



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

SEP 23 1988

Dr. Wesley A. Olsen
President
Southwestern Conservative Baptist Bible College
2625 East Cactus Road
Phoenix, Arizona 85032

Dear President Olsen:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letter of July 15, 1988. You requested a religious exemption for Southwestern Conservative Baptist Bible College from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your letter, you describe certain policies practiced at Southwestern Conservative Baptist Bible College (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 letter that establishes that the College is controlled by a religious organization and that tenets followed by this organization and the College conflict with specific sections of the Title IX regulation. Therefore, I am granting the College an exemption to the two sections of the Title IX regulation specified in your request letter (34 C.F.R. §§ 106.21(c) and 106.57). In addition, I am granting an exemption from two additional sections of the regulation (34 C.F.R. §§ 106.39 and 106.40) which the facts outlined in your letter indicate also conflict with the religious tenets followed by the College.

Southwestern Conservative Baptist Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is owned and controlled by a Board of Trustees who are chosen by the Arizona Baptist Convention. This relationship between the College and the Arizona Baptist Convention adequately establishes that Southwestern Conservative Baptist Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your request letter states that the College's constitution, catalogs, and other official publications describe the College's commitment to the doctrines of the Christian religion. Applicants for admission, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. Your request letter also states that the religious tenets forbid sex outside of marriage, and that the pregnancy of an unmarried

applicant for admission, student, or employee would conflict with those tenets. The religious tenets would also conflict with the requirements of 34 C.F.R. § 106.39, which requires that the College's health insurance plan treat the pregnancy of an unmarried person the same as that of a married person. Based on this principle, Southwestern Conservative Baptist Bible College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the College. As mentioned in your letter, 34 C.F.R. 106.15(d) excludes private institutions of undergraduate higher education from the provisions of §§ 106.21-106.23, which relate to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature, are exempt, if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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. 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.

I hope this letter responds fully to your request. I regret the delay in responding to your original request. If you have any questions, please do not hesitate to contact the San Francisco OCR. The address is:

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street - 10th Floor - 09-8010
San Francisco, California 94105

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX