



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

JUL 25 1989

Dr. Lewis Nobles
President
Mississippi College
Clinton, Mississippi 39058

Dear Dr. Nobles:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Mississippi College's (College) request, dated February 16, 1989, for a religious exemption to Title IX of the Education Amendments of 1972. In your letter, you described several policies that are practiced by the 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, at 34 C.F.R. Part 106 (copy enclosed), absent a religious exemption. You have provided information that establishes that the College 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 the College an exemption to those sections of the Title IX regulation appropriate to your request. Mississippi College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.32, 106.34, 106.36, 106.37, 106.38, 106.39, 106.40, 106.51, 106.52, 106.53, 106.55, 106.57, 106.59, and 106.60. The 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 this decision is discussed in further detail below.

Your letter of February 16, 1989, indicates that Mississippi College is owned by the Mississippi Baptist Convention and is operated by a Board of Trustees elected by and from the membership of the Mississippi Baptist Convention. The trustees, faculty, employees, and students of the College are expected to espouse a personal belief in the religious tenets of the Christian faith. The College's catalog and other official publications contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College receives significant financial support from the Mississippi Baptist Convention and member churches. This relationship between Mississippi College and the Mississippi Baptist Convention adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your request letter indicates that the College adheres to biblical tenets for matters of faith and practice. Mississippi College "holds religious standards for personnel and students in matters conducive to the fostering of proper moral behavior and the discouragement of inappropriate behavior as understood

by the religious tradition and tenets accepted by the college. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language and modest attire." Based on these tenets, Mississippi College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.32 (housing); § 106.39 (student health and insurance benefits and services); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence, including leave for pregnancy and related conditions); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

Your request letter indicates personnel accept religious standards in the performance of any religious role or office in which gender distinctions may be required. Based on these practices, Mississippi College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.51 (employment); § 106.52 (employment criteria); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising). This exemption is limited to those employment positions that are restricted on the basis of sex in accordance with the College's religious tenets.

In a telephone conversation of March 6, 1989, with OCR regional office staff, you clarified that, based on religious tenets, only men may enroll in the ministerial training program. Because of this practice, counseling, scholarship funds, and career offerings related to ministerial training students are provided differently on the basis of sex. In addition, the College offers sex-separate clubs to students. Thus, the College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.31 (education programs and activities); § 106.34 (access to course offerings); § 106.36 (counseling and use of appraisal and counseling materials); § 106.37 (financial assistance); and § 106.38 (employment assistance to students). The exemption to § 106.31 and § 106.34 is limited to those clubs and courses where membership or enrollment is limited on the basis of sex in accordance with the College's religious tenets. The exemption to all sections is limited to the extent that application of these sections conflicts with the College's religious tenets.

Other sections of the Title IX regulation mentioned in your letter are clarified here for your information. Section 106.15(d) exempts private undergraduate institutions from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. Graduate programs are not exempt under the provisions of § 106.15 from the admissions and recruitment requirements of Subpart C. In addition, §§ 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable. You clarified by telephone that the College does not have social fraternities and sororities, and thus, exemption to § 106.14 regarding membership practices of certain organizations is unnecessary.

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

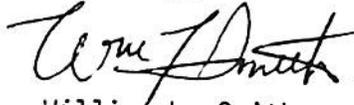
Page 3 - Dr. Lewis Nobles

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 Atlanta Regional Office for Civil Rights. The address is:

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Regional Civil Rights Director
Office for Civil Rights, Region IV
U.S. Department of Education
101 Marietta Tower
27th Floor, Suite 2702
P.O. Box 1705 - 04-3010
Atlanta, Georgia 30301-1705.

Sincerely,



William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Jesse L. High, Regional Civil Rights Director, Region IV