

NORTH GREENVILLE UNIVERSITY • P.O. BOX 1892 • TIGERVILLE, SC 29688 • (864) 977-7000

December 10, 2014

Assistant Secretary Catherine Lhamon
U.S. Department of Education
Office of Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Request for Title IX Religious Exemption

Dear Assistant Secretary Lhamon:

As the highest-ranking official of North Greenville University, a private, Christian liberal arts university in South Carolina, I hereby request exemption from compliance with certain Title IX regulations, under the religious exemption provided in 20 CFR 1681(a)(3). The particular regulations for which exemption is requested are:

- 34 CFR §106.21 (b)(iii) – admissions; regarding prohibitions on the basis of sex
- 34 CFR §106, 21(c) – admissions; regarding prohibitions based on marital and parental status
- 34 CFR §106.31(b)(4) – regarding different rules of behavior, sanctions, or other treatment
- 34 CFR §106.57 – pregnancy; regarding marital or parental status of employees
- 34 CFR §106.40 – pregnancy; regarding marital or parental status of students
- 34 CFR §§106.51(a) and 106.51(b)(6) – regarding discrimination in employment in leaves for pregnancy, childbirth, and termination of pregnancy, based on sex, including in regard to gender identity issues
- 34 CFR §106.32 – regarding housing
- 34 CFR §106.33 – regarding restrooms and locker rooms
- 34 CFR §106.41 – regarding athletics

North Greenville University is a private, Christian liberal arts university located in Tigerville, South Carolina. The University was established in 1892 and is one of South Carolina's largest accredited, independent universities, enrolling approximately 2,600 students. The University's purpose, as an institution affiliated with and committed to the South Carolina Baptist Convention, is to provide opportunities for higher education in a Christian atmosphere, and to strive to prepare students to become better contributing members of society by educating the whole person through an integration of academic discipline, a Christian lifestyle, and an enriched cultural experience while offering students the best opportunities for spiritual growth, academic training, and Christian service. Christ must be the center of the campus for the purpose of Christian education and Christian character building.

North Greenville operates under a philosophy of Christian Education that supports the school's mission and statement of purpose. This philosophy, as stated in the 2014-2015 catalog says,

"As a Christian school, North Greenville University must keep the emphasis upon the person and work of Jesus Christ, the Son of God, who was begotten by the Holy Spirit, born of the virgin Mary, true God and true man who died as the substitutionary atonement for the forgiveness of sin, was resurrected from the dead, and now reigns as the living Lord. The University is Christian when this Christ is the head and center of all its thinking and conduct.

An education at North Greenville University is regarded as preparation for effective Christian service and witness. The Bible, as the inspired and infallible Word of God, is the solid foundation of the curriculum and the basis of the philosophy of education and of life.

We care about the spiritual wellbeing of our students as well as their academic achievements.

Attendance at North Greenville University is a privilege, and not a right, which may be forfeited by any student who does not conform to the standards and regulations of the institution. The University may request the withdrawal at any time of any student, who, in the opinion of the university, does not fit into the spirit of the institution, regardless of whether that student conforms to its specific rules and regulations."

North Greenville University endeavors to serve its stated purpose and support its philosophy of Christian education, which permeates all functions of the University, by following these institutional objectives:

1. Offering basic liberal arts curricula that lead to the baccalaureate, masters and doctoral degrees.
2. Strengthening opportunities to meet the needs of advanced and gifted students while continuing to maintain the university's heritage of providing quality education for all students.
3. Presenting distinctive, innovative programs that attract and meet the needs of non-traditional students.
4. Achieving high academic standards through the employment of qualified professionals and through furnishing appropriate educational support services.
5. Providing an environment in which students can realize their fullest potential as complete persons, developing intellectually, physically, socially, culturally, morally, and spiritually.
6. Affording a special sense of community through the development of close, personal relationships and the nurturing efforts of a caring, Christian, dedicated faculty, staff, and administration.

A copy of the sections referenced in the *2014-2015 Catalogue* is attached as Item 1.

