



DALLAS BAPTIST UNIVERSITY

1000 Mountain Creek Parkway

Dallas, TX 75211

1000 Mountain Creek Parkway

Dallas, TX 75211-8208

Phone: 214.232.1000

www.dbu.edu

February 19, 2018

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: Claim of Title IX Religious Tenet Exemption

Dear Office of the Assistant Secretary:

As President and the highest ranking official of Dallas Baptist University, I submit the following statement in order to claim on behalf of the University the religious tenet exemption from Title IX of the Education Amendments of 1972 which is provided for in 20 U.S.C. 1681, and which is the subject of 34 C.F.R. 106.12.

Governance and Control

Dallas Baptist University is a Baptist institution of higher education. It is a Texas nonprofit corporation whose principal office is 3000 Mountain Creek Parkway, Dallas, Texas 75211.

Dallas Baptist University is controlled by a religious organization, the Baptist General Convention of Texas. This Convention is a Baptist general body whose constituency is the cooperating Baptist churches of Texas. It is an "association of churches" in the terminology of the Internal Revenue Code. Pursuant to the University's Certificate of Formation and Bylaws, the Baptist General Convention of Texas controls the University in part by exercising its right to select a majority of the membership of the Board of Trustees for the University, the governing body of the University.

Requested Exemption

Dallas Baptist University had received exemptions in 1992 from certain provisions of Title IX, and the letter from the Department of Education confirming these exemptions is enclosed for your reference. The provisions of Title IX that DBU was granted an exemption from included the following: 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). Dallas Baptist University requests that those exemptions remain in full force and effect

Dallas Baptist University now requests a broadening of these exemptions to include provisions not previously requested and for religious tenets not covered in the 1992 letter. The current request for exemption that forms the basis for the current letter is from provisions of Title IX to the extent application of those provisions would not be consistent with the University's and the Baptist General Convention of Texas's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy, and abortion. I identify those provisions to be:

Admissions:

34 C.F.R. § 106.21 including but not limited to (b)(1)(iii) (governing differential treatment on the basis of sex in admissions); and (c) (governing admissions prohibition on the basis of marital or parental status.)

Recruitment:

34 C.F.R. § 106.23 (governing nondiscriminatory recruitment).

Education Programs or Activities:

34 C.F.R. § 106.31 (b)(4) (governing different rules of behavior or sanctions), and (b)(7) (otherwise limiting any person in the enjoyment of any right, etc.);

34 C.F.R. § 106.32 (governing housing);

34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);

34 C.F.R. § 106.37(a) and (b) (governing financial assistance)

34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students); and

34 C.F.R. § 106.41 (governing athletics);

Employment:

34 C.F.R. § 106.51 (governing employment);

34 C.F.R. § 106.52 (employment criteria);

34 C.F.R. § 106.53 (recruitment);

34 C.F.R. § 106.57 (governing the consideration fo marital or parental status in employment decisions); And

34 C.F.R. § 106.60 (governing pre-employment inquiries)

The University's Mission

The Mission of the University is as follows:

Dallas Baptist University was originally founded as Decatur Baptist College in 1898, being affiliated with the Baptist General Convention of Texas from its inception in Decatur to its move to Dallas in 1965 and its subsequent renaming as Dallas Baptist University. The Vision of the University is to "Build a great Christian university that is pleasing to God by producing Christ-centered servant leaders who are transforming the world."

The University's Mission Statement reads: "The mission of Dallas Baptist University is to provide Christ-centered quality higher education in the arts, sciences, and professional studies at both the undergraduate and graduate levels to traditional age and adult students in order to produce servant leaders who have the ability to integrate faith and learning through their respective callings."

