



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 25, 2018

Mark Bailey, PhD.
President
Dallas Theological Seminary
3909 Swiss Ave.
Dallas, TX 75204

Dear President Bailey:

I write in response to your November 3, 2017 letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested a religious exemption for Dallas Theological Seminary (Seminary) of Dallas, Texas, from Title IX of the Educational 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. Title IX and its implementing regulation at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution that is controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions may request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets. An institution may be considered controlled by a religious organization if it is a school or department of divinity.

Your request letter states that the Seminary is "controlled by the non-denominational Evangelical Christian interpretation of the Scriptures" and is "a school dedicated to preparing students for Christian ministry as by equipping them as Godly servant leaders." Your letter further explains that "[t]he Seminary faculty, board of incorporate members are all required to sign annually and adhere to the DTS Doctrinal Statement" and that "[a]ll students (and staff) must adhere to essential doctrinal commitments."

Your letter requests exemption from certain provisions of Title IX and its implementing regulations to the extent that they would "be contrary to the religious teachings and beliefs of [the Seminary] in relation to . . . [the Seminary]'s scriptural interpretation and religious beliefs about the role of women in senior leadership in the church[]; marriage between one man by birth and one woman by birth which does not include same sex marriage; gender (including transgender and gender change and those with gender issues); sexuality (including sexual

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conduct or sexual acts outside of the covenant of marriage); and, the sanctity of human life from the time of conception to the time of death.”

In support of this request, your letter states that the Seminary “holds core religious tenets that are recorded in its Bylaws and Statement of Faith” and that the “Seminary’s Doctrinal Statement affirms its belief in ‘the divine inspiration, truthfulness and authority of both the Old and New Testaments, the only written Word of God, without error in all it affirms.’” Your letter cites Biblical principles that that you describe to mean that “God wonderfully and immutably creates each person as male or female. These two distinct sexes together reflect the image and nature of God.” Further, your letter states that the “Bible also demonstrates that the term ‘marriage’ has only one meaning: the uniting of one man and one woman in a single, exclusive union, as delineated in Scripture and further intended to be between one man (who was born as a man biologically) and one woman (who also was born as a woman biologically).” It further cites additional Biblical principles that you describe to mean that “God intends sexual intimacy to occur only between a man and a woman who are married to each other” and that “any form of sexual intimacy outside this Biblical marriage constitutes sexual immorality and is sinful and offensive to God.” The Seminary’s Statement of Faith states the belief that “God wonderfully and immutably creates each person as either male or female. Together these two distinct sexes reflect the creative nature and image of God.” Your letter states that the Seminary’s religious tenets “dictate the Seminary’s deeply held religious belief, which in turn permeate every facet of the Seminary’s work.”

Your letter states that, for the above reasons, the Seminary is requesting an exemption from the following regulatory provisions to the extent that they “are or may be in conflict with the sincerely held religious beliefs of [the Seminary]”:

- 34 C.F.R. § 106.21(a), (b)(1)(iii), and (c) (governing admission);
- 34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities);
- 34 C.F.R. § 106.40 (governing marital or parental status);
- 34 C.F.R. § 106.51(a), (b)(2), (b)(6), (b)(7), (b)(9), and (b)(10) (governing employment);
- 34 C.F.R. § 106.57(a) (governing marital or parental status);
- 34 C.F.R. § 106.60 (governing pre-employment inquiries); and
- 34 C.F.R. § 106.61 (governing sex as a bona fide occupational qualification).

The Seminary is exempt from these provisions to the extent that compliance would conflict with the controlling organization’s religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Jackson', with a long horizontal flourish extending to the right.

Candice Jackson
Acting Assistant Secretary for Civil Rights