The University is governed and controlled by its Board of Trustees, which consists of twenty-five members who are elected by the South Carolina Baptist Convention, as dictated in the North Greenville University Restated Articles of Incorporation. A copy of these Articles of Incorporation is attached as Item 2.

We agree with and support the Biblical Core Values as presented in *THE BAPTIST FAITH AND MESSAGE*, Southern Baptist Convention, 2000 and read:

- * Scripture. The Holy Bible was written by men divinely inspired and is God's revelation of Himself to man. It is a perfect treasure of divine instruction. It has God or its author, salvation for its end, and truth, without any mixture of error, for its matter. Therefore, all Scripture is totally true and trustworthy. It reveals the principles by which God judges us, and therefore is, and will remain to the end of the world, the true center of Christian union, and the supreme standard by which all human conduct, creeds, and religious opinions should be tried. All Scripture is a testimony to Christ, who is Himself the focus of divine revelation.
- * God. There is one and only one living and true God. He is an intelligent, spiritual, and personal Being. God is infinite in holiness and all other perfections. God is all powerful and all knowing; and His perfect knowledge extends to all things, past, present, and future, including the future decisions of His free creatures. To Him we owe the highest love, reverence, and obedience. The eternal triune God reveals Himself to us a Father, Son and Holy Spirit, with distinct personal attributes, but without division of nature, Essence, or being.
- * Jesus Christ. Christ is the eternal Son of God. In His incarnation as Jesus Christ He was conceived of the Holy Spirit and born of the Virgin Mary. Jesus perfectly revealed and did the will of God, taking upon Himself Human nature with its demands and necessities and identifying Himself completely with mankind yet without sin. He honored the divine law by His personal obedience, and in His substitutionary death on the cross He made provision for the redemption of men from sin. He was raised from the dead with a glorified body and appeared to His disciples as the person who was with them before His crucifixion. He ascended into heaven and is now exalted at the right hand of God where He is the One Mediator, fully God, fully man, in whose Person is effected the reconciliation between God and man. He will return in power and glory to judge the world and to consummate His redemptive mission. He now dwells in all believers as the living and ever present Lord.
- * Salvation. Salvation involves the redemption of the whole man, and is offered freely to all who accept Jesus Christ as Lord and Savior, who by His own blood obtained eternal redemption for the believer. In its broadest sense salvation includes regeneration, justification, sanctification, and glorification. There is no salvation apart from personal faith in Jesus Christ as Lord.
- * The Christian and Social Order. All Christians are under obligation to seek to make the will of Christ supreme in our own lives and in society. Means and methods used for the

improvement of society and the establishment of righteousness among men can be truly and permanently helpful only when they are rooted in the regeneration of the individual by the saving grace of God in Jesus Christ. In the spirit of Christ, Christians should oppose racism, every form of greed, selfishness, and vice, and all forms of sexual immorality including adultery, homosexuality, and pornography. We should work to provide for the orphaned, the needy, the abused, the aged, the helpless, and the sick. We should speak on behalf of the unborn and contend for the sanctity of all human life from conception until natural death. Every Christian should seek to bring industry, government, and society as a whole under the sway of the principles of righteousness, truth, and brotherly love. In order to promote these ends Christians should be ready to work with all men of good will in any good cause, always being careful to act in the spirit of love without compromising their loyalty to Christ and His truth.

- * Evangelism and Missions. It is the duty and privilege of every follower of Christ and of every church of the Lord Jesus Christ to endeavor to make disciples of all nations. The new birth on man's spirit by God's Holy Spirit means the birth of love for others. Missionary effort on the part of all rests thus upon a spiritual necessity of the regenerate life, and is expressly and repeatedly commanded in the teachings of Christ. The Lord Jesus Christ has commanded the preaching of the gospel to all nations. It is the duty of every child of God to seek constantly to win the lost to Christ by verbal witness undergirded by a Christian lifestyle, and by other methods in harmony with the gospel of Christ.

The University believes that the Bible is the true and reliable word of God, and follows Biblical principles in its policies and practices applicable to Christian education and its students and employees.

Because of our commitment to the Holy Scriptures, North Greenville University implements Faith Integration on campus to students and employees in a number of ways:

- Chapel. Our corporate integration begins with our chapel. Chapel presentations address the imperatives of the Christian message related to worship, evangelism, discipleship, fellowship, and ministry. Some sessions will also be utilized for special university emphases. In keeping with the philosophy of campus community and the importance of Christian values, chapel meets twice weekly. Chapel is required each fall and spring semester for all full-time students. Students must successfully complete the chapel requirement for each semester of full-time attendance in order to graduate at North Greenville University. In addition, students must pass a minimum of two semesters of chapel to earn a bachelor's degree from the university.
- Campus Ministry. There are many ways to plug in to Campus Ministries at the University. On campus, students have opportunities to grow as believers. Discipleship opportunities include leading/attending Bible studies, prayer groups, worship experiences, and service ministries. Life Transformation Groups consist of three

students of the same sex who meet weekly for one hour to discuss Scripture, pray for those who do not know Christ, and hold each other accountable. Campus Ministry interns and chaplains assist with ministries in the residence halls, giving attention to the needs of the university family. Athletic Ministries seek to minister to the spiritual needs of our athletes through evangelism, discipleship, and mission and ministry opportunities. Through Women's Ministries, we seek to minister to the needs of our female students through mentoring, fellowship, Bible study, and accountability.

- The Craft/Hemphill Center for Missions, Evangelism, and Christian Worldview. The University is committed to being a strategic partner in fulfilling the Great Commission given to us by our Lord Jesus Christ. Through an integrated program of academic discipline, spiritual preparation and hands-on field experience, students are being prepared to fill strategic roles in the great task of world evangelism. Short-term missions teams (L.I.G.H.T. Teams) and field practicum experiences allow students to put their classroom training to work in "real world" environments among people groups and population segments from every region of the world. The Christian Worldview Center provides opportunities for students to connect the dots between the world they live and the faith they live by. Our Life Answers Team trains students in the discipline of possessing and professing the truth of Christianity in variety of worship and marketplace settings. The national Truth for a New Generation Conference brings the best and brightest apologetic speakers and leaders to the Upstate for an annual gathering and teaching opportunity. The annual Christian Worldview Conference brings speakers to the university campus for three days of teaching on the integration of faith and learning. The Center for Church Planting and Revitalization helps to plant churches in areas where no church exists and reaches out to churches that are struggling, offering resources and ideas for revitalization.
- BSU. The Baptist Student Union gathers for fellowship and worship each Thursday evening at 7:00pm in Turner Chapel. BSU sponsored IMPACT teams visit churches, assist in mission projects, and participate in ministries through the year and during the summer between terms. BSU ministries sponsor annual campus-wide student events including "Converge," "Reveal," and our campus wide student revival know as IGNITE. BSU music and drama teams minister throughout the southeast. Joyful Sound has three vocal ministry teams that travel three weeks out of every month each semester. The Campus Band is a praise and worship band that leads worship during campus chapel services and in local churches. The BSU drama team known as ACT II leads worship through drama in churches all over the Southeast.

Regarding human sexuality, the teachings of the Bible and the beliefs of the Baptist Church, both of which are followed by the University, are that God created two sexes, male and female; that marriage is between one man and one woman; and that extramarital sex, premarital sex, and the practice of homosexuality are sinful behaviors, and are therefore prohibited. (Genesis 2:27;

Exodus 22:16-17; Deuteronomy 22:23-28; Leviticus 20:10-16; I Corinthians 6:9-11; Romans 1:20-27).

