



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

February 15, 2018

Mac Heavener, Jr.
President
Trinity Baptist College
800 Hammond Blvd.
Jacksonville, FL 32221

Dear President Heavener:

I write in response to your February 9, 2016 letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Trinity Baptist College (College) of Jacksonville, Florida, from Title IX of the Educational Amendments of 1972 (Title IX), 20 U.S.C. § 1681. OCR sent a response on July 22, 2016, to request additional information, and has not received a reply. However, upon further consideration, we have determined that your request letter provides sufficient information for OCR to acknowledge the College's exemption from the requirements of Title IX as detailed below.

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 controlled by and affiliated with the Trinity Baptist Church of Jacksonville, Inc." Your letter also states that the College's "identity as a Christian institution is central to all that we do and teach" and that "[t]he Church, and the College itself, believe in the inerrancy and truth of Scripture as presented in the Holy Bible."

Your letter requests exemptions from certain provisions of Title IX and its implementing regulations to the extent that application of the provisions conflict with the College's "biblical beliefs regarding gender and sexual morality." In support of this request, your letter cites the Bible and states that "God has commanded that no intimate sexual activity should be engaged in

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outside of marriage between a man and a woman. We believe that any form of homosexuality, lesbianism, bisexuality, trans-sexuality, bestiality, incest, fornication, adultery, and pornography are sinful perversions of God's gift of sex." Your letter also states that the College "reject[s] all attempts at constructing one's own sexual identity by medically altering the human body, cross dressing, or similar practicing behaviors characteristic of the opposite sex as morally objectionable and sinful."

Your letter states that, for the above reasons, the College is requesting an exemption from the following regulatory provisions to the extent that they are interpreted to conflict with the College's "biblical beliefs regarding gender and sexual morality:"

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 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); 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 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 blue ink, appearing to read "Candice Jackson".

Candice Jackson
Acting Assistant Secretary for Civil Rights