



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

AUG 27 1985

Dr. David Davenport
President
Pepperdine University
24255 Pacific Coast Highway
Malibu, California 90265

Dear President Davenport:

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 Pepperdine University filed such a request, but there is no record that OCR adequately acknowledged this request.

We have reviewed the request and subsequent related correspondence in which several policies practiced at Pepperdine are described as consistent with 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 University has supplied information 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 the University an exemption to those sections of the Title IX regulation specified in the original request letter. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Pepperdine University is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.31; § 106.37; § 106.38; § 106.40(b); § 106.51; and § 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

The original request indicates that Pepperdine University is operated and controlled by members of the Churches of Christ. The University and the Churches of Christ practice the beliefs that women should not serve in positions of authority or leadership over men in public worship, religious instruction, or in the home and that God approves sexual relationships only between male and female in holy wedlock. The Articles of Incorporation and Bylaws of Pepperdine University require that the President of the University, the Chairman of the Board of Regents and a majority of the Executive Committee and Regents on the University's governing board be members of the Churches of Christ. This relationship between the Churches of Christ and Pepperdine University adequately establishes that Pepperdine University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In the original request letter, former President Banowski indicated that the University community practices a religious belief that women should not serve in positions of authority or leadership over men in public worship, religious instruction, or in the home. It also practices a belief that God approves sexual relationships only between male and female in holy wedlock. Thus, the University practices the following:

1. Based on religious tenets, women may be excluded from public preaching; leading of devotionals in mixed audiences in daily chapel, the annual lectureship, and similar programs; any activities or programs which are offered exclusively for students preparing for the preaching ministry; scholarships, loans, or awards designated exclusively for students preparing for the preaching ministry; employment placement assistance when seeking employment as preaching ministers; and consideration for employment in jobs considered by the University to conflict with religious tenets regarding leadership or authority in public worship, religious instruction, or the home.

Based on the above principle, Pepperdine University has requested and is granted by this letter, exemption to:

§ 106.31 (access to education programs and activities).

§ 106.37 (financial assistance).

§ 106.38 (employment assistance to students).

§ 106.51 (employment, general)

2. Based on religious tenets, the University may take disciplinary action, without regard to sex, against students or employees determined by the University under its established procedures to be involved in sexual relationships outside the holy union of wedlock.

Based on the above principle, Pepperdine University has requested and is granted by this letter exemption to:

§ 106.40(b) (marital or parental status of students: pregnancy and related conditions).

§ 106.57(b) (marital or parental status of employees: pregnancy).

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 San Francisco Regional Office for Civil Rights. The address is:

John E. Palomino
Acting Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor
San Francisco, California 94105
(415) 467-8043

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX
Gary Hanson, General Counsel