North Greenville University, based upon Biblical principles, affirms that a person cannot change their birth gender and therefore, must be treated as such, rather than a self-identified gender, which would be inconsistent with the University's fundamental religious beliefs. Furthermore, our affiliation with The Southern Baptist Convention, via the South Carolina Baptist Convention, confirms North Greenville University's core beliefs in alignment with the national Convention. We agree with and support the Southern Baptist Convention's statement on transgender which, in summary, is as follows:

- We "affirm God's good design that gender identity is determined by biological sex and not by one's self-perception---a perception which is often influenced by fallen human nature in ways contrary to God's design (Ephesians 4:17-18)
- That we grieve the reality of human fallenness, which can result in such biological manifestations as intersexuality or psychological manifestations, such as gender identity confusion and point all to the hope of the redemption of our bodies in Christ (Romans 8:23).
- That we extend love and compassion to those whose sexual self-understanding is shaped by a distressing conflict between their biological sex and their gender identity.
- That we invite all transgender persons to trust in Christ and to experience renewal in the Gospel (I Timothy 1:15-16).

Application within the context of the student culture at North Greenville University, guided by the understanding of the scriptures, soul-competency and support of the Southern Baptist Convention's biblical position, is clearly outlined in the Student Handbook.

- Any individual, or group, who is obscene, lewd, indecent, or participates, in any sexual activity outside the bonds of marriage violates Christian principles and practices. Sexual misconduct by North Greenville University students is harmful to the image and reputation of the individual and the University and therefore will not be tolerated. Students should be careful at all times not to place themselves in situations or activities that may lead to action that could be interpreted as sexual misconduct. Immoral conduct or action such as, but not limited to, adultery, fornication, pre-marital sex, fondling, inappropriate touching, homosexual activity or an open declaration identifying oneself as lesbian, gay, bi-sexual or trans-gendered are deemed to be in violation of the policy concerning sexual misconduct. In addition, the University will not allow persistent or conspicuous examples of cross-dressing or other expressions or actions that are deliberately discordant with birth gender and will consider those expressions or actions to be in violation of the policy concerning sexual misconduct. Sexual misconduct is considered a major violation of University policy and; as such, any violation warrants the individual's immediate loss of privilege to attend NGU. Whenever University officials/representatives have reason to believe individual students are engaging in any

actions or conduct, whether on or off campus, which constitutes sexual misconduct, and when a question of responsibility is involved, those guidelines listed under Disciplinary Procedures shall be exercised.

Likewise, the North Greenville University *Employee Handbook* requires all employees of the University to comply with a standard of behavior that is in keeping with the Holy Scripture.

North Greenville University prides itself in its institutional commitment to the Christian faith and Christian values. Employees of the University are assumed to be persons of high moral character and are expected to exemplify the highest moral standards and good judgment, having made declarations of same in the interview process. Because of the nature of the relationship between students, staff, and faculty, it is imperative that the staff serve as exemplary role models to the students and conduct themselves as Christian women and men in their relationship to one another.

However, to clarify certain minimum standards of conduct, immorality shall be considered to be evidenced by any of the following:

- a. Use of alcoholic beverages including public drunkenness.
- b. Use of addictive drugs and hallucinogens that are not prescribed by a physician.
- c. Any explicit sexual behavior such as, but not limited to, adultery, fornication, pre-marital sex, homosexual activity or an open declaration identifying oneself as lesbian, gay, bi-sexual, or transgendered.
- d. Indictment or conviction of a felony.
- e. Willful failure to pay debts.
- f. Unlawful act of violence.
- g. Unlawful act resulting in destruction of property.
- h. Fraud...any act willfully done to deceive or circumvent another to his injury.
- i. Disloyalty....faithlessness to state institutional purposes.
- j. Faculty and staff are prohibited from entering into any form of dating relationship with a student.
- k. Public slanderous remarks made against students, faculty, staff, or administration.
- l. Any other conduct that is "not of the Lord" and reflects negatively on and impedes the accomplishment of the goals of the institution.

Therefore, in accordance with relevant provisions of the University's *Employee Handbook*, employees are expected to conduct themselves in a manner consistent with North Greenville University's Christian values. As such, employment of someone who identifies as being of the opposite sex from their birth gender and who expresses that identification either through behavior and/or dress is plainly contrary to the University's religious beliefs. Therefore, the

University requests an exemption from the provisions of 34 CFR§ 106.31(b)(4) and 34 CFR § 106.51(a).

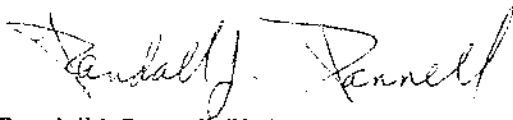
The University's religious beliefs prohibit pre-marital sex and elective abortion. An exemption from the provisions of CFR § 106.57 is therefore requested in order that the University not be required to violate or override its religious beliefs in order to retain pregnant unmarried employees or employees who elect to terminate their pregnancy.

If students and/or employees exhibit behavior, which is not in keeping with the University's mission and vision, then the University may impose sanctions up to, and including, expulsion from the University or termination of employment.

Requiring the University to adhere to and/or enforce the above noted regulations would be inconsistent with the deeply held religious beliefs and practices of the South Carolina Baptist Convention and North Greenville University. As such, and in keeping with its religious beliefs, North Greenville University requests an exemption from the specific Title IX regulations referenced in this letter in order that the University may appropriately make decisions in accordance with its religious beliefs and principles in regard to matters involving its students and employees.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Randall J. Pannell". The signature is written in a cursive style with a large initial "R" and "P".

Randall J. Pannell, Ph.D.
Acting CEO; Vice President of Academic Affairs
North Greenville University



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

May 4, 2015

Randall J. Pannell
Acting CEO and Vice President of Academic Affairs
North Greenville University
P.O. Box 1892
Tigerville, SC 29688

Dear Mr. Pannell:

I write to respond to your February 9, 2015, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for North Greenville University (University) of Tigerville, South Carolina, 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 the University is "governed and controlled by its Board of Trustees, which consists of twenty-five members who are elected by the South Carolina Baptist Convention." Your letter enclosed a copy of the University's Amended and Restated Articles of Incorporation, which also states that the University's trustees "shall be appointed by the South Carolina Baptist Convention." (Section 9). You also attach the University's 2014-2015 Catalogue, which states that the University is "[a]ffiliated with and committed to the South Carolina Baptist Convention" and that an "education at North Greenville University is regarded as preparation for effective Christian service and witness. The Bible, as the inspired and infallible Word of God, is the solid foundation of the curriculum and the basis of the philosophy of education and of life."

Your letter requests a religious exemption from certain provisions of Title IX where compliance "would be inconsistent with the deeply held religious beliefs and practices of the South Carolina Baptist Convention and North Greenville University." In support of this request, you cite to the Southern Baptist Convention's statement of faith, The Baptist Faith and Message 2000, passages from the University's Student and Employee Handbooks, and the Bible. According to your letter, the statement of faith explains that the tenets of the Convention provide that "Christians should oppose ... all forms of sexual immorality, including adultery, homosexuality, and pornography" and "speak on behalf of the unborn and contend for the sanctity of all human life from conception until natural death." You also cite the Southern Baptist Convention's statement on transgender identity, which according to your letter "affirm[s] God's good design that gender identity is determined by biological sex and not by one's self-perception." In further support of the request for exemption related to human sexuality, you state that "the teachings of the Bible and the beliefs of the Baptist Church, both of which are followed by the University, are that God

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created two sexes, male and female; that marriage is between one man and one woman; and that extramarital sex, premarital sex, and the practice of homosexuality are sinful behaviors, and are therefore prohibited.”

You state that, for these reasons, the University is requesting an exemption from the following regulatory provisions to the extent that they would require the University to act in a manner that is inconsistent with the Convention’s religious tenets:

- 34 C.F.R. § 106.21(b)(iii) (governing different treatment on the basis of sex in admission);
- 34 C.F.R. § 106.21(c) (governing the consideration of marital or parental status in admission);
- 34 C.F.R. § 106.31(b)(4) (governing the use of different rules of behavior or sanctions based on sex);
- 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. § 106.40 (governing the use of different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51(a) (governing employment);
- 34 C.F.R. § 106.51(b)(6) (governing leaves of absence from employment for pregnancy, childbirth, false pregnancy, and termination of pregnancy); and
- 34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions).

The University 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 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
U.S. Department of Education