



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202-_____

Copy sent forward
4/13/96

Dr. R. Alton Lacey
President
Missouri Baptist College
One College Park Drive
St. Louis, Missouri 63141-8698

Dear Dr. Lacey:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated April 1, 1996, for religious exemption for Missouri Baptist College (College) from Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. Part 106 (1992).

In your request you described several policies and practices at Missouri Baptist College as consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request that establishes that the College 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 Missouri Baptist College an exemption to those sections of the Title IX regulation specified in your request letter.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Missouri Baptist College. Missouri Baptist 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, 106.34, 106.36, 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.52, 106.53, 106.55(a), 106.57, 106.59, and 106.60(a). The basis for the decision to grant this exemption is discussed in further detail below.

Your letter indicates that Missouri Baptist College is controlled by the Missouri Baptist Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Missouri. The College is controlled by the Missouri Baptist Convention, and all members of the Board of Trustees of Missouri Baptist College are elected by the Convention. The Convention fosters the College and provides it substantial financial support. This relationship between the



Missouri Baptist Convention and the College establish that Missouri Baptist 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 implementing regulation.

In your letter, you indicate that there are certain biblical tenets that the College adheres to as its standard of faith and practice and that are based upon the College's Christian understanding of the Scriptures. The institution practices the following tenets:

1. The College requires that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be a violation of the College's religious tenets to compel it to treat unmarried women's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of her condition as required by 34 C.F.R. §§ 106.39, 106.40(b) and 106.51(b). Based on these principles, the College is granted by this letter exemption from the following sections of 34 C.F.R.:

§ 106.39	Health and insurance benefits and services
§ 106.40	Marital or parental status
§ 106.51	Employment

2. In keeping with the College's religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Based on these principles, the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55(a)	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising
§ 106.60(a)	Pre-employment inquiries

3. The College provides an education to a significant number of students who are training for the ministry. The College may provide different scholarship assistance and academic and professional counseling to ministerial students on the basis of gender. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. The College is therefore granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.21(c)	Admission; prohibitions relating to marital or parental status
§ 106.31	Education programs and activities
§ 106.34	Access to course offerings
§ 106.36	Counseling and use of appraisal and counseling materials
§ 106.37(a)&(b)	Financial assistance
§ 106.38(a)	Employment assistance to students

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. If OCR receives a complaint on these issues against the College, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the College 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 College, or if the organization denies that it controls the college, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Susan Bowers
Acting Director,
Policy, Enforcement and
Program Service
Office for Civil Rights

Enclosures