



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

MJB 5 1985

Mr. John G. Balyo
President
Western Baptist College
5000 Deer Park Drive, S.E.
Salem, Oregon 97301

Dear President Balyo:

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

We have recently reviewed your institution's request (copy enclosed) in which several policies practiced at Western Baptist College are described as 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. Information supplied in the request letter and in your letter dated May 8, 1985, establishes that the institution 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 Western Baptist College an exemption to those sections of the Title IX regulation specified in the original request. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Western Baptist College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.34, § 106.40, § 106.51, § 106.55(a), § 106.57, and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the religious organization governing Western Baptist College is the General Association of Regular Baptist Churches (GARBC), and that the College is controlled by this organization. This relationship between the GARBC and Western Baptist College adequately establishes that Western Baptist College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The institution's request letter states your belief that "women should be excluded from Pastoral Studies courses." Thus, Western Baptist College "will not prepare women for the ordained ministry." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.34 (access to course offerings) with respect to Pastoral Studies classes.

The letter also indicates that the College reserves the right "to suspend any student, male or female, involved in practices defined by scriptures as sexual immorality." The College "has the right to take other appropriate disciplinary actions, which may include forfeiture of academic credit for a given semester in which such infraction occurs." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.40, which pertains to marital or parental status of students.

The letter states your belief that the New Testament "indicates that men ought to take the positions of leadership and teaching in the church." Thus, you allow only men to be "involved in teaching Bible, . . . Pastoral Studies, and taking responsibilities in administrative leadership for the college." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.51, which concerns employment matters, and 34 C.F.R. § 106.55(a), which addresses job classification and structure.

Finally, the letter indicates that "principles regarding morality and marital status as qualifications for Christian service are clearly set forth in the Bible" and that "the Bible provides injunctions concerning marital status for those who would be Christian leaders." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.57, which pertains to marital or parental status of employees or applicants for employment, and 34 C.F.R. § 106.60 which concerns pre-employment inquiries.

Exemption was also requested from 34 C.F.R. § 106.31(b)(5) concerning rules of appearance. This section has been rescinded and deleted from the regulation. Therefore, an exemption is not necessary.

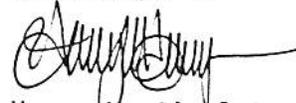
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against Western Baptist College, we are obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant alleges that the practices followed by Western Baptist College are not based on the religious tenets of the GARBC, OCR is obligated to contact the GARBC to verify those tenets. If the GARBC provides an interpretation of tenets that has a different practical impact than that described by Western Baptist College, or if the GARBC denies that it controls the institution, this exemption will be rescinded.

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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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely, .



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gary D. Jackson, Regional Civil Rights Director, Region X