



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

May 10, 2016

Charles Bartlett  
President  
World Baptist Fellowship  
3001 W. Division  
Arlington, TX 76012

Dear Rev. Bartlett:

Thank you for your letter, dated December 22, 2015, to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Arlington Baptist College (College) of Arlington, Texas, from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. I have determined that OCR needs further information to process this request.

Both Title IX itself and the Department's implementing regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Under the regulation, an educational institution that wishes to claim the exemption may do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution (e.g., college president), identifying the religious organization that controls the educational institution and specifying the provisions of Title IX or its regulations that conflict with the tenets of the religious organization.

If you would like OCR to make a determination regarding the College's eligibility for a religious exemption, please provide such a written statement from the highest-ranking official of the College. Further details about the substantive standards for an exemption are below, and the College should feel free to provide any explanation or supporting documentation that may be helpful to OCR's understanding.

An educational institution will normally be considered to be controlled by a religious organization if one or more of the following conditions is true:

- (1) It is a school or department of divinity, defined as an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects; or

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- (2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
- (3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

An institution controlled by a religious organization is exempt from Title IX only to the extent that compliance with Title IX would not be consistent with the religious tenets of the controlling organization. For that reason, OCR asks an educational institution seeking an exemption to specify the provisions of Title IX or its regulations that conflict with the tenets of the religious organization.<sup>1</sup> Thank you for your cooperation. If you have any questions, please do not hesitate to contact me. I can be reached at (202) 453-6048.

Sincerely,



Seth M. Galanter  
Principal Deputy Assistant Secretary

cc: D.L. Moody, President, Arlington Baptist College

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<sup>1</sup> The Department's Title IX regulations are available at [www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html](http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html).