



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

JUN 2 1989

Dr. Gene Shepherd
President
Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234

Dear Dr. Shepherd:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated June 29, 1988, which was forwarded by letter dated July 8, 1988, from Mr. Jack B. Straus, Jr., Attorney for Dallas Christian College, and your letter dated January 4, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letters, you describe certain policies practiced at Dallas Christian College (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. Dallas Christian College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.36(c), 106.37(b), 106.38, 106.40, 106.51, 106.55(a), 106.57, and 106.60(a). 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 information which you provided indicates that the College was incorporated as a non-profit corporation in the state of Texas in 1950, and is controlled by a Board of Regents which is composed of representatives selected from each Independent Christian Church/Church of Christ congregation that consistently and regularly supports the College. The Regents, Trustees, 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, its Constitution, catalogs and other official publications of the College contain explicit statements which indicate that the College is committed to the doctrines of the Christian religion. This relationship between the College and the Board of Regents 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.

Your request states that the College operates in adherence to certain Biblical tenets that make gender distinctions in matters of moral behavior, marriage and residential living environments and standards. The College adjudicates matters of moral behavior, including misuse of human sexuality, in accordance with Scriptural teaching. Passages from the Bible are identified as examples of Biblical tenets.

Your request also states that women are not allowed to participate in a group that preaches at area churches because it is the Church's position that the Bible speaks against women teaching and preaching in a public assembly. You also advised that the College is the recipient of a foundation grant which was established specifically to help men prepare for the ministry.

Your request advised that some courses are not taken by women because they do not intend to pursue certain pastoral ministries. Further, although the College does not have a problem with women taking certain courses, because of the position of the College and its churches regarding the belief that the Bible teaches against women pastors, some classes contain a disproportionately higher number of males.

You also have advised that the College assists all students in finding internships; however, churches where the interns are placed seldom want a female in certain pastoral ministry positions.

Your request stated that the College would not hire a female New Testament or Homiletics professor because they would have had no pulpit experience within your churches. The lack of experience is due to the churches' adherence to the Biblical teachings against women in these kinds of positions. Further, the College cannot guarantee that certain other jobs would not always be filled by males.

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); 106.31 (Education programs and activities); 106.36(c) (Disproportion in classes); 106.37(b) (Financial aid established by certain legal instruments); 106.38 (Employment assistance to students); 106.40 (Marital or parental status of students); 106.51 (Employment); 106.55(a) (Job classification and structure); 106.57 (Marital and parental status of employees) and 106.60(a) (treatment based on marital and parental status) to the extent that application of these sections conflicts with the religious tenets practiced by the College.

Other sections of the Title IX regulation mentioned in your letter are clarified here for your information. Section 106.15(d) exempts private undergraduate institutions from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. Graduate programs are not exempt under the provisions of § 106.15 from the admissions and recruitment requirements of Subpart C. In addition, you are correct in your understanding of the effects of the Civil Rights Restoration Act of 1987 (CRRRA) on Title IX requirements. The abortion neutral provision of the CRRRA neither requires nor prohibits a recipient to provide or pay for any benefit or service related to an abortion.

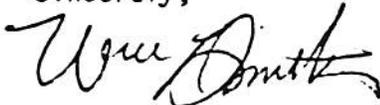
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This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the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

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

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building, Suite 2260, 06-5010
Dallas, Texas 75202-9998.

Sincerely,



William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Taylor D. August, Regional Civil Rights Director, Region VI