



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 31 1992

Dr. Wallace E. Davis
President
Wayland Baptist University
1900 West 7th Street
Plainview, Texas 79072

Dear Dr. Davis:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972 for Wayland Baptist University. Your May 27, 1992, letter described several policies practiced at the university 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 absent a religious exemption.

Information in your letter establishes that Wayland Baptist 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 Wayland Baptist University exemption to those sections of the Title IX regulation appropriate to your letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Wayland Baptist 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(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.52, 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.

Your letter indicates that Wayland Baptist University is controlled by the Baptist General Convention of Texas. This relationship between the Baptist General Convention and Wayland Baptist University adequately establishes that Wayland Baptist University 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 indicated that the university, in conformance with the tenets of the Baptist Church, requires Christian sexual conduct on the part of its employees and students. In addition, treating pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of the Baptist Church. Based on these principles, Wayland

Baptist University 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 the Baptist Church requires that some scholarship funds and career offerings be provided differently on the basis of sex to ministerial students. In addition some sex separate organizations are provided to minister in unique ways to male and female students in preparing them for their roles as mothers and fathers in the context of religions belief in the sanctity of the home. Based on this principle, Dallas Baptist University has requested and is granted by this letter exemption to: § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36 (counseling, appraisal and counseling materials, disproportion in classes), § 106.37(a) and (b) (financial assistance), and § 106.38(a) (employment assistance to students).

Your letter also indicates that the university restricts employment in some positions based on sex in accordance with the religious tenets of the Baptist Church. Based on this principle, Dallas Baptist University has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), and § 106.55(a) (job classification and structure). An exemption to § 106.55(b) and (c) is not necessary since separate lines of progression, seniority systems, career ladders, or tenure systems are permitted for those positions where sex is a bona-fide occupational qualification.

You also requested exemption to § 106.14 (membership practices of certain organizations) and § 106.59 (advertising). An exemption to § 106.14 is not necessary because the organizations listed or otherwise meeting the criteria specified are exempted from coverage by this section of the regulation. Likewise, an exemption to § 106.59 is not necessary because this section exempts positions where sex is a bone-fide occupational qualification.

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 Dallas Baptist University, we are obligated to determine initially whether the allegations fall within the exemption herein 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

Page 3 - Dr. Gary R. Cook

controlling organization to verify those tenets. If the organization provides an interpretation of tenets that have 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 the Dallas Regional Office for Civil Rights. The address is:

Mr. Taylor D. August.
Regional Civil Rights Director
Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building, Suite 2200, 5010
Dallas, Texas 75202-9998.

Sincerely,



Michael L. Williams
Assistant Secretary
for Civil Rights