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April 18, 1985

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A. E. UNDERWOOD

WHT [Signature]

WLC _____

LOB [Signature]

BRS 2 (Ken Jones)

WMS _____

ABM _____

WMM _____

RECEIVED
905 APR 23 AM 10:58
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

* OF COUNSEL

Mr. William H. Thomas
Regional Civil Rights Director
United States Dept. of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Re: David Lipscomb College

Gentlemen:

This will acknowledge receipt of your letter dated March 25, 1985 to David Lipscomb College ("the College"), relating to its claim for exemption from certain regulations promulgated pursuant to Title IX of the Educational Amendments of 1972, to the extent such regulations may be otherwise applicable, in so far as such regulations may be inconsistent with the tenets of religious belief of New Testament Christianity.

The College hereby advises you that it is an educational institution of higher learning controlled by New Testament Christianity, as interpreted by its Board of Directors, all of whom are, and must be, members of a Church of Christ. The principles of New Testament Christianity are those commonly understood and interpreted by the various Churches of Christ. The tenets of those religious beliefs upon which exemption is based relate to a prohibition on sexual relations between persons who are not married to each other, the obtaining, or causing another to obtain, an abortion, and certain restrictions on females instructing males on religious matters. These certain restrictions on religious instruction are limited to Chapel services and clearly defined Bible classes.

The College is furnishing you the above information voluntarily and it reserves all its rights under applicable laws. Accordingly, this furnishing of information should not be construed as an admission of any obligation to furnish such information in order to obtain the exemption or otherwise. Notwithstanding any implication in your letter to the contrary, the submission of the claim for exemption with the appropriate governmental official in 1976, signed by the highest ranking official of

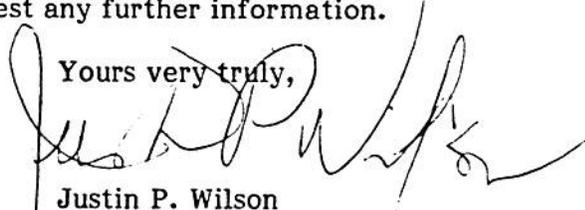
Mr. William H. Thomas
Regional Civil Rights Director
April 18, 1985
Page Two

the College, in accordance with Section 86.12(b) of the Regulations, was self-enacting, the exemption became effective upon submission, and the exemption does not require, either under the statute or the regulations, a "grant" by the Office of Civil Rights. We advise you that the College reserves its rights to assert that under the Establishment Clause of the First Amendment of the Constitution of the United States, under the principles of separation of church and state, and pursuant to the protections granted for freedom of religious belief and expression, the College is not obligated to explain, and you may not examine, any religious tenet held by New Testament Christianity nor inquire into the relationship between the College and New Testament Christianity. We further advise you that the College reserves the right to assert that your failure to question the exemption over the past eight years constitutes a waiver of any right you may have otherwise had to review the exemption, and that you are estopped, or otherwise prohibited, from challenging the exemption at this time.

Finally, we advise you that the College respectfully reserves the right to assert (1) that its prohibition on sexual relations between non-married adults and on the obtaining (or causing another to obtain) an abortion does not discriminate on the basis of sex, as its policy is non-discriminatory, and (2) a governmental agency may not constitutionally withhold federal assistance to which an institution would otherwise be entitled solely because only males teach religious instruction otherwise permitted.

Please advise us if you request any further information.

Yours very truly,



Justin P. Wilson

JPW:be

I certify that I am the highest ranking official of David Lipscomb College and that the information contained in the second paragraph of this letter is correct.



Willard Collins, President
David Lipscomb College

STATEMENT

David Lipscomb College is a private Christian College which does not discriminate in favor of either men or women. The College does, however, recognize that there are differences between man and woman. These differences are a part of our Christian faith and are within the framework of the teachings of the Bible, which are fundamental to the institution. Accordingly, pursuant to 45 C.F.R. §86.12, the College claims exemption from the following sections of 45 C.F.R., Part 86:

1. 86.40
2. 86.51(b)(6)
3. 86.55(a)
4. 86.57(b), (c), & (d)
5. 86.60(a)

The above exemptions are claimed based on the College's current interpretation of the Regulations and should not be deemed all inclusive. The College reserves the right to claim additional exemptions or to claim that the College is exempt from the Regulations in their entirety.


Athens Clay Pullias