



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

SEP 26 1985

2 6

Dr. Paul Mills  
President  
Bartlesville Wesleyan College  
2201 Silver Lake Road  
Bartlesville, Oklahoma 74003

Dear President Mills:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Bartlesville Wesleyan College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President Snook (copy enclosed) in which he described certain policies practiced at Bartlesville Wesleyan 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. The former president supplied information in his 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 Bartlesville Wesleyan College an exemption to those sections of the Title IX regulation specified in the 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. Bartlesville Wesleyan College 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.

The former president's letter indicates that Bartlesville Wesleyan College is controlled by The Wesleyan Church. The Discipline of The Wesleyan Church and Bartlesville Wesleyan College require certain standards in moral conduct and dress. This relationship between The Wesleyan Church

and Bartlesville Wesleyan College adequately establishes that Bartlesville Wesleyan College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that the special directives of "The Wesleyan Church require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it[.]" Additionally, "the general rules of the church require (1) the preservation of the sanctity of the home . . . and (2) the high regard of marriage vows[.]" Thus, pregnancy out of wedlock is contrary to the tenets of The Wesleyan Church.

Based on this principle, Bartlesville Wesleyan College has requested and is granted by this letter, exemption to: § 106.21(c) (marital and parental status of applicants for admission), § 106.40 (marital or parental status of students) and § 106.57 (marital or parental status of employees).

Bartlesville Wesleyan College also requested exemption from § 106.31, which in part, prohibited discrimination in rules of appearance. Section 106.31(b)(5) regarding rules of appearance was rescinded and deleted from the regulation in 1982. Thus, an exemption for appearance codes is not necessary.

The former president also requested the opportunity to apply for exemption from certain sections of the regulation if his understanding of the requirements was incorrect. The interpretation that Title IX permits separation of housing and restroom facilities by sex (§§ 106.32(b) and 106.33, respectively) is correct. However, § 106.61, regarding sex as a bona-fide occupational qualification, does not apply to hiring only women as resident directors for women's dormitories. If you wish to limit the employment of resident directors in women's dormitories to women only, you will need to apply for a religious exemption from the employment sections of the Title IX regulation which you deem applicable. You should briefly describe the religious tenet(s) or practices on which this institution policy is based. Your request should be forwarded to the regional office.

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 herein 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.

Page 3 - Dr. Paul Mills

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Taylor D. August  
Regional Civil Rights Director  
Office for Civil Rights, Region VI  
Department of Education  
1200 Main Tower Building, Suite 400  
Dallas, Texas 75202

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI