

Assurance Statement

**ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF**

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Gardner Webb College, Inc. North Carolina (insert name of Applicant or Recipient)

_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

- A state education agency.
- A local education agency.
- A publicly controlled educational institution or organization.
- A privately controlled educational institution or organization.
- A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

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- Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) (See attached copy of position of Gardner Webb College)

The Applicant offers one or more of the following programs or activities (check where applicable):

- Pre-school
- Kindergarten
- Elementary or Secondary
- Graduate
- Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
- Undergraduate (including junior and community colleges)
- Vocational or Technical
- Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)
2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.
3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.
4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.
5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Barry D. Hartis

(name of employee)

Webb Administrative Building, Gardner Webb College

(office address)

704/434-2361 Ext. 270

(telephone number)

The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by December 15, 1976

(insert date)

The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 30, 1976

Gardner Webb College

(Insert name of Applicant)

By *James E. Williams*

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President

(Insert title of authorized official.)

MAR 15 1979

Gardner-Webb College

March 9, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

Thank you for your letter noting that you are in receipt of our assurance form required under Title IX of the Education Amendments of 1972. I apologize for the response being past your request of a reply written 30 days of receipt of your letter. Your letter requested the following:

- Information which cites the specific religious tenets and provisions of the regulations that you believe to be in conflict and
- Background information which demonstrates the institution falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form.

The information below is supplied for your information:

1. Background

Gardner-Webb College is owned and operated by the Baptist State Convention of North Carolina. It is governed by a Board of Trustees elected by the Convention. To be eligible for membership on the Board, a person must be a member of a North Carolina church belonging to the Convention. Any major departure from the established programs of the College are reported to and ultimately approved by the Convention.

Article IX, Section B, 2. of the constitution of the Convention states that "the trustees and directors shall be responsible to the Convention for the operation of its institutions in accordance with Baptist principles."

2. Conflicts

Until such time as the Court has interpreted the provisions for Title IX and its supporting regulations, we have no certain way of knowing of the specific conflicts of our religious tenets and the regulation.

Although not any of the programs set forth below are federally funded, and although as the regulations are presently interpreted, we do not think any of the programs are in violation of the letter or spirit of Title IX, the following may be viewed as matters of concern:

- a. Separate housing facilities for men and women.
- b. Separate administrative divisions for governing the conduct of men and women students.
- c. Designated institutional scholarships for both males and females based upon programs and denominational organizational structure.

As stated in our assurance statement filed previously with your office, except for the possibility of the conflicts set forth above, insofar as we know at this time, we are in compliance with Title IX.

If there are further questions, please feel free to call us.

Sincerely,



Dr. Craven E. Williams
President