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① Policy
② Form

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J.

December 5, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

COVENANT COLLEGE

Lookout Mountain, Tennessee 37350
Telephone 404-820-1560

RE: Title IX Religious Exemption

Dear Sir:

Covenant College hereby claims an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to Sections 901(a) (3) and 908 of Title IX and 34 C.F.R. Section 106.12(b). The college believes that it may in the past have received, and may currently be receiving, indirect federal aid within our understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

Covenant College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is controlled by the Presbyterian Church in America (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Georgia in 1985 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit institution under Section 501 (c) (3) of the Internal Revenue Code. The directors of the Corporation and the faculty, students, and employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion, and the college is completely governed by and receives a significant amount of its financial support from individual churches within the Corporation. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The college educates in the broad range of liberal arts, in which it adheres to the Biblical tenets for matters of faith and practice, following its religious tradition. It specifically utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common religious understanding of the religious beliefs, values and purposes that guide the educational mission of the college. Accordingly, the personnel of the college accept religious standards in matters of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required. The Holy

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Bible sets forth the standards for Christian morality and practice in far too many places and forms to be identified comprehensively in this letter; however, see for example Duet. 5:1 - 21; Matthew 5:1-Matthew 7:28.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, marriage and residential living environments and standards. It specifically holds religious standards for personnel and students in matters conducive to the fostering of proper moral behavior and the discouragement of inappropriate behavior as understood by the religious tradition and tenets accepted by the college. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language and modest attire.

The college adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Scriptural teaching about moral behavior. See, for example, 1 Corinthians 5:9 - 11; 1 Corinthians 6:12 -20.

The college hereby claims exemption from the application of the following provisions of the Title IX regulations, to the extent that they conflict with the college's religious tenets and traditions as described above: 34 C.F.R. Sections 106.21 (c), 106.40, 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.59 (advertising) that relates to such employment opportunities that are limited to one gender by the religious beliefs of the college.

There are a number of issues central to the religious beliefs and practices of the college that may not have been discussed in this letter because of our understanding that no specific exemption is required. For example, the college believes that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the college to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Additionally, pursuant 34 C.F.R. Section 106.15 (d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the college because it is a private institution of undergraduate higher education. Finally, the college understands that Sections 106.32 and 106.33 permit the college to provide separate, although substantially comparable, housing, bathroom, locker room and similar facilities for men and women.

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The college generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the extent that such compliance would cause the college to violate its religious tenets and traditions. The college specifically claims its right to exercise a religious preference in its employment decisions, pursuant to Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the Supreme Court in Corporation of the Presiding Bishop v. Amos, 107 S. Ct. 2862 (1987). In seeking to provide equal employment opportunities for men and women, the college shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs and practice are consistent with the Christian tenets, principles and traditions accepted by the college and the Corporation.

In the event of future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the college and the burden on such statute and regulations on the college's ability to pursue its religious mission, the college reserves its right to claim an amendment to its exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the college.

Thank you for your assistance and for your prompt consideration of this letter. If you have any questions or require any further information, please contact Marie Henning who is the Director of Human Resources at (404) 820-1560.

Very truly yours,



Frank A. Brock
President