



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

MAY 17 1985

Dr. John N. Oswalt  
President  
Asbury College  
Wilmore, Kentucky 40390

Dear President Oswalt:

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 Asbury College filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Asbury College 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. You have supplied information in your request letter that 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 Asbury College an exemption to those sections of the Title IX regulation specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Asbury College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21(c); 106.31(b)(4); 106.34(f); 106.40(a) and (b)(1) and (5); 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 Asbury College is controlled by the Protestant Church. The Protestant Church and Asbury College practice the tenets of the sanctity and the permanently binding character of marriage vows, the legitimacy of sexual relations only within marriage, the sanctity of human life and the divinely established differences between the sexes. The college is bound by Articles of Incorporation that commit it to the fundamental doctrines of the Protestant Christian faith.

In your letter you indicate that your faculty and staff are required to believe in the fundamental doctrines of the Protestant Christian faith and are charged with operating an educational program consistent with these doctrines. Thus, the institution practices the following:

1. Makes inquiries about marital status to present proper models for its academic institutional community.

Based on the above principle, Asbury College has requested and is granted by this letter, exemption to:

Section 106.21(c)(4) admission of students; inquiry regarding the marital status of potential students.

Section 106.60(a) employment; inquiry regarding the marital status of potential employees.

2. Treats pregnancy and abortion as moral/ethical matters.

Based on the above principle, Asbury College has requested and is granted by this letter, exemption to:

Section 106.21(c) admission of students; inquiry regarding the marital and parental status of potential students.

Section 106.40(a) and (b)(1) and (5); differential treatment of students on the basis of marital or parental status.

Section 106.57; differential treatment of employees on the basis of marital or parental status.

3. Differentiates in its community life between the male and female to acknowledge the divinely established difference between a man and a woman.

Based on the above principle, Asbury College has requested<sup>1</sup> and is granted by this letter, exemption to:

Section 106.31(b)(4) delivery of services; subject students to separate or different rules of behavior, sanctions, or treatment on the basis of sex.

Section 106.34(f) access to course offerings; apply requirements which may result in a chorus or choruses of one or predominately one sex.

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<sup>1</sup> You have also requested an exemption from Section 106.31(5). As you will note upon review of the enclosed copy of the Title IX regulation, the regulation has been revised and Section 106.31(5), as it appeared at the time of your original request, has been eliminated.

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 your institution, I am 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 the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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 me.

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures