Dr. Ernest Clevenger, President
Alabama Christian College
5345 Atlanta Highway
Montgomery, Alabama 36109

Dear President Clevenger:

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 Alabama Christian College filed such a request (copy enclosed) but there is no record that OCR adequately acknowledged your request. We have recently reviewed your request and have determined that we need further information to make a decision to grant an exemption. In order for this office to make a determination, an institution should provide the following information:

1. The name of the religious organization that controls the institution and a brief description of how the organization controls the institution.

2. A brief description of the religious tenets of the controlling organization that are followed by the institution.

3. The section number (and paragraph if applicable) of the Title IX regulation (copy enclosed) from which exemption is requested. The institution should indicate which tenet conflicts with which section of the regulation.

Please understand that OCR cannot presume to know the tenets followed by an institution because the name of the religion practiced by the controlling organization has been identified. Similarly, OCR cannot presume to determine from which section of the Title IX regulation an exemption is sought because the institution has clearly stated the tenets.

Your original request letter included sufficient information regarding the religious organization that controls your institution and the religious tenets of the controlling organization but did not specify the regulations from which exemption is requested. If you wish this office to make a determination regarding a religious exemption, please indicate the regulations from which exemption is requested and return the information to this office. If you no longer desire a religious exemption, please simply note your desire to withdraw the request so that we may close your request file.

Thank you for your cooperation. I regret the inordinate delay in responding to your original request. If you have any questions, please feel free to contact Lois Hofmann (404/221-4570) of my staff.

Sincerely,

William H. Thomas
Regional Director

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. Julius Jenkins
President
Alabama Lutheran Junior College
Selma, Alabama 36701

Dear President Jenkins:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed your institution's request and determined that we need further information to make a decision to grant an exemption.

On March 25, 1985, OCR forwarded a request for more information to Alabama Lutheran Junior College specifying that the request letter did not provide sufficient information for OCR to make a determination. There was insufficient information regarding the religious organization that controls your institution, the religious tenets of the controlling organization, and the religious tenets which conflict with the regulation. OCR received no response to this initial request for more information and issued a second request on July 3, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days, we would assume that Alabama Lutheran Junior College no longer had need of a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely yours,

Frederick T. Ciofi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

MAY 31 1989

Dr. Gary J. Ridley
President
Alaska Bible College
Box 289
Glennallen, Alaska 99588

Dear Dr. Ridley:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Alaska Bible College's (College) request for religious exemption to Title IX of the Education Amendments of 1972. You submitted a letter dated September 27, 1988, requesting a religious exemption, and clarified the request by letter of November 9, 1988, and in telephone conversations of February 27 and 28, 1989, with OCR staff.

You have described certain 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 (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. Alaska Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.38(a), 106.40, 106.51, 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 September 27, 1988, indicates that the College is a nationally accredited bible college which is controlled by SEND International of Alaska, a non-profit religious corporation. SEND International is controlled by a board of directors and the directors, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian faith. The requirement that the directors, faculty, employees, and students of the College espouse a personal belief in the Christian faith, and the statements of commitment to the Christian faith in official publications adequately establishes that Alaska Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your September 27, 1988, letter indicates that the College adheres to biblical tenets for matters of faith and practice. The 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 attire." Based on these tenets, the 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); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

In telephone conversations with OCR staff, you indicated that pastoral roles are restricted to men in accordance with religious tenets. Based on these tenets, the College reserves certain administrative and faculty positions, which are related to pastoral roles and teaching of theology courses, for men. Thus, the College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

You also indicated during telephone conversations with OCR staff that the College receives requests from churches interested in employing pastors, and that the College limits its recommendations to male students where it receives requests for male students. Based on this practice, the College has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.38(a) regarding employment assistance to students. This exemption is limited to the extent that the requests for gender specific references are for positions which the College itself would limit to students of one sex, in accordance with its religious tenets, were such positions available at the College.

OCR has noted that you withdrew your request for exemption to § 106.34 (access to course offerings) and § 106.38(b) (employment of students by recipient) as unnecessary. Also, as noted in your letter of September 27, 1988, § 106.15(d) exempts private undergraduate institutions from the requirements of §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. In addition, §§ 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
915 Second Avenue, Room 3310 - 10-9010
Seattle, Washington 98174-1099.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 2 1985

Ralph K. Helge, Esquire
Ralph K. Helge and Associates
Attorneys at Law
Union Bank Building, Suite 706
201 South Lake Avenue
Pasadena, California 91101

Dear Mr. Helge:

Thank you for your letter of May 29, 1985 regarding Ambassador College's request for religious exemption to Title IX of the Education Amendments of 1972. You stated that "the College does not receive, to my knowledge, any type of federal financial assistance."

Based on your statement, the Office for Civil Rights (OCR) reviewed various sources to determine whether Ambassador College receives any Federal financial assistance. OCR could not identify any assistance that would necessitate a determination on Ambassador College's original request for religious exemption. Therefore, OCR has closed the religious exemption request file for Ambassador College.

If Ambassador College considers applying for Federal financial assistance in the future, then the institution may renew its request for religious exemption at that time. If you have any questions, please feel free to contact the San Francisco Regional Office for Civil Rights at 415-227-8040.

Sincerely yours,

Frederick T. Cioffi

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Herbert W. Armstrong, President, Ambassador College
John E. Palomino, Acting Regional Civil Rights Director, Region IX

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

JAN 5 1989

RECEIVED
JAN 10 1989

PROGRAM REVIEW & MANAGEMENT
SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/SF

Dr. David J. Moore
President
American Indian Bible College
10020 North Fifteenth Avenue
Phoenix, Arizona 85021-2199

Dear Dr. Moore:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated October 11, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letter, you supplied information that established that the American Indian Bible College (College) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letter 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 absent a religious exemption. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letter. In doing so, I note an apparent error. You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I conclude from the facts outlined in your request that you desire an exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40 and 106.57. 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 indicates that the College is owned and controlled by the District Councils of the Assemblies of God (Council). Article II, Section I of the College's Constitution and Bylaws provides in relevant part: "The American Indian Bible College of the Assemblies of God, Inc., shall be sponsored by the following entities which shall exercise complete control of the Corporation through a Board of Directors: a. The General Council of the Assemblies of God . . . [,] b. The six founding District Councils . . . [and] c. Other District Councils, concerned with American Indian missions . . . ." This relationship between the College and the Council 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.

In your letter, you state that the Constitution of the District Councils adopts the General Council's "Statement of Fundamental Truths." Your letter identified two of the sixteen tenets contained in the Statement of Fundamental Truths as being pertinent to your request. Specifically, your

letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40, and 106.57 conflict directly with the tenets of the College and its controlling organization because in some cases, these provisions contradict the Bible and the church's view on sanctification.

Your letter cites as examples of such contradiction the religious tenets that require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. In a telephone conversation on November 17, 1988, with Robert E. Scott of the San Francisco Regional OCR, you indicated that these tenets also apply to employees of the College.

Based on the information submitted, American Indian Bible College is granted by this letter exemption from 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.40 (marital and parental status of students); and 106.57 (marital and parental status of employees), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the San Francisco OCR at the following address:

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
Suite 1020, 09-8010
221 Main Street, 10th Floor
San Francisco, California 94105-1925.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX

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

SEP 13 1985

Dr. W. Richard Lesher
President
Andrews University
Berrien Springs, Michigan 49104

Dear President Lesher:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Andrews University 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 Smoot (copy enclosed) in which he described several policies practiced at Andrews University 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. Andrews University 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 Andrews University an exemption to those sections of the Title IX regulation specified in the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Andrews University. Andrews University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The former president's letter indicates that Andrews University is conrolled by the Seventh-day Adventist Church. The Seventh-day Adventist Church and Andrews University practice the tenets of opposing all acts of "moral indiscretion." Andrews University is owned and operated by the Seventh-day Adventist Church and the University is listed in the Church yearbook as a Seventh-day Adventist educational institution. This relationship between the Seventh-day Aventist Church and Andrews University adequately establishes that Andrews University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Andrews University must adhere to tenets of the Seventh-day Adventist Church by practicing moral discretion. According to the Church Manual, the Church "'must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins . . . .'"

Based on this principle, Andrews University has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission), § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees and applicants for employment).

Andrews University also requested an exemption to § 106.31, which in part prohibited discrimination in rules of appearance. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Therefore, an exemption for appearance codes is not necessary.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 16 1985

Mr. Angel M. Rodriguez
President
Antillian College
Post Office Box 118
Mayaguez, Puerto Rico 00708

Dear President Rodriguez:

The Office for Civil Rights (OCR) of the Department of Education 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 Antillian College (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 Israel Recio (copy enclosed) in which he described several policies practiced at the 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. Former President Recio supplied information in his request letter that established 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 College an exemption to those sections of the Title IX regulation specified in his 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. Antillian College is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21, § 106.40 and § 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Former President Recio indicated that Antillian College is controlled by the Seventh-day Adventist Church, that it is one of twelve institutions operated by the Church, and that "members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between the Seventh-day Adventist Church and the College adequately establishes that Antillian College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In his letter former President Recio indicated that the Seventh-day Adventist Church and the College practice the tenets identified in the Church Manual requiring faculty and students to adhere to a religious standard in terms of moral conduct and appearance. Thus, the institution practices the following:

> The College seeks to discern all acts of moral indiscretion and other grievous sins that may violate the eighth Fundamental Belief of the Seventh-day Adventist Church.

Based on the above principle, Antillian College has requested and is granted by this letter exemption to: § 106.21 (admissions, including inquiry regarding parental and marital status of potential students); § 106.40 (student marital or parental status); and § 106.57 (employee marital or parental status).

The College also requested exemption to § 106.31(b)(5) regarding rules of appearance. OCR rescinded § 106.31(b)(5) effective September 17, 1982. Therefore, no exemption to this section is necessary.

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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

JUN 18 1985

Dr. Daniel Anderson
President
Appalachian Bible College
Bradley, West Virginia 25818

Dear Dr. Anderson:

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 the Appalachian Bible 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 Pipkin (copy enclosed) in which he described certain policies practiced at the Appalachian Bible 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 the Appalachian Bible College an exemption to those sections of the Title IX regulation specified in 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. The Appalachian Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.34 and 106.40. The bases for our decision to grant this exemption are discussed in further detail below.

The institution's letter indicates that the Appalachian Bible College is a Christian educational institution which prepares students for Christian service in church-related ministries. The College's religious tenets are based on Bible teachings. The relationship between the Christian faith and the Appalachian Bible College adequately establishes that Appalachian Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

It is stated in the request letter that the "Bible teaches that the pastoral office and preaching are reserved for men. Women may elect courses in the Bible-Pastoral Studies program but they may not graduate from it." In addition, the letter stated that because the Bible forbids sexual relations outside of marriage, the College disciplines all students who violate this standard. Thus, the institution practices the following:

1. The pastoral office and preaching are reserved for men as explained in the Bible; only men graduate in Bible-Pastoral Studies.

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

2. Prohibition of sexual relations outside of marriage as explained in the Bible.

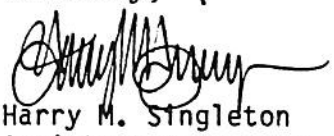
Based on the above principle, Appalachian Bible College has requested and is granted by this letter exemption to § 106.40: Marital or parental status.

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 the College's 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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Dr. John N. Oswalt
President
Asbury College
Wilmore, Kentucky 40390

Dear President Oswalt:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Asbury 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. You have supplied information in your 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 Asbury College an exemption to those sections of the Title IX regulation specified in your 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. Asbury College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21(c); 106.31(b)(4); 106.34(f); 106.40(a) and (b)(1) and (5); 106.57 and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Asbury College is controlled by the Protestant Church. The Protestant Church and Asbury College practice the tenets of the sanctity and the permanently binding character of marriage vows, the legitimacy of sexual relations only within marriage, the sanctity of human life and the divinely established differences between the sexes. The college is bound by Articles of Incorporation that commit it to the fundamental doctrines of the Protestant Christian faith.

In your letter you indicate that your faculty and staff are required to believe in the fundamental doctrines of the Protestant Christian faith and are charged with operating an educational program consistent with these doctrines. Thus, the institution practices the following:

1. Makes inquiries about marital status to present proper models for its academic institutional community.

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

Section 106.21(c)(4) admission of students; inquiry regarding the marital status of potential students.

Section 106.60(a) employment; inquiry regarding the marital status of potential employees.

2. Treats pregnancy and abortion as moral/ethical matters.

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

Section 106.21(c) admission of students; inquiry regarding the marital and parental status of potential students.

Section 106.40(a) and (b)(1) and (5); differential treatment of students on the basis of marital or parental status.

Section 106.57; differential treatment of employees on the basis of marital or parental status.

3. Differentiates in its community life between the male and female to acknowledge the divinely established difference between a man and a woman.

Based on the above principle, Asbury College has requested[1] and is granted by this letter, exemption to:

Section 106.31(b)(4) delivery of services; subject students to separate or different rules of behavior, sanctions, or treatment on the basis of sex.

Section 106.34(f) access to course offerings; apply requirements which may result in a chorus or choruses of one or predominately one sex.

---

[1] You have also requested an exemption from Section 106.31(5). As you will note upon review of the enclosed copy of the Title IX regulation, the regulation has been revised and Section 106.31(5), as it appeared at the time of your original request, has been eliminated.

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, I am 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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Dr. David L. McKenna
President
Asbury Theological Seminary
204 North Lexington Avenue
Wilmore, Kentucky 40390

Dear President McKenna:

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 Asbury Theological Seminary filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Asbury Theological Seminary 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. You have supplied information in your 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 Asbury Theological Seminary an exemption to those sections of the Title IX regulation specified in your 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. Asbury Theological Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Asbury Theological Seminary is controlled by the Wesleyan interpretation of the Scriptures. As you state, "[t]he instruction in this Seminary will conform fully to the Wesleyan interpretation of the Scripture," and only those persons in full sympathy with this position shall be elected to the Board of Trustees, or an official position, or employed as an instructor. This relationship adequately establishes that Asbury Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that your theology "affirms that pregnancy is a privilege of the marriage relationship solely." Thus, your institution differentiates "between a person who is pregnant within the confines of marriage and one who is pregnant outside the marital state."

Based on the above principles, Asbury Theological Seminary has requested and is granted by this letter, exemption to:

1. 34 C.F.R. § 106.21(c), admission of students regarding their parental, family, or marital status, including pregnancy.

2. 34 C.F.R. § 106.40, rules regarding a student's parental, family, or marital status, including pregnancy.

3. 34 C.F.R. § 106.57, policies regarding an applicant for employment or an employee's marital, parental, or family status, including 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 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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

DEC 20 1988

H. Glynn Hall, Ed.D.
President
Assemblies of God Theological Seminary
1445 Boonville Avenue
Springfield, Missouri 65802

Dear Dr. Hall:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated October 4, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letter you supplied information that establishes that the Assemblies of God Theological Seminary (Seminary) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letter certain policies practiced at the Seminary as being consistent with the tenets of the religious organization that controls the Seminary. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your request letter. In doing so, I note an apparent error. You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I conclude from the facts outlined in your request that you desire an exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). The Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the Seminary. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Seminary is a graduate-level educational institution that is owned and controlled by The General Council of the Assemblies of God (General Council). Your letter of request advises that Article V, Section 1 of the Seminary's articles of incorporation specifies that the Seminary "is and shall be at all times controlled by The General Council of the Assemblies of God, a religious corporation organized and existing under the laws of the State of Missouri." According to your letter, Article V, Section 1 further states that "[t]he execution of policy and administration may be delegated, but The General Council of the Assemblies of God shall have control over all phases of the institution." This statement of the relationship between the General Council and the Seminary adequately establishes that the Seminary 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 states that the Seminary adheres to the Statement of Fundamental Truths and to the policies and standards as set forth in the Constitution and Bylaws of the General Council. Your letter cited two of the sixteen tenets contained in the Statement of Fundamental Truths as examples of fundamental Biblical and moral precepts that bind the Seminary. Specifically, your letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40 and 106.57 conflict directly with two of the tenets of the General Council's Statement of Fundamental Truths because, in some cases, these provisions contradict the Bible and the Church's view on sanctification.

Your letter cites as examples of such contradiction the religious tenets that require the Seminary to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or has biological children but has never been married.

Based on the information submitted, the Seminary is granted by this letter exemption to: 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission), 106.40, (marital or parental status of students), and 106.57 (marital and parental status of applicants for employment and employees), to the extent that application of these sections conflicts with the religious tenets practiced by the Seminary.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Kansas City OCR. The address is:

Ms. Judith E. Banks
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381 - 07-6010
10220 N. Executive Hills Blvd. - 8th Floor
Kansas City, Missouri 64190-1381.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII

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

SEP 13 1985

Reverend James J. Walsh
President
The Athenaeum of Ohio
6616 Beechmont Avenue
Cincinnati, Ohio 45230

Dear Father Walsh:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that The Athenaeum of Ohio filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by the Archbishop of Cincinnati (copy enclosed) in which he described policies practiced at The Athenaeum of Ohio 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. Information supplied in the request letter establishes that The Athenaeum of Ohio 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 Athenaeum of Ohio 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 Athenaeum of Ohio. The Athenaeum of Ohio is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that The Athenaeum of Ohio is controlled and operated by the Roman Catholic Archdiocese of Cincinnati. The Athenaeum of Ohio "prepares men for the Priesthood in the service of the Roman Catholic Church." Also, "The Athenaeum receives a significant amount of financial support from the Roman Catholic Archdiocese of Cincinnati." This relationship between the Roman Catholic Archdiocese of Cincinnati and The Athenaeum of Ohio adequately establishes that The Athenaeum of Ohio is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that "the teaching and discipline of the Roman Catholic Church do not permit the ordination of women to the Priesthood[,]" and The Athenaeum of Ohio prepares students for the priesthood. Based on this principle, The Athenaeum of Ohio has requested and is granted by this letter exemption to §§ 106.21, 106.22 and 106.23, relative to the admission and recruitment of students.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JAN 9 1985

Dr. James B. Hemby, Jr.
President
Atlantic Christian College
Wilson, North Carolina 27893

Dear Dr. Hemby:

This is to inform you of my decision regarding your request for a religious exemption from § 106.32(a) and (b) of the regulation implementing Title IX of the Education Amendments of 1972. In your letters addressed to the Atlanta Regional Office for Civil Rights (OCR), you have indicated that it is inconsistent with the tenets of the religious organization that controls Atlantic Christian College (ACC) to permit unmarried pregnant students to reside in the dormitories on the ACC campus. Prohibiting students from residing in ACC dormitories because they are unmarried and pregnant would violate certain sections of the Title IX regulation absent a religious exemption. You have supplied information in your request letter that adequately 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 ACC an exemption to § 106.40(b)(1) of the Title IX regulation as it pertains to your housing program. Section 106.40(b)(1) more accurately addresses the practice for which you have requested exemption than does § 106.32(a) and (b). The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for my decision to grant this exemption is discussed in further detail below.

Your letter indicates that ACC is controlled by the Christian Church (Disciples of Christ) (Church). The Church and ACC are committed to following the principles of the New Testament. ACC's statement of purpose is to ". . . maintain and operate an institution of learning, for the education and instruction of qualified students within the framework of Christian ideals and principles and under the auspices of the Christian Church (Disciples of Christ) in North Carolina." You also stated that five ministers of the Church serve as members of ACC's Board of Trustees. This relationship between the Church and ACC adequately establishes that ACC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

You indicated that allowing unmarried pregnant students to reside in ACC dormitories would condone behavior that is immoral and unethical according to Church beliefs and teachings. Your letter requests only that ACC be allowed to take action against pregnant students who are unmarried by expelling them from the housing program. Since pregnancy out of wedlock provides clear evidence of violation of Church principles, and because you

have not indicated a desire to expel such students from the general education program, ACC is hereby granted an exemption to § 106.40(b)(1) in application to the housing program. This does not grant an exemption to expel unmarried pregnant students from any other portion of ACC's education program as it was not requested.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically listed. In the event that OCR receives a complaint against ACC, OCR is obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant claims that alleged discriminatory 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 trust this letter responds fully to your request. If you have any questions, do not hesitate to contact us.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Rabbi Avrohom Halpern
President
Ayelet Hashachar
1284 Central Avenue
Far Rockaway, New York 11691

Dear Rabbi Halpern:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Ayelet Hashachar's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe a policy practiced at Ayelet Hashachar as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Ayelet Hashachar has provided information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Ayelet Hashachar an exemption to those sections of the Title IX regulation specified in your September 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Ayelet Hashachar is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicated that Ayelet Hashachar is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the institution adequately establishes that Ayelet Hashachar is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 20 letter, you stated that religious tenets "require us to admit only female students." Based on this practice, Ayelet Hashachar has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), and § 106.23 (recruitment of students).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 27 1985

SEP 27

Rabbi Yehoshua Balkany
Dean
Bais Yaakov of Brooklyn
1362-49th Street
Brooklyn, New York 11219

Dear Rabbi Balkany:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Bais Yaakov of Brooklyn's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the institution, OCR has determined that Bais Yaakov of Brooklyn need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private elementary, secondary and undergraduate institutions from compliance with Subpart C.

In your letter of September 18, 1985, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested exemption to 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contacts with the institution, that Bais Yaakov of Brooklyn offers only elementary level programs. Under § 106.15, Bais Yaakov of Brooklyn, a private institution offering elementary level programs only, is already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If you determine that your institution does not need a religious exemption for graduate or other programs, please note your desire to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that your institution has no need for a religious exemption and will close the request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

JUN 18 1985

Dr. Mark Jackson
President
Baptist Bible College and
School of Theology
538 Venard Road
Clarks Summit, Pennsylvania 18411

Dear Dr. Jackson:

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 the Baptist Bible College and School of Theology 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 Pickering (copy enclosed) in which he described several policies practiced at the Baptist Bible College and School of Theology 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 the Baptist Bible College and School of Theology 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. The Baptist Bible College and School of Theology is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21, 106.22, 106.23, 106.31, 106.34, 106.51 and 106.55. The bases for our decision to grant this exemption are discussed in further detail below. The institution's letter also requests exemption from § 106.15 regarding admissions at particular types of institutions. The exemption granted by this letter to § 106.21 more accurately addresses the admissions of students and precludes the necessity for exemption to § 106.15.

The institution's letter indicates that the Baptist Bible College and School of Theology is controlled by the General Association of Regular Baptist Churches. The General Association of Regular Baptist Churches and the Baptist Bible College and School of Theology practice the tenets of prohibiting women from serving as preachers or pastors. The letter states

that the Baptist Bible College and School of Theology is approved by the General Association of Regular Baptist Churches. This relationship between the General Association of Regular Baptist Churches and the Baptist Bible College adequately establishes that the Baptist Bible College and School of Theology is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In the request letter it states that based on religious tenets women are not permitted to enroll in classes that prepare students to become ministers of religion or to enter upon some other religious vocation. Also, women are not employed as theological instructors. Thus, the institution practices the following:

1. Only men are admitted to the School of Theology.

   Based on the above, the Baptist Bible College and School of Theology has requested and is granted by this letter, exemption to § 106.21: Admission; § 106.22: Preference in admission; § 106.23: Recruitment.

2. Only men are admitted to academic programs and courses designed to train preachers, pastors, or theological teachers.

   Based on the above, the Baptist Bible College and School of Theology has requested and is granted by this letter, exemption to § 106.31: Education programs and activities and § 106.34: Access to course offerings.

3. Employment and classification of men, exclusively, in areas of theological instruction.

   Based on the above, the Baptist Bible College and School of Theology has requested and is granted by this letter, exemption to § 106.51: Employment and § 106.55: Job Classification and Structure.

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1992

Dr. Milo Thompson
President
Baptist Bible College and Seminary
536 Venard Road
Clark Summit, Pennsylvania 18411

Dear Dr. Thompson:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your October 17, 1988, request for religious exemption from Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. Sections 1681 et seq., and its implementing regulation 34 C.F.R. Part 106 (copy enclosed). Your letter of January 26, 1989, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

In your letters, you supplied information that establishes that Baptist Bible College and Seminary (College) is controlled by a religious organization and that the tenets followed by this organization conflict with specific sections of the Title IX regulation. You described in your request several policies and practices at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate specific sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption from several of the sections of the Title IX regulation specified in your letters. The College is hereby granted an exemption from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.38, 106.40, 106.53, 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 of our decision to grant this exemption is discussed in further detail below.

Your letter of October 17, 1988, indicates that the College is controlled by its Board of Trustees. All trustees must be members of local, autonomous Baptist churches which adhere to and practice the historic religious doctrines and tenets of the Christian faith. In addition, the College is approved by the General Association of Regular Baptist Churches. The trustees, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. This relationship between the General Association of Regular Baptist Churches and the Board of Trustees 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. Section 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the College maintains its religious tradition, standards, and beliefs in accordance with Biblical tenets, following its religious tradition and Baptist distinctives. The College, its students and employees must adhere to Biblical tenets for matters of faith and practice. Thus, conduct of staff and students such as cohabitation without marriage, pre-marital sexual relations, promiscuity outside of marriage, and divorce and marriage without biblical grounds would violate religious tenets regarding moral behavior, marriage and residential living environments and standards. In addition, based on the College's religious tenets and traditions, it provides access to ministerial and pre-ministerial course offerings and opportunities for certain religious offices and positions only to members of one gender.

Based upon the information submitted, the College is granted by this letter, exemption from 34 C.F.R. Sections 106.38 (employment assistance for students); 106.40 (marital and parental status of students); 106.53 (recruitment); 106.57 (marital and parental status of employees); 106.59 (advertising); and 106.60 (pre-employment inquiries).

By letter dated June 18, 1985 (copy enclosed), the Department granted the College's request for religious exemption from 34 C.F.R. Sections 106.21, 106.22, 106.23, 106.31, and 106.34, as they relate to the College's policy of admitting only men to its seminary and its classes that prepare students to become ministers of religion, teachers of theology or to enter upon some other religious vocation; and 34 C.F.R. Sections 106.51 and 106.55, as they relate to the College's policy of employing and classifying men, exclusively, in areas of theological instruction. Thus, no additional exemption is required for the College relative to these sections of the Title IX regulation on the basis of these policies and practices.

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 College are not based on the religious tenets of the controlling organizations, OCR is obligated to contact the controlling organization to verify those facts. If the organization provides an interpretation of the 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 to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office at this address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosures

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III

U.S. DEPARTMENT OF EDUCATION
3535 MARKET STREET, ROOM 6300
PHILADELPHIA, PENNSYLVANIA 19104-3326

OFFICE FOR
CIVIL RIGHTS

REGION III

NOV 10 1988

Dr. Milo E. Thompson, Jr.
President
Baptist Bible College and Seminary
538 Venard Road
Clarks Summit, Pennsylvania 18411

Dear Dr. Thompson:

The Office for Civil Rights (OCR), U.S. Department of Education (the Department) has received your October 17, 1988, request for religious exemptions from Title IX of the Education Amendments of 1972 (Title IX) and various provisions of the Department's Title IX implementing regulation at 34 C.F.R. Part 106. We have reviewed your request and have determined that we need further information to make a decision to grant an exemption.

Although your request letter included general statements of religious tenets, and information regarding the Title IX regulation at 34 C.F.R. Sections 106.21(c), 106.40, 106.57, and 106.60 regarding marital and parental status, it did not state the specific tenets or how they conflict with these sections of the regulation. If you wish the office to make a determination regarding a religious exemption in these areas, please provide the information requested and return it to this office.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact Mr. Robert E. Harvey, Director, Postsecondary Education Division at (215) 596-6804.

Sincerely,

Robert A. Smallwood
Regional Civil Rights Director
Region III

CR 8702 6003

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

NOV 18 1988

Dr. Leland R. Kennedy
President
Baptist Bible College
628 East Kearney
Springfield, Missouri 65803

Dear Dr. Kennedy:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated September 5, 1988, and the letter from Dr. Russell Dell, Academic Dean, dated October 10, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

The request letters describe 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. You have supplied information that establishes that the College is controlled by a religious organization and that tenets of 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 specified in your request letters. 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.

The letters requesting an exemption indicate that the College is controlled by Baptist Bible Fellowship International (Corporation), a non-profit religious corporation which was incorporated in the State of Missouri in 1950 as a Christian institution of higher education under the control of a board of directors. The directors of the Corporation and the faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, and the College is completely governed by and receives its entire financial support from the religious organization defined as the Corporation. The College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Corporation. The relationship between the Baptist Bible Fellowship International and the College adequately establishes that the College is controlled by a religous organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

The letters of request state 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. The letters state that religious tenets require the College to deny admission to unmarried pregnant women and men whose lifestyles are immoral. These tenets also require the College to dismiss pregnant unmarried female students and terminate from employment pregnant unmarried female employees.

The request letters further state that religious convictions require that there be pre-employment inquiries, advertising, recruitment, hiring, training, job classifications, and preference in employment opportunities regarding sex. This is because many of the employment positions require gender distinctions such as the chaplaincy, which must be a man; the necessity for male employees to teach pastoral, theological, and ministerial training courses; and the necessity for females to teach some courses germain to the women's academic programs.

The letters state that your pastoral ministries program is limited to male students only. Further, you state that single men and women have separate residence halls and that men are hired exclusively for supervision and janitorial positions in areas used exclusively by men and that women are hired to work in areas used exclusively by women.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.34 (access to course offerings); 106.38 (employment assistance to students); 106.40 (marital and parental status of students); 106.51 (employment); 106.53 (recruitment); 106.55 (job classification and structure); 106.57 (marital and parental status of employees); 106.59 (advertising), 106.60 (treatment based on marital and parental status), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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 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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Kansas City Office for Civil Rights at the following address:

Ms. Judith E. Banks
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381
10220 N. Executive Hills Blvd. - 8th Floor - 07-6010
Kansas City, Missouri 64190-1381

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

26

Dr. Paul Mills
President
Bartlesville Wesleyan College
2201 Silver Lake Road
Bartlesville, Oklahoma 74003

Dear President Mills:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Bartlesville Wesleyan 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 Snook (copy enclosed) in which he described certain policies practiced at Bartlesville Wesleyan 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 Bartlesville Wesleyan College an exemption to those sections of the Title IX regulation specified in 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. Bartlesville Wesleyan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The former president's letter indicates that Bartlesville Wesleyan College is controlled by The Wesleyan Church. The Discipline of The Wesleyan Church and Bartlesville Wesleyan College require certain standards in moral conduct and dress. This relationship between The Wesleyan Church

and Bartlesville Wesleyan College adequately establishes that Bartlesville Wesleyan College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that the special directives of "The Wesleyan Church require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it[.]" Additionally, "the general rules of the church require (1) the preservation of the sanctity of the home . . . and (2) the high regard of marriage vows[.]" Thus, pregnancy out of wedlock is contrary to the tenets of The Wesleyan Church.

Based on this principle, Bartlesville Wesleyan College has requested and is granted by this letter, exemption to: § 106.21(c) (marital and parental status of applicants for admission), § 106.40 (marital or parental status of students) and § 106.57 (marital or parental status of employees).

Bartlesville Wesleyan College also requested exemption from § 106.31, which in part, prohibited discrimination in rules of appearance. Section 106.31(b)(5) regarding rules of appearance was rescinded and deleted from the regulation in 1982. Thus, an exemption for appearance codes is not necessary.

The former president also requested the opportunity to apply for exemption from certain sections of the regulation if his understanding of the requirements was incorrect. The interpretation that Title IX permits separation of housing and restroom facilities by sex (§§ 106.32(b) and 106.33, respectively) is correct. However, § 106.61, regarding sex as a bona-fide occupational qualification, does not apply to hiring only women as resident directors for women's dormitories. If you wish to limit the employment of resident directors in women's dormitories to women only, you will need to apply for a religious exemption from the employment sections of the Title IX regulation which you deem applicable. You should briefly describe the religious tenet(s) or practices on which this institution policy is based. Your request should be forwarded to the regional 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 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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the 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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Dr. Herbert H. Reynolds
President
Baylor University
Waco, Texas 76798

Dear President Reynolds:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Baylor University 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 McCall (copy enclosed) in which he described several policies practiced at Baylor University 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. The former president supplied information in his request letter that establishes that Baylor University 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 Baylor University 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. Baylor University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57 and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Baylor University is controlled by the Baptist General Convention of Texas. This relationship between the Baptist General Convention and Baylor University adequately establishes that Baylor University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In the request letter, the former president indicates that premarital unchastity is contrary to the religious tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Baylor University has requested and is granted by this letter exemption to: § 106.21(c) (marital or parental status of applicants for admission), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees) and § 106.60(a) (pre-employment inquiries regarding marital status).

The request letter indicates that almost all Southern Baptist churches allow only men to be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Baylor University, and Baylor University matches this partial scholarship. Also, some educational programs and campus clubs are designed for ministerial students. Based on this principle, Baylor University has requested and is granted by this letter exemption to: § 106.6(c) (effect of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance) and § 106.38(a) (employment assistance to students).

The former president's letter indicates that licensed and ordained ministers are given preference in employment in certain offices, and women are not licensed or ordained as ministers. Based on this principle, Baylor University has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure).

Baylor University also requested exemption to § 106.11 regarding the application of the Title IX regulation. The request letter did not demonstrate that the institution's practices conflict with all sections of the Title IX regulation. Therefore, no exemption has been granted for § 106.11.

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.

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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION
REGION II
FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

OFFICE FOR CIVIL RIGHTS

AUG 7 1985

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rabbi David Horowitz
Director
Be'er Shmuel Talmudical Academy
1413 45th Street
Brooklyn, New York 11219

Dear Rabbi Horowitz:

The Office for Civil Rights (OCR) of the Department of Education recently forwarded a request for information to Be'er Shmuel Talmudical Academy and several rabbinic and other institutions. This request is part of OCR's effort to resolve a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972.

In response to these requests, OCR received a letter dated April 16 from Agudath Israel of America (AIA) indicating its position that a request for religious tenets is constitutionally impermissible under the First Amendment of the United States Constitution. OCR recently responded to AIA outlining our responsibilities in granting religious exemption under Title IX. Since OCR's position may affect your request for exemption, a copy of this letter is enclosed for your reference.

OCR recognizes the constitutional concerns in providing OCR with a description of religious tenets. If your institution is still interested in receiving a religious exemption, then we recommend that you submit a statement regarding religious tenets or institution practices that are based on religious tenets which you believe conflict with the regulation. This will enable OCR to act on your request by confirming that the correct sections of the Title IX regulation have been cited in your request letter. For example, a statement such as - based on our religious tenets, the institution admits only men - enables OCR to confirm that an exemption to 34 C.F.R. §§ 106.21, 106.22 and 106.23 regarding admissions and recruitment is necessary. Also, a statement indicating, for example, that based on religious tenets, only men are permitted to teach certain courses, enables OCR to take action on those sections of the Title IX regulation regarding employment that may be specified in your request letter. Without information regarding institution practices to confirm that the sections of the regulation cited in your request letter are accurate, any exemption granted by OCR would have little practical impact. OCR would be required to investigate any complaint filed against your institution, to the extent that your institution receives Federal financial assistance, if we cannot determine the accuracy of the exemption requested or subsequently granted.

I hope this letter and the enclosed copy of the letter to AIA clarify OCR's intent in issuing the information request and OCR's responsibilities in granting religious exemptions. It would be appreciated if you responded no later than August 23, 1985. If you have any questions, please feel free to contact me or Ms. Marilyn Rabinowitz at (212) 264-4633.

Sincerely,

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education

Enclosure

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

FEB 28 1986

Dr. William E. Troutt
President
Belmont College
Nashville, Tennessee 37203

Dear President Troutt:

The Office for Civil Rights (OCR) of the Department of Education has reviewed the letter forwarded by Mr. James P. Guenther, legal counsel for Belmont College, regarding the College's request for religious exemption from Title IX of the Education Amendments of 1972. In his letter, Mr. Guenther describes several policies practiced at Belmont 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. Mr. Guenther 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 Belmont College an exemption to those sections of the Title IX regulation specified in the request letter. Belmont 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, 106.40, 106.51(b)(6), 106.57, and 106.60(a). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter states that Belmont College is controlled by the Tennessee Baptist Convention. The Convention promotes the "'evangelistic, educational, missionary, benevolent, and other interests of Tennessee Baptists and cooperates in promoting such objectives fostered by Baptists through the Southern Baptist Convention as it deems proper.'" The members of the Board of Trustees of Belmont College are elected by the Convention and must be resident members of Baptist churches affiliated with the Tennessee Baptist Convention. The Convention requires Belmont College to conform to the policies and programs of the Convention. Additionally, the Convention significantly contributes to the financial needs of Belmont College. This relationship between the College and the Tennessee Baptist Convention adequately establishes that Belmont College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that the College insists "on Christian sexual conduct on the part of its faculty, administration, and student body." The "College's religious tenets do not permit the college to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a . . . temporary disability." Based on this principle, Belmont 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); 34 C.F.R. § 106.40 (marital or parental status of students); 34 C.F.R. § 106.51(b)(6) (granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy and child care); 34 C.F.R. § 106.57 (marital or parental status of employees); and 34 C.F.R. § 106.60(a) (pre-employment inquiries as to marital status).

The request letter indicates that Belmont College may encourage membership practices in student organizations where membership is limited to one sex. This is based on the belief that the College should "minister in unique ways in preparing its students to fulfill their roles as mothers and fathers all in the context of a religious belief in the sanctity of the home." Based on this principle, Belmont College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.31, where membership practices in student organizations are limited on the basis of sex in accordance with religious tenets. Also, to the extent that the College may encourage students to participate in certain activities based on religious convictions regarding the roles of men and women, Belmont College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.36 regarding counseling and use of appraisal and counseling materials.

Mr. Guenther is correct in his understanding of regulations regarding rules of appearance. 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 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 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. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights. The address is:

W. Lamar Clements
Acting Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: W. Lamar Clements, Acting Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Mr. Resach Ringel
President
Rabbinical Seminary of Belz
4814 16th Avenue
Brooklyn, New York 11204

Dear President Ringel:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Rabbinical Seminary of Belz's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972. Our records indicate the Seminary was formerly named the Belzer Yeshiva Machzikei Torah Seminary and that the original exemption request was made under that institution name.

In your response, which supplements the original exemption request filed by Rabbi Bronner, Executive Director, you describe certain policies practiced at the Seminary 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. You and Rabbi Bronner have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your September 9, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical Seminary of Belz is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Rabbi Bronner stated in his original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Rabbinical Seminary of Belz is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 9 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

SEP 3 1985

Dr. John B. Stephenson
President
Berea College
Berea, Kentucky 40404

Dear President Stephenson:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letters requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972. In your letter of July 19, 1985, you provided additional information regarding the religious organization which controls your institution. Former President Weatherford, in filing the original request for exemption, described several policies practiced at Berea College as consistent with the tenets of the controlling religious organization. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Berea College 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 Berea College an exemption to those sections of the Title IX regulation specified in the original 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. Berea College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.51, 106.57 and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Berea College is controlled by its Board of Trustees which has adopted a commitment to Christianity. Your letter further states, "our original charter, our constitution, our program and our pronouncements call for a commitment to Christianity which we take seriously." This commitment to Christianity by Berea College and the controlling Board of Trustees adequately establishes that Berea College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The original request letter indicates that faculty and staff are expected to adhere to the principles of Christianity and serve as role models for students by exhibiting stable and moral family relationships. Thus, the institution requests exemption from those sections of the Title IX regulation which prohibit the exclusion of unmarried, pregnant students or employees from the institution.

Berea College has requested, and is granted by this letter exemption to: § 106.40 (marital or parental status of students), § 106.51 (to the extent that this section covers pregnancy leave for unmarried employees), § 106.57 (marital or parental status of employees), and § 106.60 (pre-employment inquiries).

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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

JAN 25 1989

RECEIVED
JAN 27 1989
PROGRAM REVIEW & MANAGEMENT SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/SF

Dr. Richard B. Roth
President
Bethany Bible College
800 Bethany Drive
Scotts Valley, California 95066

Dear Dr. Roth:

This is in response to your November 9, 1988, letter, requesting that Bethany Bible College (College) be granted an exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). The Office for Civil Rights (OCR), Department of Education, has reviewed your request.

In your letter, you describe 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. You have provided information in your request letter that establishes that the College is controlled by a religious organization and that the 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 specified in your request letter. In doing so, I noted an error: You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I concluded from the facts outlined in your request that you required exemption from 34 C.F.R. § 106.21(c)(marital and parental status of applicants for admission).

Bethany Bible College of the Assemblies of God is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40, and 106.57. 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 indicates that the College is owned and controlled by the Northern California/Nevada District Council of the Assemblies of God (District Council). The Constitution of the College, Article III, Section 1, states that the College "shall be at all times under the auspices, regulation, and supervision of the District Council." Your letter states that the District Council is a member of the General Council of the Assemblies of God, an association of

RECEIVED
JAN 27 1989
POST SECONDARY EDUCATION DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX

11,000 churches, 57 District Councils, and 2,000,000 members in the United States. This relationship between the College, the District Council, and the General Council of the Assemblies of God supports a determination 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.

Article II, Section 2, of the Constitution of the College states that the College "is irrevocably committed to be a Bible College and to give Christ pre-eminence in all things, providing postsecondary education and practical training through a four-year, accredited program for the primary purpose of embodying and maintaining historic Pentecostal doctrine, vision, values, and environment in order to prepare students for leadership in the Church and society as envisioned by the founders of the College." The same section also states that "[t]he Bible shall be the center of all curriculum, providing a basis for life, the focus of ultimate Truth, and an integration point for all other disciplines, both formal and informal." The Constitution of the College, Article V, refers to Article VI of the Constitution of the District Council, which cites passages from the Bible as examples of religious tenets. Some of these tenets may require that distinctions be made on the basis of gender. Your request letter states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. In a telephone conversation, December 8, 1988, with the OCR regional office in San Francisco, you indicated that these same tenets apply to employees of the College. Based on this principle, the College is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the College.

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.

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.

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

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor
Suite 1020, 09-8010
San Francisco, California 94105-1925.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX

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

SEP 13 1985

Mr. Marvin G. Meyer
President
Bethany Lutheran College
734 Marsh Street
Mankato, Minnesota 56001

Dear President Meyer:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Bethany Lutheran 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 Branstad (copy enclosed) in which he described certain policies practiced at Bethany Lutheran College as consistent with the tenets of the religious organization that controls the institution. This policy 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 Bethany Lutheran 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 Bethany Lutheran 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 Bethany Lutheran College. Bethany Lutheran College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.53 and 106.55(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Bethany Lutheran College is owned and operated by the Evangelical Lutheran Synod. This relationship between the Evangelical Lutheran Synod and Bethany Lutheran College adequately establishes that Bethany Lutheran College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that it is a religious tenet of the Evangelical Lutheran Synod that only qualified males in religious fellowship with the Synod may preach and officiate in the religious exercises at Bethany Lutheran College. Based on this principle, Bethany Lutheran College has requested and is granted by this letter exemption to § 106.51 (employment, general),

§ 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure). The exemption is limited to those positions requiring the employee to preach and officate in the religious exercises of Bethany Lutheran College.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 13 1985

Dr. James A. Bennett
President
Bethel College
1001 West McKinley Avenue
Mishawaka, Indiana 46545

Dear President Bennett:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Bethel College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed former President Beutler's request (copy enclosed) in which he described several policies practiced at Bethel 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 Bethel 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 Bethel College an exemption to those sections of the Title IX regulation specified in the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Bethel College. Bethel College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Bethel College is affiliated with The Missionary Church. Bethel College practices tenets in accordance with the position of The Missionary Church regarding "practices and conduct in social relationships that reflect the spiritual ideals of Christianity." This relationship between The Missionary Church and Bethel College adequately establishes that Bethel College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Bethel College must adhere to tenets of The Missionary Church relative to a prohibition of pregnancy that occurs out of wedlock. Based on this principle, Bethel College has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission), § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees).

An exemption for § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was rescinded from the Title IX regulation. Thus, an exemption for appearance codes is not necessary.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Rabbi Yosef Mayer
President
Beth Hamedrash Shaarei Yosher
4102 16th Avenue
Brooklyn, New York 11204

Dear Rabbi Mayer:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Beth Hamedrash Shaarei Yosher's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request filed by Rabbi Figa, you describe certain policies practiced at Beth Hamedrash Shaarei Yosher 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. You and Rabbi Figa have supplied information in your request letters that establishes that Beth Hamedrash Shaarei Yosher is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Beth Hamedrash Shaarei Yosher an exemption to those sections of the Title IX regulation specified in your September 10, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Beth Hamedrash Shaarei Yosher is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Rabbi Figa stated in his original letter that Beth Hamedrash Shaarei Yosher is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and Beth Hamedrash Shaarei Yosher adequately establishes that Beth Hamedrash Shaarei Yosher is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 10 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Beth Hamedrash Shaarei Yosher has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

BETH HATALMUD
INSTITUTE FOR ADVANCED TALMUDIC STUDIES

בית התלמוד

P.O. BOX 85 • 2127 - 82nd STREET • BROOKLYN, NEW YORK 11214
(718) 259-2525

September 1, 1985

Department of Education
Office for Civil Rights
Federal Building
26 Federal Plaza
New York, N.Y. 10278

Att: Mr. Stanley Seidenfeld

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with thost tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I hope this letter will clarify all matters. If you have any questions, please feel free to contact me.

Sincerely,

Rabbi Abba Osina
Executive Administrator

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

Sep. 24, 1985

24 1985

Rabbi Abba Osina
Executive Administrator
Beth Hatalmud Institute for Advanced
Talmudic Studies
P.O. Box 85
2127-82nd Street
Brooklyn, New York 11214

Dear Rabbi Osina:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Beth Hatalmud Institute's (Institute) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at the Institute 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. Beth Hatalmud Institute has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Institute an exemption to those sections of the Title IX regulation specified in your September 1, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Beth Hatalmud Institute for Advanced Talmudic Studies is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicates that the Institute is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Institute adequately establishes that Beth Hatalmud Institute is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 1 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Institute has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

OCT 21 1985

Dr. Shlomo M. Teichman
President
Beth Jacob Hebrew Teachers College
Bais Yaakov Academy
1213 Elm Avenue
Brooklyn, New York 11230

Dear President Teichman:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter dated September 20, 1985, which requested additional information regarding the institution's (Beth Jacob Hebrew Teachers College - Bais Yaakov Academy) request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the institution, OCR has determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private elementary, secondary and undergraduate institutions from compliance with Subpart C.

In your letter, dated October 9, 1985, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested a religious exemption for 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contacts with the institution, that the College offers only undergraduate level programs. Under § 106.15, the College, a private institution offering undergraduate level programs only, is already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If you determine that your institution does not need a religious exemption for graduate or other programs, please note your wish to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that your institution has no need for a religious exemption and will close your request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

SEP 30

Rabbi Michoel J. Meisels
Dean and President
Beth Jacob Sara Schenirer High School
and Teachers Seminary
4622-14th Avenue
Brooklyn, New York 11219

Dear Rabbi Meisels:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Beth Jacob Sara Schenirer High School and Teachers Seminary's (High School and Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the institution, OCR has determined that the High School and Seminary need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private elementary, secondary and undergraduate institutions from compliance with Subpart C.

In your letter of September 23, 1985, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested exemption to 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contact with the institution, that the High School and Seminary offer only secondary and undergraduate level programs. Under § 106.15, Beth Jacob Sara Schenirer High School and Teachers Seminary, private schools offering secondary and undergraduate level programs only, are already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve an institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If you determine that the High School and Seminary do not need a religious exemption for graduate or other programs, please note your desire to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that the High School and Seminary have no need for a religious exemption and will close the request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

Sep 24, 1985

Rabbi Tovia Goldstein
Dean
Beth Medrash Emek Halacha
1763 63rd Street
Brooklyn, New York 11204

Dear Rabbi Goldstein:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Beth Medrash Emek Halacha's request for a religious exemption from Title IX of the Education Amendments of 1972.

In his response, which supplements the original exemption request, Rabbi Murray Yarmark describes certain policies practiced at Beth Medrash Emek Halacha 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. Beth Medrash Emek Halacha has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Beth Medrash Emek Halacha an exemption to those sections of the Title IX regulation specified in Rabbi Yarmark's September 11, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Beth Medrash Emek Halacha is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter stated that Beth Medrash Emek Halacha is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and Beth Medrash Emek Halacha adequately establishes that Beth Medrash Emek Halacha is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Rabbi Yarmark stated in his September 11 letter that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Beth Medrash Emek Halacha has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

I hope this letter responds fully to the institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 25 1985

Rabbi Y.J. Weisberg
Administrative Dean
Beth Medrash Govoha
314 McDonald Avenue
Brooklyn, New York 11218

Dear Rabbi Weisberg:

On March 29, 1985, the Office for Civil Rights (OCR) of the Department of Education sent to Beth Medrash Govoha a request for sufficient information which would enable OCR to process your institution's request for religious exemption from Title IX of the Education Amendments of 1972. Although you have had several conversations with officials of the New York Regional Office, OCR received no written response to this request and sent a second request for information on July 11, 1985. Additionally, OCR sent a clarification of its information request to Beth Medrash Govoha on August 7, 1985.

OCR did not receive a response from your institution to our three requests and sent a final request for information on September 20, 1985. This final request indicated that if we did not hear from you by October 15, OCR would assume that your institution is no longer interested in receiving a religious exemption and close your request file.

OCR has not received the specific information from your institution that would enable OCR to make a determination. Accordingly, the Office for Civil Rights has closed the request file for Beth Medrash Govoha.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 27 1985

Rabbi Leima Minkowitz
President
Beth Rivkah Schools
310 Crown Street
Brooklyn, New York 11225

Dear Rabbi Minkowitz:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Beth Rivkah Schools' request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the institution, OCR has determined that the Beth Rivkah Schools need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private elementary, secondary and undergraduate educational institutions from compliance with Subpart C.

In your letter of September 5, 1985, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested exemption to 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contacts with the institution, that the Beth Rivkah Schools offer kindergarten, elementary, secondary and undergraduate level programs. Under § 106.15, the Beth Rivkah Schools, private schools offering elementary, secondary and undergraduate level programs only, are already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve an institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If you determine that your institution does not need a religious exemption for graduate or other programs, please note your desire to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that your institution has no need for a religious exemption and will close the request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alice Cro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 31 1985

Rabbi Leima Minkowitz
President
Beth Rivkah Schools
310 Crown Street
Brooklyn, New York 11225

Dear Rabbi Minkowitz:

Thank you for your response to our letter regarding your institution's request for religious exemption from Title IX of the Education Amendments of 1972.

The Office for Civil Rights (OCR) of the Department of Education sent you a letter on September 27, 1985, explaining that your institution is exempt from the admissions and recruitment provisions of the regulation implementing Title IX. The institution does not need a religious exemption to the admissions and recruitment provisions at Subpart C, for which it had applied, because of the exemption provided for private elementary, secondary and undergraduate institutions at 34 C.F.R. § 106.15.

On October 23, 1985, you informed OCR headquarters staff, by telephone, that no further exemption was necessary, and you withdrew the institution's request for religious exemption. Accordingly, the Office for Civil Rights has closed the religious exemption request file for Beth Rivkah Schools.

An institution may request a religious exemption from the regulation implementing Title IX at any time. Your decision to withdraw the request does not affect a determination by OCR regarding any future religious exemption request you may submit. If you have any questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 3 1985

Dr. Oswald P. Bronson, Sr.
President
Bethune-Cookman College
Daytona Beach, Florida 32015

Dear President Bronson:

The Office for Civil Rights (OCR) has reviewed the letter of July 22, 1985, from Anderson C. Hill II, attorney for Bethune-Cookman, regarding your institution's request for religious exemption from Title IX of the Education Amendments of 1972. In his letter, Mr. Hill describes certain policies practiced at Bethune-Cookman College as consistent with the tenets of the controlling religious organization. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Bethune-Cookman College 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 Bethune-Cookman College an exemption to those sections of the Title IX regulation specified in 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. Bethune-Cookman College is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.40(a) and (b)(1). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Bethune-Cookman College is controlled by the United Methodist Church. The management of the College, through its Board of Trustees, is subject to the rules and regulations of the United Methodist Church and to the Discipline of the Methodist Church. This relationship between the United Methodist Church and Bethune-Cookman College adequately establishes that Bethune-Cookman College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that Methodism social principles ". . . reject all sexual expressions which damage or destroy the humanity God has given us as birthright . . . ." Thus, the College does not allow unmarried, pregnant students to reside on campus so as not to imply approval of pre-marital sex.

Based on these principles, Bethune-Cookman College has requested and is granted by this letter exemption to § 106.40(a) and (b)(1) (marital or parental status of students, including 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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

SEP 3 1985

Dr. Clyde Cook
President
Biola University
13800 Biola Avenue
La Mirada, California 90639

Dear President Cook:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Biola University filed such a request, but there is no record that OCR adequately acknowledged the request.

We have reviewed the request, as supplemented by your letter of July 30, 1985, in which several policies practiced at Biola are described 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 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 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. Biola University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c), § 106.31(b)(4), § 106.40, § 106.51(a) and (b)(6), § 106.57 and § 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request indicates that Biola University is a private Christian evangelical institution of higher education. The University is governed and controlled by its Board of Trustees pursuant to the statement of purpose and mission and Articles of Faith contained within its Articles of Incorporation, Bylaws and rules and regulations promulgated by the Board of Trustees. The inclusion of the Articles of Faith in the Articles of Incorporation of Biola University, and the governance by the Board of Trustees pursuant to the Articles of Faith in the Articles of Incorporation, adequately establishes that Biola University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In a Doctrinal Statement submitted with its request, Biola University states a belief that the Bible is without error or misstatement in its moral and spiritual teaching and record of historical facts and is without error or defect of any kind. The University indicates that it is committed to the Biblical ethic which makes a differentiation in roles between the sexes and espouses moral standards applicable to both sexes equally.

The religious tenets of Biola University, as stated in your letter, hold that "the Bible condemns sexual relations outside of marriage; that the Bible is clear in its teachings on the sanctity of human life and that human intervention to terminate life after its conception is to be opposed vigorously; and that the Bible is clear in its commitment to the sanctity of marriage and the inappropriateness of divorce or remarriage in certain circumstances."

Based on these principles, Biola University has requested and is granted by this letter, exemption to: § 106.21(c) (admissions: prohibitions relating to marital or parental status); § 106.40 (marital or parental status of students); § 106.51(a) and (b)(6) (to the extent that this section prohibits discrimination in employment in granting leaves for pregnancy, childbirth, and termination of pregnancy); § 106.57 (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries).

The religious tenets of Biola University hold that the Bible differentiates between men and women as to appearance. Thus, the University has adopted rules governing proper decorum, decency and modesty in dress.

Section 106.31(b)(5) regarding rules of appearance was rescinded and deleted from the Title IX regulation. However, Biola University has requested assurance to enforce its policies regarding appearance codes. Therefore, Biola University is granted by this letter, exemption to § 106.31(b)(4) (prohibiting the subjection of any person to different rules of behavior, sanctions or other treatment on the basis of sex), to the extent that this section may be applied regarding different treatment of students on the basis of sex for appearance.

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.

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
U.S. 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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. E. Harold Fisher
President
Blue Mountain College
Box 338
Blue Mountain, Mississippi 38610

Dear President Fisher:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed your request and determined that we need further information to make a decision to grant an exemption.

On March 25, 1985, OCR forwarded a request for more information to Blue Mountain College, specifying that your letter did not provide sufficient information for OCR to make a determination. Blue Mountain College did not provide information regarding the religious organization that controls your institution, the religious tenets of the controlling organization, or the regulations that are in conflict with your religious tenets. OCR received no response to this initial request for more information and issued a second request on July 3, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days, we would assume that Blue Mountain College no longer had need of a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION
REGION II
FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

MAY 7 1985

OFFICE FOR CIVIL RIGHTS

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rabbi Leib Pinter
Director
B'nai Torah Institute
1705 Forty-Ninth Street
Brooklyn, New York 11204

Dear Rabbi Pinter:

The Office for Civil Rights (OCR) of the Department of Education recently forwarded a request for information to B'nai Torah Institute and several rabbinic and other institutions. This request is part of OCR's effort to resolve a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972.

In response to these requests, OCR received a letter dated April 16 from Agudath Israel of America (AIA) indicating its position that a request for religious tenets is constitutionally impermissible under the First Amendment of the United States Constitution. OCR recently responded to AIA outlining our responsibilities in granting religious exemption under Title IX. Since OCR's position may affect your request for exemption, a copy of this letter is enclosed for your reference.

OCR recognizes the constitutional concerns in providing OCR with a description of religious tenets. If your institution is still interested in receiving a religious exemption, then we recommend that you submit a statement regarding religious tenets or institution practices that are based on religious tenets which you believe conflict with the regulation. This will enable OCR to act on your request by confirming that the correct sections of the Title IX regulation have been cited in your request letter. For example, a statement such as - based on our religious tenets, the institution admits only men - enables OCR to confirm that an exemption to 34 C.F.R. §§ 106.21, 106.22 and 106.23 regarding admissions and recruitment is necessary. Also, a statement indicating, for example, that based on religious tenets, only men are permitted to teach certain courses, enables OCR to take action on those sections of the Title IX regulation regarding employment that may be specified in your request letter. Without information regarding institution practices to confirm that the sections of the regulation cited in your request letter are accurate, any exemption granted by OCR would have little practical impact. OCR would be required to investigate any complaint filed against your institution, to the extent that your institution receives Federal financial assistance, if we cannot determine the accuracy of the exemption requested or subsequently granted.

