



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

FEB 28 1986

Dr. William E. Troutt
President
Belmont College
Nashville, Tennessee 37203

Dear President Troutt:

The Office for Civil Rights (OCR) of the Department of Education has reviewed the letter forwarded by Mr. James P. Guenther, legal counsel for Belmont College, regarding the College's request for religious exemption from Title IX of the Education Amendments of 1972. In his letter, Mr. Guenther describes several policies practiced at Belmont College as being 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. Mr. Guenther supplied information 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 Belmont College an exemption to those sections of the Title IX regulation specified in the request letter. Belmont College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.40, 106.51(b)(6), 106.57, and 106.60(a). This 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 our decision to grant this exemption is discussed in further detail below.

The request letter states that Belmont College is controlled by the Tennessee Baptist Convention. The Convention promotes the "evangelistic, educational, missionary, benevolent, and other interests of Tennessee Baptists and cooperates in promoting such objectives fostered by Baptists through the Southern Baptist Convention as it deems proper." The members of the Board of Trustees of Belmont College are elected by the Convention and must be resident members of Baptist churches affiliated with the Tennessee Baptist Convention. The Convention requires Belmont College to conform to the policies and programs of the Convention. Additionally, the Convention significantly contributes to the financial needs of Belmont College. This relationship between the College and the Tennessee Baptist Convention adequately establishes that Belmont 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 College insists "on Christian sexual conduct on the part of its faculty, administration, and student body." The "College's religious tenets do not permit the college to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a . . . temporary disability." Based on this principle, Belmont College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); 34 C.F.R. § 106.40 (marital or parental status of students); 34 C.F.R. § 106.51(b)(6) (granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy and child care); 34 C.F.R. § 106.57 (marital or parental status of employees); and 34 C.F.R. § 106.60(a) (pre-employment inquiries as to marital status).

The request letter indicates that Belmont College may encourage membership practices in student organizations where membership is limited to one sex. This is based on the belief that the College should "minister in unique ways in preparing its students to fulfill their roles as mothers and fathers all in the context of a religious belief in the sanctity of the home." Based on this principle, Belmont College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.31, where membership practices in student organizations are limited on the basis of sex in accordance with religious tenets. Also, to the extent that the College may encourage students to participate in certain activities based on religious convictions regarding the roles of men and women, Belmont College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.36 regarding counseling and use of appraisal and counseling materials.

Mr. Guenther is correct in his understanding of regulations regarding rules of appearance. Section 106.31(b)(5) regarding rules of appearance was rescinded and deleted from the Title IX regulation in 1982. Therefore, an exemption for appearance codes is unnecessary.

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.

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I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights. The address is:

W. Lamar Clements
Acting Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,



Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: W. Lamar Clements, Acting Regional Civil Rights Director, Region IV