



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

SEP 20 1985

Dr. J. Terry Johnson
President
Oklahoma Christian College
Oklahoma City, Oklahoma 73111

Dear President Johnson:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting clarification of Oklahoma Christian College's request for religious exemption from Title IX of the Education Amendments of 1972.

In your response you describe certain policies practiced at Oklahoma Christian 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 absent a religious exemption. You have supplied information in your request letters 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 Oklahoma Christian College an exemption to those sections of the Title IX regulation appropriate to your request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Oklahoma Christian College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31(b)(7), 106.34, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Oklahoma Christian College is affiliated with the churches of Christ, an undenominational brotherhood. You state that, "Oklahoma Christian College [was] established by this brotherhood primarily to serve the needs of young people of this brotherhood." The College is controlled by a Board of Trustees which is composed entirely of persons who must be members in good standing with this church brotherhood. The Board of Trustees is responsible for "seeing that the College follows the views of the brotherhood" on matters pertaining to religion and scripture. This relationship between the churches of Christ and Oklahoma Christian College adequately establishes that Oklahoma Christian College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letters you indicate that your religious tenets place differing responsibilities on men and women regarding roles of leadership in worship. Because of the biblical injunction that women are not to take the leading role in conducting religious worship services, Oklahoma Christian College does not assign such roles to women. Based on this principle, Oklahoma Christian College has requested and is granted by this letter, exemption to § 106.31(b)(7) (education programs and activities).

Your letters also indicate that the College provides separate classes for men and women in swimming because of the prevailing view in the church requiring modest dress. Based on this principle, Oklahoma Christian College has requested and is granted by this letter, exemption to § 106.34 (access to course offerings), as it relates to swimming classes.

In your original request, you indicated that pregnancy occurring outside of wedlock is grounds for dismissal of an employee. On September 3, 1985, you confirmed by telephone that this policy is still in effect. Additionally, you indicated that, based on religious tenets, students who become pregnant outside of wedlock are dismissed from the institution. Based on this principle, Oklahoma Christian College has requested and is granted by this letter exemption to § 106.40 (marital or parental status of students) and § 106.57 (marital or parental status of employees).

Your original letter also requested exemption for dress codes. Section 106.31(b)(5) regarding rules of appearance was rescinded and deleted from the Title IX regulation in 1982. Therefore, an exemption for appearance codes is not necessary. When § 106.31(b)(5) was rescinded, § 106.31(b)(8) was renumbered as § 106.31(b)(7).

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 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.

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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 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, Suite 400
Dallas, Texas 75202

Sincerely,

Alicia Crow for

Harry M. Singleton
Assistant Secretary
for Civil Rights

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