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

SEP 3 1985

Dr. Norman Adrian Wiggins
President
Campbell University
Buies Creek, North Carolina 27506

Dear President Wiggins:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of July 3, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe several policies practiced at Campbell University 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. You have supplied information in your request letters 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 Campbell University an exemption to those sections of the Title IX regulation appropriate to 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. Campbell University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.36, 106.40, 106.57(b) and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Campbell University is owned and operated by the Baptist State Convention of North Carolina and is governed by a Board of Trustees elected by the Convention. All persons elected to the Board of Trustees must be members of a North Carolina church that belongs to the Convention. In addition, the University abides by the "Reaffirmations" as adopted by the Association of Southern Baptist Colleges and Schools. This relationship between Campbell University and the Baptist State Convention of North Carolina adequately establishes that Campbell University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letters you indicate that Campbell University believes in the sanctity of the home, family and the marriage relationship and the need to follow the teachings regarding sexual morality. Your institution believes that it is required to inquire into and take action where necessary in regard to marital or parental status and the pregnancy and termination of pregnancy of students and those seeking employment. Based on these principles, Campbell University 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); § 106.40 (marital or parental status of students); § 106.57(b) (marital or parental status of employees, pregnancy); and § 106.60 (pre-employment inquiries as to marital status).

Your letters indicate that certain student organizations are sponsored by the Baptist Church and membership in some organizations may be limited to one sex. Campbell University requested exemption to § 106.14. However, § 106.31 regarding education programs and activities addresses more appropriately the practice described in your letter than does § 106.14, which addresses the membership practices of only those organizations specified in the regulation. Therefore, Campbell University is granted an exemption to § 106.31 to the extent that it covers membership practices in student organizations.

Your letters indicate that your institution provides different kinds of counseling on career planning, marriage and the building of homes to males and females based on the belief that the needs of men and women are different, mothers play a central role in rearing children and stabilizing the home, and the "roles of mothers and fathers must be preserved to make the will of Christ supreme in the family and in the Church." Based on this principle, Campbell University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.36 (counseling and the use of counseling and appraisal materials).

Your letters also indicate that your institution follows a policy of sex-segregated housing for all its unmarried students both in on-campus and off-campus housing to avoid the present problems of abortion and divorce. This practice is based on the belief of the Baptist church that marriage and the family are sacred and can only be protected when the teachings regarding sexual morality are followed. Section 106.32(b) permits the provision of separate housing on the basis of sex. The information provided in your letters does not demonstrate a conflict between your housing policies and the Title IX regulation. If there are other housing policies which you believe require an exemption, you should send clarification of your request to the regional office.

An exemption for § 106.31, which in part prohibited discrimination for rules of appearance, was also requested. Section 106.31(b)(5) regarding appearance codes, was rescinded from the Title IX regulation. Therefore, an exemption is not necessary.

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