



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

February 28, 2018

Adam C. Wright, Ph.D.
President
Dallas Baptist University
3000 Mountain Creek Parkway
Dallas, TX 75211-9299

Dear President Wright:

I write in response to your February 19, 2018 letter to the U.S. Department of Education's Office for Civil Rights (OCR). In your letter, you requested a religious exemption for Dallas Baptist University (University) of Dallas, Texas, from Title IX of the Educational 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. Title IX, and its implementing regulation at 34 C.F.R. § 106.12, provide that Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may 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. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the University is controlled by the Baptist General Convention of Texas, "whose constituency is the cooperating Baptist churches of Texas." Your letter also states that "[p]ursuant to the University's Certificate of Formation and Bylaws, the Baptist General Convention of Texas controls the University in part by exercising its right to select a majority of membership of the Board of Trustees for the University, the governing body of the University."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that "application of those provisions would not be consistent with the University's and the Baptist General Convention of Texas's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion." In support of this request, your letter states that the Baptist General Convention of Texas "declared 'the Bible teaches that the ideal for sexual behavior is the marital union between husband and wife and that all other sexual relations – whether premarital, extramarital, or homosexual – are

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contrary to God’s purposes and thus sinful.” Your letter further states that the “Convention has declared its belief that ‘gender is based on biological attributes and is seen as a gift from God and immutable.’” You letter cites an addition to the Convention’s previously adopted statement of the Baptist Faith and Message,” which states that “[c]hildren, from the moment of conception, are a blessing and heritage from the Lord.”

Your letter states that, for the above reasons, the University is requesting an exemption from the following regulatory provisions to the extent that “the regulation would require the institution to treat marriage, sex outside of marriage, homosexuality, gender identity, pregnancy and abortion in a matter that is inconsistent with the religious tenets of the University and of the Baptist General Convention of Texas”:

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.31(b)(7) (governing other limitations);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.37(a) and (b) (governing financial assistance);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.51 (governing employment);
- 34 C.F.R. § 106.52 (governing employment criteria);
- 34 C.F.R. § 106.53 (governing recruitment);
- 34 C.F.R. § 106.57 (governing marital or parental status); and
- 34 C.F.R. § 106.60 (governing pre-employment inquiries).

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 recognized.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Candice Jackson
Acting Assistant Secretary for Civil Rights