

OUACHITA BAPTIST UNIVERSITY



ARKADELPHIA, ARKANSAS

Christian Excellence
Our Vision

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March 31, 1993

U. S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202



To Whom It May Concern:

This letter shall constitute Ouachita Baptist University's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. Section 106.12. The University requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the University.

Ouachita Baptist University is an institution of the Arkansas Baptist State Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Arkansas. The University is controlled by the Arkansas Baptist State Convention. All members of the Board of Trustees of Ouachita Baptist University are elected by the Convention. Trustees must be resident members of Baptist churches affiliated with the Convention. The Convention fosters the University and provides it substantial financial support. I am satisfied that the nature of the Arkansas Baptist State Convention and its relationship with the University establish that Ouachita Baptist University is "controlled by a religious organization" as required for exemption under Section 106.12.

The University adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the University's Christian understanding of the Scriptures. The University is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the University is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances,

the tenets require the University to act in ways which may conflict with specific regulations under Title IX.

The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, 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 in violation of the University's religious tenets to compel it to treat an unmarried woman'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. Subsection 106.40(b) and 106.51(b).

The University expects its students and employees to be Christian role models. For example, it is a violation of the University's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The University's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the University with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from Subsection 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The University requests an exemption from Sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquires as to marital status and sex) insofar as these regulations prohibit the University from applying standards of Christian moral conduct in the selection and discipline of its employees.

The University provides an education to a significant number of students who are training for the gospel ministry. The University may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The University 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. Of particular significance is the University's role in preparing those who would become wives, mothers, husbands, and fathers and encouraging their adherence to the University's religious tenets regarding the family and the sanctity of marriage.

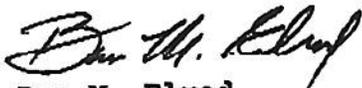
Therefore, this University requests an exemption from 34 C.F.R. Subsection 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This

institution requests an exemption from 34 C.F.R. Section 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex as required by religious tenets. The University requests exemptions from the following sections insofar as ministerial students are concerned: Subsection 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from Section 106.36 regarding counseling and use of appraisal and counseling materials is requested to the extent the University's religious tenets require differentiating between counseling services and on the basis of sex.

Finally, we request an exemption from Section 106.39 regarding student health and insurance benefits and services to the extent this regulation would require the University to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,



Ben M. Elrod
President
Ouachita Baptist University