



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

JUL 24 1985

Dr. Willard Collins
President
David Lipscomb College
Granny White Pike
Nashville, Tennessee 37203

Dear President Collins:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985 requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe certain policies practiced at David Lipscomb 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 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 David Lipscomb College an exemption to those sections of the Title IX regulation specified in the 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. David Lipscomb College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.51(b)(6), 106.55(a), 106.57(b), (c), and (d) and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that David Lipscomb College is controlled by the tenets of New Testament Christianity, as interpreted by its Board of Directors. Everyone on the Board of Directors must be a member of a Church of Christ. This relationship between the Churches of Christ and David Lipscomb College adequately establishes that David Lipscomb 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 religious tenets followed by David Lipscomb College prohibit sexual relations between persons who are not married to each other, and prohibit obtaining or causing another to obtain an abortion.

Based on the above principle, David Lipscomb College has requested and is granted by this letter, exemption to:
34 C.F.R. § 106.40, which addresses discrimination based on marital or parental status; 34 C.F.R. § 106.51(b)(6),

which addresses employee leaves of absence for pregnancy and related conditions and child care; 34 C.F.R. § 106.57(b), (c), and (d), which addresses employment policies and practices concerning pregnancy, pregnancy as a temporary disability and pregnancy leave; and, 34 C.F.R. § 106.60(a), which addresses pre-employment inquiries related to marital status.

Your letter indicates that David Lipscomb College places certain restrictions on females instructing males on religious matters.

Based on the above principle, David Lipscomb College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.55(a), which prohibits classifying a job as being for males or for females.

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 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 the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV