



Mississippi College

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Office of the President

February 16, 1989

Assistant Secretary for Civil Rights  
United States Department of Education  
400 Maryland Avenue, S. W.  
Washington, D. C. 20202

Re: Title IX Religious Exemptions

Dear Sir:

At the outset, I would indicate to you that Mississippi College was established in the year 1826 and that the College has been owned by the Mississippi Baptist Convention since 1850. Thus, you may readily observe that Mississippi College is a "controlled" (and owned and supported) institution of the Mississippi Baptist Convention and has been for some 139 years. The tenets of the Baptist Faith and the Mississippi Baptist Convention, in particular, have played a vital part in the life of Mississippi College all of these years and we are committed to give careful attention to those expressions as we relate to the regulations of the law. Any different interpretation that might arise in consideration of the two arise out of our Christian beliefs, most, if not all of which are set forth in the Baptist Faith and Message Statement, a copy of which is enclosed. This same doctrinal statement had been adopted by the Southern Baptist Convention as early as 1925 with reaffirmation of the same being expressed by the Convention in 1963 and at other times during the 1970's and 1980's.

Within the context of the above, Mississippi College claims her exemptions from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to Sections 901(a)(3) and 908 of Title IX, and 34 C.F.R. Section 106.12(b).

Mississippi College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College was chartered by the State of Mississippi in 1826 and is owned by the



Mississippi Baptist Convention and is operated by a Board of Trustees elected by and from the membership of the Mississippi Baptist Convention. The College is exempt from federal income taxation as a not-for-profit institution under Section 501(c)(3) of the Internal Revenue Code. The Trustees of the College and the faculty, students and employees are all expected to espouse a personal belief in the religious tenets of the Christian faith as understood and practiced by the Mississippi Baptist Convention and her member churches. The catalog and other official publications of the College contain explicit statements of the fact that the College is committed to the doctrines of the Christian religion, and the college is completely governed by and receives a significant amount of its financial support from the religious organization of the Mississippi Baptist Convention and her member churches and the members of those churches. The College maintains its religious tradition, standards and beliefs in accordance with the teachings and tenets of those supporting bodies.

The College educates in the broad range of liberal arts, in which it adheres to Biblical tenets for matters of faith and practice, following its religious tradition. It specifically utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common religious understanding of the religious beliefs, values and purposes that guide the educational mission of the College. Accordingly, the personnel of the college accept religious standards in matters of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required. The Holy Bible, being the divinely inspired Word of God, sets forth the standards for Christian morality and practice in far too many places and forms to be identified or quoted comprehensively in this letter but Mississippi College is modeled after the teachings of the Bible and our Lord and adheres to the tenets of the Baptist Faith and Message as adopted by the Southern Baptist Convention referred to earlier.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, courtship, marriage and residential living environments and standards. It specifically holds religious standards for personnel and students in matters conducive to the fostering of proper and Christian moral behavior and the discouragement of inappropriate behavior as understood by the religious tradition and tenets accepted by the college. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language and modest attire. Thus, Mississippi College takes particular exception to those paragraphs of Section 86.40 of the regulations, insofar as

It might be interpreted to require that pregnancy, childbirth, or the termination of pregnancy of an unmarried woman be all treated as normal illnesses or temporary disabilities. It is noted, specifically, that the Civil Rights Restoration Act makes express exceptions in reference to abortions, but within the spiritual convictions and religious tenets of the College, it is deemed worthy of particular mention here. Similar thoughts and concerns are to be found or may be said to arise out of Sections 86.21, 86.39, 86.51, 86.57, and 86.60 as they, and the same sections, under the new numbers, as listed elsewhere in this letter of claimed exemptions, express the same or similar thoughts relative to unmarried students or employees. Essentially, the College reserves the right at all times to exclude students whose conduct or academic standing it regards as undesirable or contrary to the tenets of the College and her owner-sponsor Denomination.

The college adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Holy Scripture and its teachings about moral behavior.

The College had previously communicated with the Department of Education (Department of Health, Education and Welfare) concerning her religious exemptions from certain of the provisions of Title IX and the Final Regulations issued in connection therewith. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX, as it may be effected by that Act, and the regulations thereunder that may be thought to be applicable to the college, this repeated, reaffirmed, and additional claim of her exemptions is being submitted at this time in order to solidify and to clarify the scope of the exemptions claimed by the college.

