

CR 87026012



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

NOV 18 1988

Dr. Leland R. Kennedy
President
Baptist Bible College
628 East Kearney
Springfield, Missouri 65803

Dear Dr. Kennedy:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated September 5, 1988, and the letter from Dr. Russell Dell, Academic Dean, dated October 10, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

The request letters describe certain policies practiced at the College as being consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information that establishes that the College is controlled by a religious organization and that tenets of this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letters. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.34, 106.38, 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

The letters requesting an exemption indicate that the College is controlled by Baptist Bible Fellowship International (Corporation), a non-profit religious corporation which was incorporated in the State of Missouri in 1950 as a Christian institution of higher education under the control of a board of directors. The directors of the Corporation and the faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, and the College is completely governed by and receives its entire financial support from the religious organization defined as the Corporation. The College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Corporation. The relationship between the Baptist Bible Fellowship International and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

The letters of request state that the College adheres to biblical tenets in matters of faith and practice, following its religious tradition. Passages from the Bible are cited as examples of biblical tenets. The letters state that religious tenets require the College to deny admission to unmarried pregnant women and men whose lifestyles are immoral. These tenets also require the College to dismiss pregnant unmarried female students and terminate from employment pregnant unmarried female employees.

The request letters further state that religious convictions require that there be pre-employment inquiries, advertising, recruitment, hiring, training, job classifications, and preference in employment opportunities regarding sex. This is because many of the employment positions require gender distinctions such as the chaplaincy, which must be a man; the necessity for male employees to teach pastoral, theological, and ministerial training courses; and the necessity for females to teach some courses germane to the women's academic programs.

The letters state that your pastoral ministries program is limited to male students only. Further, you state that single men and women have separate residence halls and that men are hired exclusively for supervision and janitorial positions in areas used exclusively by men and that women are hired to work in areas used exclusively by women.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.34 (access to course offerings); 106.38 (employment assistance to students); 106.40 (marital and parental status of students); 106.51 (employment); 106.53 (recruitment); 106.55 (job classification and structure); 106.57 (marital and parental status of employees); 106.59 (advertising), 106.60 (treatment based on marital and parental status), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complaint 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.


Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

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I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Kansas City Office for Civil Rights at the following address:

Ms. Judith E. Banks
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381
10220 N. Executive Hills Blvd. - 8th Floor - 07-6010
Kansas City, Missouri 64190-1381

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII