



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

JAN 9 1985

Dr. James B. Hemby, Jr.
President
Atlantic Christian College
Wilson, North Carolina 27893

Dear Dr. Hemby:

This is to inform you of my decision regarding your request for a religious exemption from § 106.32(a) and (b) of the regulation implementing Title IX of the Education Amendments of 1972. In your letters addressed to the Atlanta Regional Office for Civil Rights (OCR), you have indicated that it is inconsistent with the tenets of the religious organization that controls Atlantic Christian College (ACC) to permit unmarried pregnant students to reside in the dormitories on the ACC campus. Prohibiting students from residing in ACC dormitories because they are unmarried and pregnant would violate certain sections of the Title IX regulation absent a religious exemption. You have supplied information in your request letter that adequately 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 ACC an exemption to § 106.40(b)(1) of the Title IX regulation as it pertains to your housing program. Section 106.40(b)(1) more accurately addresses the practice for which you have requested exemption than does § 106.32(a) and (b). The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for my decision to grant this exemption is discussed in further detail below.

Your letter indicates that ACC is controlled by the Christian Church (Disciples of Christ) (Church). The Church and ACC are committed to following the principles of the New Testament. ACC's statement of purpose is to ". . . maintain and operate an institution of learning, for the education and instruction of qualified students within the framework of Christian ideals and principles and under the auspices of the Christian Church (Disciples of Christ) in North Carolina." You also stated that five ministers of the Church serve as members of ACC's Board of Trustees. This relationship between the Church and ACC adequately establishes that ACC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

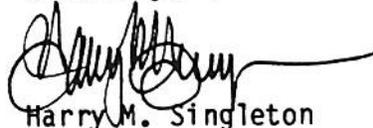
You indicated that allowing unmarried pregnant students to reside in ACC dormitories would condone behavior that is immoral and unethical according to Church beliefs and teachings. Your letter requests only that ACC be allowed to take action against pregnant students who are unmarried by expelling them from the housing program. Since pregnancy out of wedlock provides clear evidence of violation of Church principles, and because you

have not indicated a desire to expel such students from the general education program, ACC is hereby granted an exemption to § 106.40(b)(1) in application to the housing program. This does not grant an exemption to expel unmarried pregnant students from any other portion of ACC's education program as it was not requested.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically listed. In the event that OCR receives a complaint against ACC, OCR is obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant claims that alleged discriminatory 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 trust this letter responds fully to your request. If you have any questions, do not hesitate to contact us.

Sincerely, \

A handwritten signature in black ink, appearing to read 'Harry M. Singleton', with a long horizontal flourish extending to the right.

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV