



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-_____.

OCT 19 1994

Mr. Roy D. Blunt
President
Southwest Baptist University
Bolivar, Missouri 65613-2496

Dear Mr. Blunt:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated August 19, 1994, for religious exemption for Southwest Baptist University (University) from Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. Part 106 (1992). In response to your request, this is the corrected version of the letter dated September 12, 1994, in which a sentence at the end of paragraph 3, page 2 was inadvertently omitted.

We have reviewed your request in which you described several policies and practices at the University as consistent with the tenets of the religious organization that controls it. 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 University 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 the University 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 the University. The University 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, 106.38, 106.39, 106.40, 106.51, 106.52, 106.53, 106.55, 106.57, 106.59, and, 106.60. The basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that the University is controlled by the Missouri Baptist Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Missouri. The University and the Convention adhere to religious tenets that are based upon their understanding of the Scriptures. All members of the Board of Trustees of the University are elected by the Convention and must be resident, active members of Baptist churches affiliated with the Convention. The Convention fosters the University and provides it substantial financial support. This relationship between the Convention and the University adequately establishes that the University 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 University uses as its standard of faith and practice which are directly related to issues such as human sexuality, cohabitation, the institution of marriage, language and other subjects of a moral character or dimension. The University practices the following tenets:

1. The University's role in encouraging those intending to marry and become parents to adhere to the University's and the Convention's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life. The University 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 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 the condition as required by the 34 C.F.R. Sections 106.40(b) and 106.51(b). Based on these principles, the University is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.40(b)	Marital or parental status
§ 106.51(b)	Employment

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

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising

3. 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 academic and professional counseling to ministerial students on the basis of gender. 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. Based on these principles, the University is granted by this letter exemption from the following Sections of 34 C.F.R.:

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

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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 University, 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 University 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 University, or if the organization denies that it controls the University, 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 Eleanor Baker (202) 205-9495.

Sincerely,



Jeanette J. Lim
Director
Policy, Enforcement, and
Program Service
Office for Civil Rights

Enclosures