



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

MAY 17 1985

Dr. Troy R. Eslinger
President
Lees Junior College
Jackson, Kentucky 41339

Dear President Eslinger:

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

Your letter indicates that Lees Junior College is associated with and follows the tenets of the Presbyterian Church. The relationship between the Presbyterian Church and Lees Junior College adequately establishes that Lees Junior 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 because Lees Junior College is associated with the Presbyterian Church and because it adheres "to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability." Based on the above principle, Lees Junior College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40 of the Title IX regulation which addresses the treatment of students based on marital or parental status and 34 C.F.R. § 106.57 which addresses the treatment of employees based on marital or parental status.

Your letter further states that "[m]embers of the faculty . . . are expected to constitute role models for the students and in such roles - stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is, therefore, essential that Lees Junior College know in advance of employment whether prospective faculty members have a good family relationship." Based on the above principle, Lees Junior College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.60(a) which addresses pre-employment inquiries about marital status.

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