



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

MAY 17 1985

Dr. Bruce E. Whitaker
President
Chowan College
Murfreesboro, North Carolina 27855

Dear President Whitaker:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Chowan 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. You have supplied information in your 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 Chowan College an exemption to those sections of the Title IX regulation specified in 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. Chowan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51(b)(6), 106.57(a)(1), 106.57(b), 106.57(c), and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Chowan College is controlled by the Baptist State Convention of North Carolina. The Southern Baptists and Chowan College do not condone premarital sexual relations on the part of male or female students or employees. The Southern Baptists and Chowan College do not treat the pregnancy of an unmarried woman as a temporary disability. Your letter states that Chowan College is owned by the Baptist Church. This relationship between the Baptist Church and Chowan College adequately establishes that Chowan College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that male and female students are aware that "good moral character" and "desirable personal traits will be considered of first importance." You also indicated that the "[C]ollege reserves the right at all times to exclude students whose conduct . . . it regards

as undesirable" Based on the preceding principles, Chowan College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40 (marital or parental status), § 106.21(c) (marital or parental status), § 106.39 (insurance benefits), § 106.51(b)(6) (leave of absence), § 106.57(a)(1), § 106.57(b), and § 106.57(c) (marital and parental status in employment practices), and § 106.60(a) (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, I am obligated to determine initially whether the allegations fall within the exemption here 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 me.

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures