

THE BAPTIST EDUCATOR



News Journal of the International Association of Baptist Colleges and Universities

Volume LXXXIV, No. 3 • Fall 2020



- 2 MABTS
- 3 Prayer Ministry
- 4 New Board Members
- 5 SWBTS/DBU
- 6 Borrower Defense Rules
- 10 Shadow Christians
- 12 Southern Baptist Foundation
- 14 Legal Notes
- 16 Westmoreland Retirement
- 17 TimelyMD Study

Vol. LXXXIV, No. 3

Fall 2020

Publisher: Gary Cook, President and Board Chair, IABCU

Managing Editor Ashley Hill, Executive Secretary, IABCU

The Baptist Educator (ISSN 0038-3848) is a news magazine published three times a year for administrators, faculty, staff, trustees and friends of member schools by the International Association of Baptist Colleges and Universities.

POSTMASTER: Send address changes to:
 International Association of Baptist Colleges and Universities (IABCU)
 Samford University
 P. O. Box 293935
 Birmingham, AL 35229
 Send news items to:
 Executive Secretary
The Baptist Educator
 E-mail: AshleyHill@baptistschools.org
 IABCU
 Samford University
 P. O. Box 293935
 Birmingham, AL 35229
 Phone: (205) 726-2036

“Legal Notes” is designed to provide accurate and authoritative information on legal issues facing Baptist-related higher education. It is provided with the understanding that the publisher and editors are not engaged in rendering legal counsel. “Legal Notes” is not intended as a substitute for the services of a legal professional. If your institution needs legal counsel, a competent attorney should be consulted.

IABCU Approves Membership Application of Mid- America Baptist Theological Seminary

At its June, 2020, Annual Meeting, the International Association of Baptist Colleges and Universities approved the membership application of Mid-America Baptist Theological Seminary. As per the IABCU’s bylaws, the board of directors approved the application before it was brought to the general membership.



Mid-America Baptist Theological Seminary is located in Memphis, Tennessee, adjacent to Bellevue Baptist Church. It is led by Dr. Michael Spradlin, who has been the president of the institution since 1997.

MABTS prepares students for vocational ministry, offering associate, bachelor’s, master’s, and doctoral degrees. The institution is accredited by SAC-SCOC.

While the seminary affirms that it adheres to the Baptist Faith and Message, it is not formally affiliated with or operated by the Southern Baptist Convention.

Mid-America Baptist Theological Seminary was founded in 1972 by Dr. Gray Allison, and Dr. Allison served as president from the founding until Dr. Spradlin’s presidency began in 1997.

Allison created the seminary to be a conservative alternative to liberal-leaning institutions. He required faculty and staff to be Bible-believing and fully committed to personal evangelism while championing biblical inerrancy.



COMMENT FROM THE PRESIDENT:

Prayer Ministry

Dr. Gary Cook, IABCU Chair and Chancellor, Dallas
Baptist University

My wife, Sheila, and I came to Dallas Baptist University in view of a call to serve as president of DBU on April 6, 1988. I was only thirty-seven years of age, and as I look back, I realize I was very naïve. Little did I know what was in store for us in the months ahead. First of all, I just assumed all the trustees would be in favor of my selection. That was certainly a false assumption.

At the trustee board discussion, I was told the pastor of the oldest and largest Baptist church in Dallas questioned how my coming to DBU could be in the best interest of the university. He referred to me as a neophyte (I wasn't sure what a neophyte was, but it didn't sound like a compliment.). Later, I found out what it meant, and I guess I really was a neophyte. Well, the vote was taken, and I was approved. I asked the chairman when I should begin, thinking he would say June 1. His brief reply was, "I think you better start tomorrow."

On my first day, I quickly realized the financial challenge of keeping the university afloat was going to take most of my time and energy for the first few years. I found in the files a letter written by the interim president to the faculty and staff several months before. He stated, "We have three choices:

(1) Reduce salaries to meet available funds.

(2) Hold payrolls for two or three days until the students have made enough payments to cover the payroll checks.

(3) Make a partial payroll on the last day of the month and pay the balance at the earliest possible time after that which would probably be 7 to 10 days due to the lead time necessary to prepare payrolls."

Feeling quite overwhelmed, I did the only thing I knew

to do and that was to both pray and search the scriptures for wisdom. As I meditated on the scriptures, I realized that Jesus had to go to the Father over and over for guidance and wisdom. I prayed and prayed. I pleaded with the Lord to help us. I read the passage found in Luke 18:1-8 about the persistent widow. I became the persistent university president who pleaded with the Lord to intervene. I pleaded for a miracle for DBU.

The Lord led me to the passage in Acts 12:4-17 where the early church members were having an all-night intercessory prayer meeting for Peter to be saved from being killed by Herod. The Lord did a miracle and saved Peter. I pleaded for a miracle.

I felt like the Lord told me to begin a prayer ministry made up of DBU faculty, staff, and students, as well as 1,000 senior adult prayer partners. Three weeks after I became president, we created this prayer ministry along with a prayer room. I asked a Christian foundation to give us enough money for a full-time director of the intercessory prayer ministry.

Thirty-two years later, we still have a full-time director of the prayer ministry, and we have a robust and flourishing prayer ministry. We have had many challenges through the years, but the prayer ministry has made all the difference. We have seen what we believed to be many miracles. To God be the glory.





IABCU

BOARD OF DIRECTORS



NEWLY ELECTED BOARD

BY ASHLEY HILL

At its 2020 annual meeting, the IABCU elected a new group of board members and a new slate of officers for the 2020-2021 academic year.

New members elected to the board of directors include Dr. Carolyn Bishop, president of the Consortium for Global Education; Dr. Heath Thomas, president of Oklahoma Baptist University; Dr. Blair Blackburn, president of East Texas Baptist University; and Dr. Marshall Flowers was re-elected for a second term. Directors serve a four-year term, with the opportunity to serve one additional term.

2020-2021

EXECUTIVE COMMITTEE

GARY COOK - CHAIR

BOBBY HALL - VICE CHAIR

STAN POOLE - TREASURER

ANTHONY ALLEN - SECRETARY

Southwestern Seminary and Dallas Baptist University Announce Joint MDiv/MBA Degree



Southwestern Baptist Theological Seminary and Dallas Baptist University have partnered together to offer a joint Master of Divinity/Master of Business Administration degree.

“This is a joint venture and joint relationship, and I think something that models the kind of collaboration and cooperation that ought to mark Christ’s people, and certainly ought to mark our work as Baptist institutions of higher learning here in the great state of Texas,” said Southwestern Seminary President Adam W. Greenway.

Adam C. Wright, president of DBU, said, “We read in the Scriptures about being sent out two by two. We read in the Scriptures about how a cord of three strands cannot be easily broken. ... There is so much more that we can do as Christian leaders, as institutions committed to a greater call, when we find and we promote the things

that we are all about rather than the things that we are against.”

The partnership arose in the spring of 2019 when, shortly after his election as president, Greenway received a congratulatory letter from Wright, who invited him to lunch at DBU. Greenway accepted, and the two presidents spoke about their “mutual interest” in strengthening the ties between their respective institutions, Greenway recalled.

Reflecting on his own experience of pursuing a Master of Nonprofit Administration degree at the University of Notre Dame, Greenway suggested that a joint MDiv/MBA program would be beneficial for both Southwestern and DBU students. When he asked Wright about the possibility of a Southwestern/DBU partnership, Wright responded, “Let’s make it happen.”

Randy L. Stinson, provost and

vice president for academic administration at Southwestern Seminary, called this partnership a “historic agreement.” In his opening prayer for the signing event, Stinson said, “My prayer for today is that the result of this signing would be that many men and women would further prepare themselves not only with a Master of Divinity but with an MBA that would serve them all over the world in terms of the mission field and opportunities for them to take the Gospel to every tribe, every tongue, every nation, and every people.”

Under the agreement, effective with the fall 2020 semester, graduate students who meet both institution’s requirements for admission and prerequisites for both schools can earn the MDiv from Southwestern Seminary and the MBA from DBU with certain coursework at each institution satisfying requirements for coursework at the partner institution.

Higher Education Changes Affecting Borrower Defense Rules and Financial Responsibility Standards

By Christopher DuKate, Principal
CapinCrouse LLP

In September 2019, the United States Department of Education (ED) finalized updates to the borrower defense rules aimed at protecting student borrowers. These rules also updated the financial responsibility standards, due in large part to new accounting guidance that was recently adopted or is pending adoption.

These updated regulations will require an additional supplemental schedule in higher education institutions' audited financial statements. They also change

how the financial responsibility scores are calculated. Here's what your institution needs to know.

Updates to Borrower Defense Rules

Under the new borrower defense rules, there are four types of triggers an institution must evaluate. However, only two are applicable to nonprofit institutions that receive Title IV funding:

1. Liabilities arising from settlement, final judgment from a court, or a final determination arising from an administrative

action or proceeding initiated by a federal or state entity.

2. For the current fiscal year, when two or more of the following "discretionary" triggers occur, those events automatically become mandatory triggering events:

- Actions taken against an institution by an accrediting agency, including unsatisfied show-cause orders that could lead to the withdrawal, revocation, or suspension of institutional accreditation.

Violation of security or loan agreements with creditors.

- Citations by state licensing or authorizing agencies for violations of state or agency agreements that may prompt the withdrawal or termination of licensure or authorization.

- High annual dropout rates as calculated by the ED.

- The institution's two most recent official cohort default rates are 30 percent or greater, unless:

- (1) The institution files a challenge, request for adjustment, or appeal under that subpart with respect to its rates for one or both of those fiscal years; and

- (2) That challenge, request, or appeal remains pending, results in reducing below 30% of the official cohort default rate for either or both of those years, or precludes the rates from either or both years resulting in a loss of eligibility or provisional certification.

When an event occurs that causes a trigger, the institution is required to notify the ED (generally within 10 days of the event occurring) and the financial score will be recalculated. For more in-depth information, refer to NACUBO Advisory 19-04, Financial Responsibility Standards.

Key takeaway: The final 2019 triggering event went into effect on July 1, 2020. Institutions that submit Uniform Guidance (UG) reporting to the ED will need to apply the revised Financial Responsibility Standards to that reporting. All Title IV receiving institutions should implement a



plan to ensure they are actively monitoring and reporting events that may result in a trigger. In situations where triggers are likely to occur, it's critical for leadership to perform further analysis of the event's impact on the financial responsibility score.

Financial Responsibility Scores

The ED has historically considered three primary ratios to determine the “financial health” of a higher education institution. These three ratios — primary reserve, equity, and net income — were combined into one overall calculation, the composite score, which is calculated annually to assess the financial responsibility of the institution.

The ED has updated the terminology used in the ratio calculations to reflect the impact of two new accounting standards updates, Accounting Standards Update (ASU) 2016-14, Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities and ASU 2016-02, Leases. The ED also updated other terminology and definitions in the calculation to provide clarity in practice.

The major changes to the financial responsibility scores include:

- An update of the applicable terminology for the new accounting standards and a resulting update to the calculation for the ratios.

- Additional clarification that allows the concept of “grandfathering” existing leases issued before ASU 2016-02 to be included in the calculation of expendable net assets when the

financial responsibility score is calculated.

- A requirement to include a supplemental schedule in the audited financial statements. This schedule will need to disclose each of the financial statement amounts to be included in the calculation and a cross-reference to where that amount is disclosed in the financial statements.

- Clarification on how to define the term “debt obtained for long-term purposes.”

Key takeaways: All institutions must be aware of the updates to the financial score calculations. It is critical for your institution to evaluate the potential impact of the above on the final score and whether or not you should take advantage of the grandfathering provision options available.

Additionally, the regulations allow for “pre-implementation” debt to be used in the calculation of expendable net assets in the primary reserve ratio calculation, up to the amount of net property, plant, and equipment.

Subsequently, all long-term debt used in the calculation must be used for acquisition of capital investments. Debt for operating purposes will not be included as debt-obtained for long-term purposes for inclusion in the calculation of expendable net assets.

Audit Impact

We recommend that institutions reach out to their auditors now to evaluate and assess the potential effect of these changes on

their financial responsibility ratios, financial statements, and the audit. The new accounting standards are reshaping many disclosures and reporting requirements for the financial statements of higher education institutions, and consequently have impacted the regulations that the ED uses to evaluate and interpret financial stability. The time to discuss these changes is now, as many institutions are currently working through the draft reporting phase of the audit.

These changes will result in additional time needed to prepare and audit fiscal year 2020 financial statements. Auditors are likely performing additional procedures to gain comfort on expressing an opinion on the required supplemental information as well as the potential of additional disclosures. Items that have not previously been considered a material item for disclosure may now require additional scrutiny by your audit firm, which will require an additional investment on the part of your institution in complying with preparing and providing requests.

You can watch a recorded webcast on this topic at capincrouse.com/financial-responsibility-reporting.

About the Author

Christopher DuKate, Principal

CapinCrouse LLP

cdukate@capincrouse.com

o 505.50.CAPIN ext. 1115

Chris has more than 14 years of experience providing auditing, accounting, and consulting services for nonprofit and higher education clients. He has worked extensively with a variety of nonprofit clients, including social service organizations, foundations, museums, sport and membership associations, and colleges and universities. Chris has significant experience performing audits in accordance with Uniform Guidance and has led many consulting projects in both the nonprofit and governmental industries.

About CapinCrouse

As a national full-service CPA and consulting firm devoted to serving nonprofit organizations, CapinCrouse provides professional solutions to organizations whose outcomes are measured in lives changed. Since 1972, the firm has served domestic and international outreach organizations, universities and seminars, foundations, media ministries, rescue missions, relief and development organizations, churches and denominations, and many others by providing support in the key areas of financial integrity and security. With a network of offices across the nation, CapinCrouse has the resources of a large firm and the personal touch of a local firm. Learn more at capincrouse.com.



Empowering Your Mission

You face an array of rapidly changing challenges as you work to fulfill your institution's mission, and it can be hard to know where to focus your efforts. But you don't have to go it alone.

With nearly 50 years of experience serving higher education institutions, CapinCrouse can provide you with the knowledgeable insight and valuable solutions you need to plan strategically and maximize your outcomes.

See how we can support your institution and empower your life-changing mission at capincrouse.com/higher-ed



audits | reviews | tax | consulting | cybersecurity





***Shadow Christians: Making an Impact When No One Knows Your Name.* By Jeff Iorg. Nashville, TN: B&H Books, 2020, 224pp., \$17.99 paperback.**

Are you a shadow Christian?

Shadow Christians are people who work in the margins, in the shadows created by the spotlight shining on others. We often think they—we—are insignificant. But here's the good news: God chooses and uses shadow Christians. There are some names in the Bible that everyone knows: Adam and Eve, Noah, Moses, Mary, Peter, Paul. But the Bible is also full of stories with unnamed characters. People who made a difference not in the spotlight, but in the shadows. If you're a shadow Christian, you matter to God, and he wants to use you to make a difference.

About Jeff Iorg

Iorg is president of Gateway Seminary, a learning network with five campuses and a robust distance learning program. He speaks frequently on leadership and pastoral ministry issues in conferences and classroom settings. Iorg maintains a leadership website at www.jeffiorg.com, is featured on the Lead On! pod-

cast, and has written or edited several other books. He and his wife, Ann, live in Ontario, California.

Q&A with Jeff Iorg

Why did you write this book? What inspired you to write it?

The book emerged from my convictions about the importance of everyday believers to the success of any church or ministry organization. It is based on extensive Bible study of the anonymous, unnamed characters in the New Testament who were consequential to the story of the advance of the gospel.

Who are some examples of shadow Christians in Scripture?

There are dozens - the Woman at the Well, the Leper, the men who started the church at Antioch, the man who loaned Jesus a colt to ride into Jerusalem, the woman who washed Jesus' feet with her tears, etc.

How does God use shadow Christians to accomplish his work? Can you give us some examples of how you've seen this in people's lives?

The book is filled with dozens of these stories! Rusty and Sheila were the key instigators (and have been faithful members for 30 years) of the church we started in Oregon. Their sacrificial service makes them the real heroes of the story. As the church planter, I was in the spotlight. But the dozens of people like Rusty and Sheila who came along in the early years

and built the church deserve all the credit.

Why are shadow Christians important to the body of Christ?

They are the ministry workforce that gets the job done. While we need a few spotlight leaders, they are only successful if large numbers of shadow Christians implement, support, and pay for the fulfillment of their vision.

What do you hope readers will take away from the book and do after reading it?

I hope they will be encouraged and inspired to keep making an impact even though no one may know their name. The only name that deserves any fame is Jesus. I hope the book helps all of us live like that and remember that.



The newest volume by Iorg is not only an expression of gratitude to the Christians who serve Christ and His church faithfully, even when they receive no recognition for it, but it also serves as an encouraging reminder that God sees and knows the value of their work. Using examples from

scripture of nameless people whose work God saw as significant enough to include it in the Bible, Iorg demonstrates that God uses ordinary people to accomplish His mission. The author even gives his personal testimony of being led to faith by a shadow Christian.

Though the volume is rich with theology, it is written so that lay people can be taught by it and encouraged by it. For example, in discussing Jesus' rebuke of the disciples for complaining about the woman pouring perfume on His feet in Matthew 26 and Mark 14, Iorg gently reveals two important truths. The first is that all of Jesus' followers, including the disciples, sometimes need to be reminded that their priority is ministry to Jesus rather than ministry for Him. The second is our mistaken belief that "extrava-

gance directed toward Jesus somehow exhausts our capacity to serve others." Iorg further argues that devotion to Jesus and service to others is not an either/or proposition, but rather a question of priority. Iorg states, "When the latter takes precedence, we wear ourselves out with self-motivated attempts to gain His favor. Burnout often results. You may find yourself exhausted from service as devotion, rather than devotion producing service."

Not only does Iorg use the book to address shadow Christians, but he also uses it to urge those in leadership to develop and appreciate the service of these servants. "This means all believers, particularly those who serve in the shadows, are vital to ministry success in any church or organization. A wise leader recognizes this and invests in making everyone, at

every organizational level and responsibility, feel like a vital part of the team."

We have a free copy of *Shadow Christians* to give away to the first three people to request one by emailing ashleyhill@baptistschools.com. Send your name and mailing address, and one will be sent your way!

-- Review by Ashley Hill



WOULD YOU LIKE TO EARN A HIGHER RETURN?

Does your organization have cash or reserve accounts earning a low rate of interest? The Southern Baptist Foundation's **Enhanced Cash Account** is an excellent alternative to traditional bank savings accounts. Improve your bottom line by earning a higher return.

**START EARNING
2.25%**

DAILY LIQUIDITY
FDIC INSURED - NO RISK OF PRINCIPAL LOSS

Contact Jim Mooney at the Southern Baptist Foundation to open your account today.

Tel: 615-254-8823 Email: jmooney@southernbaptistfoundation.org

SOUTHERN BAPTIST FOUNDATION
901 COMMERCE STREET, SUITE 600, NASHVILLE, TN 37203



**FIRST QUARTER 2020
ENDOWMENT FUND PERFORMANCE
AND
THE PANDEMIC**

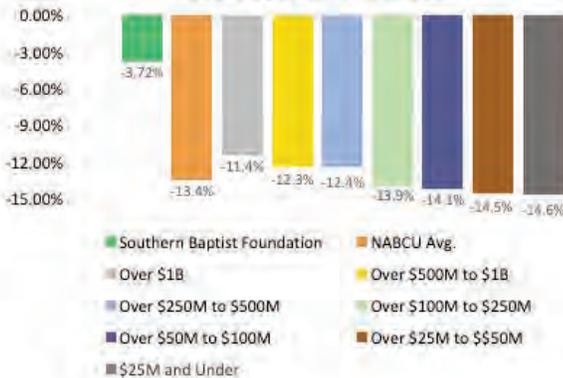


With demonstrated resilience and results, the Southern Baptist Foundation's bible responsible investing continues to prevail in the midst of the pandemic

The NTSE, a joint partnership between NACUBO (National Association of College and University Business Officers) and TIAA (Teachers Insurance and Annuity Association of America), is the largest annual study of college and university endowments in North America. In light of the pandemic and the financial crisis it is bringing to campuses across the country, NTSE issued a survey in April 2020 to learn more about the impact on endowment values and investment and spending strategies. 333 institutions responded by May 5, representing a 43% response rate.

All of the survey respondents' endowments experienced losses in the first quarter of 2020. Respondents reported an average first quarter return of -13.4% (net of fees). Institutions with smaller endowments reported larger losses in the first quarter than those with larger endowments. The Southern Baptist Foundation's results for that same period was -3.72%. Jim Mooney, Vice President of Investments of the Southern Baptist Foundation, said "As detrimental as the pandemic has been for many endowments, the Foundation's first quarter results are a reflection of our team of financial experts working closely with clients to advise, guide, and implement the steps needed to help them achieve sustained success."

First Quarter 2020 Investment Rate of Return by Endowment Size



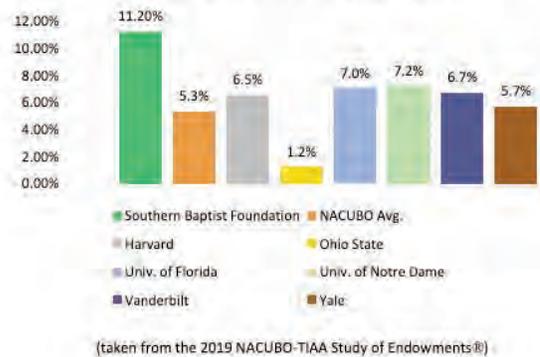
Endowments are the largest source of revenue for many organizations and the gains from these investments are used to fund salaries, projects, and other budgetary items. For schools, endowments may provide scholarships for students as well as critical funds for operating costs. If a fund falls below the original gift amount, it is considered underwater and could put its ability to be a sustainable, ongoing revenue stream at risk. On average, NTSE's survey found that 20 percent of endowment funds were underwater at the end of the first quarter of 2020.

The pandemic caused many investors to make abrupt changes to their portfolios. "Now more than ever we need to uphold our investment principles," said Warren Peek, President of the Southern Baptist Foundation. "We continue to focus on maintaining well-balanced investments over the long term for our clients."

Last year, the NTSE gathered data from 774 U.S. colleges, univer-

sities, and affiliated foundations to study FY19. The Foundation's investment performance for 2019 surpassed the national average of 5.3%. Mooney noted that the Foundation's FY19 endowment investment return of 11.2% was more than double the national average.

2019 Endowment Investment Returns



Mooney also shared that data from an Investment Metrics and BNY Melon study confirms that the Foundation's performance once again exceeded other endowment fund managers (universe of 340 endowments and foundations) as of December 31, 2019. For the past five years, the Foundation has consistently outperformed others using biblically responsible investing strategies. The Foundation's returns place them in the top percentile.

2019 Endowment Fund Performance Comparison



"Our consistent and comprehensive review of funds allow us to have the market knowledge and insights to recommend high-quality investment solutions to our clients. All of our investment funds are carefully monitored to ensure they are placed only in companies and investments that do not conflict with conservative values and a biblical testimony." Peek said.

Mooney added "We invite everyone to compare the performance of their investments with those of the Foundation's. Our clients know that by partnering with the Foundation, we are transforming the world together through biblical stewardship."



Warren Peek
President & CEO



Jim Mooney
Vice President
of Investments

Southern Baptist Foundation
901 Commerce Street, Suite 600
Nashville, TN 37203
615-254-8823 www.sbf.org



LEGAL NOTES

*Is Your University
Controlled by a
Religious Organization?*

BY JAIME JORDAN

Do you think your school is controlled by a religious organization? What is that organization? Can your school convince the Department of Education of that control? And, why would you want to?

Title IX, the federal law barring schools that participate in federal financial aid programs from engaging in sex discrimination, is short and to the point:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

However, when Congress adopted Title IX in 1972, it included a partial religious exemption:

This section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization.

Wandering in the Legal Wilderness

For 48 years lawyers have been wondering just exactly what it meant to be “controlled by a religious organization.” In some instances control was clearly present. Other times it was not clear at all. Did it require the controlling organization to own the school, to enjoy the right to appoint all (or some?) of the corporate directors, to control the purse

strings, or something else? We advised our clients about the meaning of “control” based on a few court decisions, an occasional administrative opinion, some speculation, and a lot of hope. But on November 20, 2020, we will know much more about what it means to have control, and who must have it in order to qualify for the Title IX religious exemption.

In the Legal Affairs Briefing for the 2020 virtual annual meeting of the International Association of Baptist Colleges and Universities, I said that the Department of Education (ED) had published for public comment some clarifications of what it meant to be controlled by a religious organization. ED sifted through those public comments and issued final regulations that will take effect on November 20. The regulations provide six “tests,” and if a school meets any one of those tests, ED will consider the school to be controlled by a religious organization.

How Much Control Must a School Relinquish?

Perhaps the most significant contribution of the new regulations is to answer the question, “Who can fulfill the role of the “controlling organization?” To paraphrase Pogo (who was paraphrasing Commodore Perry), “We have met the controlling organization, and he is us.” ED makes it clear in the prefatory comments to the regulations that “an educational institution may itself be the controlling religious organization under Title IX.” A school need not be con-

trolled by an external religious organization, such as a religious order, a church, or a convention of churches in order to qualify for Title IX’s religious exemption. The school can be its own controlling organization.

About Those Tests. . .

Looking at the six tests set out in the regulations, there are several which are unlikely to apply to most Baptist schools. For example, one test is met by being a divinity school, and another if all “members of the institution community must engage in the religious practices of, or espouse a personal belief in” the school’s religious doctrines or practices. I’m not aware of any Baptist school that requires every employee and every student to be a professing and practicing Baptist.

I think the fifth test will be the most used and the most useful for Baptist schools:

That the educational institution has a published institutional mission that is approved by the governing body of an educational institution and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.

In my experience almost every Baptist school has a mission or vision statement that “includes, refers to, or is predicated on religious tenets.” The beliefs may be traditional Baptist beliefs or more ecumenical in nature. Schools may want to review their mission statements and shore them up if neces-

sary in light of this test.

For a school that considers itself to be a religious institution but cannot meet any of the first five tests there is a catch-all sixth option:

Other evidence sufficient to establish that an educational institution is controlled by a religious organization. . . .

The official comments do not give us much guidance on the subject of “other evidence.” They simply say that “very minimal evidence” will not be enough; the evidence must be - “sufficient.”

When Must a School Claim the Title IX Exemption?

Until August 14, 2020, the regulations required a school wanting to claim the Title IX religious exemption to “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.” We helped several Baptist schools submit such letters before ED published guidance which (finally) recognized that the law makes the exemption automatic. The clear language of the statute says Title IX “shall not apply” if the application of the law would “not be consistent with the religious tenets of such organization.” There is no mention of a letter or request.

The regulations now permit the school to wait until a claim has been made before asserting its Title IX exemption. No advance notice that it will claim the exemption need be made to ED, nor to the public:

If they meet the criteria for a religious exemption, recipients may simply assert the religious exemption at any time, whether before or after an investigation has been opened. The Department’s position

and interpretation is clear on this point....

How Broad Is the Exemption?

ED’s interpretation of the Title IX exemption is broad - very broad. The prefatory comments to the regulations make it clear that ED would not “deny otherwise valid religious exemption requests if they relate to sexual orientation, gender identity, or transgender status” or if a religious institution treats students differently “on the basis of pregnancy or familial status, or having previously sought or obtained an abortion. . . .” The school would need to offer a good-faith religious tenet that justified – or required – the act in question.

The breadth of the exemption was a source of concern in many of the public comments:

[C]ommenters stated that students who go to religious schools should be equally protected against sex discrimination as all other students, even if the discrimination stems from a religious practice. Commenters argued that sex-based discrimination can result in students like them being disciplined, mistreated, or forced out of school.

A Word of Caution

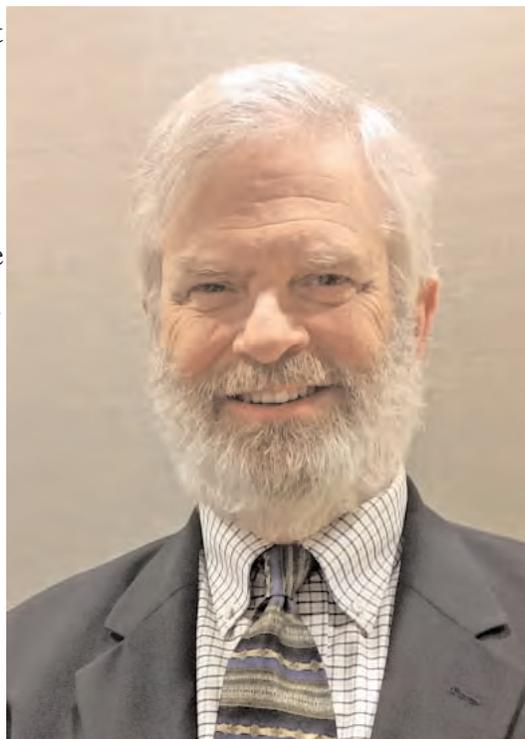
No doubt, these regulations are good news for Baptist schools. For some, the very existence of the exemption is confirmed. For others, anxieties have been calmed about the scope of the exemption and when it can be claimed.

Bear in mind that, while employees have rights under Title IX which may be limited by the religious exemption, that exemption does not apply to employment claims brought under Title VII. Religious employers

must still qualify for, and rely upon, the religious discrimination exemption in Title VII. The Supreme Court has so far declined to say how far the religious exemption can be stretched to cover discrimination that is simultaneously religious discrimination and sex discrimination.

We all know that pendulums swing. Statutory exemptions, even those based on constitutional rights, can be narrowed. We know the exercise of these exemptions is closely watched. It is my hope that Baptist schools will do their part to preserve these exemptions by using them judiciously and always in the service of the great commandments given in Mark 12: 30-31: “*and you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength. The second is this, ‘You shall love your neighbor as yourself.’*”

From these laws, there are no exemptions.



Samford University President Andrew Westmoreland Announces Retirement

BIRMINGHAM, Ala.— Samford University President Andrew Westmoreland, who has led the institution since 2006, will retire from the presidency effective June 30, 2021.

In a message to students he wrote, “I’ve said so often that, despite my many flaws, I am a better person because of my association with Samford. Jeanna and I agree that serving here is the greatest honor of our lives.”

Westmoreland’s tenure as Samford’s president has been marked by enrollment growth, new and enhanced campus facilities and a growing national reputation for academic quality. Since 2006, enrollment has increased by almost 30% and the university has seen 11 consecutive years of enrollment growth. More than 30 new or enhanced academic programs have been added at the undergraduate and graduate level, including many in the College of Health Sciences that was established in 2013. The university has raised more than \$400 million in philanthropic gifts and has invested approximately \$100 million in its physical plant and campus.



Samford also continued gains in its reputational standing among higher education institutions, being recognized as one of the best Christian universities in the country in national rankings for teaching quality, value, and affordability. Among these recognitions, the university is ranked third nationally for student engagement and first in the state of Alabama in a national ranking published by the Wall Street Journal.

“As we begin this transition in the university’s leadership it is important to remember Samford is stronger today than at any time in its 179-year history,” said Samford Board of Trustees Chair Bill Stevens. “We all are immensely grateful for the tremendous service of President Westmoreland.”

In a statement to Samford employees Westmoreland said, “Including our 15 years at Samford, Jeanna and I

will have served more than 23 years in presidencies at two universities. Our careers in higher education now span more than four decades. We have been blessed with opportunities far beyond our dreams and we believe that this is the appropriate time to open the door for new leaders at Samford.”

Westmoreland added that “mountains of work must be accomplished this fall and next spring” and he plans to be fully engaged until the arrival of a new president next summer.

Westmoreland came to Samford following 27 years of service in higher education, including eight as president at Ouachita Baptist University in Arkadelphia, Arkansas. After retirement from the presidency he plans to reside in Birmingham and to continue serving in a part-time capacity as Executive Director of Samford’s Frances

Marlin Mann Center for Ethics and Leadership.

“It has been our blessing to get to know and serve with Andy and Jeanna as they have led us as our President and First Lady,” Stevens said. “They have modeled Christian leadership in every way for all of us. Their dedication, beliefs and support have been felt throughout the university and the entire

Samford community. We will forever be grateful for their service and wish them the best in every way.”

As Samford first lady, Jeanna Westmoreland continues an active career of more than 25 years as a teacher, university educator and administrator, and university president’s wife. Among her many responsibilities, she serves as executive director of the Samford Legacy League, a volunteer organization that promotes advocacy for the university and raises scholarship funds. Jeanna also is a member of the Orlean Beeson School of Education Dean’s Executive Council. The Westmorelands enjoy extending hospitality as they host about 10,000 guests in their home each year for university and community activities.

A search for Samford’s next president will begin immediately.

Parents Trust Colleges More Than Students with COVID-19 Decision-Making

TimelyMD recently conducted a nationwide survey that found parents of college students are more confident in the decision-making of schools than their own children, when it comes to safety during COVID-19. Parents say their top concerns related to COVID-19 for the fall semester are the impact on future job/internship opportunities, physical/mental health and the social impact of missing out on college life.

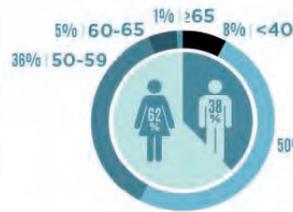
About the Survey

From July 27-29, 2020, TimelyMD, a telehealth company that specializes in higher education, conducted a statistically significant nationwide survey of 591 parents and legal guardians of students enrolled at two-and-four-year colleges and universities regarding the impact of COVID-19 on fall semester plans.

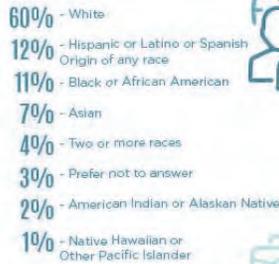


SURVEY DEMOGRAPHICS

AGE | GENDER | WHERE DO THEY ATTEND SCHOOL?



RACE/ETHNICITY



TYPE OF SCHOOL THAT STUDENT ATTENDS

- 56% - Four-year public college or university
- 21% - Four-year private college or university
- 23% - Two-year community, technical or vocational college

HOW STUDENT IS EXPECTED TO RETURN TO SCHOOL IN THE FALL

- 18% - In-person
- 51% - Hybrid (in-person and online)
- 31% - Online only

Parents are just as concerned about their students' future job or internship opportunities as they are that their child may become sick with COVID-19

Concern defined as responding with "concerned" or "very concerned."

TOP PARENT CONCERNS



- 1** Job/internship opportunities available to their student in the future. (48% nationally)
- 2** The impact on their student's physical health (48% nationally) and mental health (46% nationally).
- 3** The social impact of missing out on college life (collegiate experience / campus community) (46% nationally).

How are Parents Feeling About their Student's College?

54% A MAJORITY OF PARENTS ARE:

Confident that their student's college has made health and safety its top priority in its plans for the fall semester. Satisfied with the COVID-19-related communication from my student's college.

LESS THAN HALF (46%) are confident that their student's college is prepared to care for the health and well-being of students in the event of a COVID-19 outbreak on campus.

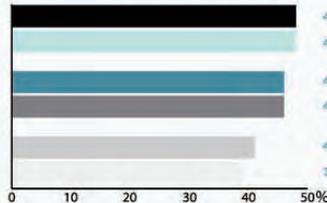
NEARLY HALF OF PARENTS (47%) believe an outbreak of COVID-19 is likely to occur on their student's campus.

PARENTS DO NOT BELIEVE students will respond appropriately to COVID-19 public health guidance, especially when unsupervised.

40% do not trust students will follow public health guidance.

60% worry students will not follow public health guidance when faculty/staff are not around to enforce it.

What are Parents Concerns as their Student Enters the Fall Semester?



WHAT WOULD INCREASE PARENT CONFIDENCE THIS SEMESTER?



1 Social distancing enforcement on campus



2 Regular testing for COVID-19 of students on campus



3 24/7 telehealth services for physical and/or mental health

71% of parents indicate at least moderate* concern for their student's mental health.

*Concern definition expanded to include "moderately concerned," "concerned" or "very concerned."



