



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

SEP 3 1985

Dr. John B. Stephenson  
President  
Berea College  
Berea, Kentucky 40404

Dear President Stephenson:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letters requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972. In your letter of July 19, 1985, you provided additional information regarding the religious organization which controls your institution. Former President Weatherford, in filing the original request for exemption, described several policies practiced at Berea College as consistent with the tenets of the controlling religious organization. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Berea College has 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 Berea College an exemption to those sections of the Title IX regulation specified in the original 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. Berea College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.51, 106.57 and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Berea College is controlled by its Board of Trustees which has adopted a commitment to Christianity. Your letter further states, "our original charter, our constitution, our program and our pronouncements call for a commitment to Christianity which we take seriously." This commitment to Christianity by Berea College and the controlling Board of Trustees adequately establishes that Berea College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The original request letter indicates that faculty and staff are expected to adhere to the principles of Christianity and serve as role models for students by exhibiting stable and moral family relationships. Thus, the institution requests exemption from those sections of the Title IX regulation which prohibit the exclusion of unmarried, pregnant students or employees from the institution.

Berea College has requested, and is granted by this letter exemption to: § 106.40 (marital or parental status of students), § 106.51 (to the extent that this section covers pregnancy leave for unmarried employees), § 106.57 (marital or parental status of employees), and § 106.60 (pre-employment inquiries).

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.

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 the Atlanta Regional Office for Civil Rights. The address is:

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

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

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