



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

SEP 20 1985

Dr. Robert L. Lynn  
President  
Louisiana College  
1140 College Drive  
Pineville, Louisiana 71359

Dear President Lynn:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Louisiana College 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. You have supplied information in your 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 Louisiana College an exemption to those sections of the Title IX regulation appropriate to your 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. Louisiana College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.37(a) and (b); 106.39; 106.40; 106.51(b)(6); 106.57(a)(1), (b) and (c); and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Louisiana College is owned and operated by the Louisiana Baptist Convention and controlled by a Board of Trustees. The Board of Trustees is chosen by the Louisiana Baptist Convention. The Louisiana Baptist Convention and Louisiana College adhere to the belief that "[s]exual immorality, whether on the part of man or woman, is contrary to the tenets of Southern Baptists." In addition, your letter indicates that Southern Baptists do not practice the ordination of women to serve as pastors. This relationship between the Louisiana Baptist Convention and Louisiana College adequately establishes that Louisiana College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that "to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability" is in conflict with the tenets of Southern Baptists. Based on this principle, Louisiana College has requested

and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.39 (health and insurance benefits and services to students); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence, including for pregnancy and child care); § 106.57(a)(1), (b) and (c) (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries as to marital status).

In your letter you also indicated that "Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches[,]" and requested exemption for equal numbers of male and female students selecting church-related vocations and receiving scholarship assistance. Based on this principle, Louisiana College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.37(a) and (b) (provision of financial assistance to students).

Louisiana College also requested exemption to § 106.51 (employment, general), § 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure) based on this principle. The institution practices described in your letter, regarding vocational selections of students and the award of scholarship assistance, do not demonstrate a conflict with the employment provisions of the regulation addressed at §§ 106.51, 106.53 or 106.55(a). Therefore, with the exception of the exemption granted to § 106.51(b)(6) for the reasons noted above, no exemption is granted to §§ 106.51, 106.53 or 106.55(a). If you believe an exemption to §§ 106.51, 106.53 and 106.55(a) is still necessary, you should submit clarification of this request to the regional office.

Also, although your letter listed § 106.14, no basis for requesting an exemption to this section was stated. Under § 106.14, the membership practices of certain organizations, such as social fraternities and sororities and voluntary youth service organizations, are exempt from the requirements of Title IX. Since your letter did not demonstrate a conflict between your institution's policies and § 106.14, no exemption has been granted for this section.

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 request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Taylor D. August  
Regional Civil Rights Director  
Office for Civil Rights, Region VI  
Department of Education  
1200 Main Tower Building, Suite 400  
Dallas, Texas 75202

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

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