



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

AUG 6 1985

Dr. John MacArthur  
President  
Los Angeles Baptist College  
21726 Placerita Canyon Road  
Newhall, California 91322-0878

Dear President MacArthur:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Los Angeles Baptist College (LABC) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request (copy enclosed) signed by former President Dunkin in which he described several policies practiced at LABC as 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. The former President supplied information in his request letter that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting LABC an exemption to those sections of the Title IX regulation appropriate to the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. LABC is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21(c)(1), (2) and (4); § 106.34; § 106.40(a) and (b)(1), (4) and (5); and § 106.57(a)(1), (b) and (c). The basis for our decision to grant this exemption is discussed in further detail below. Section 106.31(b)(5), regarding appearance codes, was rescinded from the Title IX regulation. Thus, an exemption for § 106.31(b)(5) is unnecessary.

Former President Dunkin's letter indicates that LABC is controlled by the General Association of Regular Baptist Churches (GARBC). The GARBC and LABC adhere to the fundamentals of Biblical Christianity, and rules and regulations of the institution are based upon the moral standards contained in the Bible. LABC is approved annually by the GARBC on the basis of its continuance of the program emphasizing the fundamentals of Biblical Christianity. This relationship between the GARBC and LABC adequately establishes that LABC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

LABC's letter of request states that the "College must reserve the right to suspend or exclude, men or women students or employees who violate the rules and regulations of the institution which the college believes to be based upon the moral standards contained in the Bible." Thus, the institution excludes from its program, activities, or employment, unmarried, pregnant women.

Based on the above principle, LABC has requested and is granted by this letter, exemption to: § 106.21(c)(1), (2) and (4) (prohibitions relating to marital or parental status of prospective students); § 106.40(a) and (b)(1), (4) and (5) (marital or parental status including pregnancy and related conditions); and § 106.57(a)(1), (b) and (c) (policies and employment actions concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex).

LABC has certain courses relative to the preparation for the ministry that are designed for and offered only to male students. Only men are ordained in the ministry of the General Association of Regular Baptist Churches.

Based on the above principle, LABC has requested and is granted by this letter, exemption to § 106.34 (access to course offerings).

LABC also requested exemption to § 106.32, regarding housing, because dormitories are open only to unmarried persons. The Title IX regulation does not prohibit an institution from limiting available housing to unmarried students. Rather, housing policies regarding the marital status of students may not impose different rules on the basis of sex. By the exemption granted herein to § 106.21(c)(4), LABC may request a prospective student's marital status. However, the practices in the housing program, as described in LABC's letter, do not demonstrate a conflict with § 106.32, making an exemption to this section unnecessary.

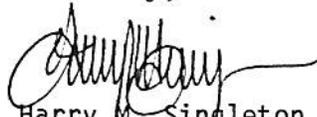
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complainant 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. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the San Francisco Regional Office for Civil Rights. The address is:

John E. Palomino  
Acting Regional Civil Rights Director  
Office for Civil Rights, Region IX  
Department of Education  
221 Main Street, 10th Floor  
San Francisco, California 94105

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX