



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

May 24, 2016

Daniel Stevens  
President  
Virginia Baptist College  
4105 Plank Road  
Fredericksburg, VA 22407

Dear President Stevens:

I write to respond to your February 26, 2016, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Virginia Baptist College (College or VBC) of Fredericksburg, Virginia, 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.

The implementing regulation at 34 C.F.R. § 106.12 provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to 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.

Your request explained that, according to the College's Mission Statement, the College exists "to equip men and women for dynamic Christian service and leadership in Bible-believing churches by providing higher education that emphasizes academic excellence, spiritual development, and preparation for ministry, both lay and professional." Your letter identifies "Faith Baptist Church as VBC's host church" and a provider of "significant financial support to VBC." Your letter further explains that the College Board Manual requires board members to "be Christians who attend independent Baptist churches and must sign the VBC Doctrinal Statement." Additionally, the Board Manual states that "it shall be the policy of Virginia Baptist College to elect, if he should choose to serve, the pastor of the host church (Faith Baptist Church of Fredericksburg, VA) to the office of chairman of the Board." The Board Manual goes on to require that "all students must sign a written statement stating that they have read, understand and will support the College Doctrinal Statement" and to "sign adherence to a written Standard of Conduct each

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
[www.ed.gov](http://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.*

year.” As described in the Board Manual, the Standard of Conduct “is based on the teachings and principles of Scripture. Its purpose is to aid in the development of personal holiness and discipline exemplified in a lifestyle that glorifies God.” According to your letter, “both Faith Baptist Church and the College affirm that the Doctrinal Statement provides the most adequate and comprehensive articulation of the system of doctrine taught in the Bible.”

Your letter requests a religious exemption from the provisions of Title IX “to the extent 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 beliefs regarding the sanctity of life.” In support of this request, your letter cites the College’s Statement of Human Sexuality, which according to your letter is consistent with the Doctrinal Statement described above. The Statement of Human Sexuality states that “individual gender is assigned by God and determined at conception” and “to intentionally alter or change one’s physical gender or to live as a gender other than the one assigned at conception is to reject God’s right as Creator to assign gender to His creatures.” The Statement of Human Sexuality also states that “sexual intimacy is designed by God to be expressed solely within a marriage between one man and one woman.” Lastly, it states that “human life begins at conception” and “[a]bortion constitutes the unjustified, unexcused taking of unborn human life.”

Your letter states that, for these reasons, the College is requesting an exemption from the following regulatory provisions 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 beliefs regarding the sanctity of 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 such as restrooms and locker rooms);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling and use of appraisal and counseling materials);
- 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 different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education); and
- 34 C.F.R. § 106.51-61 (governing employment).

The College is exempt from these provisions to the extent that they prohibit discrimination on the basis of gender identity or sexual orientation or restrict the College's freedom to apply and enforce its beliefs regarding the sanctity of life, and 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 granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Catherine E. Lhamon  
Assistant Secretary for Civil Rights