



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

January 4, 2016

Dr. R. Alton Lacey  
President  
Missouri Baptist University  
One College Park Drive  
Saint Louis, MO 63141

Dear Dr. Lacey:

The purpose of this letter is to respond to your June 18, 2015, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Missouri Baptist University (formerly Missouri Baptist College) of St. Louis, Missouri from Title IX of the Education Amendments of 1972. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. We are processing your request and have determined that we need further information.

Section 901(a)(3) of Title IX, 20 U.S.C. § 1681(a)(3), and the Department's implementing regulation at 34 C.F.R. § 106.12 provide that Title IX and its regulations do not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would not be consistent with the controlling organization's religious tenets. Such educational institutions are allowed to claim an exemption from Title IX by identifying the provisions of the Department's Title IX regulations that conflict with a specific tenet of the controlling religious organization.

An educational institution will normally be considered to be controlled by a religious organization under Title IX if one or more of the following conditions prevail:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or
- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
- (3) Its charter and catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100  
[www.ed.gov](http://www.ed.gov)

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

Your letter enclosed a copy of a letter involving an earlier religious exemption request granted by OCR to Missouri Baptist College on April 19, 1996. That OCR letter stated that your earlier exemption request

indicate[d] that the Missouri Baptist College is controlled by the Missouri Baptist Convention. . . . 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 support.

Based on that description, OCR determined that “[t]his 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.”

The information provided in the University’s 2015 letter differs from the information described in the 1996 OCR letter. Your 2015 letter states that “[s]ince its foundation the University has maintained a close, symbiotic relationship with the Baptist community of believers and is governed by trustees who are members of Baptist churches in Missouri. The board of trustees of Missouri Baptist University consists of twenty-seven persons, seventy-five percent (75%) of whom are required by the University’s Articles of Incorporation to be members of Baptist churches located in Missouri.”

Given these different descriptions, OCR requires further information to determine whether the University’s relationship with the Missouri Baptist Convention continues to meet the standard for “control” as described above. If you would like OCR to make a determination regarding the University’s religious exemption request, please provide additional clarification regarding whether the Missouri Baptist Convention or another religious organization controls the University. Feel free to provide any explanation or supporting documentation that may be helpful to OCR’s understanding. If you no longer wish to pursue your request for an exemption at this time, please let us know and we will treat your request as withdrawn.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me. I can be reached at (202) 453-6048.

Sincerely,



Seth Galanter  
Principal Deputy Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education