



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

FEB 2 1989

Dr. Frank A. Brock
President
Covenant College
Lookout Mountain, Tennessee 37350

Dear Dr. Brock:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated December 5, 1988, requesting a religious exemption for Covenant College (the College) from certain sections of the regulation implementing Title IX of the Education Admndments of 1972 (Title IX).

Your request letter supplied information that establishes that the College is controlled by a religious organization and that tenets followed by this organization and the College conflict with specific sections of the Title IX regulation. You have described certain policies practiced at the 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. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letter.

The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.34, 106.38, 106.40, 106.53, 106.59, and 106.60. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter requesting exemption indicates that the College is controlled by the Presbyterian Church in America, a nonprofit religious corporation (the Corporation). The directors of the Corporation, 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, 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 is governed by and receives a significant amount of its financial support from individual churches within the Corporation. The relationship between the Corporation and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

Your letter of request states that the College adheres to biblical tenets in matters of faith and practice, following its religious tradition. Passages from the Bible are cited as examples of Biblical tenets. Your letter states that the College 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 in matters of moral behavior, as well as in the performance of any religious role or office. Your letter further states that the College's religious standards, including certain gender-based distinctions, seek to maintain proper moral behavior and discourage inappropriate behavior as understood by the religious tradition and tenets accepted by the College.

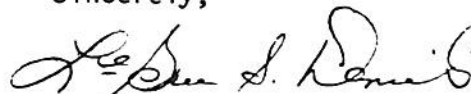
Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. §§ 106.21(c) (admission); 106.34 (access to course offerings); 106.38 (employment assistance to students); 106.40 (marital or parental status of students); 106.53 (recruitment); 106.59 (advertising); and 106.60 (pre-employment inquiry regarding marital and parental status), to the extent that application of these sections conflicts with the religious tenets practiced by the College. As mentioned in your letter, 34 C.F.R. 106.15(d) excludes private institutions of undergraduate higher education from the provisions of §§ 106.21-106.23, which relate to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature are exempt if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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. Also, in the unlikely event that a complaint 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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact OCR's regional office in Atlanta at the following address:

Mr. Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Tower, 27th Floor, Suite 2702
Post Office Box 1705, 04-3010
Atlanta, Georgia 30301-1705.

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Jesse L. High, Regional Civil Rights Director, Region IV