



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

SEP 26 1985

Dr. D. Jack Nicholas  
President  
Southern Baptist College  
Box 456  
Walnut Ridge, Arkansas 72476

Dear President Nicholas:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Southern Baptist College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Southern Baptist College as being 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 request letters that establishes that Southern Baptist 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 Southern Baptist College 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. Southern Baptist College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57 and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request letters indicate that Southern Baptist College is owned and operated by the Arkansas Baptist State Convention. This relationship between the Arkansas Baptist State Convention and Southern Baptist College adequately establishes that Southern Baptist College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your request letter, you indicated that premarital unchastity on the part of a man or woman is contrary to the tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Southern Baptist College has requested and is granted by this letter exemption to: § 106.21(c) (marital or parental status of applicants for admission), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees) and § 106.60(a) (pre-employment inquiries regarding marital status).

Your letter indicates that it is the belief and practice of almost all Southern Baptist churches that only men should be licensed and ordained to the ministry. The Arkansas Baptist State Convention awards a partial scholarship to every licensed Baptist ministerial student at Southern Baptist College. Additionally, some educational programs are designed for ministerial students, as are some clubs and programs. Based on these practices, Southern Baptist College has requested and is granted by this letter exemption to: § 106.6(c) (effect of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance) and § 106.38(a) (employment assistance to students).

Your letter indicates that licensed and ordained Baptist ministers are given preference in employment in certain positions, and women are not licensed or ordained as ministers. Based on this principle, Southern Baptist College has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure).

You also requested exemption to § 106.11, regarding application of the entire Title IX regulation, and § 106.61, regarding sex as a bona-fide occupational qualification. Your letter does not demonstrate that your institution's practices conflict with all sections of the Title IX regulation. Therefore, no exemption is granted for § 106.11. Your letter also does not demonstrate a conflict with § 106.61, which permits institutions to limit particular employment positions to one sex where such action is essential to the successful operation of the employment function. Therefore, no exemption is granted for § 106.61.

Your original letter also listed § 106.32 regarding housing. However, you did not provide information that would suggest a conflict between the requirements of the Title IX regulation and your housing policies. Therefore, no exemption has been granted for § 106.32.

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 your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted.

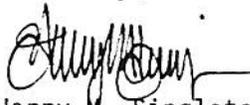
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Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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 Dallas Regional Office for Civil Rights. The address is:

Taylor D. August  
Regional Civil Rights Director  
Office for Civil Rights, Region VI  
Department of Education  
1200 Main Tower Building, Suite 400  
Dallas, Texas 75202

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI