



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

MAY 17 1985

Dr. David L. McKenna  
President  
Asbury Theological Seminary  
204 North Lexington Avenue  
Wilmore, Kentucky 40390

Dear President McKenna:

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 Theological Seminary 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 Theological Seminary 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 Theological Seminary 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 Theological Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Asbury Theological Seminary is controlled by the Wesleyan interpretation of the Scriptures. As you state, "[t]he instruction in this Seminary will conform fully to the Wesleyan interpretation of the Scripture," and only those persons in full sympathy with this position shall be elected to the Board of Trustees, or an official position, or employed as an instructor. This relationship adequately establishes that Asbury Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that your theology "affirms that pregnancy is a privilege of the marriage relationship solely." Thus, your institution differentiates "between a person who is pregnant within the confines of marriage and one who is pregnant outside the marital state."

Based on the above principles, Asbury Theological Seminary has requested and is granted by this letter, exemption to:

1. 34 C.F.R. § 106.21(c), admission of students regarding their parental, family, or marital status, including pregnancy.
2. 34 C.F.R. § 106.40, rules regarding a student's parental, family, or marital status, including pregnancy.
3. 34 C.F.R. § 106.57, policies regarding an applicant for employment or an employee's marital, parental, or family status, including pregnancy.

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, 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 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