



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

JUN 18 1985

Mr. E. Keith Stotts
President
Ohio Valley College
College Parkway
Parkersburg, West Virginia 26101

Dear Mr. Stotts:

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 Ohio Valley College filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President Justin B. Roberts (copy enclosed) in which he described several policies practiced at Ohio Valley 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. The former president supplied information in his 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 Ohio Valley College an exemption to those sections of the Title IX regulation appropriate to the 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. Ohio Valley College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21(c), 106.34, 106.37, 106.41, 106.51 and 106.60. The College also requested exemption to § 106.31(b)(5) concerning rules in appearance. However, this section was deleted from the Title IX regulation in 1982. Thus, an exemption is unnecessary. The bases for our decision to grant this exemption are discussed in further detail below.

In the request letter it states that Ohio Valley College is controlled by the churches of Christ. The churches of Christ and the Ohio Valley College practice tenets of: allowing only men to preach in churches of Christ, modesty, and taking disciplinary action in cases of divorce and sexual immorality. The letter indicated that Ohio Valley College is "controlled and staffed by trustees and educators who are members of the churches of Christ." The College is therefore "controlled by the tenets of that church insofar as religious matters are concerned." This relationship between the churches of Christ and Ohio Valley College adequately establishes that Ohio Valley College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The former president's letter indicates that women are not permitted to preach in churches of Christ and that preacher training courses are limited to men. In addition, immodesty, divorce and sexual immorality are prohibited. Thus, the institution practices the following:

1. Only men are admitted to courses designed for preacher training and swimming classes are segregated by sex.

Based on the above, Ohio Valley College has requested and is granted by this letter, exemption to § 106.34: Access to course offerings.

2. Scholarships for preacher training are awarded only to men.

Ohio Valley College requested exemption to § 106.31 regarding educational programs and activities. However, § 106.37 regarding financial assistance addresses more appropriately the institution's practice of designating scholarship funds for men in preacher training. Therefore, this letter grants exemption to § 106.37 rather than § 106.31.

3. Only men are employed in positions that require public speaking in churches of Christ.

Based on the above, Ohio Valley College has requested and is granted by this letter, exemption to § 106.51: Employment.

4. Athletic teams must wear modest apparel.

Based on the above, Ohio Valley College has requested and is granted by this letter, exemption to § 106.41 in regard to athletic apparel.

5. Disciplinary action is taken in cases of divorce and sexual immorality.

Based on the above, Ohio Valley College is granted by this letter, exemption to § 106.21(c): Admission, prohibitions relating to marital or parental status; and § 106.60: Pre-employment inquiries. Ohio Valley College requested exemption to § 106.57 for determining marital status and reserving the right to discipline employees in cases of divorce and sexual immorality. However, § 106.60 regarding pre-employment inquiries addresses more appropriately the institution's request to determine marital status. Since both men and women are disciplined in cases of divorce and sexual immorality, the letter does not demonstrate a need for exemption to § 106.57, which states generally that employees shall not be treated differently on the basis of sex regarding marital and parental status.

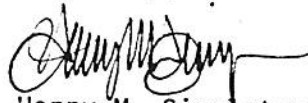
This letter grants exemption to § 106.37 and § 106.60 rather than § 106.31 and § 106.57. If you believe exemptions to § 106.31 and § 106.57 are necessary, you should send clarification of this request to this office.

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 the original request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Dewey E. Dodds
Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Philadelphia, Pennsylvania 19104

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures