



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

JAN 6 1989

Dr. Claude H. Rhea  
President  
Palm Beach Atlantic College  
Post Office Box 3353  
West Palm Beach, Florida 33402-3353

Dear Dr. Rhea:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated November 8, 1988, requesting a religious exemption for Palm Beach Atlantic College (the College) from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

Your request letter supplied information that establishes that the College is controlled by a religious organization and that tenets followed by this organization and the College conflict with specific sections of the Title IX regulation. You have described certain policies practiced at 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 (copy enclosed) absent a religious exemption. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your recent request letter.

Furthermore, § 106.40 (marital or parental status of students) has been incorporated in the exemption, based on information that you provided regarding gender distinctions in matters of moral behavior, marriage, and residential living environments. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.34, 106.38, 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. 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 letter requesting exemption indicates that the College is a nonprofit religious corporation, controlled by a Board of Trustees selected by the Palm Lake Baptist Association (the Corporation), a group whose members are Baptist churches. The members of the Board of Trustees, the faculty, and the employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The charter, the catalogs, and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, is completely governed by its Board of Trustees, and receives a significant amount of its financial support from members of the Corporation. The relationship between the Corporation and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

Your letter of request states that the College adheres to biblical tenets in matters of faith and practice, following its religious tradition. Passages from the Bible are cited as examples of biblical tenets. Your letter states that the College utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common religious understanding of the religious beliefs, values, and purposes that guide the educational mission of the College in matters of moral behavior, as well as in the performance of any religious role or office. Your letter further states that the College's religious standards, including certain gender-based distinctions, seek to maintain proper moral behavior and discourage inappropriate behavior as understood by the religious tradition and tenets accepted by the College.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. §§ 106.21(c) (admission); 106.34 (access to course offerings); 106.38 (employment assistance to students); 106.40 (marital or parental status of students); 106.51 (employment); 106.53 (recruitment in employment); 106.55 (job classification and structure); 106.57 (marital or parental status of employees); 106.59 (advertising); and 106.60 (pre-employment inquiries), to the extent that application of these sections conflicts with the religious tenets practiced by the College. Also, you correctly noted in your letter that: 1) § 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C (admission and recruitment of students); 2) §§ 106.32 and 106.33 allow for the provision of separate housing, bathrooms, locker rooms, and similar facilities for males and females; and 3) the Civil Rights Restoration Act of 1987 amended Title IX, so that recipients of Federal financial assistance are neither required to provide or pay, nor prohibited from providing or paying, for any benefit or service related to an abortion.

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. Also, in the unlikely event that a complaint 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.

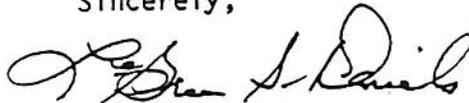
Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

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I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact OCR's regional office in Atlanta at the following address:

Mr. Jesse L. High  
Regional Civil Rights Director  
Office for Civil Rights, Region IV  
Department of Education  
101 Marietta Tower, 27th Floor, Suite 2702  
Post Office Box 1705, 04-3010  
Atlanta, Georgia 30301-1705.

Sincerely,



LeGree S. Daniels  
Assistant Secretary  
for Civil Rights

Enclosure

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