marital fidelity and monogamy, condemning promiscuity and fornication, sadism, masochism, bondage, and sodomy.” Your letter also indicates that the “College and Association prohibit homosexual practices and do not allow any sexuality other than that expressed in lifelong, monogamous, heterosexual marriage, heterosexuality.” Further, your letter states that the “College’s and Association’s religious beliefs which are based on the Bible forbid elective abortion, pre-marital sex, extra-marital sex and homosexual behavior for both students and employees.”

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to “allow the College religious freedom to discriminate on the basis of sex, including gender identity, and sexual orientation”:

- 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);
- 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 'Candice Jackson', with a long horizontal flourish extending to the right.

Candice Jackson
Acting Assistant Secretary for Civil Rights