



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 15, 2017

Dr. Jim Tillotson
President
Faith Baptist Bible College and Theological Seminary
1900 NW Fourth Street
Ankeny, IA 50023

Dear President Tillotson:

I write in response to your November 8, 2016, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for the Faith Baptist Bible College and Theological Seminary (College) of Ankeny, Iowa 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 College "is completely controlled by its Board of Directors (Board), which is a religious organization" and that "[n]ot only does the institution rely on and require all Board members to affirm the missional documents and positions declared therein, but it also requires the administration and faculty to do so as well, since its doctrinal beliefs and philosophy of education are foundational to all that it does, including what is taught in the classroom." Your website states that the mission of the College, "as a fundamental Baptist institution of Christian higher education, is to prepare vocational Christian workers and ministry leaders for local churches throughout the world."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they are interpreted to reach discrimination based on gender identity. In support of this request, your letter cites to the College's doctrinal statement, which states: "We believe God created both male and female, and that He designed gender distinctions between men and women, including the Biblically-defined and distinctive roles of husband and wife. Since gender distinctions are rooted in divine order, changing or disguising one's inherited sex (and correlated gender) reflective of this order transgresses God's design." Your letter also

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states that the College developed a Policy on Sexual Misconduct and Relationship Violence providing that “[w]e celebrate these God-given distinctions both in creation and in the Bible, and the mutual and equal dignity, honor, and respect inherent in God’s designs for men and women.”

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 reach gender identity discrimination”:

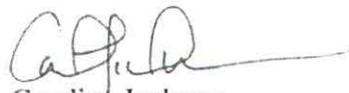
- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preference in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing 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,



Candice Jackson
Acting Assistant Secretary for Civil Rights