As stated in the University's official commentary on the mission statement: "DBU's purpose is to produce not just servant leaders, but Christian servant leaders. This intention largely depends upon instructing students in the task of integrating Christian faith and academic learning. Otherwise, the service and leadership offered by the institution's graduates would be based on a different perspective, and lack the distinctively Christian dimension. DBU believes that the integration of biblical faith and academic learning is the *raison d'être* of Christian higher education. This function distinguishes it from its secular counterparts which approach the educational task, even the production of servant leaders, on the basis of alternative presuppositions and antithetical worldviews... DBU aspires to do more than just promote a Christianity which flanks academics. Given the fundamental religious nature of human persons, DBU recognizes that education is not undertaken in an unbiased, objective manner, but is always governed by the previous commitments and control beliefs embraced by the scholarly community. DBU asserts that there is no such thing as presuppositionless scholarship, teaching, or learning. If education is not pursued on Christian grounds, then other religious and philosophic systems will provide the foundation. Consequently, DBU believes that the distinguishing feature of a Christian university is found not only in its external religious environment (Christian proclamation and practice), but also in its commitment to pursuing the academic enterprise on the basis of Christian concepts which penetrate to its very core. The roots of the tree of knowledge must be grounded in biblical soil."

The Religious Tenets of the University's Controlling Religious Body

In regard to marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy and abortion, the Baptist General Convention of Texas has repeatedly spoken. For example, in 2009, the Convention adopted the attached resolution titled *On sexual Ethics*. The Convention declared "...the Bible teaches that the ideal for sexual behavior is the marital union between husband and wife and that all other sexual relations – whether premarital, extramarital, or homosexual – are contrary to God's purposes and thus sinful." Since 1980, the Convention has declared on six occasions its religious beliefs opposing abortion. The Convention has declared its belief that

"gender is based on biological attributes and is seen as a gift from God and immutable." A document listing and summarizing these Convention actions regarding these issues is enclosed.

In 1988 the convention adopted an addition to its previously adopted statement of the Baptist Faith and Message which includes the following expression of religious tenets of the Convention:

XVIII. THE FAMILY

God has ordained the family as the foundational institution of human society. It is comprised of persons related to one another by marriage, blood or adoption.

Marriage is the uniting of one man and one woman in covenant commitment for a lifetime. It is God's unique gift to reveal the union between Christ and His church, and to provide for the man and the woman in marriage the framework for intimate companionship, the channel for sexual expression according to biblical standards, and the means for procreation of the human race.

Children, from the moment of conception, are a blessing and heritage from the Lord. Parents are to demonstrate to their children God's pattern for marriage. Parents are to teach their children spiritual and moral values and to lead them, through consistent lifestyle example and loving discipline, to make choices based on biblical truth. Children are to honor and obey their parents.

In 2015, the Executive Board of the Baptist General Convention of Texas, which carries the authority of the Convention, adopted a resolution on Transgender Issues that affirms its position that "in creation God made male and female as biological gender assignment." This resolution is enclosed.

Reasons for Exemption

Application of the regulations stated above under the section of this letter titled "Requested Exemption" would not be consistent with the religious tenets of the University and of the Baptist General Convention of Texas if the regulation prohibited the University from the following:

From engaging in recruiting and admissions under a policy which called for the consideration of an applicant for admission's sexual orientation, gender identity (including but not limited to transgendered status), marital status, past and present practices regarding marriage, sex outside marriage, pregnancy, and abortion (these considerations collectively referred to hereafter as student and employee "behaviors"), and prohibited the institution from treating that person differently as a result of that consideration;

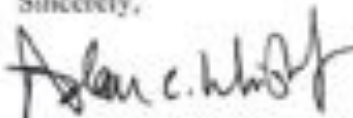
From subjecting students to rules of behavior, sanctions, or other treatment because of these student behaviors. Examples would be the institution's rules regarding eligibility for employment of the student by the institution; the assignment of housing, restrooms and locker rooms, and restrictions to athletic activities by birth sex; rules prohibiting homosexual conduct including but not limited to a prohibition of a student's engaging in sex with a person of his or her birth sex; prohibition of sex outside of marriage between man and a woman; sanctions as the result of pregnancy and abortion; and

From making all employment decisions, including but not limited to selection criteria and pre-employment inquiries, recruitment, the decision to employ, retention decisions, and decisions regarding sanctions, in a manner which takes into consideration these employee behaviors.

Thus, this claim for exemption includes exemption from these specified regulations to the extent the regulation would require the institution to treat marriage, sex outside of marriage, homosexuality, gender identity, pregnancy and abortion in a manner that is inconsistent with the religious tenets of the University and of the Baptist General Convention of Texas.

I trust this letter is sufficient, but if you have any questions, please let me know. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Wright". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Adam C. Wright, Ph.D.

President