Thus, the college hereby claims and continues to claim, by way of affirmation, exemptions from the application of the following provisions of Title IX regulations, whether under the original Title IX or under that same Act as amended or as affected by later or more recent congressional enactments, inasmuch as they conflict with the college's religious tenets and traditions.

With express notice of the terms of Section 86.12 which declare that the provisions of this part of the regulations do not apply to an educational institution which is controlled by a religious organization to the extent that application of this part would not be consistent with the religious tenets of that organization, and with the clear and long standing relationship that Mississippi College has with the Mississippi Baptist Convention, we do claim exemptions from the original Final Regulations under Title IX as follows:

Section 86.14  
Section 86.15  
Section 86.21  
Section 86.22  
Section 86.23  
Section 86.31  
Section 86.32  
Section 86.34  
Section 86.36  
Section 86.37  
Section 86.38  
Section 86.39  
Section 86.40  
Section 86.51  
Section 86.52  
Section 86.53  
Section 86.55  
Section 86.57  
Section 86.59

From the more recent Code of Federal Regulations - 34 CFR wherein, in Section 106.12 it continues to be declared that this part does not apply to an educational institution which is controlled by a religious organization to the extent that application of this part would not be consistent with the religious tenets of that organization, and with the clear and long standing relationship that Mississippi College has with the Mississippi Baptist Convention, we do claim exemptions from the revised or new regulations to Title IX as follows:

Section 106.14  
Section 106.15  
Section 106.21  
Section 106.22  
Section 106.23  
Section 106.31  
Section 106.32  
Section 106.34  
Section 106.36  
Section 106.37  
Section 106.38  
Section 106.39  
Section 106.40  
Section 106.51  
Section 106.52  
Section 106.53  
Section 106.55  
Section 106.57  
Section 106.59

The religious tenets relevant to marital and parental status are biblically derived. In order to live within

commonly perceived Christian meanings of human relationships and provide a moral and biblical ethos for the Mississippi College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practices of the Mississippi Baptist Convention as it, and we interpret its moral standards. Mississippi College maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others, including the larger family of the college itself. Where such conduct violates biblical norms (e. g. cohabitation without marriage, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical basis (see e. g. I. Cor. 5-7; Col 3:5; 2. Cor 6:14ff; Mal. 2: 14b-16a; Matt. 5:31)) and offending persons cannot be reconciled to biblical standards, the college reserves her right to exercise her discretion for the remedy appropriate to the circumstances consistent with her religious beliefs and practices.

There are a number of other issues central to the religious beliefs and practices of the college that may not have been discussed in this letter because of our understanding that no exemption is required. For example, the college understands that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not, by the dictates of Congress, be construed to require that the college provide or pay for any benefit or service, including the use of facilities, related to an abortion and such is certainly within the spirit and framework of the religious tenets and beliefs and traditions of the college. Additionally, pursuant to 34 C.F.R. Section 106.15(d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the college because it is a private institution of undergraduate higher education. Finally, the college understands that Sections 106.32 and 106.33 permit the college to provide separate, although substantially comparable, housing, bathroom, locker room and similar facilities for men and women. In any event, if the college is mistaken in the understandings set forth above, then express exemptions are claimed in reference to each on behalf of the College as an arm of the Mississippi Baptist Convention and upon her own foundation as the religious college that she is.

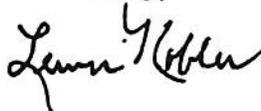
The College specifically claims her right to exercise a religious preference in her employment practices and decisions, pursuant to Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the United States Supreme Court in Corporation of the Presiding Bishop v. Amos, 107 S. Ct. 2862 (1987). In seeking to provide equal employment opportunities for men and women, the college

shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs and practices are consistent with the Christian tenets of the College and the Mississippi Baptist Convention, and the principles, traditions and tenets of either the College or the Baptist Convention.

In the event of future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the college and the burden of such statute and regulations on the college's ability to pursue her mission, the college expressly reserves her right to claim an amendment to her exemptions or her rights to claim any additional exemption in order to fully protect the First Amendment Religious Freedoms or religious tenets, practices and traditions of the College.

Thank you for your assistance and for your prompt consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lewis Nobles".

Lewis Nobles, President