



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

SEP 3 1985

SEP 3 1985

Dr. J. Don Jennings
President
Northwest Baptist Seminary
4301 North Stevens
Tacoma, Washington 98407

Dear President Jennings:

The Office for Civil Rights (OCR) of the Department of Education is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. We have reviewed your responses to our letter of March 22, 1985, requesting clarification of your religious exemption request. You described certain policies practiced at Northwest Baptist Seminary (NBS) 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 response which establishes that NBS is controlled by the General Association of Regular Baptist Churches (GARBC) and that tenets followed by GARBC conflict with specific sections of the Title IX regulation. Therefore, I am granting Northwest Baptist Seminary an exemption to those sections of the Title IX regulation appropriate to your request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Northwest Baptist Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c); § 106.31(a), (b)(1), (2), (3), (7); § 106.34; § 106.36; § 106.40(a), (b)(1), (4), (5); § 106.51(a)(1), (2); § 106.55(a); § 106.57; and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Northwest Baptist Seminary is responsible to the GARBC and its constituency. NBS is subject to annual approval by the GARBC to ensure that the continuity of the educational program conforms with the scriptural position of the majority of the GARBC. All members of the Board of Trustees, which governs NBS, must be members of fundamental Baptist churches. NBS is supported financially by the constituency of the GARBC and student fees. This relationship between the GARBC and NBS adequately establishes that Northwest Baptist Seminary 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 NBS "is committed to the distinctive character of a Christian institution by regarding the Bible's moral-sexual standards and its theological teaching on the significance of the family

unit." Thus, NBS "reserves the right to exclude or suspend from its educational program, activities, or employment, students or employees who violate institutional standards that have as their basis the moral standards and theological premises contained in the Bible." Based on these principles, Northwest Baptist Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of potential students); § 106.40(a), (b)(1), (4), (5) (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

Your letter also indicates that NBS believes "the Bible excludes women from the ordained ministry[,]" and, for this reason, NBS does not recruit women to prepare for the ministry. Therefore, NBS reserves "the right to refuse a woman's participation in any educational program, activity, or course offering which is deemed to violate the Bible's ministerial standards and practices." Based on these principles, Northwest Baptist Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.31(a), (b)(1), (2), (3), (7) (education programs and activities); § 106.34 (access to course offerings); and § 106.36 (counseling and use of appraisal and counseling materials).

Finally, your letter indicates that NBS believes that "Biblical guidelines exclude women from positions of leadership and teaching in the church." For this reason, you indicate that, "while not totally exclusive of female leadership, certain administrative and teaching positions are more appropriate for men." Therefore, NBS "reserves the right to hire employees who meet the religious requirements of educating students for the ministry." Thus, "the Seminary reserves the right to classify a job as being for males." Based on these principles, Northwest Baptist Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.51(a)(1), (2) (employment); and § 106.55(a) (job classification and structure).

You also requested exemption from 34 C.F.R. § 106.31(b)(5) regarding rules of appearance. This section has been rescinded and deleted from the Title IX regulation. Therefore, an exemption is not necessary. When § 106.31(b)(5) was rescinded, § 106.31(b)(8) was renumbered as § 106.31(b)(7).

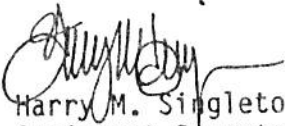
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against Northwest Baptist Seminary, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complainant alleges that the practices followed by Northwest Baptist Seminary are not based on the religious tenets of the GARBC, OCR is obligated to contact the GARBC to verify those tenets. If the GARBC provides an interpretation of these tenets that has a different practical impact than that described by Northwest Baptist Seminary, or if the organization denies that it controls Northwest Baptist Seminary, this exemption will be rescinded.

Page 3 - Dr. J. Don Jennings

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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X