

June 18, 2015

Catherine Lhamon
Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Missouri Baptist University Request for Religious Exemption

Dear Assistant Secretary Lhamon:

This letter shall serve as the request of Missouri Baptist University for an exemption from certain provisions of Title IX of the Education Amendments Act of 1973, as authorized by 20 U.S.C. §1681(a)(3) and 34 C.F.R. Section 106.12.¹ I am the President of Missouri Baptist University, its highest ranking officer.

Missouri Baptist University is a non-profit, evangelical Christian liberal arts institution that has as its purpose the offering of programs of study leading to professional certificates, undergraduate degrees and graduate degrees, including Christian Ministry, Ministry and Leadership and Religion, in an environment where academic excellence is emphasized and a Biblically based Christian perspective is maintained in all facets of the college experience. The academic and student life at Missouri Baptist University is unapologetically Christian in all of its programs and activities and is grounded in the traditions of the Baptist denomination. For example, students are required to take Old Testament History and New Testament History in order to attain a degree in most undergraduate degree programs. Full-time undergraduate students studying at the main campus are also required to attend all chapel and convocation programs as a component of their undergraduate program.

Since its foundation the University has maintained a close, symbiotic relationship with the Baptist community of believers and is governed by trustees who are members of Baptist churches in Missouri. The board of trustees of Missouri Baptist University consists of twenty-seven persons, seventy-five percent (75%) of whom are required by the University's Articles of Incorporation to be members of Baptist churches located in Missouri. The Articles of Incorporation also provide that in the event of the dissolution of the University, its assets are required to be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code to Baptist institutions selected by the board of trustees which are consistent

¹ Please note that the Office for Civil Rights has previously granted a religious exemption to Missouri Baptist University from application of certain provisions of Title IX. A copy of that exemption letter, dated April 19, 1996, is enclosed with this letter. Said exemption remains in effect.

with and in furtherance of the purposes of Missouri Baptist University and which are also exempt institutions within the meaning of Section 501(c)(3) of the Internal Revenue Code.

In the Baptist tradition and polity, the Christian doctrine and beliefs which Baptist institutions like the University follows is not established or enunciated by a hierarchical or ecclesiastical body in the way that one might find, for example, in the Roman Catholic Church. Baptists are free to determine for themselves the Biblical tenets that govern their faith and practice in light of their understanding of the Scriptures. However, the University and the Baptist community of believers commonly agree upon certain religious tenets that reflect an evangelical Christian understanding and view of the Scriptures.

The University is compelled by Scripture to be faithful to these religious tenets of the Christian faith. To the extent that these tenets permit, Missouri Baptist University remains committed to complying with the spirit and letter of federal laws affording equal educational opportunity and nondiscrimination in admission to and participation in the University's programs and activities, including Title IX. However, in some instances, Scripture, as understood by the University and the Baptist denomination of believers, requires the University to act in ways which may conflict with certain regulations implementing Title IX in light of OCR's determination that "Title IX's sex discrimination provisions extend to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity" or otherwise form a basis for the protection from discrimination against lesbian, gay, bisexual and transgender persons.²

Missouri Baptist University adheres to the religious tenets of Scripture that our embodiment as male and female is understood as an aspect of our creation by God and, therefore, instructive regarding behavior and lifestyles that are good and pleasing to Him. Human embodiment as male or female also simply and eloquently evidences God's intention for sexual relationship—that is, it is rightly between men and women within the context of marriage. Homosexual or bisexual desire and sexual activity is viewed as inconsistent with the meaning and purpose of one's embodiment as male or female, and is regarded by Scripture as sin.³

The same tenets of Scripture apply to one who is embodied as a man but feels persistent discomfort with his maleness or for a person with a female body who believes she is male. From the standpoint of our gender—the only objective means of determining who is male or female—we have a God-given identity that is either masculine or feminine. One is a man or woman because that is what God intended them to be. Gender is part of the goodness of his creation. The body of Scripture indicates that gender dysphoria and transgender identity represents a part of our fallen human nature, is contrary to Scripture and should be opposed rather than given free reign.⁴ On this basis the University regards homosexuality, bisexuality and transgendered identity and desire as inconsistent with the truth of Scripture, even though it may be in conflict with changing societal opinions and/or OCR's interpretation of Title IX.

The faculty, employees and students of the University are expected to conduct themselves in a

² See OCR Questions and Answers on Title IX and Sexual Violence, dated April 29, 2014.

³ See Southern Baptist Convention Resolution on Homosexuality, Dallas, TX 1985; and Southern Baptist Convention Resolution On Same-Sex Marriage and Civil Rights Rhetoric, New Orleans, LA 2012.

⁴ See Southern Baptist Convention Resolution on Transgender Identity, Baltimore, MD 2014.

manner consistent with the tenets of the Christian faith and, as much as humanly possible, to model Christ in every area of their lives, including sexual conduct and gender identity. It would be entirely inconsistent with the sincerely held tenets of faith and practice of Missouri Baptist University to require it to treat Title IX regulations prohibiting discrimination on the basis of sex as including claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity, the very antithesis of the University's religious views. The exemption sought by Missouri Baptist University would reserve to the University the right to discriminate on such bases since they are directly in conflict with its religious viewpoint and sincerely held tenets and practices. Missouri Baptist University respectfully seek exemption on religious grounds from the following regulations, found in 34 C.F.R Part 106:

Subpart C—Discrimination of the Basis of Sex in Admission and Recruitment Prohibited

- 106.21 Admission.
- 106.22 Preference in admission.
- 106.23 Recruitment;

Subpart D—Discrimination on the basis of Sex in Education Programs or Activities Prohibited

- 106.31 Education programs or activities.
- 106.32 Housing.
- 106.33 Comparable Facilities.
- 106.34 Access to classes and schools.
- 106.36 Counseling and use of appraisal and counseling materials.
- 106.37 Financial Assistance.
- 106.38 Employment Assistance to Students.
- 106.39 Health and insurance benefits and services.
- 106.40 Marital or parental status;

and

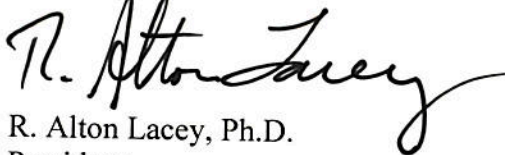
Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited

- 106.51 Employment.
- 106.52 Employment Criteria.
- 106.53 Recruitment.
- 106.54 Compensation.
- 106.55 Job classification and structure.
- 106.56 Fringe Benefits.
- 106.57 Marital or parental status.
- 106.58 Effect of State or local law or other requirements.
- 106.59 Advertising.
- 106.60 Pre-employment Inquiries.
- 106.61 Sex as a bona-fide occupational qualification.

Accordingly, Missouri Baptist University seeks religious exemption from the above regulations implementing Title IX insofar as such regulations treat or regard discrimination on the basis of "sex" as including claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity, or otherwise form any basis for protection from discrimination against lesbian, gay, bisexual and transgender persons.

Thank you for your attention to this request. Please do not hesitate contact me if you have any questions concerning the same.

Sincerely,

A handwritten signature in black ink that reads "R. Alton Lacey". The signature is written in a cursive style with a long, sweeping tail on the "y".

R. Alton Lacey, Ph.D.
President