



July 26, 2016

Ms. Catherine E. Lhamon
Assistant Secretary for Civil Rights
Office of Civil Rights
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: Request for exemption from certain aspects of Title IX of the Education Amendments of 1972, 20 U.S. Code §1681, on the basis of religion

Dear Assistant Secretary Lhamon:

Florida College hereby respectfully requests an exemption from certain aspects of Title IX of the Education Amendments of 1972, 20 U.S. Code §1681 et seq (Title IX), based on the sincerely held religious beliefs of its Board of Directors and faculty. Recent declarations of Title IX enforcement intentions by the Department of Education's Office of Civil Rights, if applied to Florida College, would violate the religious tenets held by Florida College. Specifically, Florida College requests an exemption on religious grounds from Title IX and its implementing regulations, as such would apply to students, prospective students, employees, prospective employees and issues involving gender identity and sexual orientation.

Title IX expressly provides a religious exemption for educational institutions controlled by a religious organization, if application of Title IX would violate the religious tenets of the educational institution. The exemption is found at 20 U.S. Code §1681 (a)(3): *"this section shall not apply to an educational institution which is controlled by a religious organization if application of this subsection would not be consistent with the religious tenets of such organization."* It is further stated at 34 C.F.R §106.12 (b): *"an educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization."*

Philosophy and Mission of Florida College

Florida College maintains that application of this specific part of Title IX is inconsistent with its religious and moral beliefs.

The philosophy and mission of Florida College are set forth in its Articles of Incorporation:

“The object of the Corporation and general nature of the purposes of its creation are as follows: To establish and maintain a college wherein the arts, sciences and languages shall be taught and also to provide opportunity for young men and young women to study the Bible as the revealed will of God to man and as the only sufficient rule of faith and practice, while they are educated in the liberal arts” (Articles of Incorporation, Article III).

Florida College as an institution is committed to the teachings of the New Testament, and requires that its governing board of directors espouse those teachings and be faithful members of local churches of Christ.

“Membership in this Corporation shall be limited to individuals in good standing in a congregation of the church of Christ” (Articles of Incorporation, Article V).

“The members of the Board of Directors must be members of the church of Christ” (Amended and Restated Bylaws of Florida College, Article One, §5).

Florida College requires its faculty and all employees to be Christians, to be members of a local church of Christ, and to espouse personal belief in the doctrinal and moral teachings of the Bible (Florida College Personnel Manual 2016-2017, §3.01-3.02).

“Some of the specific qualities that we must emphasize are listed below:

...A genuine godliness which makes the spiritual growth of self and others the highest goal in one's life. Our employees must be Christians.

Acceptance of employment as an employee at Florida College implies belief in all of the following statements of Biblical teaching:

...That such persons as have been baptized into Christ are eligible for membership in a local church of Christ.”

Under §3.03 Moral Character, the Personnel Manual states the following:

“Each employee in order to remain with the College must continue to be of good moral character conducting oneself as a Christian should. An employee is expected to abide by the College's policies and principles as expressed in official publications such as the Catalog, Personnel Manual, and Student Handbook.”

Florida College requires its students and employees to follow a Code of Moral Conduct based upon principles of personal and sexual morality taught in the Bible (2016-2017 Student Handbook, pp. 5-11). Included in the Code of Moral Conduct is the following statement under “Purity in Relationships”:

“Students are expected to maintain their moral integrity with personal relationships. Sexual relations of any type outside of marriage as defined in Scripture (Gen. 2:18-24) are not tolerated.”

Biblical and Moral Teaching on Marriage and Sexuality as Guiding Principles of Florida College and Churches of Christ

Churches of Christ seek to base what they both believe and practice about marriage and sexual relations upon the Bible. As members of churches of Christ, Christians point to such passages of Holy Scripture as those listed below as providing the Scriptural position which they should hold.

Leviticus 18:22 *“You shall not lie with a male as with a woman; it is an abomination.”*

Hebrews 13:4 *“Let marriage be held in honor among all, and let the marriage bed be undefiled, for God will judge the sexually immoral and adulterous.”*

Romans 1:24 *“Therefore God gave them up in the lusts of their hearts to impurity, to the dishonoring of their bodies among themselves, because they exchanged the truth about God for a lie and worshiped and served the creature rather than the Creator, who is blessed forever! Amen. For this reason God gave them up to dishonorable passions. For their women exchanged natural relations for those that are contrary to nature; and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in themselves the due penalty for their error. And since they did not see fit to acknowledge God, God gave them up to a debased mind to do what ought not to be done.”*

1 Corinthians 6:9 *“Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God.”*

Based on the authority of these and other passages, those in churches of Christ believe it is not God’s intention for people to engage in homosexual behavior. In order for Florida College to be true to its founding documents and its sincerely held religious beliefs, it must continue with the belief that homosexual practice is sinful, a belief which has characterized the College from its beginning.

We further believe that gender identity is given by God and is revealed in one’s birth sex, regardless of one’s gender confusion. This view also is based upon certain passages from Holy Scripture, including but not limited to the following.

Genesis 1:27 *“So God created man in his own image, in the image of God he created him; male and female he created them.”* The original account of the creation of human beings shows God’s original intention of creating two and only two distinct sexes.

Deuteronomy 22:5 *“A woman shall not wear a man's garment, nor shall a man put on a woman's cloak, for whoever does these things is an abomination to the LORD your God.”* God gives laws about a person’s attempt to show himself or herself as of a sex different from the sex assigned by God at birth.

1 Corinthians 11:14 *“Does not nature itself teach you that if a man wears long hair it is a disgrace for him, but if a woman has long hair, it is her glory? For her hair is given to her for a covering.”* In this passage, Paul provided personal teaching about a specific culturally relevant distinction between the sexes, and indicated that a clear distinction between the sexes is necessary to prevent division in the church.

Based on the authority of these and other Biblical passages, those in churches of Christ would oppose a person's attempt to modify his or her birth sex, and present as a sex other than his or her original birth sex, and would consider one who does so misguided and a disruptive presence.

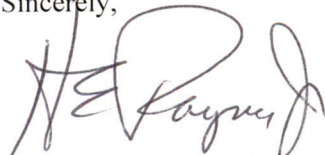
Specific Exemption Request

Based upon the sincerely held religious beliefs of Florida College, its governing board, and its faculty, Florida College specifically requests a religious exemption from Title IX of the Education Amendment of 1972, and all implementing regulations related thereto, which would violate the sincerely held religious beliefs of Florida College.

This request for religious exemption includes, but is not limited to, the following specific regulations, growing out of Title IX, as such regulations may be amended hereafter: 34 CFR §106.21 Admissions; 34 CFR §106.23 Recruitment; 34 CFR §106.31 Education Programs or Activities; 34 CFR §106.32 Housing; 34 CFR §106.33 Comparable Facilities; 34 CFR §106.34 Access to Classes and Schools; 34 CFR §106.37 Financial Assistance; 34 CFR §106.38 Employment Assistance to Students; 34 CFR §106.39 Health Insurance Benefits and Services; 34 CFR §106.41 Athletics; 34 CFR §106.51 Employment; 34 CFR §106.53 Recruitment of Employees; 34 CFR §106.55 Job Classification and Structure; 34 CFR §106.57 Marital or Parental Status; 34 CFR §106.60 Pre-employment Inquiries.

We respectfully request exemption from the provisions of Title IX as stated above. Thank you for your consideration of this request. If you need further clarification, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "H. E. Payne, Jr.", written in a cursive style.

Harry E. Payne, Jr, PhD
President