



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

MAY 17 1985

Dr. E. Claude Gardner  
President  
Freed-Hardeman College  
Henderson, Tennessee 38340

Dear President Gardner:

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 Freed-Hardeman 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 Freed-Hardeman 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 Freed-Hardeman College an exemption to those sections of the Title IX regulation appropriate to your request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Freed-Hardeman College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31(a), 106.34, 106.38(a), 106.41(c)(1), 106.51(b)(2) and (4), and 106.53(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Freed-Hardeman College is controlled and operated by members of Churches of Christ. This relationship between the Churches of Christ and Freed-Hardeman College adequately establishes that Freed-Hardeman 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 the Churches of Christ "recognize the Bible as their rule of faith and practice." Thus, the institution practices the following:

1. One of the tenets of the Churches of Christ and Freed-Hardeman College states that women should not serve as preachers. Therefore, two of the courses taught at the College are intended for men only. These courses are Bible 231 (Preparation and Delivery of Semons) and

Bible 330 (Preacher and His Work). Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.34 of the Title IX regulation which addresses access to course offerings.

2. Freed-Hardeman College and the Churches of Christ observe high standards of modesty in apparel. Because of this tenet, three swimming courses (PEA 165, PEA 166 and PEA 167) are separated by sex. Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.34 of the Title IX regulation which addresses the issue of access to courses.
3. Women are not allowed to join the Preachers Club because of the religious tenet which states that women should not serve as preachers. Because of this tenet, men are not allowed to join Girls Religious Training Class or Preachers Wives Club. Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.31(a) which prohibits discrimination on the basis of sex in education programs and activities.
4. Freed-Hardeman College, because of its tenet of modesty, has a dress code and feels a need to review the dress of opposing teams to determine if the opponent's uniforms conform to Freed-Hardeman College's dress code. Section 106.31(b)(5) of the Title IX regulation addressed dress code requirements. The College also requested a specific exemption to 34 C.F.R. § 106.31(b)(5) for its students' hair and dress code. However, this section of the regulation was rescinded and deleted from the regulation in 1982, thereby making an exemption unnecessary.  
  
Freed-Hardeman College also states that if the uniforms of the opposing team do not meet the Freed-Hardeman dress code the College would be bound to curtail athletic opportunity for women. Based on the tenet described above, Freed-Hardeman has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.41(c)(1) which addresses equal opportunity in the selection of sports and levels of competition.
5. It is a tenet of Freed-Hardeman College that women should not publicly teach Bible classes which include adult males. Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.51(b)(2) and (4) which addresses hiring and job assignments and § 106.53(a) which addresses recruitment and hiring.

6. The placement office does not recommend females for preaching positions because it is one of Freed-Hardeman College's religious tenets that women should not serve as preachers. Based on this principle, Freed-Hardeman has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.38(a) which addresses employment assistance to students.

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