

HOUSTON BAPTIST UNIVERSITY

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Office of the President

September 15, 1988

Mr. Gilberto L. Herrera
Division Director
Elementary and Secondary Education
Division I
U. S. Department of Education
Office for Civil Rights
Regional Office
1200 Main Tower Building
Dallas, Texas 75202



Dear Mr. Herrera:

Thank you for your letter of September 2, 1988, (Ref. 06882097) that was received in this office on September 6, 1988, regarding the complaint received by OCR. The allegation is based on Title IX of the Education Amendments of 1972 and deals with the University's student health insurance plan. The University seeks exemption from certain provisions of Title IX that are inconsistent with the religious tenets of the University and the Baptist General Convention of Texas.

Houston Baptist University is a non-profit corporation organized under the laws of the State of Texas. The Charter of the Corporation as adopted on December 17, 1961, and as subsequently amended, provides that "the management of the affairs and property of the corporation shall be vested in a Board of Trustees to be composed of twenty-one (21) members." The Charter provides that all the members of the Board of Trustees shall be elected by the Baptist General Convention of Texas. Members of the Board of Trustees are each required "to be a member of a Baptist church affiliated with the Baptist General Convention of Texas." A further provision requires that at least seven members shall be ordained ministers of the Gospel.

For reasons stated below, Houston Baptist University seeks exemption from the following sections of Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57, and 106.60(a).

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The relationship between Houston Baptist University and the Baptist General Convention of Texas adequately establishes that Houston Baptist University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Premarital unchastity is contrary to the religious tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Houston Baptist University requests exemption to: § 106.21(c) (marital or parental status of applicants for admissions), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), § 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees), and § 106.60(a) (pre-employment inquiries regarding marital status).

Almost all Southern Baptist churches allow only men to be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Houston Baptist University, and Houston Baptist University matches this partial scholarship. Also, some educational programs and campus organizations are designed specifically for ministerial students. Based on this principle, Houston Baptist University requests exemption to § 106.6(c) (effects of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance, and § 106.38(a) (employment assistance to students).

Licensed and ordained ministers are given preference in employment in certain offices, and women are not licensed or ordained as ministers. Based on this principle, Houston Baptist University requests exemption to § 106.51 (employment), § 106.53 (recruitment of employees), and § 106.55(a) (job classification and structure).

For reasons listed above, Houston Baptist University requests exemption from the designated sections of Title IX. It is my understanding that this request, during its pendency, relieves the University of the necessity of completing the data request included in your letter of September 2, 1988.

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Should you have any questions concerning this request, please contact me at (713)995-3450 or my counsel, Dr. Don R. Byrnes, at (713)995-3214.

Sincerely yours,



E. D. Hodo
President

EDH:pl
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