



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202

MAY 17 1995

Dr. James Taylor
President
Cumberland College
Williamsburg, Kentucky 40769

Dear President Taylor:

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 Cumberland 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 Cumberland 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 Cumberland 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. Cumberland College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.32(a), 106.40, 106.57, and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Cumberland College is controlled by the Kentucky Baptist Convention. The Kentucky Baptist Convention and Cumberland College practice the tenets of the sanctity of marriage and sex within marriage and the ethical and moral principles of Christianity. The college is bound by its Articles of Incorporation which provide that Cumberland College shall be controlled by trustees who shall be controlled by the doctrines of the Kentucky Baptist Convention. This relationship between the Kentucky Baptist Convention and Cumberland College adequately establishes that Cumberland 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 your faculty is expected to adhere to the principles of Christianity and serve as role models for your students by exhibiting stable and moral family relationships. Thus, the institution practices the following:

1. Stresses the sanctity of marriage and sex within marriage by enforcing curfews and controls on women's housing and thus provides an environment by which students may live consistently with this Christian principle.

Based on the above principle, Cumberland College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.32(a), application of different rules or regulations related to housing on the basis of sex.

2. Treats pregnancy and abortion as moral/ethical matters.

Based on the above principle, Cumberland College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40, differential treatment of students on the basis of marital or parental status; § 106.57, differential treatment of employees on the basis of marital or parental status; § 106.60 employment, inquiry regarding the marital status of potential employees.

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 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