

OCT 13 1988

Dr. Thomas K. Kie  
President  
McMurry College  
McMurry Station  
Abilene, Texas 79697

Re: 05-98-2135

Dear Dr. Kie:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from a certain section of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). McMurry College submitted a letter dated August 24, 1988, to support this request.

In your letter, you describe certain policies practiced at McMurry College as being 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 McMurry College is controlled by a religious organization and that tenets followed by this organization conflict with 34 C.F.R. § 106.40(b)(4) of the Title IX regulation. Therefore, I am granting the College an exemption to that section of the Title IX regulation as specified in your request letter. In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirements of 34 C.F.R. § 106.32, which pertains to student health insurance plans, also conflict with the religious tenets you have identified that are followed by McMurry College. Accordingly, I am granting the College an exemption from that section as well. McMurry College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39 and 106.40. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that McMurry College is controlled by the Northwest Texas and the New Mexico Annual Conferences of the United Methodist Church. This relationship between McMurry College and the Annual Conferences of the Methodist Church adequately establishes that McMurry 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 sex outside of marriage is contrary to the religious tenets of the United Methodist Church. Your request letter states that religious tenets thus do not permit you to issue maternity coverage to all students, because as to unmarried students you would be tacitly condoning sex

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outside of marriage. Based on this principle, McMurry College is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services) and § 106.40 (marital and parental status of students), to the extent that application of these sections conflict with the religious tenets practiced by the college.


This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. We suggest that you carefully review all sections of the regulation to be certain that you have not overlooked any other sections which may conflict with the religious tenets. For instance, you may wish to review 34 C.F.R. § 106.57 (marital and parental status of employees). If you find that additional exemptions are needed, please apply in the same manner as this request.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Taylor D. August  
Regional Civil Rights Director  
Office for Civil Rights, Region VI  
Department of Education  
1200 Main Tower Building - Room 2260 - 06-5010  
Dallas, Texas 75202

Sincerely,

  
Loretta S. Daniels  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Taylor D. August, Regional Civil Rights Director, Region VI

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