I hope this letter and the enclosed copy of the letter to AIA clarify OCR's intent in issuing the information request and OCR's responsibilities in granting religious exemptions. It would be appreciated if you responded no later than August 23, 1985. If you have any questions, please feel free to contact me or Ms. Marilyn Rabinowitz at (212) 264-4633.

Sincerely,

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education

Enclosure

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

MAY 31 1989

Dr. J. Richard Ewing
President
Boise Bible College, Inc.
8695 Marigold Street
Boise, Idaho 83714-1220

Dear Dr. Ewing:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Boise Bible College's (College) request for religious exemption to Title IX of the Education Amendments of 1972. You submitted a letter dated August 4, 1988, requesting a religious exemption, and clarified the request by letter of October 20, 1988, and in telephone conversations of February 17 and 22, 1989, with OCR staff.

You have described certain 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 (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. Boise Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.38(a), 106.40, 106.51, 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 August 4, 1988, indicates that the College was established by the First Church of Christ of Boise, Idaho, and the religious tenets of the College are based on the religious tenets of the Church of Christ. The College was incorporated in 1974 and is controlled by a board of directors. The directors, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. The College is an undergraduate seminary, preparing students for religious vocations. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian faith. In addition, the College receives financial support from religious organizations. The preparation of students for religious vocations, the requirement that the directors, faculty, employees, and students of the College espouse a personal belief in the Christian faith, the statements of commitment to the Christian faith in official publications, and the receipt of financial support from religious organizations adequately establishes that Boise Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your August 4, 1988, letter indicates that the College adheres to biblical tenets for matters of faith and practice. The 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 traditions 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 attire." Based on these tenets, the 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); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

In telephone conversations with OCR staff, you indicated that only men may be ministers in accordance with religious tenets. Based on these tenets, the College reserves certain administrative and faculty positions, which are related to the preparation of future ministers, for men. Thus, the College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

You also indicated during telephone conversations with OCR staff that the College receives requests for references for male students from congregations interested in employing preaching ministers, and that the College limits its recommendations to students of one sex. Based on this practice, the College has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.38(a) regarding employment assistance to students. This exemption is limited to the extent that the requests for gender specific references are for positions which the College itself would limit to students of one sex, in accordance with its religious tenets, were such positions available at the College.

OCR has noted that you withdrew your request for exemption to § 106.34 (access to course offerings) and § 106.38(b) (employment of students by recipient) as unnecessary. Also, as noted in your letter of August 4, 1988, § 106.15(d) exempts private undergraduate institutions from the requirements of §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. In addition, §§ 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
915 Second Avenue, Room 3310 - 10-9010
Seattle, Washington 98174-1099.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUL 24 1985

Sister George Ann Cecil
President
Brescia College
120 West Seventh Street
Owensboro, Kentucky 42301

Dear Sister George Ann Cecil:

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. In your letter of May 7, 1985, you described certain policies practiced at Brescia 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. You have supplied information in your 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 Brescia College an exemption to those sections of the Title IX regulation specified in your 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. Brescia College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.51, 106.57 and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Brescia College is controlled by the Catholic Church. The Catholic Church and Brescia College practice tenets that limit the circumstances under which divorce and remarriage are permitted, treat pregnancy outside marriage as a moral issue, and consider abortion as a question of grave moral significance. Brescia College was founded in 1950 by the Ursuline Sisters of Mount Saint Joseph, Maple Mount, Kentucky, which contributes significantly to the college by way of contributed services. This relationship between the Catholic Church and Brescia College adequately establishes that Brescia College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that Brescia College is committed to the importance and stability of the family. The College seeks to employ persons whose lifestyle is consistent with the tenets of the Church and treats both pregnancy and abortion as moral issues. Thus, the institution practices the following:

1. Treats pregnancy and childbirth and recovery therefrom differently from other temporary disabilities for job related purposes for unmarried employees and treats abortion

differently from other temporary disabilities for job related purposes for both married and unmarried employees. Based on this principle, Brescia College has requested, and is granted by this letter, exemption to § 106.51, employment, and § 106.57, marital or parental status.

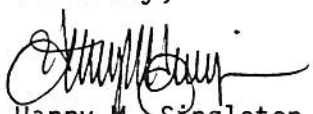
2. Makes pre-employment inquiry as to the marital status of applicants for employment. Based on this principle, Brescia College has requested, and is granted by this letter, exemption to § 106.60, pre-employment inquiries.

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.

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 contact the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Tower, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: William H. Thomas, Regional Civil Rights Director, Region IV

#CR904260 21

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

MAY 18 1989

Dr. Alton L. Wade
President
Brigham Young University,
Hawaii Campus
Laie, Hawaii 96762-1294

Dear Dr. Wade:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated March 21, 1989, and March 28, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letters, you provided information that establishes that Brigham Young University, Hawaii Campus, (BYUH) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letters certain policies practiced at BYUH 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 absent a religious exemption. Therefore, I am granting BYUH an exemption to those sections of the Title IX regulation appropriate to your request letters. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by BYUH. Brigham Young University, Hawaii Campus, is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.36, 106.39, 106.40, and 106.57. The basis for this decision is discussed in further detail below.

Your request letters indicate that BYUH, a Utah non-profit corporation, is controlled by the Church of Jesus Christ of Latter-day Saints (Church), and that BYUH practices the tenets of the Church and is owned and operated by the Church. Your letters further state that over two-thirds of BYUH's operating budget is provided by the Church. This relationship between the Church and BYUH adequately establishes that BYUH is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your request letters, you indicate that all students and employees are expected "to abide by the standards of general Christian living taught by the Church[.]" "By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel [BYUH's] direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare cases, must not participate in nor obtain an abortion." Further, your letters add that provision of maternity benefits to married students who become pregnant through extramarital means would violate the fundamental Church doctrine of chastity in marriage. Based on

these principles, BYUH 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); § 106.39 (health and insurance benefits and services); § 106.40 (marital or parental status of students); and § 106.57 (marital or parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by BYUH.

Your request letters indicate that there exist on BYUH campus "numerous student congregations (called 'Wards', according to Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church." Your letters state that whether these organizations choose to have activities or suborganizations exclusively for men or for women is a matter of Church organization. Based on these principles, BYUH has requested and is granted by this letter, exemption to 34 C.F.R. § 106.31, regarding education programs and activities, to the extent that § 106.31 conflicts with the operation of extracurricular student activities and policies of student religious organizations at BYUH.

Your letters state that "[t]he sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and counseling for women," since such roles may affect educational and career choices. Based on these principles, BYUH has requested and is granted by this letter, exemption to 34 C.F.R. § 106.36, regarding counseling of students and applicants for admission.

Your letters also state that, with respect to pregnancy-related conditions of married women, BYUH promotes the religious belief that in most cases, full-term delivery, not abortion, is the only morally acceptable resolution of pregnancy. As you know, the Civil Rights Restoration Act of 1987 (Act), enacted March 22, 1988, amends Title IX. One of the provisions of the Act states that under Title IX, provision of or payment for benefits or services related to abortion is neither required nor prohibited. Although OCR has not yet amended its regulations to conform to the Act, OCR interprets its regulations in accordance with the requirements of the Act. Therefore, under the Title IX regulation as interpreted by OCR, BYUH is not required to provide or pay for benefits or services related to an abortion. As so interpreted, the Title IX regulation does not conflict with the religious tenets of BYUH. Thus, the exemptions to §§ 106.39 and 106.40 are granted, subject to the limitations discussed above.

Your letter of March 28, 1989, indicates that BYUH is not seeking exemption from § 106.32 regarding housing. Thus, this issue is not addressed by this letter.

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

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor
Suite 1020, 09-8010
San Francisco, California 94105-1925.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

July 1, 1998

Dr. Eric B. Shumway
President
Brigham Young University--Hawaii Campus
55-220 Kulanui Street
P.O. Box 1971
Laie, Hawaii 96762

Dear Dr. Shumway:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated April 14, 1998, requesting a religious exemption for Brigham Young University -- Hawaii Campus (the University), to the extent described in your letter, from 34 C.F.R. § 106.60, a provision of the Department's regulations implementing Title IX of the Education Amendments of 1972. Based on the information provided in your letter, which specifically referenced gender inquiries about recruitment and admissions, we construed your request to extend to 34 C.F.R. § 106.60(a), but not § 106.60(b). For this reason, only § 106.60(a) is addressed in this response.

In your letter you provided information that establishes that the University is controlled by a religious organization and that tenets followed by this organization conflict with the requirements of § 106.60(a). Subpart C of the Title IX regulation prohibits discrimination in the admission and recruitment of students. Section 106.15(e) of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C.

You described in your request letter certain policies practiced at the University as being consistent with the tenets of the religious organization that controls the University. These policies would violate § 106.60(a) absent a religious exemption. Therefore, I am granting Brigham Young University -- Hawaii Campus an exemption to that provision of the Title IX regulation as specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the University. Brigham Young University -- Hawaii Campus is hereby exempted, to the extent requested in your letter, from the requirements of § 106.60(a) of the Title IX regulation. The basis for this decision to grant this exemption is discussed in further detail below.

Your letter indicated that Brigham Young University -- Hawaii Campus is controlled by the Church of Jesus Christ of Latter-day Saints (the Church) and that the University practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicated that all members of the University's Board of Trustees are selected by the presiding officers of the Church, that the Trustees are all General Officers of the Church, and that, as such, the Board of Trustees establishes the hiring policies for every full-time faculty position at the University. In addition, your letter indicated that General Officers of the Church are directly involved in the hiring process for every full-time faculty position at the University. Your letter further indicated that, in this regard, one of the criteria that the University evaluates in hiring individuals for teaching and other permanent faculty positions at the University is the degree of the candidate's "religious conviction and commitment to Church doctrine and practice." Your letter also indicated that Church doctrine establishes certain values with respect to family life and morality and that, in order to evaluate a faculty candidate's commitment to Church doctrine and practice, including Church doctrine and practice relative to family life and morality, the University conducts a wide-ranging inquiry, which may include a preemployment inquiry as to the candidate's marital status. The practice of making a preemployment inquiry as to marital status would violate § 106.60(a) absent a religious exemption. Based on these principles, Brigham Young University -- Hawaii Campus has requested, and is granted by this letter, exemption, in connection with the employment of all new permanent faculty, from 34 C.F.R. § 106.60(a), which addresses preemployment inquiries as to marital status, to the extent that § 106.60(a) conflicts with the religious tenets followed by the University.

This letter should not be construed to grant exemption from any provision of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against the University, 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 University 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 University, or if the organization denies that it controls the University, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact OCR's Seattle office. The address and phone number are:

Mr. Gary D. Jackson, Enforcement Director, Office for Civil Rights, Seattle Office, United States Department of Education, 915 Second Avenue, Room 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880.

Sincerely yours,

Norma V. Cantú
Assistant Secretary
for Civil Rights

cc: Mr. Gary D. Jackson, Enforcement Director, Seattle Office

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Dr. Eric B. Shumway
President
Brigham Young University--Hawaii Campus
55-220 Kulanui Street
P.O. Box 1971
Laie, Hawaii 96762

OCT 14 1997

Dear Dr. Shumway:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated September 11, 1997, requesting a religious exemption for Brigham Young University -- Hawaii Campus (the University), to the extent described in your letter, from 34 C.F.R. § 106.60, a provision of the Department's regulations implementing Title IX of the Education Amendments of 1972. Based on the information provided in your letter, which specifically referenced preemployment inquiries about marital status, but not about the sex of the applicant, we construed your request to extend to 34 C.F.R. § 106.60(a), but not § 106.60(b). For this reason, only § 106.60(a) is addressed in this response.

In your letter you provided information that establishes that the University is controlled by a religious organization and that tenets followed by this organization conflict with the requirements of § 106.60(a). You described in your request letter certain policies practiced at the University as being consistent with the tenets of the religious organization that controls the University. These policies would violate § 106.60(a) absent a religious exemption. Therefore, I am granting Brigham Young University -- Hawaii Campus an exemption to that provision of the Title IX regulation as specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the University. Brigham Young University -- Hawaii Campus is hereby exempted, to the extent requested in your letter, from the requirements of § 106.60(a) of the Title IX regulation. The basis for this decision to grant this exemption is discussed in further detail below.

Your letter indicated that Brigham Young University -- Hawaii Campus is controlled by the Church of Jesus Christ of Latter-day Saints (the Church) and that the University practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicated that all members of the University's Board of Trustees are selected by the presiding officers of the Church, that the Trustees are all General Officers of the Church, and that, as such, the Board of Trustees establishes the hiring policies for every full-time faculty position at the University. In addition, your letter indicated that General Officers of the Church are directly involved in the hiring process

for every full-time faculty position at the University. Your letter further indicated that, in this regard, one of the criteria that the University evaluates in hiring individuals for teaching and other permanent faculty positions at the University is the degree of the candidate's "religious conviction and commitment to Church doctrine and practice." Your letter also indicated that Church doctrine establishes certain values with respect to family life and morality and that, in order to evaluate a faculty candidate's commitment to Church doctrine and practice, including Church doctrine and practice relative to family life and morality, the University conducts a wide-ranging inquiry, which may include a preemployment inquiry as to the candidate's marital status. The practice of making a preemployment inquiry as to marital status would violate § 106.60(a) absent a religious exemption. Based on these principles, Brigham Young University -- Hawaii Campus has requested, and is granted by this letter, exemption, in connection with the employment of all new permanent faculty, from 34 C.F.R. § 106.60(a), which addresses preemployment inquiries as to marital status, to the extent that § 106.60(a) conflicts with the religious tenets followed by the University.

This letter should not be construed to grant exemption from any provision of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against the University, 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 University 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 University, or if the organization denies that it controls the University, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact OCR's Seattle office. The address and phone number are:

Mr. Gary D. Jackson
Enforcement Director
United States Department of Education
Office for Civil Rights
915 Second Avenue, Room 3310, 10-9010
Seattle, WA 98174-1099
(206) 220-7880.

Sincerely,

Norma V. Cantú

Norma V. Cantú
Assistant Secretary
for Civil Rights

cc: Mr. Gary D. Jackson, Enforcement Director, Seattle Office

JAN 12 1989

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

JAN 6 1989

Dr. Jeffrey R. Holland
President
Brigham Young University
D-346 ASB
Provo, Utah 84602

Dear Dr. Holland:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated November 17, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letter, you provided information that establishes that Brigham Young University (BYU) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letter certain policies practiced at BYU 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 absent a religious exemption. Therefore, I am granting BYU an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by BYU. Brigham Young University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31, 106.32, 106.36, 106.39, and 106.40. The basis for this decision to grant this exemption is discussed in further detail below.

Your request letter indicates that BYU is controlled by the Church of Jesus Christ of Latter-day Saints (Church) and that BYU practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your request letter, you indicate that there exist on BYU campus "numerous student congregations (called 'Wards', according to Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church." Your letter states that whether these organizations choose to have activities or suborganizations exclusively for men or for women is a matter of Church organization. Based on these principles, BYU has requested and is granted by this letter, exemption from 34 C.F.R. § 106.31, regarding education programs and activities, to the extent that § 106.31 conflicts with the operation of extracurricular student activities and policies of student religious organizations at BYU.

Your letter also indicates that "[t]he teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities." BYU claims exemption from 34 C.F.R. § 106.32 "to the extent that it interferes with the University's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house BYU students." Based on these principles, BYU has requested and is granted by this letter, exemption from 34 C.F.R. § 106.32, which addresses housing.

Your letter states that "[t]he sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and counseling for women." Based on these principles, BYU has requested and is granted by this letter, exemption from 34 C.F.R. § 106.36, which pertains to counseling of students and applicants for admission.

Your request letter states: "By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare cases, must not participate in nor obtain an abortion." Further, your letter adds that provision of maternity benefits to married students who become pregnant through extramarital means would violate the fundamental Church doctrine of chastity in marriage. Based on these principles, BYU has requested and is granted by this letter, exemption to 34 C.F.R. §§ 106.39 and 106.40, regarding the provision of health and insurance benefits and services to single students and married students who become pregnant outside of marriage.

Your letter also states that, with respect to pregnancy-related conditions of married women, BYU promotes the religious belief that in most cases, full-term delivery, not abortion, is the only morally acceptable resolution of pregnancy. As you know, the Civil Rights Restoration Act of 1987 (Act) amends Title IX. One of the provisions of the Act states that under Title IX, provision of or payment for benefits or services related to abortion is neither required nor prohibited. Although OCR has not yet amended its regulations to conform to the Act, OCR interprets its regulations in accordance with the requirements of the Act. Therefore, under the Title IX regulation as interpreted by OCR, BYU is not required to provide or pay for benefits or services related to an abortion. As so interpreted, the Title IX regulation does not conflict with the religious tenets of BYU. Thus, the exemptions to §§ 106.39 and 106.40 are granted, subject to the limitations discussed in the preceding paragraph.

Mark
Richard

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 BYU, 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 BYU 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 BYU, or if the organization denies that it controls BYU, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Denver Regional Office for Civil Rights. The address is:

Dr. Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
Federal Office Building
1961 Stout Street, 3rd Floor - 08-7010
Denver, Colorado 80294-3608.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Dr. Gilbert D. Roman, Regional Civil Rights Director, Region VIII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Dr. Merrill J. Bateman
President
Brigham Young University
A-357 ASB
P.O. Box 21333
Provo, Utah 84602-1333

OCT 14 1997

Dear Dr. Bateman:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated August 25, 1997, requesting a religious exemption for Brigham Young University (the University), to the extent described in your letter, from 34 C.F.R. § 106.60, a provision of the Department's regulations implementing Title IX of the Education Amendments of 1972. Based on the information provided in your letter, which specifically referenced preemployment inquiries about marital status, but not about the sex of the applicant, we construed your request to extend to 34 C.F.R. § 106.60(a), but not § 106.60(b). For this reason, only § 106.60(a) is addressed in this response.

In your letter you provided information that establishes that the University is controlled by a religious organization and that tenets followed by this organization conflict with the requirements of § 106.60(a). You described in your request letter certain policies practiced at the University as being consistent with the tenets of the religious organization that controls the University. These policies would violate § 106.60(a) absent a religious exemption. Therefore, I am granting Brigham Young University an exemption to that provision of the Title IX regulation as specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the University. Brigham Young University is hereby exempted, to the extent requested in your letter, from the requirements of § 106.60(a) of the Title IX regulation. The basis for this decision to grant this exemption is discussed in further detail below.

Your letter indicated that Brigham Young University is controlled by the Church of Jesus Christ of Latter-day Saints (the Church) and that the University practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicated that all members of the University's Board of Trustees are selected by the presiding officers of the Church, that the Trustees are all General Officers of the Church, and that, as such, the Board of Trustees establishes the hiring policies for every full-time faculty position at the University. In addition, your letter indicated that General Officers of the Church are directly involved in the hiring process for every full-time faculty position at the University. Your letter further indicated that, in this regard,

one of the criteria that the University evaluates in hiring individuals for teaching and other permanent faculty positions at the University is the degree of the candidate's "religious conviction and commitment to Church doctrine and practice." Your letter also indicated that Church doctrine establishes certain values with respect to family life and morality and that, in order to evaluate a faculty candidate's commitment to Church doctrine and practice, including Church doctrine and practice relative to family life and morality, the University conducts a wide-ranging inquiry, which may include a preemployment inquiry as to the candidate's marital status. The practice of making a preemployment inquiry as to marital status would violate § 106.60(a) absent a religious exemption. Based on these principles, Brigham Young University has requested, and is granted by this letter, exemption, in connection with the employment of all new permanent faculty, from 34 C.F.R. § 106.60(a), which addresses preemployment inquiries as to marital status, to the extent that § 106.60(a) conflicts with the religious tenets followed by the University.

This letter should not be construed to grant exemption from any provision of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against the University, 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 University 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 University, or if the organization denies that it controls the University, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact OCR's Denver office. The address and phone number are:

Ms. Lillian Gutierrez, Enforcement Director
U.S. Department of Education, Office for Civil Rights
Federal Building, Suite 310, 08-7010
1244 Speer Boulevard
Denver, CO 80204-3582
(303) 844-5695.

Sincerely,

Norma V. Cantú

Norma V. Cantú
Assistant Secretary
for Civil Rights

cc: Ms. Lillian Gutierrez, Enforcement Director, Denver Office

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

Rabbi Aaron Soloveichik
Rosh HaYeshiva
Yeshivas Brisk
Brisk Rabbinical College
2965 West Peterson Avenue
Chicago, Illinois 60659

Dear Rabbi Soloveichik:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Brisk Rabbinical College's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In his response, which supplements the original exemption request, Rabbi Erwin Giffin, Dean of Administration, describes certain policies practiced at the 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 College has supplied information that establishes that Brisk Rabbinical College is controlled by a religious organization and that practices based on 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 specified in Rabbi Giffin's September 11, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Brisk Rabbinical College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

In your original request letter, you stated that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between the College and Orthodox Judaism adequately establishes that Brisk Rabbinical College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Rabbi Giffin stated in his September 11 letter that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Brisk Rabbinical College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 21 1985

Dr. Jerry H. Miller
President
California Lutheran College
60 West Olsen Road
Thousand Oaks, California 91360

Dear President Miller:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed a request filed by California Lutheran College and determined that we needed further information to make a decision to grant an exemption.

On April 18, 1985, OCR sent a request for more information to you, specifying that the original request did not provide sufficient information for OCR to make a determination. California Lutheran College provided insufficient information regarding the religious organization that controls the institution, the religious tenets of the controlling organization that are followed by the institution and the section number of the Title IX regulation from which an exemption is requested. OCR received no response to this initial request for more information and sent a second request on July 3, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days that we would assume that California Lutheran College no longer had need for a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to:

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

Sincerely yours,

James M. Littlejohn
for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

CR 90130

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

FEB 2 1989

Leslie Madison, Th.D.
President
Calvary Bible College
15800 Calvary Road
Kansas City, Missouri 64147-1341

Dear Dr. Madison:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated December 13, 1988, requesting a religious exemption for Calvary Bible College and Graduate School of Theology (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 request letter.

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 controlled by the Calvary Bible College Board of Trustees (the Corporation), a non-profit religious corporation which was incorporated in the State of Missouri in 1961 as a Christian institution of higher education under the control of a board of trustees. The trustees of the Corporation and the faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. Your letter states, "At its spring board meeting, each member of the Board of Trustees is required to sign a statement that he is in full

agreement with the articles of faith." The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion and is completely governed by and receives its major financial support from the Corporation. The College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Corporation. Your letter also states that the College is an institutional member of the Independent Fundamental Churches of America. The relationship between the Calvary Bible College Board of Trustees 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 referenced as examples of biblical tenets. Your letter states that biblical norms are violated by "cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds." These tenets require the College to make gender-based distinctions regarding marriage, family, and parental status. The request letter further states that religious convictions require that ministerial or pre-ministerial programs and employment opportunities for religious offices or positions be limited to one gender.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for 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); 106.55 (job classification and structure); 106.57 (marital and 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. As mentioned in your letter, 34 C.F.R. § 106.15(d) excludes private institutions of undergraduate higher education from the provisions of §§ 106.21-106.23, which relate to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature are exempt if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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.

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 Kansas City at the following address:

Ms. Judith E. Banks
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
P.O. Box 901381, 07-6010
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, Missouri 64190-1381.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII

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

SEP 23 1985

Dr. Anthony J. Diekema
President
Calvin College and Seminary
Grand Rapids, Michigan 49506

Dear President Diekema:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed the response of Mr. Henry De Wit, Vice President for Business and Finance, to OCR's letter of May 10, 1985, requesting clarification of Calvin College and Seminary's request for a religious exemption from Title IX of the Education Amendments of 1972.

In his response, Mr. De Wit described a policy practiced by the Seminary as consistent with the tenets of the religious organization that controls the Seminary. This policy would violate a section of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Mr. De Wit supplied information that establishes that Calvin College and Seminary are controlled by a religious organization and that tenets followed by the Seminary conflict with a specific section of the Title IX regulation. Therefore, I am granting Calvin Seminary an exemption to the section of the Title IX regulation appropriate to the request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Calvin Seminary. Calvin Seminary is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.31(a), (b) and (d). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Calvin College and Seminary are owned and sponsored by the Christian Reformed Denomination. This relationship between the Christian Reformed Denomination and Calvin College and Seminary adequately establishes that Calvin College and Seminary are controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that religious tenets of the Christian Reformed Denomination limit the ordination of ministers to males. Thus, internship programs among the churches that lead to the ordination of ministers are restricted to male students. Based on this principle, Calvin Seminary has requested and is granted by this letter exemption to § 106.31(a), (b) and (d) relative to student participation in internship programs.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 3 1985

Dr. Norman Adrian Wiggins
President
Campbell University
Buies Creek, North Carolina 27506

Dear President Wiggins:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of July 3, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe several policies practiced at Campbell University as consistent with the tenets of the controlling religious organization. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) 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 Campbell University an exemption to those sections of the Title IX regulation appropriate to your 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. Campbell University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.36, 106.40, 106.57(b) and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Campbell University is owned and operated by the Baptist State Convention of North Carolina and is governed by a Board of Trustees elected by the Convention. All persons elected to the Board of Trustees must be members of a North Carolina church that belongs to the Convention. In addition, the University abides by the "Reaffirmations" as adopted by the Association of Southern Baptist Colleges and Schools. This relationship between Campbell University and the Baptist State Convention of North Carolina adequately establishes that Campbell University 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 Campbell University believes in the sanctity of the home, family and the marriage relationship and the need to follow the teachings regarding sexual morality. Your institution believes that it is required to inquire into and take action where necessary in regard to marital or parental status and the pregnancy and termination of pregnancy of students and those seeking employment. Based on these principles, Campbell University 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); § 106.40 (marital or parental status of students); § 106.57(b) (marital or parental status of employees, pregnancy); and § 106.60 (pre-employment inquiries as to marital status).

Your letters indicate that certain student organizations are sponsored by the Baptist Church and membership in some organizations may be limited to one sex. Campbell University requested exemption to § 106.14. However, § 106.31 regarding education programs and activities addresses more appropriately the practice described in your letter than does § 106.14, which addresses the membership practices of only those organizations specified in the regulation. Therefore, Campbell University is granted an exemption to § 106.31 to the extent that it covers membership practices in student organizations.

Your letters indicate that your institution provides different kinds of counseling on career planning, marriage and the building of homes to males and females based on the belief that the needs of men and women are different, mothers play a central role in rearing children and stabilizing the home, and the "roles of mothers and fathers must be preserved to make the will of Christ supreme in the family and in the Church." Based on this principle, Campbell University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.36 (counseling and the use of counseling and appraisal materials).

Your letters also indicate that your institution follows a policy of sex-segregated housing for all its unmarried students both in on-campus and off-campus housing to avoid the present problems of abortion and divorce. This practice is based on the belief of the Baptist church that marriage and the family are sacred and can only be protected when the teachings regarding sexual morality are followed. Section 106.32(b) permits the provision of separate housing on the basis of sex. The information provided in your letters does not demonstrate a conflict between your housing policies and the Title IX regulation. If there are other housing policies which you believe require an exemption, you should send clarification of your request to the regional office.

An exemption for § 106.31, which in part prohibited discrimination for rules of appearance, was also requested. Section 106.31(b)(5) regarding appearance codes, was rescinded from the Title IX regulation. Therefore, an exemption is not necessary.

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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 3 1985

Dr. W. R. Davenport
President
Campbellsville College
200 College Street, West
Campbellsville, Kentucky 42718

Dear President Davenport:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letters of March 25, 1985, and July 3, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe certain policies practiced at Campbellsville 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 letter of July 31, 1985, 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 Campbellsville College an exemption to those sections of the Title IX regulation specified in your 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. Campbellsville College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.57 and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Campbellsville College is affiliated with the Kentucky Baptist Convention which is an association of Southern Baptist Churches in Kentucky. The Kentucky Baptist Convention elects the trustees and provides financial support to your institution. This relationship between the Kentucky Baptist Convention and Campbellsville College adequately establishes that Campbellsville College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that your religion emphasizes the importance of the family, the home, the role of parents, and the marriage of parents. Sex, pregnancy or childbirth out of wedlock are inconsistent with your religious tenets.

Based on these principles, Campbellsville College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40 (marital or parental status of students, including pregnancy), § 106.57 (marital or parental status of employees or applicants for employment, including pregnancy), and § 106.60 (pre-employment inquiries regarding marital status or sex).

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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

(3)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

17 JAN 1980

Mr. Francis A. Gaydos
President
Cardinal Glennon College
5200 Glennon Drive
St. Louis, Missouri 63119

ROBINSON:SSOLOMON:mac:1/15/79

Dear Mr. Gaydos:

This is to advise you that the Department of Health, Education, and Welfare has reviewed your request for an exemption from the admission provisions of the regulation which implements Title IX of the Education Amendments of 1972. We regret the long lapse in responding to your request.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the church sponsoring the institution.

Based on the information which you provided in your letter (copy enclosed), we have determined that it was not necessary for Cardinal Glennon College to apply for a religious exemption from the admission and recruitment provisions of the Title IX regulation since it is a private undergraduate institution of higher education. Specifically, private undergraduate institutions are automatically exempt from complying with Subpart C of the regulation which prohibits discrimination in the admission and recruitment of students. This exemption is provided for in Section 86.15(e) of the regulation.

This statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it may relate to graduate or other programs. Should there be conflicts in that regard, it would be necessary for you to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your faith.

If there are questions you may write or call me or Mr. Waite Madison, Chief, Compliance and Technical Review Branch, at (202) 472-7413.

Sincerely yours,

/S/

James [illegible]. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
Enclosure				WAM	[illegible]			
PSED	Solomon	1/15/80		J Wego	1/14/80			
	Robinson	1/16						

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. Cordell Maddox
President
Carson-Newman College
Jefferson City, Tennessee 37760

Dear President Maddox:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed your institution's request and determined that we need further information to make a decision to grant an exemption.

On March 25, 1985, OCR forwarded a request for more information to Carson-Newman College specifying that the request letter did not provide sufficient information for OCR to make a determination. There was insufficient information regarding the religious tenets of your controlling organization that conflict with the regulation. OCR received no response to this initial request for more information and issued a second request on July 3, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days, we would assume that Carson-Newman College no longer had need of a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 4 1985

Reverend Monsignor James Grace
President
Cathedral College of the
Immaculate Conception
7200 Douglaston Parkway
Douglaston, New York 11362

Dear Father Grace:

Thank you for your response to our letter regarding the request of the Cathedral College of the Immaculate Conception for religious exemption from Title IX of the Education Amendments of 1972.

The Office for Civil Rights (OCR) of the Department of Education sent you a letter on August 16, 1985, explaining that the Cathedral College of the Immaculate Conception was exempt from the admissions and recruitment provisions of the regulation implementing Title IX. The College does not need a religious exemption to the admissions and recruitment provisions at Subpart C, for which it had applied, because of the exemption provided for private undergraduate institutions at 34 C.F.R. § 106.15.

On September 26, 1985, Ms. Eileen O'Byrne communicated to OCR headquarters staff, by telephone, your determination that no further exemption was necessary and your desire to withdraw the College's request for religious exemption. Accordingly, the Office for Civil Rights has closed the College's request file.

An institution may request a religious exemption from the regulation implementing Title IX at any time. Your decision to withdraw your request does not affect a decision by OCR regarding any future religious exemption request you may submit. If you have any questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

AUG 16 1989

Dr. Paul H. Dixon
President
Cedarville College
Box 601
Cedarville, Ohio 45314

Dear Dr. Dixon:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated June 26, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972. By letter dated September 13, 1985, Cedarville College (College) was exempted from the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c)(1), (2) and (4); 106.40(a), (b)(1), (4) and (5); and 106.57(a)(1), (b) and (c).

In your request letter of June 26, 1989, you provided information that establishes that the College is controlled by a religious organization and that tenets of this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letter 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 absent a religious exemption. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your most recent request letter. Cedarville College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.38, 106.40, 106.51, 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 request letter indicates that the College is a Baptist College subject to annual approval by the General Association of Regular Baptist Churches (GARBC). The trustees of the College and the faculty, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the College and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. The College maintains its religious traditions, standards, and beliefs in accordance with the requirements of the GARBC. This relationship between the GARBC 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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
U.S. Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

SEP 13 1985

Dr. Paul H. Dixon
President
Cedarville College
Box 601
Cedarville, Ohio 45314

Dear President Dixon:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Cedarville 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 Jeremiah (copy enclosed) in which he described several policies practiced at Cedarville College as consistent with the tenets of the religious organization that controls the College. 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 Cedarville 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 Cedarville College an exemption to those sections of the Title IX regulation specified in the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Cedarville College. Cedarville College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c)(1), (2) and (4); § 106.40(a), (b)(1), (4) and (5); and § 106.57(a)(1), (b) and (c). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Cedarville College is a Baptist college that "was founded upon and continues to present a curriculum based upon a doctrinal position that the Bible is our sole basis for faith and practice . . . . Cedarville College is subject to annual approval by the General Association of Regular Baptist Churches (GARBC) to assure the continuity of the educational program in conformity with the Scriptural position of the majority of the GARBC." This relationship between the GARBC and Cedarville College 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.

The request letter indicates that students and employees at Cedarville College must adhere to tenets of the Baptist Church relative to a prohibition of pregnancy, childbirth or termination of pregnancy that occurs out of wedlock. Based on this principle, Cedarville College has requested, and is granted by this letter exemption to § 106.21(c)(1), (2) and (4) (marital or parental status of applicants for admission); § 106.40(a) and (b)(1), (4) and (5) (marital or parental status of students); and § 106.57(a)(1), (b), and (c) (marital or parental status of employees and applicants for employment).

Cedarville College also requested exemption for § 106.31(b)(5) concerning rules of appearance. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Therefore, an exemption for appearance codes is not necessary.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

AUG 9 1988

Reverend H. Maurice Lednicky
President
Central Bible College
3000 North Grant Avenue
Springfield, Missouri 65803

Re: 07-88-2531

Dear Reverend Lednicky:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). Central Bible College submitted letters of May 27 and June 27, 1988, to support this request.

In your letters, you describe certain policies practiced at Central Bible 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. You have supplied information in your request letters 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 specified in your request letters. In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirements of 34 C.F.R. § 106.39, which pertains to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. Accordingly, I am granting the College an exemption to that section as well. Central Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. 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 letters indicate that the College is owned and controlled by the General Council of the Assemblies of God (General Council). Article IV of the College Bylaws provides: "Central Bible College, a non-profit organization, is and shall be at all times controlled by the General Council of the Assemblies of God." This relationship between the College and the General Council adequately establishes that Central Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Article V of the College's bylaws specifies that the College is "bound to give Christ the preeminence in all things and is bound to the statement of Fundamental Truths and to the policy and standards as set forth in the constitution and bylaws of the General Council." Your request letters state that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letters also state that these same tenets apply to employees of the College. Based on this principle, Central Bible College is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the college.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Kansas City OCR. The address is:

Ms. Judith E. Banks
Acting Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381
10220 N. Executive Hills Blvd. - 8th Floor
Kansas City, MO 64190-1381

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Acting Regional Civil Rights Director, Region VII

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

SEP 30 1988

Dr. Lloyd M. Pelfrey
President
Central Christian College of the Bible
911 Urbandale Drive East
Moberly, Missouri 65270

Dear Dr. Pelfrey:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). Central Christian College of the Bible (College) submitted letters on July 26, 1988, and August 19, 1988, to support this request.

In your letters you describe certain policies practiced at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that your 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 College an exemption to those sections of the Title IX regulation specified in your request letters. 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, 106.39, 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 letters indicate that the College is controlled by a Board of Directors, consisting of 20 members, each of whom is a member in good standing of a different congregation. The directors are required to espouse a personal belief in and commitment to the objectives of the College, including a continuing belief that Jesus is the Christ, the Son of the Living God in the unique sense without reservation, and including an acceptance of the Bible as the divinely inspired truth. This relationship between the College and its Board of Directors adequately establishes that Central Christian College of the Bible is controlled by a religious organization as is required for consideration for exemption under section 106.12 of the Title IX regulation.

Your letters indicate that the College adheres to biblical tenets with regard to the standards of behavior of students and employees. On page three of your letter of August 19, 1988, you state that the college "prefers to have the privilege of denying admission to a single, pregnant female and/or the single or married male who may be responsible for such a pregnancy." You state that the College applies these same tenets to students and employees of the College, such that dismissal of such an individual might be the result. You also indicate that these tenets require that preaching ministers and teachers of ministry be of the male gender, and that classes in homiletics may be restricted to males. As a result the advertising, recruitment, hiring, and employment of instructors may violate the Title IX regulation.

Based on the above principle, Central Christian College of the Bible has requested, and is granted by this letter, exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.34 (access to course offerings); § 106.38 (employment assistance to students); § 106.40 (marital and parental status of students); § 106.51 (employment); § 106.53 (recruitment); § 106.55 (job classification and structure); § 106.57 (marital and parental status of employees); § 106.59 (advertising); § 106.60 (pre-employment inquiries), to the extent that application of these sections conflict with the religious tenets of the college. In addition, based upon the facts outlined in your letters, I am granting an exemption from 34 C.F.R. § 106.39 (health and insurance benefits and services), to the extent that application of that section conflicts with the religious tenets of the college.

On page two of your letter of July 26, 1988, you mention the topic of abortion. You are correct that the Civil Rights Restoration Act of 1987 (Section 909) contains "abortion neutral" language, as follows:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, 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 granted. Also, in the unlikely event that 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 Kansas City OCR. The address is:

Ms. Judith E. Banks
Acting Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381, 07-6010
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, MO 64190-1381

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Acting Regional Civil Rights Director, Region VII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Dr. John Newby
President
Central Wesleyan College
Central, South Carolina 29630

Dear President Newby:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Central Wesleyan 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. You have supplied information in your 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 Central Wesleyan College an exemption to those sections of the Title IX regulation specified in your 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. Central Wesleyan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40(a) and (b) and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Central Wesleyan College is controlled by The Wesleyan Church. Your letter states that Central Wesleyan College is required by the teachings of The Wesleyan Church to "require a standard of moral purity opposing sexual promiscuity." The Wesleyan Church also seeks to preserve the sanctity of the home and high regard of the marriage vows.

Based on these principles, Central Wesleyan College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital and parental status as they relate to admissions); § 106.40(a) and (b) marital and parental status of students); and, § 106.57 (marital and parental status of employees) to the extent that these sections address the issue of pregnancy out of wedlock.

In its exemption request letter, Central Wesleyan College also requested exemption from 34 C.F.R. § 106.31(b)(5) which addresses the issue of rules of appearance. In 1982, this section was rescinded and deleted from the Title IX regulation, thus making an exemption unnecessary.

You also requested the opportunity to apply for exemptions from certain sections if your understanding of the requirements was incorrect. Your interpretation that Title IX permits separation of housing and restroom facilities by sex (§§ 106.32(b) and 106.33, respectively) is correct. However, § 106.61, regarding sex as a bona-fide occupational qualification, does not apply to hiring only women as resident directors for women's dormitories. If you wish to limit the employment of resident directors in women's dormitories to women only, you will need to apply for a religious exemption from the employment sections of the Title IX regulation which you deem applicable. You should briefly describe the religious tenet(s) on which this institution policy is based. Your request should be forwarded 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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Jacob Jofen
Dean
Central Yeshiva Beth Joseph Rabbinical Seminary
1427-49th Street
Brooklyn, New York 11219

Dear Rabbi Jofen:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Central Yeshiva Beth Joseph Rabbinical Seminary's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Seminary 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. You have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your August 26, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Central Yeshiva Beth Joseph Rabbinical Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Central Yeshiva Beth Joseph Rabbinical Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 26 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Rabbi Moshe Bogomilsky
Administrator
Central Yeshiva Tomchei Tmimim Lubavitz
841-853 Ocean Parkway
Brooklyn, New York 11230

Dear Rabbi Bogomilsky:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the request of Central Yeshiva Tomchei Tmimim Lubavitz (Yeshiva) for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at the Yeshiva 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 Yeshiva has provided information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshiva an exemption to those sections of the Title IX regulation appropriate to your October 11, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Central Yeshiva Tomchei Tmimim Lubavitz is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicated that the Yeshiva is maintained as an Orthodox Jewish Seminary, and all its operations are in strict accordance with Orthodox Jewish religious tenets. This relationship between Orthodox Judaism and the Yeshiva adequately establishes that Central Yeshiva Tomchei Tmimim Lubavitz is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

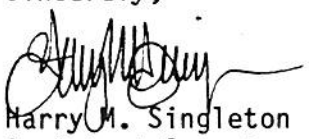
In your October 11 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Central Yeshiva Tomchei Tmimim Lubavitz has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Dr. Bruce E. Whitaker
President
Chowan College
Murfreesboro, North Carolina 27855

Dear President Whitaker:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Chowan 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. You have supplied information in your 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 Chowan College an exemption to those sections of the Title IX regulation specified in your 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. Chowan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51(b)(6), 106.57(a)(1), 106.57(b), 106.57(c), and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Chowan College is controlled by the Baptist State Convention of North Carolina. The Southern Baptists and Chowan College do not condone premarital sexual relations on the part of male or female students or employees. The Southern Baptists and Chowan College do not treat the pregnancy of an unmarried woman as a temporary disability. Your letter states that Chowan College is owned by the Baptist Church. This relationship between the Baptist Church and Chowan College adequately establishes that Chowan College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that male and female students are aware that "good moral character" and "desirable personal traits will be considered of first importance." You also indicated that the "[C]ollege reserves the right at all times to exclude students whose conduct . . . it regards

as undesirable . . . ." Based on the preceding principles, Chowan College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40 (marital or parental status), § 106.21(c) (marital or parental status), § 106.39 (insurance benefits), § 106.51(b)(6) (leave of absence), § 106.57(a)(1), § 106.57(b), and § 106.57(c) (marital and parental status in employment practices), and § 106.60(a) (pre-employment inquiries).

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, I am 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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

84-3138

OCT 19 1984

Dr. G. Edwin Miller, Jr.
President
Christian Heritage College
2100 Greenfield Drive
El Cajon, California 92021

Dear Dr. Miller:

This is to inform you of my decision regarding your request for a religious exemption from certain requirements of Title IX of the Education Amendments of 1972. You have described several policies practiced at Christian Heritage College (CHC) as consistent with the tenets of the religious organization that controls the institution. These policies would violate several sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your 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 CHC an exemption to those sections of the regulation specified in your letter with two minor exceptions. The exemption is limited to the extent that compliance with the regulation conflicts with the religious tenets followed by the institution. CHC is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21(a), (b), (c)(2) and (c)(3), § 106.23(a), § 106.31(a), (b) and (d), § 106.34, § 106.36, § 106.38, § 106.40, § 106.51, § 106.53, § 106.55, § 106.57(b), § 106.59, and § 106.60(a).[1] Your letter does not demonstrate a conflict between your housing policies and the requirements of § 106.32 of the Title IX regulation. Therefore, no exemption is necessary for § 106.32. In addition, § 106.31(b)(5) regarding rules of appearance was rescinded from the regulation in 1982. Therefore, an exemption from the requirements of this paragraph is unnecessary. When § 106.31 paragraph (b)(5) was rescinded, paragraphs (b)(6), (7) and (8) were renumbered as paragraphs (b)(5), (6) and (7). The basis for our decision to grant this exemption is discussed in more detail below.

Your letter and the college catalog indicate that CHC was founded and is controlled by Scott Memorial Baptist Church (Church). The Church and CHC are committed to following the principles of the Bible. CHC business meetings are held at the Church and Church members may propose policy or

---

[1] The regulation implementing Title IX was recodified with the creation of the Department of Education in 1980. The Title IX regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

budgetary changes and vote on such issues. This relationship between the Church and CHC adequately establishes that CHC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that each member of the faculty and administration is required to adhere to the doctrinal position that "stresses the integrity, inspiration, inerrancy, authority, and completeness of the Holy Scriptures, both the Old and New Testaments." Students must agree to abide by the doctrinal position and the standards of conduct of the College prior to admission. Several passages of the Bible are cited to support CHC's position on the following:

1. Different roles in society for men and women as explained in the Bible; CHC offers certain programs on the basis of sex, including home economics, choral groups and degrees in ministerial training, and may offer future courses separately on the basis of sex.

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

- § 106.21(a), (b) and (c)(2) and (3) admission of students; inquiry regarding parental and marital status of potential students
- § 106.23(a) recruitment of students
- § 106.31(a), (b) and (d) participation in programs and activities; treatment of students; aid, benefits and services provided to students; significant assistance (now paragraph (b)(6)) to another agency; required participation of students in programs not operated by a recipient
- § 106.34 access to course offerings
- § 106.36 counseling for admission, participation in courses and use of counseling materials
- § 106.38(a) and (b) employment assistance to students

2. Specific standards of behavior as explained in the Bible: CHC makes pre-employment and pre-admission inquiries regarding marital and parental status of students and employees

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

- § 106.21(a), (b) and (c)(2) and (3) admission of students
- § 106.40 marital or parental status of attending students
- § 106.57(b) marital or parental status of employees
- § 106.60(a) pre-employment inquiries regarding marital status

3. Church pastors and teachers should be men; line of authority makes husband the head of the wife as explained in the Bible: CHC makes pre-employment inquiries regarding marital status and may deny a woman a position if it conflicts with her husband's position; also, certain positions within the organizational structure of the College are limited to men.

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

§ 106.51 employment
§ 106.53 recruitment of employees
§ 106.55 job classification and structure
§ 106.57(b) marital or parental status of employees
§ 106.59 advertising for employment
§ 106.60(a) pre-employment inquiries regarding marital status

I trust this letter responds fully to your request. If you have any questions, do not hesitate to contact us.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

PES:PDD:PSEB:VMcMurtrie:732-1689:10/12/84:cb:Disk #5 (Cassandra's desk)

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

SEP 20 1985
SEP 20 1985

Reverend Kevin E. Mackin, O.F.M.
President-Rector
Christ the King Seminary
711 Knox Road
P.O. Box 607
East Aurora, New York 14052-0607

Dear Father Mackin:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter dated July 11, 1985, requesting additional information regarding Christ the King Seminary's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter of August 2, 1985, you describe a policy practiced at the College as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed)[1] absent a religious exemption. You have supplied information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with certain sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Christ the King Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21, § 106.22 and § 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Christ the King Seminary is controlled by the Catholic Church and that the Minister Provincial and the members of his Council of the Province of the Most Holy Name of Jesus of the Order of Friars Minor constitute the Board of Directors. The Seminary educates and prepares men for priesthood in the Roman Catholic Church and offers graduate programs to men and women pursuing an advanced degree or preparing for special ministries. This relationship between the Roman Catholic Church and the Seminary adequately establishes that Christ the King Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

---

[1]The Title IX regulation was recodified with the creation of the Department of Education in 1980. The regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

The policies of the Roman Catholic Church and Christ the King Seminary allow for the ordination of only men to the priesthood. The Seminary has four programs of study: the Master of Divinity Program for seminarians; the Master of Divinity Program for commuters; the Master of Arts in Theology; and the Master of Arts in Pastoral Ministry. Of these four programs, only the Master of Divinity Program for seminarians is designed to prepare men for priesthood in the Roman Catholic Church. Therefore, admission to this program is limited to men. Based on this principle, Christ the King Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment) for the Master of Divinity Program for seminarians.

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

SEP 13 1985

Mr. Harvey C. Bream, Jr.
President
The Cincinnati Bible Seminary
2700 Glenway Avenue
Box 043200
Cincinnati, Ohio 45204-3200

Dear President Bream:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that The Cincinnati Bible Seminary (CBS) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe policies practiced at The Cincinnati Bible Seminary 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. You have supplied information in your 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 The Cincinnati Bible Seminary an exemption to those sections of the Title IX regulation specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by CBS. The Cincinnati Bible Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c); § 106.31(a) and (d); § 106.34; § 106.40; § 106.57; and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that The Cincinnati Bible Seminary is affiliated with the undenominational Christian churches and churches of Christ. You state that "the Constitution of The Cincinnati Bible Seminary stipulates that we accept '. . . the full and final inspiration of the Bible to the extent that it is . . . the infallible Word of God, and therefore, the all-sufficient rule of faith and life . . . .'" CBS follows the biblical tenets practiced by the undenominational Christian churches and churches of Christ in matters of morality and training of religious leaders. This relationship between the undenominational Christian churches and churches of Christ and the Cincinnati Bible Seminary adequately establishes that The Cincinnati Bible Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that students and employees at The Cincinnati Bible Seminary must adhere to the religious tenet against sexual immorality as based on the scriptures. You state that there is no discrimination against married, pregnant applicants, students or employees. Based on this principle, The Cincinnati Bible Seminary has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

Additionally, your letter indicated that religious tenets of the undenominational Christian churches and churches of Christ limit the roles of individuals in the preaching ministry, elders, and deacons to males. Thus, CBS offers several courses such as Speech from the Pulpit and Practical Ministries to male students only. Further, you state that summer internship programs operated by independent, local undenominational Christian churches and churches of Christ, consistent with the above stated tenet, restrict most such internship programs to male preaching students. Based on the above tenet, The Cincinnati Bible Seminary has requested and is granted by this letter exemption to § 106.34 (access to course offerings) and § 106.31(a) and (d) (education programs and activities).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JAN 6 1989

Mr. Douglas Carter
President
Circleville Bible College
1476 Lancaster Pike
P.O. Box 458
Circleville, Ohio 43113-0458

Dear Mr. Carter:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated November 17, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972. By letter dated September 13, 1985, (copy enclosed) Circleville Bible College (College) was exempted from the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c)(1) and (2), 106.40(b)(1), 106.57(a)(1) and (b), and 106.60(a).

Your request letter supplied information that establishes that the College is controlled by a religious organization and that tenets of this organization 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 most recent request letter. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.38, 106.40, 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 additional exemption indicates that the College is controlled by the Churches of Christ in Christian Union (the "Corporation"), a nonprofit religious corporation. The trustees of the Corporation and the faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, and the College is completely governed by and receives a significant amount of its financial support from the religious organization defined as 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, dispute and grievance resolution, and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required.

Your letter further states that the College's religious standards that include 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. These standards for personnel and students include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language, and modest attire.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. §§ 106.21 (admission); 106.38 (employment assistance to students); 106.40 (marital or parental status of students); 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 and previously granted. 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.

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 Chicago at the following address:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosures

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

SEP 13 1985

Mr. Doug Carter
President
Circleville Bible College
P.O. Box 458
Circleville, Ohio 43113

Dear President Carter:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Circleville Bible College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your letter of May 31, 1985, in which you describe certain policies practiced at Circleville Bible College as consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that Circleville Bible 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 Circleville Bible College an exemption to those sections of the Title IX regulation specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Circleville Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c)(1) and (2), § 106.40(b)(1), § 106.57(a)(1) and (b), and § 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Circleville Bible College is owned and operated by the Churches of Christ in Christian Union. The Constitution and Bylaws of the denomination state, "'[a]ny and all actions of the college Board may be appealed to the General Board of Trustees of the Churches of Christ in Christian Union who hold the right to uphold or set aside their actions.'" This relationship between the Churches of Christ in Christian Union and Circleville Bible College adequately establishes that Circleville Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that students and employees at Circleville Bible College must follow Biblical principles teaching "against sexual relations outside of matrimony, homosexuality and artificial termination of pregnancy." Based on these principles, Circleville Bible College has requested and is granted by this letter exemption to § 106.21(c)(1) and (2) (admissions); § 106.40(b)(1) (marital or parental status of students, including pregnancy); § 106.57(a)(1) and (b) (marital or parental status of employees, including pregnancy); § 106.60(a) (pre-employment inquiries).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON D.C. 20202

SEP 18 1985

Sister Jean Patrice Harrington
President
College of Mount St. Joseph
Mount St. Joseph, Ohio 45051

Dear Sister Jean Patrice Harrington:

The Office for Civil Rights (OCR) of the Department of Education notified you by letter, dated June 28, 1985 (copy enclosed), that we had reviewed your request for religious exemption to Title IX of the Education Amendments of 1972. OCR determined that the College of Mount St. Joseph need not have applied for religious exemption since, as a private undergraduate institution, the College is already exempt from the admissions and recruitment provisions of the Title IX regulation as provided by 34 C.F.R. § 106.15. OCR requested that you respond within 60 days if the College sought exemption to sections of the regulation other than the admissions and recruitment provisions.

OCR has not received a response to this notification. Therefore, we are assuming that the College of Mount St. Joseph does not desire a religious exemption. Accordingly, OCR has closed your request file. If you have questions in the future regarding a religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

James M. Littlejohn

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 13 1985

Sister Emmanuel Renner
President
College of Saint Benedict
St. Joseph, Minnesota 56374

Dear Sister Emmanuel Renner:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that the College of Saint Benedict 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 Miller (copy enclosed) in which she described a policy practiced at the College of Saint Benedict as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The former President supplied information in her request letter that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with sections of the Title IX regulation. Therefore, I am granting the College of Saint Benedict 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. The College of Saint Benedict is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51 through 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter states that "the College of St. Benedict is operated and controlled by the Sisters of the Order of Saint Benedict, which is a canonically established religious community of women under the pontifical directorates of the Roman Catholic Church and the papacy itself." This relationship between the Sisters of the Order of Saint Benedict and the College of Saint Benedict 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.

The request letter indicates that members of the Sisters of the Order of Saint Benedict will be given preferences for appointment to faculty, administrative and staff positions at the College of Saint Benedict. Based on this practice, the College of Saint Benedict has requested and is granted by this letter exemption to 34 C.F.R. §§ 106.51 through 106.61 relative to employment practices.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Dr. Joe L. Wall
President
Colorado Christian College
180 South Garrison Street
Lakewood, Colorado 80226

Dear President Wall:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Colorado Christian College's (formerly Western Bible College) request for religious exemption to Title IX of the Education Amendments of 1972.

We have reviewed your response of September 18, 1985, which supplements the original exemption request, and the additional information you provided by telephone on October 18, 1985. You have described certain policies practiced at the College as consistent with the tenets of the religious organization affiliated with the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied 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 Colorado 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. Colorado Christian College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31(a) and (b), 106.34, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

In your letter, you indicate that Colorado Christian College is an "independent, non-sectarian evangelical Christian College." You clarified by telephone that the College is controlled by a Board of Trustees, whose members must sign the College's Statement of Faith. The Statement of Faith states in part, the College's "educational programs . . . are firmly founded upon definitively formulated and explicitly stated biblical doctrines." Additionally, you stated that the College receives significant financial support from a large number of Christian churches. Students at the College must profess to be Christians and must become active in the church if they are not at the time of admission. The College "is dedicated to preparing individuals who anticipate career ministries[,]" and over half of the College's students enter church-related vocations. This relationship between the Christian faith and the College adequately establishes that Colorado Christian College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter also indicates that the College's position, that the function of pastor within today's church is for men only, is based on Scripture. Based on this religious tenet, the College requested exemption for § 106.15 (admissions, educational institutions), § 106.21 (admission, students), § 106.23 (recruitment of students), § 106.31(a) and (b) (education programs and activities), and § 106.34 (access to course offerings).

You clarified that Colorado Christian College offers undergraduate level programs only. Under § 106.15, private undergraduate institutions are exempt from the requirements of Subpart C, in effect, §§ 106.21, 106.22 and 106.23. Therefore, because the College is already exempt from the admission and recruitment provisions of the Title IX regulation, a religious exemption is not necessary for §§ 106.15, 106.21 and 106.23.

Your request letter indicates that, because only men may become pastors, an exemption is necessary for § 106.31(a) and (b) and § 106.34. You clarified that participation opportunities for women may be more limited in chapel activities. Also, courses training pastors may limit the participation of female students. Based on these practices, Colorado Christian College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.31(a) and (b) (education programs and activities) and § 106.34 (access to course offerings), where programs are limited on the basis of sex in accordance with religious tenets.

You also stated by telephone that approximately five or six faculty positions in the Bible and Theology Departments are limited to men, because of the religious tenet that only men may be pastors. Based on this practice, Colorado Christian College is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment) and § 106.53 (recruitment of employees), for those positions reserved for men in accordance with religious tenets.

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.

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
1961 Stout Street
Denver, Colorado 80294

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII

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

NOV 14 1986

Dr. J. Robertson McQuilkin
President
Columbia Bible College
Columbia Graduate School
of Bible and Missions
P.O. Box 3122
Columbia, South Carolina 29230-3122

Dear President McQuilkin:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972. In your request, you describe certain policies practiced at Columbia Bible College and Columbia Graduate School of Bible and Missions (CBC/CGS) 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 absent a religious exemption. You have supplied information in your request letter and the accompanying CBC/CGS catalogs that establishes that CBC/CGS 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 CBC/CGS an exemption to those sections of the Title IX regulation specified in your request letter. CBC/CGS is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31(b)(4), 106.40, 106.51(b)(6), 106.57, and 106.60(a). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by CBC/CGS. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter states that "CBC/CGS is a private coeducational institution offering programs of professional training for Christian service[.]" The Doctrinal Standard in the CBC 1986-87 catalog states: "The teaching in Columbia Bible College is based on the great fundamentals of the Christian faith[.]" Furthermore, the catalogs state that the general purpose of the institution "is to serve the church in training . . . Christian men and women for Christian Service" (CBC catalog), "missionary, pastoral and other full-time, church-related vocations" (CGS catalog). This relationship between CBC/CGS and the Christian faith adequately establishes that CBC/CGS is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter indicates that CBC/CGS policies for students and employees follow an interpretation of the biblical standard for Christian living and morality which forbids sexual relations outside marriage; opposes termination of pregnancy by human intervention; and imposes certain limitations on the

admission, enrollment, and employment of divorced persons. Based on these principles, CBC/CGS 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); § 106.40 (marital or parental status of students); § 106.51(b)(6) (employment - leaves of absence for pregnancy and certain related conditions including termination of pregnancy); § 106.57 (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries as to marital status).

You also requested exemption to 34 C.F.R. § 106.31(b)(4), which prohibits an institution from subjecting "any person to separate or different rules of behavior, sanctions, or other treatment[.]" You indicated that CBC/CGS may apply different policies on the basis of sex based on biblical standards that differentiate between men and women as to appearance. The Title IX regulation specifically addressed nondiscrimination for rules of appearance at 34 C.F.R. § 106.31(b)(5) until 1982 when this paragraph was rescinded from the regulation. Generally, an exemption for rules of appearance is unnecessary. However, to the extent that § 106.31(b)(4) may be construed to address rules of appearance, CBC/CGS is hereby exempted from § 106.31(b)(4).

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.

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:

Jesse L. High
Acting Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Alicia Coro

Alicia Coro
Acting Assistant Secretary
for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUN 18 1985

Dr. William Loveless
President
Columbia Union College
Takoma Park, Maryland 20012

Dear Dr. Loveless:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Columbia Union 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. You have supplied information in your 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 Columbia Union College an exemption to those sections of the Title IX regulation specified in your 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. Columbia Union College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21, 106.40, and 106.57. The bases for our decision to grant this exemption are discussed in further detail below. A request for exemption from § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was deleted from the Title IX regulation in 1982. Thus, an exemption for appearance codes is unnecessary.

Your letter indicates that Columbia Union College is controlled by the Seventh-day Adventist Church. The Seventh-day Adventist Church and Columbia Union College practice the tenets of opposing all acts of moral indiscretion, including adultery and "fornication." Your letter stated that Columbia Union College is owned and operated by the Seventh-day Adventist Church and that the College is listed in the Church yearbook as a Seventh-day Adventist educational institution. This relationship between the Seventh-day Adventist Church and Columbia Union College adequately establishes that Columbia Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you stated that the church disapproves of adultery, fornication and moral indiscretion. Thus, the institution enforces moral discretion as it relates to sexual activity.

Based on the above principle, Columbia Union College has requested and is granted by this letter, exemption to: § 106.21: Admissions; § 106.40: Marital or parental status (students) and § 106.57: Marital or parental status (employees).

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

17 JAN 1980

Dr. Gerhardt W. Hyatt
President
Concordia College
Hamlin & Marshall Avenues
St. Paul, Minnesota 55104

Dear Dr. Hyatt:

Thank you for your letter dated March 15, 1979, (copy attached) notifying this office that Concordia College is no longer interested in obtaining a religious exemption from certain provisions of the Title IX regulation. We apologize for the delay in responding.

We appreciate receiving this notification. Please be assured that my staff remains willing to help your institution comply with Title IX of the Education Amendments of 1972.

Sincerely yours

James K. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

Enclosure

ARCHINSON:SSOLOMON:mac:1/14/79

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
PSED	Solomon	1/14/80						
	WAM	1/15						
	Jwego	1/16/80						

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 23 1985

Dr. Ralph C. Schultz
President
Concordia College
Bronxville, New York 10708

Dear President Schultz:

Thank you for your response of July 22 regarding a religious exemption from the provisions of Title IX of the Education Amendments of 1972. In your response, you indicated that you wish to withdraw your request for a religious exemption if this would not prejudice a future exemption request. An institution may request a religious exemption from the Title IX regulation at any time. Your decision to withdraw your request does not prejudice a determination by the Office for Civil Rights (OCR) regarding any future religious exemption request you may submit. Accordingly, OCR has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights.

Sincerely yours,

James M. Littlejohn
(for) Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. Charles Schlimpert
President
Concordia College
2811 N. E. Holman Street
Portland, Oregon 97211

Dear President Schlimpert:

We appreciate receiving the response from Mr. Philip E. Draheim, attorney for Concordia College, regarding a religious exemption from the provisions of Title IX of the Education Amendments of 1972. In his response, Mr. Draheim indicated that Concordia College wishes to withdraw its request for a religious exemption if this would not prejudice a future exemption request. An institution may request a religious exemption from the Title IX regulation at any time. The decision to withdraw your request does not prejudice a determination by the Office for Civil Rights (OCR) regarding any future religious exemption request you may submit. Accordingly, OCR has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Seattle Regional Office for Civil Rights.

Sincerely yours,

James M. Littlejohn

(for) Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Gary Jackson, Regional Civil Rights Director, Region X
Philip E. Draheim, Attorney for Concordia College

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 6 1985

Mr. James H. Pragman
Interim President
Concordia College in Seward
800 North Columbia Avenue
Seward, Nebraska 68434

Dear President Pragman:

Thank you for your letter of July 12, 1985, in which you advised that you are withdrawing Concordia College's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on your request, the Office for Civil Rights has closed your request file. We are also returning, per your request, your letters of July 11, 1985, and September 28, 1976.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Kansas City Regional Office for Civil Rights.

Sincerely yours,

F. Kruger

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 13 1985

Dr. David G. Schmiel
President
Concordia College
4090 Geddes Road
Ann Arbor, Michigan 48105

Dear Dr. Schmiel:

Thank you for your response to our May 10, 1985 letter regarding a religious exemption from the provisions of Title IX of the Education Amendments of 1972. In your response, you indicated that you wish to withdraw your request for a religious exemption if this would not prejudice a future exemption request. An institution may request a religious exemption from the Title IX regulation at any time. Your decision to withdraw your request does not prejudice a determination by the Office for Civil Rights (OCR) regarding any future religious exemption request you may submit. Accordingly, OCR has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 16 1985

Dr. Ray F. Martens
President
Concordia Lutheran College
3400 Interstate 35 North
Austin, Texas 78705

Dear President Martens:

Thank you for your letter of July 22, 1985, regarding Concordia Lutheran College's request for religious exemption from Title IX of the Education Amendments of 1972. In your letter, you indicated that you wish to withdraw your request for a religious exemption if this would not prejudice a future exemption request. An institution may request a religious exemption from the Title IX regulation at any time. Your decision to withdraw your request does not prejudice a determination by the Office for Civil Rights (OCR) regarding any future religious exemption request you may submit. Accordingly, OCR has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Dallas Regional Office for Civil Rights.

Sincerely yours,

J. K. Meyer

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 20 1985

Dr. Karl L. Barth
President
Concordia Seminary
801 De Mun Avenue
St. Louis, Missouri 63105

Dear President Barth:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting clarification of Concordia Seminary's request for religious exemption from Title IX of the Education Amendments of 1972. In your response you describe certain policies practiced at Concordia Seminary 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. You have supplied information in your 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 Concordia Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Concordia Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.31, 106.32, 106.34, 106.37, 106.38, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

In your letter you state that Concordia Seminary is a "theological seminary owned and controlled by The Lutheran Church-Missouri Synod[.]" The Synod and the Seminary practice tenets which prohibit the ordination of women as pastors of The Lutheran Church-Missouri Synod. This relationship between The Lutheran Church-Missouri Synod and the Seminary adequately establishes that Concordia Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicated that the Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod. Furthermore, the Seminary directs its recruitment efforts to those who will qualify for such ministry, and will give preference as to admissions, education programs and activities, housing, course offerings, financial assistance, employment assistance, and otherwise to men. Based on these principles, the Seminary has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment), § 106.31 (education programs and activities), § 106.32 (housing), § 106.34 (access to course offerings), § 106.37 (financial assistance) and § 106.38 (employment assistance to students).

Your letter also indicated that the education of prospective pastors is generally accomplished through educators who themselves are pastors of The Lutheran Church-Missouri Synod. Thus, "the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors." Based on this principle, the Seminary is granted by this letter exemption to: § 106.51 (employment, general) and § 106.53 (recruitment of employees) for certain positions reserved for or preferably filled by pastors.

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 the 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.

I hope this letter responds fully to the Seminary's request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS
SEP 23 1985

Dr. Robert Preus
President
Concordia Theological Seminary
6600 North Clinton Street
Fort Wayne, Indiana 46825-4996

Dear President Preus:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Concordia Senior College filed such a request, but there is no record that OCR adequately acknowledged this request.

By letter of July 30, 1985, you have clarified that Concordia Senior College was closed several years ago. At the same time, you request a religious exemption for Concordia Theological Seminary. In your letter, you describe several policies practiced at Concordia Theological Seminary as consistent with the tenets of the religious organization that controls Concordia Theological Seminary. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that Concordia Theological Seminary 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 Concordia Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Concordia Theological Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.31, 106.32, 106.34, 106.37, 106.38, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Concordia Theological Seminary is "owned and controlled by The Lutheran Church-Missouri Synod." This relationship between Concordia Theological Seminary and The Lutheran Church-Missouri Synod adequately establishes that Concordia Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that The Lutheran Church-Missouri Synod prohibits the ordination of women as pastors, and "Concordia Theological Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod[.]" Thus, the tenets of this organization require Concordia Theological Seminary to direct its recruitment and admission efforts to men and to give preference to men in admissions, education programs and activities, housing, course offerings and financial assistance. While Concordia Theological Seminary does not automatically exclude women, it reserves the right to exclude them and "makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod." Accordingly, Concordia Theological Seminary has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment), § 106.31 (education programs and activities), § 106.32 (housing), § 106.34 (access to course offerings), § 106.37 (financial assistance) and § 106.38 (employment assistance to students).

Your letter also indicates that "the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod[.]" Thus, Concordia Theological Seminary "gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors." Therefore, Concordia Theological Seminary is granted by this letter exemption to: § 106.51 (employment, general) and § 106.53 (recruitment of employees) for certain positions reserved for or preferably filled by pastors.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 23 1985

Dr. Robert Preus
President
Concordia Theological Seminary
6600 North Clinton Street
Fort Wayne, Indiana 46825-4996

Dear President Preus:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Concordia Senior College filed such a request, but there is no record that OCR adequately acknowledged this request.

By letter of July 30, 1985, you have clarified that Concordia Senior College was closed several years ago. At the same time, you request a religious exemption for Concordia Theological Seminary. In your letter, you describe several policies practiced at Concordia Theological Seminary as consistent with the tenets of the religious organization that controls Concordia Theological Seminary. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that Concordia Theological Seminary 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 Concordia Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Concordia Theological Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.31, 106.32, 106.34, 106.37, 106.38, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Concordia Theological Seminary is "owned and controlled by The Lutheran Church-Missouri Synod." This relationship between Concordia Theological Seminary and The Lutheran Church-Missouri Synod adequately establishes that Concordia Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that The Lutheran Church-Missouri Synod prohibits the ordination of women as pastors, and "Concordia Theological Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod[.]" Thus, the tenets of this organization require Concordia Theological Seminary to direct its recruitment and admission efforts to men and to give preference to men in admissions, education programs and activities, housing, course offerings and financial assistance. While Concordia Theological Seminary does not automatically exclude women, it reserves the right to exclude them and "makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod." Accordingly, Concordia Theological Seminary has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment), § 106.31 (education programs and activities), § 106.32 (housing), § 106.34 (access to course offerings), § 106.37 (financial assistance) and § 106.38 (employment assistance to students).

Your letter also indicates that "the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod[.]" Thus, Concordia Theological Seminary "gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors." Therefore, Concordia Theological Seminary is granted by this letter exemption to: § 106.51 (employment, general) and § 106.53 (recruitment of employees) for certain positions reserved for or preferably filled by pastors.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Alicia Coro Gr

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

#CR9010007

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

FEB 2 1989

Dr. Frank A. Brock
President
Covenant College
Lookout Mountain, Tennessee 37350

Dear Dr. Brock:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated December 5, 1988, requesting a religious exemption for Covenant College (the College) from certain sections of the regulation implementing Title IX of the Education Admendments 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 request letter.

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, 106.53, 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 controlled by the Presbyterian Church in America, a nonprofit religious corporation (the Corporation). The directors of the Corporation, the faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation, the catalogs, and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion and is governed by and receives a significant amount of its financial support from individual churches within 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); 106.53 (recruitment); 106.59 (advertising); and 106.60 (pre-employment inquiry regarding marital and parental status), to the extent that application of these sections conflicts with the religious tenets practiced by the College. As mentioned in your letter, 34 C.F.R. 106.15(d) excludes private institutions of undergraduate higher education from the provisions of §§ 106.21-106.23, which relate to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature are exempt if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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.

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MAY 19, 1983

Dr. William S. Barker
President
Covenant Theological Seminary
12330 Conway Road
St. Louis, Missouri 63141

Dear President Barker:

This is in response to your letter of February 23, 1983 to Mr. Harry M. Singleton, Assistant Secretary for Civil Rights, in which you requested the Department of Education to exempt Covenant Theological Seminary (CTS) from certain provisions of Title IX of the Education Amendments of 1972. The Title IX regulation prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance.

Your letter advises that Covenant Theological Seminary is a religious institution and is the official seminary of the Presbyterian Church in America. Because of its religious beliefs, the Presbyterian Church in America does not recognize the ordination of women and therefore women are excluded from courses of study that are designed for the profession of the ordained ministry and are also excluded from faculty positions that require professional training and experience in the ordained ministry. As you know, Section 106.12 of the Title IX regulation specifically exempts an institution from complying with any provision of the regulation which is in conflict with the religious tenets of the church controlling the institution.

Based on the information which you have provided, it is our understanding that CTS follows the regulation which implements Title IX, except to the extent that particular requirements of the regulation conflict with the tenets of the Presbyterian Church in America. Specifically, the Constitution of the Presbyterian Church in America states in part:

> The ordinary and perpetual classes of office in the Church are Elders and Deacons. Within the class of Elder are the two orders of Teaching Elders (ministers) and Ruling Elders . . . . In accord with Scripture, these offices are open to men only.

CTS has requested exemption from Sections 106.9; 106.21; 106.23(a); 106.31; 106.36; 106.37(a)&(b); 106.38(a); 106.51; 106.53; 106.55; 106.59; and 106.60 of the Title IX regulation.

In those instances where evenhanded treatment of employees and students on the basis of sex is in conflict with the religious tenets of your controlling organization, as described below, CTS is granted a limited exemption from the following specific regulatory provisions of Title IX of the Education Amendments of 1972: §§ 106.9; 106.21; 106.23; 106.31; 106.36; 106.37(a)&(b); 106.55; 106.60. We do not believe a conflict with § 106.38(a); 106.51; 106.53; and 106.59 has been demonstrated and therefore, no exemption is needed with respect to these sections of the regulations. Each of these sections is discussed below.

Section 106.9 Dissemination of Policy: The intent of this requirement is to provide notice that the recipient institution "does not discriminate on the basis of sex in the education programs or activities which it operates, and that it is required by Title IX . . . not to discriminate in such a manner." (emphasis added) Absent a religious exemption the regulation requires evenhanded treatment of both sexes in the operation of its programs and activities. On the basis of CTS's claim to a religious exemption which has been accepted, in part, by this Office, to the extent that the requirements of the regulation conflict with the tenets of the Presbyterian Church in America as noted above, the regulation does not require CTS to disseminate a policy that is in conflict with the religious tenets of the church controlling the institution.

However, it is our understanding that CTS operates other education programs and provides employment in positions in which women may participate without conflicting with church tenets. The requirements of Title IX continue to apply to these programs and positions and we understand that CTS follows the regulation in those situations. Therefore, CTS should modify the notice required under this section of the regulation to note the areas of specific exemptions as stated above.

Section 106.21 Admission: The intent of this section of the regulation is to prohibit the exclusion of students, on the basis of sex, from education programs for which they are qualified. However, section 106.12 specifically states that the regulation does not apply to the extent that its application "would not be consistent with the religious tenets of such organization." Therefore, you are granted a limited exemption to this provision. Restricting to men admission to CTS courses of study designed to prepare students for ordination to the ministry will not be considered discriminatory under Title IX.

Section 106.23(a) Recruitment: The discussion of 106.21 above and the limited exemption granted apply also to this part relative to recruitment. The exclusion of women from your recruitment efforts in connection with those courses of study designed specifically for the preparation of students for the ordained ministry will not be considered discriminatory under Title IX.

Section 106.31 Educational Programs and Activities: The discussion of 106.21 and 106.23(a) above and the limited exemption granted apply also to this part relative to those courses of study designed to prepare students for ordination to the ministry and derivative activities specifically related to ordination to the ministry.

Section 106.36 Counseling and Use of Appraisal and Counseling Materials: The intent of this provision is to require recipients to provide even-handed treatment to male and female students in its administration of counseling and guidance services, including the use of tests and other materials used in its appraisal and counseling of students and applicants for admission. Absent a religious exemption providing different counseling for male and female students is discriminatory under the Title IX regulation. You are granted a limited exemption to this provision. The application of different counseling criteria to female students will not be considered discriminatory to the extent that such counseling and guidance is related to those courses of study designed to prepare students for the ministry.

Sections 106.37(a)&(b) Financial Assistance: The regulation requires that recipients, in awarding financial assistance to its students, not discriminate on the basis of sex in the provision of amounts or types of assistance, limit eligibility, apply different criteria or discriminate in any other manner. Based on the limited exemption granted under section 106.21 (admission), you are also granted a limited exemption to this provision. Because only men are permitted to participate in certain courses of study, the awarding of financial aid to men only in connection with such programs will not be considered discriminatory to the extent that such financial aid is related to courses of study designed to prepare students for the ministry.

Section 106.38(a) Employment Assistance to Students: The intent of the employment provision is to prohibit recipients from discriminating against students, on the basis of sex, in covered employment opportunities on campus and in its efforts to assist students in finding outside employment. Because the religious tenets of your controlling organization forbid women to become ministers, female students do not and cannot obtain appropriate credentials for certain employment opportunities. To this extent, there is no conflict with Title IX in your continuing to provide employment assistance to male students with respect to those positions for which only men hold relevant qualifications; therefore no exemption is necessary.

Sections 106.51 Employment and 106.53 Recruitment: The discussion and reasoning of section 106.38 above apply to these parts. The intent of these provisions of the regulation is to prohibit recipients of Federal

financial assistance from discriminating on the basis of sex in all aspects of their employment activities that are part of federally assisted education programs or activities, including recruitment and selection activities. The regulation does not require an institution to provide employment to or recruit employees regardless of appropriate qualifications for the position in question. Therefore, CTS recruitment and selection practices are not in conflict with Title IX with respect to Sections 106.51 and 106.53 to the extent that a position requires qualifications that only men possess, i.e., ordination to the ministry, and no exemption is necessary.

Section 106.55 Job Classification and Structure: This provision is intended to prohibit recipients of Federal financial assistance from establishing or maintaining job classifications, or structuring jobs on the basis of sex, unless sex is a bona fide occupational qualification for the position in question. You have advised us that because the primary purpose of CTS is the training of men for the ordained ministry the faculty is composed primarily of men who themselves have received such training. Absent a religious exemption such classifications are prohibited by the regulation. You are granted a limited exemption to this provision. To the extent that employment is contingent on ordination to the ministry, such classification of employment positions will not be considered discriminatory under Title IX.

Section 106.59 Advertising: The discussion of sections 106.38(a), 106.51, and 106.53 apply to this part. This provision requires recipients to eliminate from its advertisements of employment opportunities any indication of sexual preference, unless sex is a bona fide occupational qualification for the particular job in question. Since the occupational qualification concerned is ordination to the ministry in the Presbyterian Church of America, and only men possess this qualification, there does not appear to be a need to state that the position is restricted by sex in job advertisements. Therefore, we do not believe there is a conflict with the requirements of Title IX under this part, and no exemption is necessary.

Section 106.60 Pre-employment Inquiries: This section of the regulation is intended to prohibit pre-employment inquiries as to the marital status of applicants for employment in a covered program or activity. It is further intended to prohibit recipients from making pre-employment inquiries as to the sex of an applicant for employment, unless inquiries are made of both men and women, and the results are not used in a discriminatory manner. Absent a religious exemption, inquiries used to solicit information for the purpose of excluding members of a particular

sex from certain positions of employment, are prohibited. You are granted a limited exemption to this provision. Such pre-employment inquiries will not be considered discriminatory under Title IX to the extent they are made for positions requiring ordination to the ministry for which women are unqualified based on the religious tenets of the Presbyterian Church in America.

Should you have questions, or wish to discuss any aspect of this letter further, please do not hesitate to contact me.

Sincerely,
Antonio J. Califa

Antonio J. Califa
Director for Litigation, Enforcement
and Policy Service
Office for Civil Rights

cc: Mr. Jesse L. High, Regional Director, Region VII

PHILLIPS:ROBINSON:jab:3:30:83:Disk #3
revised:Peelen:jab:4:1:83
revised:Taylor:jab:4:7:83
revised:jab:5:18:83

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

12 JAN 1979

Reverend Daniel E. Davidson
Chancellor
Crozier Seminary
Cnamia, Minnesota 56359

Dear Reverend Davidson:

This is to advise you that the Department of Health, Education, and Welfare has reviewed your request for an exemption from the admission provisions of the regulation which implements Title IX of the Education Amendments of 1972. We regret the long lapse in responding to your request.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the church sponsoring the institution.

Based on the information which you provided in your letter (copy enclosed), we have determined that it was not necessary for Crozier Seminary to apply for a religious exemption from the admission and recruitment provisions of the Title IX regulation since it is a private undergraduate institution of higher education. Specifically, private undergraduate institutions are automatically exempt from complying with Subpart C of the regulation which prohibits discrimination in the admission and recruitment of students. This exemption is provided for in Section 86.15(e) of the regulation.

This statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it may relate to graduate or other programs. Should there be conflicts in that regard, it would be necessary for you to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your faith.

If there are questions you may write or call me or Mr. Waite Madison, Chief, Compliance and Technical Review Branch, at (202) 472-7413.

Sincerely yours,

ROBINSON:SSOLOMON:mac
1/15/79

James E. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

Enclosure

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
PSED	Solomon	1/15/80		Jan Wego	1/16/80			
	Robinson	1-16						
	WMM	1/16						

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Dr. Harrell Austin
Superintendent
Crowley's Ridge Academy
626 Academy Drive
Paragould, Arkansas 72450

Dear Superintendent Austin:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Crowley's Ridge Academy filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe certain policies practiced at Crowley's Ridge Academy 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. You have 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 Crowley's Ridge Academy 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. Crowley's Ridge Academy is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31, 106.34 and 106.41. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Crowley's Ridge Academy is controlled by the Church of Christ. The Academy is under the management, direction and control of a Board of Trustees, and each trustee must be a member of the Church of Christ. This relationship between the Church of Christ and the Academy adequately establishes that Crowley's Ridge Academy is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you stated that, "[b]ecause of our religious belief that females should not take leadership roles, with males present, in worship periods, we request exemption from females being allowed to lead in our daily devotionals and other assemblies with religious connotations." Based on this principle, Crowley's Ridge College is granted by this letter exemption to: § 106.31 (education programs and activities), regarding the participation of female students in leadership roles during religious activities.

Your letter also indicates that, because of religious beliefs, female students may be excluded from any activity requiring immodest dress. On September 16, 1985, you clarified by telephone that these activities included physical education and interscholastic athletics programs. Based on this principle, Crowley's Ridge Academy is granted by this letter exemption to: § 106.34 (access to course offerings), for physical education courses, and § 106.41 (athletics), regarding athletic apparel.

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.

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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Mr. Alan Carter
Executive Vice President
Crowley's Ridge College
Route 4, Box 192
Paragould, Arkansas 72450

Dear Mr. Carter:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Crowley's Ridge College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the letter from former Chancellor Emmett Smith (copy enclosed) in which he described several policies practiced at Crowley's Ridge 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. Crowley's Ridge College 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 Crowley's Ridge College an exemption to those sections of the Title IX regulation appropriate to the request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Crowley's Ridge College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.34, 106.37(a) and (b), 106.40, 106.41, 106.51, 106.53, 106.55 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Crowley's Ridge College is controlled by the church of Christ. This relationship between the church of Christ and Crowley's Ridge College adequately establishes that Crowley's Ridge College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The former chancellor indicates that the religious tenets of the church of Christ prohibit sexual activity outside of marriage on the part of students or staff. Based on this principle, Crowley's Ridge College is granted by this letter exemption to: § 106.40 (marital or parental status of students) and § 106.57 (marital or parental status of employees).

The request letter indicates that the churches of Christ "hold to Biblical teaching that women do not teach or usurp authority over men[.]" Thus, Crowley's Ridge College does not employ women to teach Bible in a class to which men are assigned. Also, only men have access to courses designed solely for preachers, and the College offers preacher scholarships to men only. Based on this principle, Crowley's Ridge College is granted by this letter exemption to: § 106.34 (access to course offerings), § 106.37 (financial assistance), § 106.51 (employment), § 106.53 (recruitment of employees) and § 106.55 (job classification and structure).

The former chancellor states that due to "our strict religious feelings as to modest dress we do not mix men and women in swimming and other physical activities that require scant attire." Based on this principle, Crowley's Ridge College is granted by this letter exemption to: § 106.34 (access to course offerings, including physical education) and § 106.41 (athletics), to the extent that this section applies to athletic apparel.

The request letter also listed § 106.32, regarding housing, because the College may give preference on the basis of sex in hiring dormitory supervisors. This practice does not demonstrate a conflict with § 106.32. Therefore, no exemption is granted regarding housing. However, the exemption granted above to §§ 106.51, 106.53 and 106.55 will extend to employment practices regarding dormitory supervisors where preference is given on the basis of sex because of religious tenets.

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 College 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 institution's request. I regret the inordinate delay in responding to the 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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

MAY 17 1985

Dr. James Taylor
President
Cumberland College
Williamsburg, Kentucky 40769

Dear President Taylor:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Cumberland 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. You have supplied information in your 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 Cumberland College an exemption to those sections of the Title IX regulation specified in your 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. Cumberland College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.32(a), 106.40, 106.57, and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Cumberland College is controlled by the Kentucky Baptist Convention. The Kentucky Baptist Convention and Cumberland College practice the tenets of the sanctity of marriage and sex within marriage and the ethical and moral principles of Christianity. The college is bound by its Articles of Incorporation which provide that Cumberland College shall be controlled by trustees who shall be controlled by the doctrines of the Kentucky Baptist Convention. This relationship between the Kentucky Baptist Convention and Cumberland College adequately establishes that Cumberland College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that your faculty is expected to adhere to the principles of Christianity and serve as role models for your students by exhibiting stable and moral family relationships. Thus, the institution practices the following:

1. Stresses the sanctity of marriage and sex within marriage by enforcing curfews and controls on women's housing and thus provides an environment by which students may live consistently with this Christian principle.

   Based on the above principle, Cumberland College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.32(a), application of different rules or regulations related to housing on the basis of sex.

2. Treats pregnancy and abortion as moral/ethical matters.

   Based on the above principle, Cumberland College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40, differential treatment of students on the basis of marital or parental status; § 106.57, differential treatment of employees on the basis of marital or parental status; § 106.60 employment, inquiry regarding the marital status of potential employees.

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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 31 1992

Dr. Gary R. Cook
President
Dallas Baptist University
7777 West Kiest Boulevard
Dallas, Texas 75211-9000

Dear Dr. Cook:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972 for Dallas Baptist University. Your May 27, 1992, letter described several policies practiced at the university 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 absent a religious exemption.

Information in your letter establishes that Dallas Baptist University 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 Dallas Baptist University exemption to those sections of the Title IX regulation appropriate to your letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Dallas Baptist University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.34, 106.36, 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.52, 106.53, 106.55(a), 106.57, and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Dallas Baptist University is controlled by the Baptist General Convention of Texas. This relationship between the Baptist General Convention and Dallas Baptist University adequately establishes that Dallas Baptist University is controlled by a religions organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicated that the university, in conformance with the tenets of the Baptist Church, requires Christian sexual conduct on the part of its employees and students. In addition, treating pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of the Baptist Church. Based on these principles, Dallas

Baptist University has requested and is granted by this letter exemption to: § 106.21(c) (marital or parental status of applicants for admission), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees), and § 106.60(a) (pre-employment inquiries regarding marital status).

Your letter indicates that the Baptist Church requires that some scholarship funds and career offerings be provided differently on the basis of sex to ministerial students. In addition some sex separate organizations are provided to minister in unique ways to male and female students in preparing them for their roles as mothers and fathers in the context of religions belief in the sanctity of the home. Based on this principle, Wayland Baptist University has requested and is granted by this letter exemption to: § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36 (counseling, appraisal and counseling materials, disproportion in classes), § 106.37(a) and (b) (financial assistance), and § 106.38(a) (employment assistance to students).

Your letter also indicates that the university restricts employment in some positions based on sex in accordance with the religious tenets of the Baptist Church. Based on this principle, Wayland Baptist University has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), and § 106.55(a) (job classification and structure). An exemption to § 106.55(b) and (c) is not necessary since separate lines of progression, seniority systems, career ladders, or tenure systems are permitted for those positions where sex is a bona-fide occupational qualification.

You also requested exemption to § 106.14 (membership practices of certain organizations) and § 106.59 (advertising). An exemption to § 106.14 is not necessary because the organizations listed or otherwise meeting the criteria specified are exempted from coverage by this section of the regulation. Likewise, an exemption to § 106.59 is not necessary because this section exempts positions where sex is a bone-fide occupational qualification.

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 Wayland Baptist University, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complaint alleges that the practices followed by the university 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 have a different practical impact than that described by the university, or if the organization denies that it controls the university, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building, Suite 2200, 5010
Dallas, Texas 75202-9998.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

#CR905090412

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

JUN 2 1989

Dr. Gene Shepherd
President
Dallas Christian College
2700 Christian Parkway
Dallas, Texas 75234

Dear Dr. Shepherd:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated June 29, 1988, which was forwarded by letter dated July 8, 1988, from Mr. Jack B. Straus, Jr., Attorney for Dallas Christian College, and your letter dated January 4, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letters, you describe certain policies practiced at Dallas Christian College (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. You have supplied information that establishes that the College is controlled by a religious organization and that tenets of 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 specified in your request letters. Dallas Christian 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, 106.36(c), 106.37(b), 106.38, 106.40, 106.51, 106.55(a), 106.57, and 106.60(a). 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.

The information which you provided indicates that the College was incorporated as a non-profit corporation in the state of Texas in 1950, and is controlled by a Board of Regents which is composed of representatives selected from each Independent Christian Church/Church of Christ congregation that consistently and regularly supports the College. The Regents, Trustees, faculty, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation, its Constitution, catalogs and other official publications of the College contain explicit statements which indicate that the College is committed to the doctrines of the Christian religion. This relationship between the College and the Board of Regents 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 request states that the College operates in adherence to certain Biblical tenets that make gender distinctions in matters of moral behavior, marriage and residential living environments and standards. The College adjudicates matters of moral behavior, including misuse of human sexuality, in accordance with Scriptural teaching. Passages from the Bible are identified as examples of Biblical tenets.

Your request also states that women are not allowed to participate in a group that preaches at area churches because it is the Church's position that the Bible speaks against women teaching and preaching in a public assembly. You also advised that the College is the recipient of a foundation grant which was established specifically to help men prepare for the ministry.

Your request advised that some courses are not taken by women because they do not intend to pursue certain pastoral ministries. Further, although the College does not have a problem with women taking certain courses, because of the position of the College and its churches regarding the belief that the Bible teaches against women pastors, some classes contain a disproportionately higher number of males.

You also have advised that the College assists all students in finding internships; however, churches where the interns are placed seldom want a female in certain pastoral ministry positions.

Your request stated that the College would not hire a female New Testament or Homiletics professor because they would have had no pulpit experience within your churches. The lack of experience is due to the churches' adherence to the Biblical teachings against women in these kinds of positions. Further, the College cannot guarantee that certain other jobs would not always be filled by males.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.31 (Education programs and activities); 106.36(c) (Disproportion in classes); 106.37(b) (Financial aid established by certain legal instruments); 106.38 (Employment assistance to students); 106.40 (Marital or parental status of students); 106.51 (Employment); 106.55(a) (Job classification and structure); 106.57 (Marital and parental status of employees) and 106.60(a) (treatment based on marital and parental status) to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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, you are correct in your understanding of the effects of the Civil Rights Restoration Act of 1987 (CRRA) on Title IX requirements. The abortion neutral provision of the CRRA neither requires nor prohibits a recipient to provide or pay 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 granted. 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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights at the following address:

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building, Suite 2260, 06-5010
Dallas, Texas 75202-9998.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

6

Dr. John F. Walvoord
President
Dallas Theological Seminary
3909 Swiss Avenue
Dallas, Texas 75204

Dear President Walvoord:

Thank you for your letter of July 25, 1985, regarding your request for religious exemption from Title IX of the Education Amendments of 1972. In your letter, you stated that the Dallas Theological Seminary has become coeducational and no longer needs a religious exemption. Accordingly, the Office for Civil Rights has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Dallas Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUL 24 1985

Dr. Willard Collins
President
David Lipscomb College
Granny White Pike
Nashville, Tennessee 37203

Dear President Collins:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985 requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe certain policies practiced at David Lipscomb 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 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 David Lipscomb College an exemption to those sections of the Title IX regulation specified in 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. David Lipscomb College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.51(b)(6), 106.55(a), 106.57(b), (c), and (d) and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that David Lipscomb College is controlled by the tenets of New Testament Christianity, as interpreted by its Board of Directors. Everyone on the Board of Directors must be a member of a Church of Christ. This relationship between the Churches of Christ and David Lipscomb College adequately establishes that David Lipscomb College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that religious tenets followed by David Lipscomb College prohibit sexual relations between persons who are not married to each other, and prohibit obtaining or causing another to obtain an abortion.

> Based on the above principle, David Lipscomb College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40, which addresses discrimination based on marital or parental status; 34 C.F.R. § 106.51(b)(6),

which addresses employee leaves of absence for pregnancy and related conditions and child care; 34 C.F.R. § 106.57(b), (c), and (d), which addresses employment policies and practices concerning pregnancy, pregnancy as a temporary disability and pregnancy leave; and, 34 C.F.R. § 106.60(a), which addresses pre-employment inquiries related to marital status.

Your letter indicates that David Lipscomb College places certain restrictions on females instructing males on religious matters.

Based on the above principle, David Lipscomb College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.55(a), which prohibits classifying a job as being for males or for females.

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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

AUG 27 1985

Dr. Haddon W. Robinson
President
Denver Conservative Baptist Seminary
Post Office Box 10,000
Denver, Colorado 80210

Dear President Robinson:

The Office for Civil Rights (OCR) appreciates the prompt responses from Mr. Evan C. Morgan, Vice President of Business Affairs, to our requests for additional information regarding your application for religious exemption under Title IX of the Education Amendments of 1972. We have reviewed this additional information describing certain policies practiced at Denver Conservative Baptist Seminary (DCBS) 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.

DCBS 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 an exemption to those sections of the Title IX regulation specified in the July 19, 1985, 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. DCBS is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c)(2) and § 106.38. The basis for our decision to grant this exemption is discussed in further detail below.

The request letters from Mr. Morgan indicate that DCBS is affiliated with the Conservative Baptist Association of America. Religious tenets of the Conservative Baptist Association of America are referenced in the "Statement of Faith," a doctrinal statement to which degree-seeking students at DCBS must subscribe and which members of the Board of Trustees, faculty and staff

must affirm and sign without reservation each fiscal year. This relationship between the Conservative Baptist Association of America and the Denver Conservative Baptist Seminary adequately establishes that DCBS is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter of July 19, 1985, states:

> Denver Conservative Baptist Seminary has strong moral and religious convictions regarding abortion. A student who receives an abortion may be subject to dismissal depending upon the circumstances surrounding the pregnancy.

Based on the above principle, DCBS has requested and is granted by this letter exemption to 34 C.F.R. § 106.21(c)(2) (admission, including prohibitions relating to pregnancy).

The letter also states:

> Students which attend the Seminary are required to complete a Field Education requirement. This Field Education requirement is often filled through local churches. Many of our affiliated churches have religious convictions that the ordination of women is not Biblical. Therefore certain positions in the local church are not available to women, such as the senior pastor position. Thus, certain employment possibilities are available to our male students which are not available to the female students.

Based on the above principle, DCBS has requested and is granted by this letter exemption to 34 C.F.R. § 106.38 (employment assistance to students).

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.

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
Federal Office Building
1961 Stout Street - Room 1185
Denver, Colorado 80294

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Jechiel I. Perr
President
Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway
802 Hicksville Road
Far Rockaway, New York 11691

Dear Rabbi Perr:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Seminary 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. You have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your August 28, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 28 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 26 1985

Reverend William J. Ruhl, O.S.F.S.
President
De Sales School of Theology
721 Lawrence Street, N.E.
Washington, D.C. 20017

Dear Father Ruhl:

The Office for Civil Rights (OCR) of the Department of Education is currently clearing a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. We have recently reviewed your letter responding to our request for more information (copy enclosed) in which you describe policies practiced at De Sales School of Theology 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. You have 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 De Sales School of Theology an exemption to those sections of the Title IX regulation appropriate to your request letter of June 24, 1985. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. De Sales School of Theology is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter and the institution's constitution and catalog indicate that De Sales School of Theology is controlled by the Oblates of St. Francis de Sales, a Roman Catholic organization. The Roman Catholic Church and De Sales School of Theology practice the tenet of training only men for the Roman Catholic priesthood. This relationship between the Roman Catholic Church and De Sales School of Theology 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.

It is stated in your June 24, 1985 letter that De Sales School of Theology is "for the training of ministers for the Roman Catholic Church, primarily for the Roman Catholic priesthood. The reason for the request of an exemption is the fact that [De Sales School of Theology does] not and cannot train women for the Roman Catholic priesthood." Thus, the institution does not enroll women in this program. De Sales School of Theology has requested exemption for this practice and is granted by this letter, exemption to §§ 106.21,

106.22 and 106.23 (admission and recruitment). De Sales School of Theology requested exemption to § 106.9 (dissemination of policy). However, §§ 106.21, 106.22 and 106.23 address more appropriately the institution's request to limit training for the priesthood to men.

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.

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 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
Post Office Box 13716
3535 Market Street
Philadelphia, Pennsylvania 19101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Dewey E. Dodds, Regional Civil Rights Director, Region III

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

SEP 20 1985

Reverend Joseph D. Simon, S.V.D.
Acting President
Divine Word College
Epworth, Iowa 52045

Dear Father Simon:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. In response to OCR's letter of June 27, 1985, you provided information clarifying your institution's request for religious exemption.

In your letter of July 24, 1985, you indicated that Divine Word College is a private undergraduate institution which limits admission to males. You requested an exemption from §§ 106.21(a) and (b) of the regulation implementing Title IX. Based on the information you have provided, OCR has determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C. Based on the information provided in your letter (copy enclosed), you sought a religious exemption because your undergraduate education programs are limited to one sex. Under § 106.15, the exemption for limiting admissions is already provided.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If we do not hear from you within 60 days, we will assume that your institution has no need for a religious exemption and close your original request file. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 27 1985

Very Reverend Antoninus A. Wall, O.P.
President
Dominican School of Philosophy and Theology
2401 Ridge Road
Berkeley, California 94709

Dear Father Wall:

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 the Dominican School of Philosophy and Theology filed such a request, under the name of St. Albert's College, but there is no record that OCR adequately acknowledged this request.

We have reviewed the original request and have corresponded with Jacob Levitan, attorney for the institution. This correspondence stated that the office of the President and the office of the Academic Dean of Studies must be held by members of the Order of Friars Preachers, the Dominican Order, a religious society existing within the Roman Catholic Church, which controls the institution. Since only males can be ordained as members of the Order of Friars Preachers, the positions of President and Academic Dean of Studies are limited to men. This practice would violate certain sections of the regulation implementing Title IX (copy enclosed), absent a religious exemption. Representatives of the institution have supplied information that establishes that the institution is controlled by a religious organization and that institution practices based on the tenets of this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Dominican School of Philosophy and Theology 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. The Dominican School of Philosophy and Theology is hereby exempted from the requirements of the following sections of the Title IX regulation for the positions of President and Academic Dean of Studies: § 106.51 (relating to employment generally) and § 106.53 (relating to recruitment).

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.

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,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX
Jacob Levitan, Esquire

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 27 1985

Mr. Jacob Levitan, Esquire
Wendel, Lawlor, Rosen and Black
Attorneys at Law
P.O. Box 2047
Oakland, California 94604

Dear Mr. Levitan:

Thank you for your letter of July 18 clarifying the request for religious exemption from Title IX of the Education Amendments of 1972 for the Dominican School of Philosophy and Theology. The institution has been granted an exemption to 34 C.F.R §§ 106.51 (employment) and 106.53 (recruitment) for the positions of President and Academic Dean of Studies.

Enclosed is a copy of the letter sent to the institution.

Sincerely yours,

James M Littlejohn for

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

Enclosure

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON D.C. 20202

SEP 23 1985

SEP 23 1985

Reverend Francis J. Klauder, S.D.B., Ph.D.
President
Don Bosco College
Newton, New Jersey 07860

Dear Father Klauder:

Thank you for your response to our letter regarding Don Bosco College's request for religious exemption from Title IX of the Education Amendments of 1972.

The Office for Civil Rights (OCR) of the Department of Education sent you a letter on August 16, 1985, explaining that Don Bosco College was exempt from the admissions and recruitment provisions of the regulation implementing Title IX. The College does not need a religious exemption to the admissions and recruitment provisions at Subpart C, for which it had applied, because of the exemption provided for private undergraduate institutions at 34 C.F.R. § 106.15.

On September 16, 1985, you informed OCR headquarters staff by telephone that no further exemption was necessary, and you withdrew the College's request for religious exemption. Accordingly, the Office for Civil Rights has closed the College's request file.

An institution may request a religious exemption from the regulation implementing Title IX at any time. Your decision to withdraw your request does not affect a decision by OCR regarding any future religious exemption request you may submit. If you have any questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Regional Civil Rights Director, Region II

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

SEP 13 1985

Reverend Lloyd O. Huebner
President
Dr. Martin Luther College
New Ulm, Minnesota 56073

Dear Reverend Huebner:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Dr. Martin Luther 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 Frey and accompanying correspondence from the Wisconsin Evangelical Lutheran Synod (copies enclosed) which describe several policies practiced at Dr. Martin Luther 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. Dr. Martin Luther College has supplied 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 Dr. Martin Luther 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 Dr. Martin Luther College. Dr. Martin Luther College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c); § 106.32(a); § 106.34; § 106.40; § 106.51; § 106.52; § 106.53; § 106.54; § 106.55; § 106.56; § 106.57; § 106.58; § 106.59; § 106.60; and § 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

The former president's request letter indicates that Dr. Martin Luther College is "owned, controlled, supported, and maintained" by the Wisconsin Evangelical Lutheran Synod. This relationship between Dr. Martin Luther College and the Wisconsin Evangelical Lutheran Synod adequately establishes that Dr. Martin Luther College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students are recruited for the institution based on the needs within the Church. The letter also noted that, at the time, the student body had nearly three times more women than men. Student admissions and recruitment are addressed at 34 C.F.R. §§ 106.21, 106.22 and 106.23. However, under § 106.15, private, undergraduate institutions are exempt from the admissions and recruitment requirements of §§ 106.21, 106.22 and 106.23. Thus, as a private, undergraduate institution, Dr. Martin Luther College is already exempt from §§ 106.21, 106.22 and 106.23.

The request letter states, "we cannot and will not accommodate ourselves to" § 106.21(c) and § 106.40(b) regarding the marital and parental status of applicants for admission and pregnancy of students. As noted above, Dr. Martin Luther College is exempt from § 106.21. However, this letter confirms that Dr. Martin Luther College is granted exemption to § 106.21(c) (marital or parental status of applicants for admission), and § 106.40(a) and (b) (marital and parental status of students, including pregnancy).

The request letter indicates that, dependent on the interpretation, the housing provisions of the Title IX regulation "could run counter to the Church's theological position." Therefore, Dr. Martin Luther College is granted an exemption to § 106.32(a) to the extent that the institution may enforce different housing rules or benefits on the basis of sex in order to comply with its religious tenets.

Former President Frey indicated that the institution determines the course offerings a student is to pursue in an effort to meet the needs of the elementary school system within the Church. According to the institution catalog, graduates of the College "submit to the decision of the assignment committee of the Wisconsin Evangelical Lutheran Synod and assume their calling in the church . . . ." Because administrative and certain teaching positions are limited to men only, students may be directed to certain course offerings on the basis of sex. Based on these practices, Dr. Martin Luther College has requested and is granted by this letter exemption to § 106.34 (access to course offerings).

Correspondence from the Wisconsin Evangelical Lutheran Synod, which supplements the request letter from the College, indicates that the employment practices of Dr. Martin Luther College adhere to tenets of the Wisconsin Evangelical Lutheran Synod relative to the exclusion of women from administrative and teaching positions that involve the exercise of authority over men. Based on this principle, Dr. Martin Luther College has requested and is granted by this letter exemption to §§ 106.51, 106.52, 106.53, 106.54, 106.55, 106.56, 106.57, 106.58, 106.59, 106.60 and 106.61 relative to employment in administrative and teaching positions that involve the exercise of authority over men by women.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

17 JAN 1980

Reverend James Van Vurst
President
Duns Scotus College
20000 West Nine Mile Road
Southfield, Michigan 48075

Dear Reverend Van Vurst:

This is to advise you that the Department of Health, Education, and Welfare has reviewed your request for an exemption from the admission provisions of the regulation which implements Title IX of the Education Amendments of 1972. We regret the long lapse in responding to your request.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the church sponsoring the institution.

Based on the information which you provided in your letter (copy enclosed), we have determined that it was not necessary for Duns Scotus College to apply for a religious exemption from the admission and recruitment provisions of the Title IX regulation since it is a private undergraduate institution of higher education. Specifically, private undergraduate institutions are automatically exempt from complying with Subpart C of the regulation which prohibits discrimination in the admission and recruitment of students. This exemption is provided for in Section 86.15(e) of the regulation.

This statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it may relate to graduate or other programs. Should there be conflicts in that regard, it would be necessary for you to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your faith.

If there are questions you may write or call me or Mr. Waite Madison, Chief, Compliance and Technical Review Branch, at (202) 472-7413.

Sincerely yours,

ROBINSON:SSOLOMON:mac
1/15/79

James K. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

Enclosure

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
PSED	Solomon	1/15/80		JWego	1/16/80			
	Robinson	1-16						
	Wam	1/16						

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

MAY 13 1993

Dr. Bob E. Riley
President
East Texas Baptist University
1209 North Grove Street
Marshall, Texas 75670-1498

Dear Dr. Riley:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated January 5, 1993, for religious exemption for East Texas Baptist University (ETBU) from Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. Part 106. This letter is in response to your request. Please excuse our delay in responding.

We have reviewed your request in which you described several policies and practices at ETBU as consistent with the tenets of the religious organization that controls ETBU. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request that establishes that ETBU 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 ETBU an exemption to those sections of the Title IX regulation specified in your request letter.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by ETBU. ETBU is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.34, 106.36-.39, 106.40, 106.51-.53, 106.55, 106.57, and 106.59-.60. The basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that ETBU is controlled by the Baptist General Convention of Texas (Convention). ETBU and the Convention adhere to religious tenets that are based upon their understanding of the Scriptures. All members of the Board of Trustees of ETBU are elected by the Convention. The Convention fosters ETBU and provides it substantial financial support. This relationship between the Convention and ETBU adequately establishes that ETBU is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX implementing regulation.

In your letter, you indicate that there are certain biblical tenets that ETBU uses as its standard of faith and practice. Further, you indicated that faculty, employees, and students of ETBU are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. Thus, the institution practices the following:

1. All employees and students are required to refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be a violation of ETBU's religious tenets to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability and award certain benefits or privileges in spite of her condition, including student health and insurance benefits.

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

34 C.F.R. § 106.39	Health and insurance benefits and services
34 C.F.R. § 106.40(b)	Marital or parental status; pregnancy and related conditions
34 C.F.R. § 106.51(b)	Employment

2. Some employment positions within ETBU which require certain religious or ministerial qualifications/functions may be restricted on the basis of sex.

   Based on the above principles, ETBU has requested and is granted by this letter, exemption to:

34 C.F.R. § 106.51	Employment
34 C.F.R. § 106.52	Employment criteria
34 C.F.R. § 106.53	Recruitment
34 C.F.R. § 106.55	Job classification and structure
34 C.F.R. § 106.57	Marital or parental status
34 C.F.R. § 106.59	Advertising
34 C.F.R. § 106.60	Pre-employment inquiries

3. ETBU provides an education to a significant number of students who are in training for the gospel ministry. Consequently, ETBU deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Therefore, ETBU may provide different counseling, scholarship assistance, and job placement services to ministerial students on the basis of sex. Separate organizations for men and women are also offered to students.

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

34 C.F.R. § 106.21(c)	Admission; prohibitions relating to marital or parental status
34 C.F.R. § 106.31	Education programs and activities
34 C.F.R. § 106.34	Access to course offerings
34 C.F.R. § 106.36	Counseling and use of appraisal and counseling materials
34 C.F.R. § 106.37	Financial assistance
34 C.F.R. § 106.38	Employment assistance to students
34 C.F.R. § 106.40	Marital or parental status

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. If OCR receives a complaint on these issues against ETBU, we will be obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by ETBU are not based on the religious tenets of the controlling organization, OCR may be 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 ETBU, or if the organization denies that it controls ETBU, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jeanette J. Lim
Acting Assistant Secretary
for Civil Rights

Enclosures

826001

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 1 1986

Sister Mary Dooley, S.S.J.
President
Elms College
291 Springfield Street
Chicopee, Massachusetts 01013

Dear President Dooley:

The Office for Civil Rights (OCR) has reviewed your letter of August 18 and the letter of August 21, 1986, from Maurice M. Cahillane, counsel for Elms College, requesting a religious exemption to the regulation implementing Title IX of the Education Amendments of 1972. Mr. Cahillane indicated that a complaint was filed with the Boston Regional Office for Civil Rights alleging that Elms College had discriminated on the basis of sex in a provision of the student health insurance program (OCR Case No. 01-86-2071). The regional office, according to Mr. Cahillane, proposed a settlement that Elms College found acceptable in "all but one respect: it required coverage for 'termination of pregnancy' under 34 C.F.R. 106.40[,]" a practice that would violate the religious tenets followed by Elms College.

In your letter of August 18, 1986, you describe certain policies practiced at Elms 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. Representatives of Elms College 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 Elms College an exemption to those sections appropriate to your request letter. Elms College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40 and 106.57. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for OCR's decision to grant this exemption is discussed in further detail below.

Your letter indicates that Elms College is a Roman Catholic institution. Sister John Brigid informed OCR staff by telephone on September 8, 1986, that Elms College was founded as a Catholic institution and the educational program is based on Catholic values. This relationship between Elms College and the Roman Catholic faith adequately establishes that Elms College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your request letter, you state that the religious tenets of "the Roman Catholic Faith prohibit abortion or providing services or funds for the performance of abortions." You requested exemption to 34 C.F.R. § 106.40 and "any other regulation to the extent to which it requires coverage for the termination of pregnancies." Based on these principles, Elms College

has requested and is granted by this letter exemption to: 34 C.F.R. § 106.40 (marital or parental status of students - to the extent that this section may require services or benefits for students for termination of pregnancy); and § 106.57 (marital or parental status of employees - to the extent that this section may require services or benefits for employees for termination of 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.

I hope this letter responds fully to your request. If you have any questions, please do not hestitate to contact the Boston Regional Office for Civil Rights. The address is:

Frederick T. Cioffi
Acting Regional Civil Rights Director
Office for Civil Rights, Region I
Department of Education
Room 222, J.W. McCormack Post Office
and Courthouse Square
Boston, Massachusetts 02109

Sincerely,

Alicia Coro

Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Frederick T. Cioffi, Acting Regional Civil Rights Director, Region I
Maurice M. Cahillane, Esq.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAR 21 1989

Dr. Daniel H. Smith
President
Emmaus Bible College
2570 Asbury Road
Dubuque, Iowa 52001-3096

Dear President Smith:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972. Emmaus Bible College (College) submitted letters on August 25, October 20, and December 16, 1988, and February 17, 1989, to support this request.

In your letters, you describe 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. You have supplied information in your letters establishing 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. Accordingly, I am granting the College an exemption to those sections of the Title IX regulation appropriate to your request letters. Emmaus Bible College is hereby exempted from the requirements of the following sections: 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51, 106.53, 106.57, 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.

The letters and materials you submitted indicate that the College is associated with the Plymouth Brethren and was incorporated as a Christian institution of higher education in 1947. The College is controlled by a Board of Trustees, which maintains the religious tradition, standards, and beliefs of the College. In addition, the trustees and officers of the Corporation, and the faculty, administration, staff, and students of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The charter of the Corporation, and the catalogs and other official publications of the College, contain explicit statements that the College is committed to the doctrines of the Christian religion. The incorporation of the College as a Christian institution and the requirement that staff and students espouse a personal belief in the Christian faith adequately establishes that the College is controlled by a religious organization as is required for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

Your request letters state that the College adheres to biblical tenets in matters of faith and practice and cite several passages from the Bible as tenets followed by the College. You indicate that, in accordance with biblical tenets, the College does not hire or retain employees, or admit or

retain students who have violated biblical tenets regarding abortion, sexual morality, language, and attire. In addition, the College reserves certain employment positions on the basis of sex when such positions are charged with maintaining the College's religious tenets. Based on these practices, Emmaus Bible College has requested, and is granted by this letter, exemption to 34 C.F.R. §§ 106.40 (marital or parental status of students), 106.51 (employment), 106.53 (recruitment of employees), 106.57 (marital or parental status of employees), and 106.60 (pre-employment inquiries). This exemption is limited to the extent that these sections conflict with the religious tenets followed by the College.

According to your letter of December 16, 1988, one factor the College uses to determine admissions is compliance with "Biblical morals concerning sex and marriage." The College, as a private institution of undergraduate higher education, is exempt under 34 C.F.R. § 106.15(d) from Subpart C of the Title IX regulation, which prohibits discrimination on the basis of sex in admissions and recruitment. The exemption at § 106.15(d), however, does not apply to the graduate programs offered by the College. Based on the College's admissions policy, in accordance with its religious tenets, Emmaus Bible College is granted exemption to 34 C.F.R. § 106.21(c), regarding marital or parental status of applicants for admission. This exemption is limited to the extent that this section conflicts with the religious tenets followed by the College.

In your letter of December 16, 1988, you state that the College provides medical insurance which complies with 34 C.F.R. § 106.39, but reserves the right to "adjudicate . . . matters of moral behavior," including abortion. To the extent that this section of the Title IX regulation requires the provision of benefits or services that may conflict with specific religious tenets of the College, Emmaus Bible College is granted exemption to 34 C.F.R. § 106.39 (student health and insurance benefits and services).

In your letter dated August 25, 1988, you state that the College assists students in locating employment outside the College and does not question employers' exercise of "gender-based preferences." The College claims exemption to 34 C.F.R. § 106.37, which concerns financial assistance to students. The practice you describe is more appropriately addressed by 34 C.F.R. § 106.38, regarding employment assistance to students, rather than 34 C.F.R. § 106.37. The College has not demonstrated a conflict, however, between this section and the College's religious tenets. If you believe an exemption is necessary, please contact the Kansas City Regional Office to clarify the conflict between application of this section and the College's religious tenets.

Your letter of October 20, 1988, indicates that the College claims an exemption concerning access to course offerings "only with respect to physical education courses which involve physical contact sports and activities." The relevant section of the regulation, 34 C.F.R. § 106.34, prohibits a recipient from offering courses separately on the basis of sex. Section 106.34(c) permits the separation of students by sex "within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact" (emphasis added). If you believe a religious exemption to § 106.34 is necessary, please contact the Kansas City Regional Office to clarify the conflict between application of this section and a specific religious tenet of the College.

Your statements in your letter of August 25, 1988, regarding 34 C.F.R. §§ 106.32 and 106.33 (relating to housing and facilities) are correct. The College may offer separate housing and locker room facilities on the basis of sex where such housing and facilities are comparable. Based on your letters, a religious exemption appears unnecessary.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically granted. 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 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.

I hope this letter fully responds to your request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Ms. Judith E. Banks
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
P.O. Box 901381, 07-6010
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, Missouri 64190-1381.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII

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

SEP 23 1988

Dr. Robert H. Spence
President
Evangel College
1111 North Glenstone
Springfield, Missouri 65802

Re: 07-88-2504

Dear Dr. Spence:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). You submitted a letter dated July 15, 1988, outlining this request.

In your letter, you described certain policies practiced at Evangel College (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. You have supplied information in your request letter 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 specified in your request letter. In doing so I noted an error: you requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I concluded from the facts outlined in your request that you required exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission).

In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirements of 34 C.F.R. § 106.39, which pertain to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. Accordingly, I am granting the College an exemption to that section as well. Evangel College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. 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 indicates that the College is owned and controlled by the General Council of the Assemblies of God (General Council). Article II of the College's articles of incorporation provides: "this institution is and shall be at all times controlled by The General Council of the Assemblies of God . . . ." Similar language appears in Article III of the College's constitution. This relationship

between the College and the General Council 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.

Article III, Section 1, of the College's articles of incorporation specifies that the College is "bound to give Christ the preeminence in all things and is bound to the Statement of Fundamental Truths as set forth in the Constitution and Bylaws of the General Council of the Assemblies of God." Your request letter states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letter also states that these same tenets apply to employees of the College. Based on this principle, Evangel College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the college.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Kansas City OCR. The address is:

Ms. Judith E. Banks
Acting Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381 - 07-6010
Kansas City, MO 64190-1381

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Acting Regional Civil Rights Director, Region VII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

SEP 24 1985

Dr. Gordon L. Shipp
President
Faith Baptist Bible College
1900 N.W. 4th Street
Ankeny, Iowa 50021

Dear President Shipp:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of June 27, 1985, in which you provided additional information regarding Faith Baptist Bible College's request for religious exemption from Title IX of the Education Amendments of 1972.

In the original request for religious exemption, former President Nettleton 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. Faith Baptist Bible College has provided 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 Faith Baptist Bible College an exemption to those sections of the Title IX regulation specified in 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. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c) and 106.34. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Faith Baptist Bible College is affiliated with the General Association of Regular Baptist Churches (GARBC). Ninety-two percent of the College's students come from GARBC churches, and all Board members are members of GARBC churches. Ninety-eight percent of the financial support for the College comes from GARBC churches. "All . . . administration and faculty members belong to Regular Baptist Churches." This relationship between the General Association of Regular Baptist Churches and the College adequately establishes that Faith Baptist Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The original request letter stated that, "[d]ue to doctrinal position and religious conviction pre-admission inquiry is made of applicants to determine the marital status of prospective students. We do not admit

students who are divorced or married to divorced persons." Based on this principle, Faith Baptist Bible College has requested and is granted by this letter exemption to: § 106.21(c) (marital and parental status of applicants for admission).

The request letter also specified, "Homiletics, a course in training pastors, is limited to men only," since women may not become pastors in the association. Based on this principle, Faith Baptist Bible College has requested and is granted by this letter exemption to: § 106.34 (access to course offerings).

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.

I hope this letter responds fully to the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON D.C. 20202

SEP 23 1985

Sister Mary Bonita Willow
President
Felician College
3800 West Peterson Avenue
Chicago, Illinois 60659

Dear Sister Mary Bonita Willow:

Thank you for your response to our May 10, 1985, letter regarding a religious exemption from provisions of Title IX of the Education Amendments of 1972. In your response, you indicated that Felician College no longer wishes to claim exemption from Title IX. Accordingly, the Office for Civil Rights has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Dr. E. Claude Gardner
President
Freed-Hardeman College
Henderson, Tennessee 38340

Dear President Gardner:

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 Freed-Hardeman College filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Freed-Hardeman 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. You have supplied information in your 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 Freed-Hardeman 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. Freed-Hardeman College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31(a), 106.34, 106.38(a), 106.41(c)(1), 106.51(b)(2) and (4), and 106.53(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Freed-Hardeman College is controlled and operated by members of Churches of Christ. This relationship between the Churches of Christ and Freed-Hardeman College adequately establishes that Freed-Hardeman College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the Churches of Christ "recognize the Bible as their rule of faith and practice." Thus, the institution practices the following:

1. One of the tenets of the Churches of Christ and Freed-Hardeman College states that women should not serve as preachers. Therefore, two of the courses taught at the College are intended for men only. These courses are Bible 231 (Preparation and Delivery of Sermons) and

Bible 330 (Preacher and His Work). Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.34 of the Title IX regulation which addresses access to course offerings.

2. Freed-Hardeman College and the Churches of Christ observe high standards of modesty in apparel. Because of this tenet, three swimming courses (PEA 165, PEA 166 and PEA 167) are separated by sex. Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.34 of the Title IX regulation which addresses the issue of access to courses.

3. Women are not allowed to join the Preachers Club because of the religious tenet which states that women should not serve as preachers. Because of this tenet, men are not allowed to join Girls Religious Training Class or Preachers Wives Club. Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.31(a) which prohibits discrimination on the basis of sex in education programs and activities.

4. Freed-Hardeman College, because of its tenet of modesty, has a dress code and feels a need to review the dress of opposing teams to determine if the opponent's uniforms conform to Freed-Hardeman College's dress code. Section 106.31(b)(5) of the Title IX regulation addressed dress code requirements. The College also requested a specific exemption to 34 C.F.R. § 106.31(b)(5) for its students' hair and dress code. However, this section of the regulation was rescinded and deleted from the regulation in 1982, thereby making an exemption unnecessary.

   Freed-Hardeman College also states that if the uniforms of the opposing team do not meet the Freed-Hardeman dress code the College would be bound to curtail athletic opportunity for women. Based on the tenet described above, Freed-Hardeman has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.41(c)(1) which addresses equal opportunity in the selection of sports and levels of competition.

5. It is a tenet of Freed-Hardeman College that women should not publicly teach Bible classes which include adult males. Based on this principle, Freed-Hardeman College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.51(b)(2) and (4) which addresses hiring and job assignments and § 106.53(a) which addresses recruitment and hiring.

6. The placement office does not recommend females for preaching positions because it is one of Freed-Hardeman College's religious tenets that women should not serve as preachers. Based on this principle, Freed-Hardeman has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.38(a) which addresses employment assistance to students.

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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

JUL 24 1985

Dr. Craven E. Williams
President
Gardner-Webb College
Boiling Springs, North Carolina 28017

Dear President Williams:

We appreciate receiving the letter from Mr. Barry D. Hartis, Vice President for Business and Finance, informing the Office for Civil Rights of the status of your institution's request for religious exemption from Title IX of the Education Amendments of 1972. Based on Mr. Hartis' statement that "it is no longer necessary that Gardner-Webb College apply for a Religious Tenets Exemption under Title IX[,]" we have closed your request file.

If you have any questions in the future regarding a Title IX religious exemption, please do not hesitate to contact the Atlanta Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1992

Mr. W. Joseph McFarland
President
Geneva College
Beaver Falls, Pennsylvania 15010

Dear Mr. McFarland:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your October 7, 1988, request for religious exemption from Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. Sections 1681 et seq., and its implementing regulation 34 C.F.R. Part 106 (copy enclosed). Your letters of November 15, 1988, and December 2, 1988, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

In your letter you described several policies at Geneva College (College) as consistent with the tenets of the religious organization that controls the College. These policies would conflict with the regulation implementing Title IX absent a religious exemption. You have supplied 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. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.21(c), 106.38, 106.40, 106.51, 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 of our decision to grant this exemption is discussed in further detail below.

Your letter of October 7, 1988, indicates that the College is controlled by the Reformed Presbyterian Church of North America (Church). The trustees, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. The College is completely governed and receives a significant amount of its financial support from the Church. This relationship between the Board of Trustees elected by the Church 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. Section 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Church. The College, its students and employees must adhere to Biblical tenets for matters of faith and practice. Thus, conduct such as pregnancy outside of marriage, unbiblical divorce and infidelity would violate religious tenets regarding moral behavior, marriage and residential living environments and standards. Based upon these principals, the College has requested, and is granted by this letter, exemption to 34 C.F.R. Section 106.21(c), regarding treatment based upon parental and marital status, and pregnancy of students; 34 C.F.R. Section 106.40, regarding treatment based upon parental and marital status; 34 C.F.R. Section 106.57, regarding marital or parental status in employment; and 34 C.F.R. Section 106.60, regarding inquiries concerning the marital status of potential employees. In addition, the College's religious practices allow only males to enter the ministry, or to teach certain courses or hold certain positions at the College. Thus, an exemption is granted to: 34 C.F.R. Section 106.38, regarding employment assistance to students; 34 C.F.R. Section 106.51, regarding employment opportunities and conditions; 34 C.F.R. Section 106.55, regarding job classification and structure; and 34 C.F.R. Section 106.59, regarding employment advertising.

Our review of the College's tenets and the Title IX regulation found no conflict between the College's practices and the provisions of 34 C.F.R. Sections 106.14 and 106.32. Section 106.14 merely notes the type of organizations to which the Title IX regulation does not apply, and the practices described in your letter do not indicate how any of the College's tenets in this regard would conflict with this or any other section of the regulation. With respect to 34 C.F.R. Section 106.32, Housing, we do not find any conflict in the College's practices, as described, and the regulatory provisions. Thus, no exemption is required for the College relative to these two sections of the Title IX regulation. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Section 106.21(c) (prohibitions relating to marital or parental status); 34 C.F.R. Section 104.38 (employment assistance to students); 34 C.F.R. Section 106.40 (treatment based upon marital or parental status); 34 C.F.R. Section 106.51 (employment); 34 C.F.R. Section 106.55 (job classification and structure); 34 C.F.R. Section 106.57 (marital or parental status); 34 C.F.R. Section 106.59 (advertising); and 34 C.F.R. Section 106.60 (pre-employment inquiries).

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 College are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those facts. If the organization provides an interpretation of the 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 to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office at this address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 3 1985

Dr. Edward F. Stevens
President
George Fox College
Newberg, Oregon 97132

Dear Dr. Stevens:

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 George Fox 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 David C. Le Shana (copy enclosed) in which he described several policies practiced at George Fox 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. Dr. Le Shana 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 George Fox College an exemption to those sections of the Title IX regulation specified in 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. George Fox College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.40(b)(1) and (5); 106.57(a)(1), (b), (c), (d); and, 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Dr. Le Shana's letter indicated that the religious organization governing George Fox College is the Northwest Yearly Meeting of Friends Church (NYMFC), and that the College is controlled by this organization. This relationship between the NYMFC and George Fox College adequately establishes that George Fox College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In his letter Dr. Le Shana indicated that "Scripture teaches that a person is to be married to one partner for life barring certain circumstances. And when a person procures a divorce because of circumstances which are specifically contrary to Biblical teaching, the acceptance of such a person as a student or member of the faculty/staff can jeopardize the Biblical stance/teaching/education process of this church-owned college." Thus, with respect to admissions and hiring, George Fox College "takes a very clear position on the high moral behavior of students and faculty, and . . . these expectations are based on clear Biblical teachings[.]"

Based on the above principle, George Fox College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21(c), which pertains to prohibitions with respect to consideration of marital or parental status in admission of students; and 34 C.F.R. § 106.60(a), which pertains to pre-employment inquiries with respect to the marital status of an applicant.

Dr. Le Shana also indicated in his letter that, based on a religious/Biblical tenet concerning sexual morality, George Fox College reserves the right to exclude from its programs persons who become pregnant out of wedlock.

Based on the above principle, George Fox College has requested and is granted by this letter, exemption to: § 106.40(b)(1) and (5), which prohibits different treatment of students for reasons concerning pregnancy and related conditions; and § 106.57(a)(1), (b), (c), (d), which prohibits taking any employment action for reasons concerning a person's potential marital, parental, or family status, or concerning pregnancy and related conditions.

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 George Fox College, 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 George Fox College are not based on the religious tenets of the NYMFC, OCR is obligated to contact the NYMFC to verify those tenets. If the NYMFC provides an interpretation of tenets that has a different practical impact than that described by George Fox College, or if the NYMFC denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

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

JAN 16 1990

Dr. Bence C. Miller
President
God's Bible School
College and Missionary Training Home
1810 Young Street
Cincinnati, Ohio 45210

Dear Dr. Miller:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated October 11, 1988, and November 28, 1989, requesting a religious exemption to certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letters, you described several policies that are practiced by God's Bible School, College and Missionary Training Home (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 specified in your request letter of November 28, 1989. (In a January 2, 1990, telephone conversation with OCR staff, legal counsel for the College clarified that the sections specified in the November 28, 1989, letter are the only sections for which exemption is requested.) The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, 106.51, 106.57, 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 request letters indicate that the College is controlled by a Board of Trustees, a non-profit religious corporation. The Trustees of the Corporation, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College receives its entire financial support from the Corporation. This 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 § 106.12 of the Title IX regulation.

Your request letter of October 11, 1988, indicates that the College adheres to biblical tenets for matters of faith and practice. The 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 attire." Based on these tenets, the 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); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

Your October 11, 1988, request letter indicates that personnel accept religious standards in the performance of any religious role or office in which gender distinctions may be required. Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment). This exemption is limited to those employment positions that are restricted on the basis of sex in accordance with the College's religious tenets.

Other sections of the Title IX regulation mentioned in your letters 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. It is the practice of OCR to grant a religious exemption to § 106.21(c) when specifically requested, as in this case, so that programs or activities not undergraduate in nature are exempt where the application of that section of the regulation conflicts with the religious tenets practiced by the College. Sections 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
U.S. Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

SEP 23 1985

Dr. Jack T. Dean
President
Grace Bible College
1011 Aldon, S.W.
Post Office Box 910
Grand Rapids, Michigan 49509

Dear President Dean:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting clarification of Grace Bible College's request for religious exemption from Title IX of the Education Amendments of 1972. In your letter you describe certain policies practiced at Grace Bible 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. You have supplied information in your request letter that establishes that Grace Bible 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 Grace Bible College an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Grace Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c)(2) and (4), § 106.40, § 106.51, § 106.53 and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that "Grace Bible College is controlled by an independent board which is affiliated with the Grace Gospel Fellowship Denomination." The College follows the doctrinal statement of the Grace Gospel Fellowship that states that the Bible, "in its original writings is inerrant, being verbally inspired of God[.]" This relationship between Grace Bible College and the Grace Gospel Fellowship Denomination adequately establishes that Grace Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that, based on tenets regarding the "biblical standard of Christian living and morality[,]" the College would not permit a student to enroll who is pregnant or recently pregnant and not married. Based on this principle, Grace Bible College has requested and is granted by this letter exemption to § 106.21(c)(2), and (4) (marital or parental status of applicants for admission) and § 106.40 (marital or parental status of students).

In your letter you also indicate that Grace Bible College and the Grace Gospel Fellowship Denomination believe "that men, not women, are called by God as ministers of the Gospel." Thus, Grace Bible College follows employment practices that exclude women from teaching such courses as Homiletics and Pastoral Counseling and from positions reserved for men based on religious tenets. Based on this principle, Grace Bible College is granted by this letter exemption to § 106.51 (employment, general), § 106.53 (recruitment of employees) and § 106.60 (pre-employment inquiries). This exemption is limited to those employment positions reserved for men based on religious tenets.

Your original letter also suggested that Grace Bible College maintained standards regarding appearance. The provision concerning rules of appearance at § 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Thus, an exemption for appearance codes is not necessary.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

24

Dr. Warren E. Bathke
President
Grace College of the Bible
1515 South 10th Street
Omaha, Nebraska 68108

Dear President Bathke:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Grace College of the Bible's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In the original request (copy enclosed), former President Benton described certain policies practiced at Grace College of the Bible 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. Grace College of the Bible has supplied information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with a specific section of the Title IX regulation. Therefore, I am granting Grace College of the Bible an exemption to the section 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. Grace College of the Bible is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.34. The basis for our decision to grant this exemption is discussed in further detail below.

According to the College catalog, Grace College of the Bible is committed to a Christian philosophy of education. Every facet of the College program "is conditioned and directed by a Christ-centered, Biblical perspective." The College "seeks to prepare students for church-related, Christian ministries[,]" and "[a]ll students are required to be involved in Christian service." Additionally, each member of the Board of Directors, Advisory Council and faculty is required to subscribe annually to the College's doctrinal statement. This relationship between the Christian religion and the College adequately establishes that Grace College of the Bible is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The former president stated in his original request letter that, "Grace College of the Bible does not hold to the Ordination of women to the position of Pastor" based on Biblical tenets. Thus, two areas of study offered by the College leading to possible ordination of graduates are restricted to men only: the Pastoral Ministries and the Evangelism programs. Based on this practice, the College requested exemption to § 106.34 (access to course offerings). However, the admission practices for programs such as the Pastoral Ministries and Evangelism programs are addressed more appropriately by Subpart C, in effect, § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). Grace College of the Bible is already exempt from §§ 106.21, 106.22 and 106.23 by the exemption provided to private undergraduate institutions at 34 C.F.R. § 106.15. Therefore, a religious exemption is not necessary for the admission practices to the Pastoral Ministries and Evangelism programs.

Based on this same principle, that women are not ordained, Grace College of the Bible also offers homiletics classes only to men, while women are offered courses in public speaking. Access to individual courses is appropriately addressed at § 106.34. Grace College of the Bible has requested and is granted by this letter exemption to: 34 C.F.R. § 106.34 (access to course offerings) for those courses where access is limited on the basis of sex in accordance with religious tenets.

The original request letter also indicates that, based on Biblical teachings, Grace College of the Bible does not admit divorced persons or persons married to a divorced person. Based on this prinicple, the College requested exemption to § 106.21(c)(4) (pre-admission inquiry as to marital status of applicants for admission). However, as noted above, Grace College of the Bible is already exempt from § 106.21. Therefore, a religious exemption is not necessary regarding pre-admission inquiries.

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 the 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.

I hope this letter responds fully to the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

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

SEP 13 1985

Dr. Homer A. Kent, Jr.
President
Grace College and Grace Theological Seminary
200 Seminary Drive
Winona Lake, Indiana 46590

Dear President Kent:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Grace College and Grace Theological Seminary filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Grace College and Grace Theological Seminary as consistent with the tenets of the religious organization that controls the College and Seminary. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that Grace College and Grace Theological Seminary are controlled by a religious organization and that tenets followed by the College and Seminary conflict with specific sections of the Title IX regulation. Therefore, I am granting Grace College and Grace Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Grace College and Grace Theological Seminary. Grace College and Grace Theological Seminary are hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.52, 106.53, 106.55 and 106.59. Grace Theological Seminary is further exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, and 106.23. The basis for our decision to grant these exemptions is discussed in further detail below.

Your letter indicates that Grace College and Grace Theological Seminary are affiliated with the Fellowship of Grace Brethren Churches. Grace College and Grace Theological Seminary are "committed to the doctrines of God as set forth in the Bible." This relationship between the Fellowship of Grace Brethren Churches and Grace College and Grace Theological Seminary adequately establishes that the College and Seminary are controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that Grace Theological Seminary is an institution educating students to become ministers and theology instructors, positions open only to males. Based on this practice, Grace Theological Seminary has requested and is granted by this letter exemption to § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

In your letter you indicate that, based on religious tenets, only males may be professors at Grace Theological Seminary, teach Bible courses at Grace College and serve as the six administrative officers on the Advisory Committee to the President of Grace College and Grace Theological Seminary. Based on these practices, Grace College and Grace Theological Seminary have requested and are granted by this letter exemption to § 106.51 (employment, general), § 106.52 (employment criteria), § 106.53 (recruitment), § 106.55 (job classification and structure) and § 106.59 (advertising). This exemption is limited to the positions listed above.

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 Grace College or Grace Theological Seminary, 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 College and Seminary 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 College and Seminary, or if the organization denies that it controls the College and Seminary, this exemption will be rescinded.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 13 1985

Dr. Homer A. Kent, Jr.
President
Grace College and Grace Theological Seminary
200 Seminary Drive
Winona Lake, Indiana 46590

Dear President Kent:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Grace College and Grace Theological Seminary filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Grace College and Grace Theological Seminary as consistent with the tenets of the religious organization that controls the College and Seminary. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that Grace College and Grace Theological Seminary are controlled by a religious organization and that tenets followed by the College and Seminary conflict with specific sections of the Title IX regulation. Therefore, I am granting Grace College and Grace Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Grace College and Grace Theological Seminary. Grace College and Grace Theological Seminary are hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.52, 106.53, 106.55 and 106.59. Grace Theological Seminary is further exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, and 106.23. The basis for our decision to grant these exemptions is discussed in further detail below.

Your letter indicates that Grace College and Grace Theological Seminary are affiliated with the Fellowship of Grace Brethren Churches. Grace College and Grace Theological Seminary are "committed to the doctrines of God as set forth in the Bible." This relationship between the Fellowship of Grace Brethren Churches and Grace College and Grace Theological Seminary adequately establishes that the College and Seminary are controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that Grace Theological Seminary is an institution educating students to become ministers and theology instructors, positions open only to males. Based on this practice, Grace Theological Seminary has requested and is granted by this letter exemption to § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

In your letter you indicate that, based on religious tenets, only males may be professors at Grace Theological Seminary, teach Bible courses at Grace College and serve as the six administrative officers on the Advisory Committee to the President of Grace College and Grace Theological Seminary. Based on these practices, Grace College and Grace Theological Seminary have requested and are granted by this letter exemption to § 106.51 (employment, general), § 106.52 (employment criteria), § 106.53 (recruitment), § 106.55 (job classification and structure) and § 106.59 (advertising). This exemption is limited to the positions listed above.

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 Grace College or Grace Theological Seminary, 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 College and Seminary 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 College and Seminary, or if the organization denies that it controls the College and Seminary, this exemption will be rescinded.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 21 1985

Dr. Bill Williams
President
Grand Canyon College
3300 West Camelback Road
Phoenix, Arizona 85017

Dear President Williams:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed a request filed by Grand Canyon College and determined that we needed further information to make a decision to grant an exemption.

On April 24, 1985, OCR sent a request for more information to you, specifying that the original request did not provide sufficient information for OCR to make a determination. Grand Canyon College provided insufficient information regarding the specific sections of the Title IX regulation from which an exemption is desired and the tenets of the Southern Baptist Church with which these regulations conflict. OCR received no response to this initial request for more information and sent a second request on July 3, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days that we would assume that Grand Canyon College no longer had need for a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to:

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

Sincerely yours,

James M. Littlejohn

(for) Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

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

SEP 13 1985

Dr. Charles U. Wagner
President
Grand Rapids Baptist College
and Seminary
1001 East Beltline, N.E.
Grand Rapids, Michigan 49505

Dear President Wagner:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Grand Rapids Baptist College and Seminary (GRBCS) 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 Welch (copy enclosed) in which he described several policies practiced at GRBCS 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 GRBCS 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 Grand Rapids Bible College and Seminary an exemption to those sections of the Title IX regulation specified in his request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by your institution. Grand Rapids Bible College and Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c); § 106.23(a); § 106.34; § 106.40(b)(1), (4) and (5); § 106.51(a)(1) and (2); § 106.55(a); § 106.57; and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Grand Rapids Baptist College and Seminary is responsible to an evangelical Baptist constituency, and is supported basically by that constituency and student fees. This Baptist constituency and GRBCS believe that "Biblical principles . . . include clear instructions regarding sexual morality," and that "the Bible excludes women from the ordained ministry." This relationship between Grand Rapids Baptist College and Seminary and its supporting evangelical Baptist constituency adequately establishes that Grand Rapids Baptist College and Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at GRBCS must adhere to tenets of its Baptist constituency relative to sexual morality and the marital status of its religious leaders. Thus, Grand Rapids Baptist College and Seminary has requested and is granted by this letter, exemption to: § 106.21(c); § 106.40(b)(1), (4) and (5); § 106.57 and § 106.60 relative to a student's or employee's marital or parental status, including pregnancy. Additionally, the request letter indicates that GRBCS follows Biblical guidelines that men should take positions of leadership and teaching in the church. Thus, GRBCS recruits only men and permits access only to men for certain courses preparing students for the ministry. Also, certain administrative and teaching positions are considered more appropriate for men. Based on the above principle, Grand Rapids Baptist College and Seminary has requested and is granted by this letter, exemption to: § 106.23(a); § 106.34; § 106.51(a)(1) and (2); and § 106.55(a).

GRBCS also requested exemption to § 106.31(b)(5) concerning rules of appearance. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Therefore, an exemption is not necessary.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 13 1985

Dr. John Miles
President
Grand Rapids School of the Bible
and Music
1331 Franklin, S.E.
Grand Rapids, Michigan 49506-2634

Dear Mr. Miles:

Thank you for your response to our May 10, 1985 letter regarding a religious exemption from the provisions of Title IX of the Education Amendments of 1972. In your response, you indicated that you no longer wish to claim a religious exemption from Title IX. Accordingly, we are closing your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

CR 9011803C

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

FEB 22 1989

Dr. Philip H. Schlaegel
President
Great Lakes Bible College
P.O. Box 40060
Lansing, Michigan 48901-7260

Dear Dr. Schlaegel:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Great Lakes Bible College's (College) request for religious exemption to Title IX of the Education Amendments of 1972.

In your letter of December 21, 1988, requesting a religious exemption, you describe 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. You provided information in your request letter 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 specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Great Lakes Bible 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. The basis for this decision is discussed in further detail below.

Your request letter indicates that the College is controlled by a board of trustees, whose members represent various Churches of Christ and Christian Churches. The College's trustees, employees, and students are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College receives its entire financial support from churches and their members. This relationship between the Churches of Christ and Christian Churches and the College adequately establishes that Great Lakes Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter indicates that the College follows biblical standards for Christian morality and "seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, marriage and residential living environments and standards." Based on these tenets, the 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); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and, § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

Your letter indicates that the College follows religious standards concerning the performance of any religious role or office in which gender distinctions may be required. Consequently, access to ministerial or pre-ministerial programs for students and certain employment opportunities for religious offices or positions may be limited to one gender based on religious tenets. Based on these tenets, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.34 (access to course offerings); § 106.38 (employment assistance to students); § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising for employees), where courses or employment positions involve religious roles limited on the basis of sex. Thus, this exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

As noted in your letter, under 34 C.F.R. § 106.15(d), private undergraduate institutions are exempt from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23, regarding admission and recruitment. It is the practice of the Office for Civil Rights to grant a religious exemption to § 106.21(c), as in this case, so that programs or activities not undergraduate in nature are exempt, where the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

SEP 23 1985

Dr. Harold Bowie
Superintendent
Harding Academy
1000 Cherry Road
Memphis, Tennessee 38117

Dear Superintendent Bowie:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Harding Academy filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe certain policies practiced at Harding Academy as consistent with the tenets of the religious organization that controls your institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that your 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 Harding Academy an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by your institution. Harding Academy is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.57 and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Harding Academy is affiliated with the Church of Christ. The Church of Christ and Harding Academy disapprove of "extramarital sex relations as evidenced by pregnancy[,]" and divorce for reasons other than those deemed "compatible with the teaching of the Bible." This relationship between the Church of Christ and Harding Academy adequately establishes that Harding Academy is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that, based on religious tenets, your institution dismisses from the school students and employees who have engaged in extra-marital sex relations as evidenced by pregnancy. Based on this principle, Harding Academy 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).

Harding Academy also refuses employment to applicants who are divorced for reasons other than those accepted by the Churches of Christ as being compatible with the teaching of the Bible. Based on this principle, Harding Academy is granted by this letter exemption to: § 106.60 (pre-employment inquiries).

Harding Academy also requested exemption for § 106.31(b)(5) regarding rules of appearance. Section 106.31(b)(5) was rescinded and deleted from the Title IX regulation in 1982. Therefore, an exemption for appearance codes is not necessary.

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

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: William H. Thomas, Regional Civil Rights Director, Region IV
Taylor D. August, Regional Civil Rights Director, Region VI

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

SEP 23 1985

Dr. Harold Hazelip
Dean
Harding Graduate School of Religion
1000 Cherry Road
Memphis, Tennessee 38117

Dear Dean Hazelip:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. We have recently reviewed a request for religious exemption submitted by Dr. Clifton L. Ganus, President of Harding University in Searcy, Arkansas. President Ganus indicated that his request for religious exemption was intended to apply to Harding Graduate School of Religion (Tennessee) and Harding Academy (Arkansas) in addition to Harding University. You confirmed, in a letter forwarded to the Office for Civil Rights (copy enclosed), that Harding Graduate School of Religion is a branch school operated and controlled by Harding University in Arkansas. Therefore, the religious exemption granted to Harding University applies to Harding Graduate School of Religion where similar programs are offered. Thus, Harding Graduate School of Religion is granted exemption to the following sections of the Title IX regulation: 34 C.F.R. § 106.31 (education programs and activities); § 106.32 (housing); § 106.34 (access to course offerings); § 106.37 (financial assistance); § 106.40 (marital or parental status of students, including pregnancy); § 106.41 (athletics to the extent that this section covers athletic apparel); and § 106.57 (marital or parental status of employees, including pregnancy). This exemption is limited as explained in the letter granting exemption to Harding University (copy enclosed). Also enclosed for your reference is a copy of the regulation implementing Title IX.

I regret the inordinate delay in responding to the 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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI
William H. Thomas, Regional Civil Rights Director, Region IV

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

SEP 23 1985

Dr. Clifton L. Ganus, Jr.
President
Harding University
Post Office Box 926
Searcy, Arkansas 72143

Dear President Ganus:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Harding University filed such a request, but there is no record that OCR fully responded to this request.

We have recently reviewed your request in which you describe several policies practiced at Harding University 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. In OCR's letter dated October 14, 1976, Harding University was granted an exemption to some sections of the Title IX regulation, advised that exemption was not necessary for other sections, and advised that additional information was required for certain portions of your request. You have supplied information in your request letter and subsequent correspondence 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 Harding University an exemption to those sections of the Title IX regulation appropriate to your request letters and for which no determination was made. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution.

Harding University was previously granted exemption from § 106.31 (education programs and activities), § 106.34 (access to course offerings) and § 106.37 (financial assistance). Additionally, Harding University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.32, 106.40, 106.41 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Harding University is a Christian institution, controlled, supported and operated by members of the church of Christ. Harding University follows "the church of Christ and its interpretation of the sacred Scriptures[.]" This relationship between the church of Christ and Harding University adequately establishes that Harding University 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 Biblical teaching on the roles of men and women necessitates being more protective of women students. For this reason, the University has different housing rules on the basis of sex. Based on this principle, Harding University has requested and is granted by this letter, exemption to § 106.32 regarding the application of different housing rules or regulations.

You indicated that male and female students, faculty and staff may be excluded from Harding University if they violate the scriptures concerning extramarital relationships. Based on this principle, Harding University is granted exemption to § 106.40 (marital or parental status of students, including pregnancy) and § 106.57 (marital or parental status of employees, including pregnancy).

You requested exemption from § 106.41 addressing intercollegiate athletics because of religious tenets regarding modest attire. Specifically, you requested ". . . exemption on religious grounds from all women's sports which we deem to bring to our campus improper and suggestive attire." Based on this principle, Harding University has requested and is granted by this letter, exemption to § 106.41 regarding athletic apparel.

Harding University 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.

You indicated in your original request and subsequent correspondence that the exemption you requested for Harding University was also intended to apply to Harding Graduate School of Religion in Memphis, Tennessee, and Harding Academy in Searcy, Arkansas, for which Harding University is the "parent" institution. Based on your request, Harding Graduate School of Religion and Harding Academy are hereby exempted from the requirements of the following sections of the Title IX regulation:

§ 106.31 (to the extent that, based on religious tenets, the Graduate School and Academy offer education programs or activities on the basis of sex)

§ 106.32 (to the extent that, based on religious tenets, the Graduate School and Academy enforce different housing rules on the basis of sex)

§ 106.34 (to the extent that, based on religious tenets, the Graduate School and Academy limit access to courses on the basis of sex)

§ 106.37 (to the extent that the Graduate School and Academy limit the award of scholarship funds to ministerial students, who, based on religious tenets, must be men)

§ 106.40 (to the extent that, based on religious tenets, the Graduate School and Academy exclude students on the basis of marital or parental status, including pregnancy)

§ 106.41 (regarding athletic apparel to the extent that the Graduate School and Academy offer athletics programs that do not permit immodest attire, based on religious tenets)

§ 106.57 (to the extent that, based on religious tenets, the Graduate School and Academy exclude employees on the basis of marital or parental status, including 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.

For your reference, OCR is enclosing copies of: the Title IX regulation; your letters requesting exemption; OCR's letter of October 14, 1976, granting exemption to some sections of the Title IX regulation specified in your request letters; correspondence from Harding Graduate School of Religion; and OCR's letter to the Harding Graduate School of Religion.

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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI
William H. Thomas, Regional Civil Rights Director, Region IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

OCT 14 1976

Clifton L. Ganus, Jr.
President
Harding College
Searcy, Arkansas 72143

Dear Dr. Ganus:

Secretary Mathews has asked that I respond to your letter of July 21 in which you requested that the Department exempt Harding College, the Harding Graduate School of Religion, and Harding Academy of Searcy (kindergarten through twelfth grade) from certain provisions of Title IX of the Education Amendments of 1972. Your letter states that Harding College is a Christian institution, supported and operated by members of the Church of Christ.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which is in conflict with the religious tenets of the church controlling the institution. The section requires an institution seeking an exemption to identify the specific provisions of the law or regulation thought to be inconsistent with the tenets of the controlling religious organization. We conceive of our responsibilities under this section principally as assuring that the institutions: (1) have a full understanding of the provisions from which they believe themselves exempt, (2) are qualified to apply for the exemption, and (3) are as specific as possible in the articulation of the inconsistency. In instances such as yours, we must also know if all of the exemptions sought would apply to all three of the institutions or units mentioned in your letter, or whether particular exemption requests pertain only to one or two of the three units.

We will treat each of the areas for which you seek an exemption separately below. However, in light of your request, we would ask that you execute and return to us as quickly as possible, if you have not already done so, HEW Form 639, Assurance of Compliance with Title IX (copy enclosed), indicating therein that you are claiming a religious exemption under 45 CFR 86.12(b). Your letter of July 21, plus any further information you care to

submit in response to this letter, will be treated as the statement required by the Assurance identifying the specific provisions of the Title IX regulation that conflict with your religious tenets.

Harding College is requesting an exemption from Section 86.34 of the regulation on the ground that your religious tenets require certain classes to be open to men only because women are not allowed to preach. Accordingly, you are exempt from that portion of Section 86.34 which prohibits discrimination in access to courses with respect to classes connected with preparing men for the ministry.

You further state that your religious convictions oppose coeducational swimming. To the extent that mixed swimming constitutes a violation of a specific tenet of your religion, you are also exempt from the requirement that swimming classes in the physical education program be coeducational.

As set forth in your letter, your "religious convictions are opposed to compromising positions and situations that are immodest," and your letter states, therefore, that your gymnastics and weight lifting classes have separate sections for men and women. Because of your religious convictions in this regard, you are exempt from the requirement that gymnastics and weight lifting classes be coeducational. Since, however, your objection only applies to whether activities of this nature are conducted on a coeducational basis, we must emphasize that the selection of sports and physical education activities may not render training for girls or women more limited than that for boys or men.

With regard to your request to be exempt from Section 86.32 of the regulation which prohibits the application of different rules and regulations for housing on the basis of sex, it should be pointed out that, under Title IX, separate housing on the basis of sex is permitted. Furthermore, Title IX does not prohibit an institution from establishing housing rules or policies as long as they are equitably applied and enforced for both men and women students. For example, nothing would prohibit an institution from establishing a policy or rule allowing the residents of each dormitory to determine their own

curfew or security rules, and an institution could, of course, establish a policy removing all curfews or setting a uniform curfew for all dormitory residents. Your letter indicated that, while you believe "that the Biblical teaching on the roles of men and women necessitates [y]our being more protective of [y]our women students," you are, nevertheless, "in the process of modifying [y]our regulations to avoid any unnecessary discrimination." Therefore, it appears that you are taking steps to comply with the regulation, and we would appreciate your furnishing us with a description of your current policies and the modifications you are considering, and telling us the date by which these modifications will be completed.

The provision of the Title IX regulation concerning intramural and intercollegiate athletics requires that an educational institution receiving Federal financial assistance ensure that its overall athletic programs provide equal athletic opportunities for male and female students. You are to be commended for what appears from your letter to be a fine intramural athletic program for all your students. With respect to intercollegiate or interscholastic athletics, however, we are not clear as to the extent or nature of the exemption you seek. Your letter indicates that because of the dress of those who participate on teams from other institutions, you are seeking "exemption on religious grounds from all women's sports which ...[you] deem to bring to [y]our campus improper and suggestive attire." You also state that you have traditionally "forbidden bands, athletes and other groups from other institutions to come to the campus if they are accompanied by young ladies who are dressed in indecent uniforms, such as twirlers, majorettes, etc."

Title IX does not dictate the sports or levels of competition which are offered by a particular school. Rather, it requires that, whatever the offerings, they provide an equal opportunity for participation in the same types of athletic activity for male and female students. From the description in your letter, it appears that a religious exemption in the area of intercollegiate and interscholastic athletics is not necessary because Title IX does not prohibit you from setting standards of dress and conduct for your teams and making them conditions to be met by other teams seeking to compete with you. It should, of course, be remembered that any standards of dress must be even-handed as to men and women.

You have explained in your fourth exemption request that there is an intricate relationship between the tenets of the Church of Christ and the several social and service clubs sponsored at your institution. Accordingly, the membership practices of the Timothy Club and JOY are exempt from Title IX coverage.

You also indicate that your rules of student conduct currently preclude all smoking by women and that you are phasing out smoking for men. Your letter does not indicate when this phase out will be completed, but you should keep in mind that the regulation requires it to be completed as quickly as possible. Since Title IX permits institutions to set their own rules of conduct so long as they are the same for both male and female students, your actions in this area appear to comply with Title IX and no exemption would seem necessary.

Your fifth point addressed student financial aid. Your letter states that the bulk of the scholarship funds available to your students is designated to be given to "ministerial students and ...those who are majoring in Bible," the students in both of which categories must, according to your religious tenets, be men. You seek an exemption from the regulatory requirement (Section 86.37) that financial aid be awarded in a manner which is, as a whole, nondiscriminatory. Because of the connection between the purpose of the designated financial aid described in your letter and the training of ministers, your financial aid program is exempt as to those funds. Any student aid not designated for ministerial or Bible students, however, must be administered in compliance with Section 86.37 of the regulation.

Your last point asserts that your religious tenets strongly oppose extra-marital sexual relationships and homosexuality. Section 86.40 refers, for the most part, to situations in which a student would be discriminated against on the basis of sex in admissions or treatment because the student either is or is not married, or because the student is or is not a parent. Title IX does not preclude institutions from imposing standards of morality so long as those standards apply equally to members of both sexes. Rules, regulations, and practices which do not differ on the basis of sex and are applied

in a manner which results in equitable treatment of both sexes are in compliance with Title IX. We should, perhaps, note in this connection that Title IX does not address the question of homosexuality--it prohibits discrimination based on sex, not actions based upon sexual preference.

We hope that these comments will be of assistance to you and that you will promptly submit both an executed Form 639, if not previously submitted, and the additional information requested in this letter so that we can dispose of your outstanding requests for exemption. Should you have questions, or wish to discuss this matter further, please do not hesitate to contact me or Mr. Albert T. Hamlin on my staff. Mr. Hamlin's number is (202)245-6546.

Sincerely,

Martin H. Gerry
Director
Office for Civil Rights

Enclosure

UNITED STATES DEPARTMENT OF EDUCATION

Washington, D.C. 20202

SEP 13 1985

Dr. Alfred Gottschalk
President
Hebrew Union College-
Jewish Institute of Religion
3101 Clifton Avenue
Cincinnati, Ohio 45220

Dear President Gottschalk:

We appreciate the response from Mr. Aaron Levine, Senior Financial Officer, to our May 10, 1985 letter regarding a religious exemption from the provisions of Title IX of the Education Amendments of 1972. In his response, Mr. Levine indicated that Hebrew Union College no longer wishes to claim a religious exemption from Title IX. Accordingly, we are closing your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON D.C. 20202

SEP 20 1985

SE 20 1985

Rabbi Uri D. Herscher
Executive Vice President
Hebrew Union College - Jewish Institute
of Religion (New York Branch)
1 West 4th Street
New York, New York 10012

Dear Rabbi Herscher:

We appreciate the response of July 25, 1985, from Mr. Aaron Levine, Senior Financial Officer, regarding the College's request for religious exemption from Title IX of the Education Amendments of 1972. In his letter, Mr. Levine indicated that Hebrew Union College no longer wishes to claim a religious exemption from Title IX. Therefore, the Office for Civil Rights has closed your case file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

NOTE TO HOLY FAMILY COLLEGE TITLE IX RELIGIOUS EXEMPTION REQUEST FILE

The case file does not contain a request for religious exemption. The institution indicated that it did not receive Federal financial assistance. The regional office could not confirm that the institution received financial assistance. Headquarters determined that the institution does not receive student financial assistance through the alternate disbursement program. Based on these facts, i.e., no request and no Federal financial assistance, the case file was officially closed June 6, 1985.

Valerie McMurtrie, EOS
Coordinator, Religious Exemption
Project

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

OCT 28 1988

Dr. E. D. Hodo
President
Houston Baptist University
7502 Fondren Road
Houston, Texas 77074

Dear Dr. Hodo:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Houston Baptist University's (University) request for religious exemption to Title IX of the Education Amendments of 1972. The University submitted the exemption request subsequent to a complaint filed with OCR (OCR Case No. 06-88-2097) alleging that the University discriminates on the basis of sex in violation of the Title IX regulation (34 C.F.R. Part 106). Specifically, the complainant alleged that the University is in violation of 34 C.F.R. §§ 106.39 and 106.40(b)(4) because pregnancy is not treated in the same manner as any other temporary disability in the University's student health insurance program.

In your letter of September 15, 1988, requesting a religious exemption, you describe several policies practiced at the University 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. You provided information in your request letter that establishes that the University 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 your 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. Houston Baptist University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57, and 106.60(a). The basis for this decision is discussed in further detail below.

Your request letter indicates that the University is controlled by the Board of Trustees. All 21 members of the Board of Trustees are elected by the Baptist General Convention of Texas and are required to be a member of a Baptist church affiliated with the Baptist General Convention of Texas. Also, "at least seven members [of the Board of Trustees] shall be ordained ministers of the Gospel." This relationship between Houston Baptist University and the Baptist General Convention of Texas adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your request letter, you indicate that premarital unchastity is contrary to the religious tenets of Southern Baptists. "Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists." Based on these principles, the University 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; § 106.39 (health and insurance benefits and services for students); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence for employees for pregnancy and related conditions and child care); § 106.57 (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries regarding marital status). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

Your request letter states that almost all Southern Baptist churches allow only men to be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending the University and the University matches this partial scholarship. Some educational programs and campus organizations are designed for ministerial students. Additionally, licensed and ordained ministers are given preference in employment in certain offices. Based on the principle that only men may be licensed and ordained for the ministry, the University has requested and is granted by this letter exemption to: 34 C.F.R. § 106.6(c) (effect of rules or regulations of private organizations); § 106.31 (education programs and activities); § 106.34 (access to course offerings); § 106.37(a) and (b) (financial assistance); § 106.38(a) (employment assistance to students); § 106.51 (employment); § 106.53 (recruitment of employees); and § 106.55(a) (job classification and structure). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

In regard to the above-referenced complaint, the exemption granted herein to §§ 106.39 and 106.40(b)(4) has the following limitations. The request letter from the University does not suggest that pregnancy and related conditions for married women are contrary to the tenets of Southern Baptists. Therefore, if the University offers a student health insurance plan that includes provisions for temporary disabilities, then pregnancy and related conditions for married women, other than abortion related conditions, must be treated as any other temporary disability. The Dallas Regional Office is obligated to proceed with its investigation of the above-referenced complaint to determine whether the University's student health insurance plan complies with the regulatory requirements with regard to married students.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building, Room 2260 - 06-5010
Dallas, Texas 75202-9998

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

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

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

JUL 12 1988

Dr. Eugene B. Habecker
President
Huntington College
2303 College Avenue
Huntington, Indiana 46750-1299

Dear Dr. Habecker:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated March 10 and April 18, 1988, requesting a religious exemption to Title IX of the Education Amendments of 1972. In your correspondence, you describe certain policies practiced at Huntington 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. You have provided information in your letters that establishes that Huntington 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 Huntington College an exemption to those sections of the Title IX regulation appropriate to your request letters. Huntington College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, 106.57, and 106.60(a). The exemption is limited to the extent that compliance with these sections of 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 correspondence indicates that Huntington College was founded by the Church of the United Brethren in Christ and is "church-owned." Also, the faculty at Huntington College subscribe to a statement of faith. This relationship between Huntington College and the Church of the United Brethren in Christ adequately establishes that Huntington College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter of March 10, 1988, you indicate that Huntington College follows tenets based upon certain Biblical teachings. Those tenets, as practiced at Huntington College, do not permit the acceptance of a person as a student or faculty member who has procured a divorce under circumstances contrary to Biblical teaching. Based on this principle, Huntington College has requested, and is granted by this letter, exemption to § 106.21(c) and § 106.60(a) regarding pre-admission and pre-employment inquiries as to marital status. This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by Huntington College.

You also indicate that Huntington College reserves the right to exclude students and employees, both mother and father, responsible for pregnancy outside marriage. This practice is based upon the College's following a "religious/Biblical tenet" regarding sexual morality. Based on this principle, Huntington College is granted by this letter, exemption to §§ 106.21(c), 106.40, and 106.57 regarding marital or parental status of students or employees or applicants for admission or employment. This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by Huntington College.

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 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 Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 South State Street
Room 700C
Chicago, Illinois 60605

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

JUN 18 1985

Sister Marian William, I.H.M.
President
Immaculata College
Immaculata, Pennsylvania 19345

Dear President William:

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 Immaculata 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 Sister Marie Antoine (copy enclosed) in which she described certain policies practiced at Immaculata 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 her 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 Immaculata College an exemption to those sections of the Title IX regulation specified in 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. Immaculata College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.40(b) and 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

The institution's letter indicates that Immaculata College is controlled by the Roman Catholic Church. The Roman Catholic Church and Immaculata College practice the tenets of prohibiting abortion. The relationship between the Roman Catholic Church and Immaculata College 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.

It is stated in the request letter that termination of pregnancy is "contrary to the religious teaching of the Roman Catholic Church; therefore, [Immaculata College] could not condone such action." Thus, the institution prohibits termination of pregnancy.

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

> Sections 106.40(b): Marital or parental status; Pregnancy and related conditions (students) and 106.57(b): Marital or parental status; Pregnancy (employees).

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 the College's 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

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

SEP 13 1985

Dr. James P. Hill, Jr.
President
Marion College
4201 South Washington Street
Marion, Indiana 46952

Dear President Hill:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Marion 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 Goodman (copy enclosed) in which he described several policies practiced at Marion 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 Marion College an exemption to those sections of the Title IX regulation specified in 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. Marion College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c), § 106.40, and § 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Marion College is controlled by The Wesleyan Church. The Wesleyan Church and Marion College practice tenets that "require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it . . . . Further the general rules of the Church require (1) the preservation of the sanctity of the home . . . and (2) the high regard of marriage vows . . . . The Discipline of The Wesleyan Church also requires appropriate discipline for violators . . . ." This relationship between The Wesleyan Church and Marion College adequately establishes that Marion College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Marion College must adhere to tenets of The Wesleyan Church relative to a prohibition of pregnancy that occurs out of wedlock. Based on this principle, Marion College has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission), § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees and applicants for employment).

Marion College also requested exemption from § 106.31(b)(5) concerning rules of appearance. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Therefore, an exemption for appearance codes is not necessary.

Marion College also requested the opportunity to apply for exemptions from certain sections if the understanding of the requirements was incorrect. The interpretation that Title IX permits separation of housing and restroom facilities by sex (§§ 106.32 (b) and 106.33, respectively) is correct. However, § 106.61, regarding sex as a bona-fide occupational qualification, does not apply to hiring only women as resident directors for women's dormitories. If you wish to limit the employment of resident directors in women's dormitories to women only, you will need to apply for a religious exemption from the employment sections of the Title IX regulation which you deem applicable. You should briefly describe the religious tenet(s) or practices on which this institution policy is based. Your request should be forwarded to the regional 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 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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Department of Education
Office for Civil Rights, Region V
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

Sep 24, 1985

24

Dr. Gerson D. Cohen
Chancellor
The Jewish Theological Seminary
of America
3080 Broadway
New York, New York 10027

Dear Chancellor Cohen:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding The Jewish Theological Seminary of America's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

We have reviewed your original exemption request and the information provided by Ann H. Appelbaum, Counsel and Assistant Secretary, in a letter dated September 12, 1985, in which certain policies practiced at the Seminary are described 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 Seminary has provided information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation appropriate to the request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Jewish Theological Seminary of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.36, 106.37, 106.38, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

You indicated in your original letter that the Seminary follows religious tenets of Conservative Judaism. The Seminary offers programs leading to the ordination of rabbis and cantors. This relationship between Conservative Judaism and the Seminary adequately establishes that The Jewish Theological Seminary of America is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In Ms. Appelbaum's September 12 letter, she stated that it is a specific religious tenet of Conservative Judaism that "cantors be men[,]" and requested an "exemption from admission requirements to the Cantor's Institute, Sections 106.21, 106.22, 106.23, 106.31, 106.34, and 106.36[.]" Based on these practices, the Seminary is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students) regarding admission to the Cantor's Institute. The exemption granted herein to §§ 106.21, 106.22 and 106.23 precludes the necessity for an exemption to § 106.31 (education programs and activities) and § 106.34 (access to course offerings).

The Seminary also requests exemption from § 106.36 (counseling and use of appraisal and counseling materials) because only men are admitted to the Cantor's Institute; § 106.37, "to the extent that the Seminary solicits financial aid for its Cantorial school and the monies being solicited are used for assistance to students in the Cantor's Institute;" and § 106.38, "to the extent that Cantorial placements are open only to men[.]"

Where an institution limits admission to students of one sex, exemption to Subpart C (§§ 106.21, 106.22, 106.23) usually precludes the necessity for an exemption to sections of Subpart D. However, because only a portion of its program is offered on the basis of sex, to the extent that the Seminary may administer counseling, finanical assistance and employment assistance programs at the Seminary level, rather than within the Cantor's Institute, The Jewish Theological Seminary of America is granted by this letter exemption to: § 106.36 (counseling), § 106.37 (financial assistance), and § 106.38 (employment assistance to students) for students in the Cantor's Institute.

The Seminary also requested exemption to "Section 106.51, to the extent that certain positions in the Cantor's Institute must be taught by an ordained cantor." Based on this practice, the Seminary is granted by this letter, exemption to: § 106.51 (employment) and § 106.53 (recruitment of employees) for those specific positions in the Cantor's Institute that must be taught by cantors.

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

JUL 24 1985

Dr. David L. Eubanks
President
Johnson Bible College
Knoxville, Tennessee 37998

Dear President Eubanks:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985 requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your original request letter you describe certain policies practiced at Johnson Bible College as consistent with the tenets of the religious organizations that control the institution. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. You have supplied information in your letter of April 12, 1985, that establishes that the institution is controlled by religious organizations and that tenets followed by these organizations conflict with specific sections of the Title IX regulation. Therefore, I am granting Johnson Bible College an exemption to those sections of the Title IX regulation specified in your 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. Johnson Bible 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(d), 106.40, 106.57 and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Johnson Bible College is affiliated with the nondenominational fellowship of Christian Churches, also known as Churches of Christ. Much of the monetary support of Johnson Bible College is provided by these churches or their members, and all the trustees of the governing board of your college are members of Churches of Christ. This relationship between the Churches of Christ and Johnson Bible College adequately establishes that Johnson Bible 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 religion views unmarried pregnancy as a sin. Sexual immorality is also condemned by your religion's interpretation of the scriptures.

Based on the above principles, Johnson Bible College has requested and is granted by this letter, exemption to:

1. 34 C.F.R. § 106.21(c), admission of students regarding their parental, family, or marital status, including pregnancy.

2. 34 C.F.R. § 106.40, rules regarding a student's parental, family, or marital status, including pregnancy.

3. 34 C.F.R. § 106.57, policies regarding an applicant for employment or an employee's marital, parental, or family status, including pregnancy.

4. 34 C.F.R. § 106.60(a), pre-employment inquiries regarding marital status.

You also indicate that the Churches of Christ discriminate, based upon scripture, between the leadership roles of men and women in the church. This has an effect upon your preaching students who participate in summer internships.

Based on the above principle, Johnson Bible College has requested and is granted by this letter, exemption to:

1. 34 C.F.R. § 106.31(d), programs not operated by recipient.

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 organizations, OCR is obligated to contact the controlling organizations to verify those tenets. If the organizations provide an interpretation of tenets that has a different practical impact than that described by the institution, or if the organizations deny that they control the institution, this exemption will be rescinded.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

CR906020

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

JUN 26 1989

Dr. Brian C. Donley
President
John Wesley College
2314 North Centennial Street
High Point, North Carolina 27260

Dear Dr. Donley:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letter dated May 5, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

Your letter describes certain policies practiced at John Wesley College (College) as being consistent with the tenets of the religious organization that controls the institution and cites several passages from the Bible as tenets followed by the College. The College's policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Accordingly, I am granting the College an exemption to those sections of the Title IX regulation appropriate to your request letter. John Wesley College is hereby exempted from the requirements of the following sections: 34 C.F.R. §§ 106.21(c), 106.40, 106.51, 106.57, 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 is discussed in further detail below.

Your request letter states that the College is incorporated as an interdenominational Christian institution of higher education. The Board of Trustees, faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. You indicate that the Charter of the Corporation, and the catalogs and other official publications of the College state that the College is committed to the doctrines of the Christian religion. The College receives financial support from religious organizations that espouse the same religious doctrine and faith as the Corporation. The incorporation of the College as a Christian institution and the requirement that staff and students espouse a personal belief in the Christian faith adequately establish that the College is controlled by a religious organization as is required for exemption under 34 C.F.R. § 106.12.

Your request letter states that, in accordance with biblical tenets, the College applies religious based standards of conduct to its personnel with regard to dispute and grievance resolution and disciplinary action. You also indicate that the College makes gender distinctions in the performance of religious roles or offices. Based on these policies, in accordance with its religious tenets, John Wesley College is granted exemption to 34 C.F.R. § 106.51, concerning employment practices, to the extent that employment positions may be limited to men based on religious tenets.

According to your letter, the College makes gender distinctions in matters of moral behavior, marriage and living environments based on its religious tenets. The College holds personnel and students to religious standards of behavior in such matters as expression of human sexuality, language, and attire. Based on these practices, John Wesley College has requested, and is granted by this letter, exemption to the following sections of the regulation implementing Title IX: 34 C.F.R. §§ 106.21(c) (marital or parental status of applicants for admission), 106.40 (student marital or parental status), 106.57 (employee marital or parental status), and 106.60 (pre-employment inquiries). This exemption is limited to the extent that these sections conflict with the religious tenets followed by the College.

Your letter also refers to three issues for which no specific exemption is requested. First, you are correct that the Civil Rights Restoration Act of 1987 amended Title IX to provide that recipients of Federal financial assistance are not required to provide or pay for, nor prohibited from providing or paying for, any benefit or service relating to an abortion. Second, your letter correctly notes that 34 C.F.R. § 106.15(d) exempts the College, as a private institution of undergraduate higher education, from Subpart C of the Title IX regulation (§§ 106.21, 106.22, and 106.23), which prohibits discrimination on the basis of sex in admissions and recruitment. The exemption at § 106.15(d), however, does not apply to any graduate programs offered by the College. Third, you correctly state that 34 C.F.R. §§ 106.32 and 106.33 allow for the provision of separate but comparable housing, bathrooms, locker rooms, and similar facilities based on sex.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically granted. 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 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.

I hope this letter fully responds to your request. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights at the following address:

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 1 1985

Reverend James A. Fischer
President
Kenrick Seminary
7800 Kenrick Road
St. Louis, Missouri 63119

Dear Reverend Fischer:

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 Kenrick Seminary (Seminary) 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 Trapp (copy enclosed) in which he described certain policies practiced at the Seminary 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. Former President Trapp 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 Kenrick Seminary 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. Kenrick Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The information that Kenrick Seminary submitted indicated that it is controlled by the Roman Catholic Church. The Roman Catholic Church ordains only men as ministers within its Church. According to the Seminary catalog, "[t]he purpose of Kenrick Seminary is to prepare men to be priests in the Roman Catholic Church[.]" This relationship between the Roman Catholic Church and Kenrick Seminary adequately establishes that Kenrick Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Kenrick Seminary does not admit women to its program since the Roman Catholic Church does not admit women as ordained ministers within the Church. Based on this principle, Kenrick Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21, § 106.22 and § 106.23 which prohibit discrimination on the basis of sex in admissions and recruitment.

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 the 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.

I hope this letter responds fully to the Seminary's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

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

SEP 13 1985

Dr. Robert A. Williams
Dean of the College
Kettering College of Medical Arts
3737 Southern Boulevard
Kettering, Ohio 45429

Dear Dean Williams:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Kettering College of Medical Arts filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former Dean Beaven (copy enclosed) in which he described several policies practiced at Kettering College of Medical Arts 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 Dean supplied information in his request letter that establishes that Kettering College of Medical Arts 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 Kettering College of Medical Arts 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 Kettering College of Medical Arts. Kettering College of Medical Arts is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c), § 106.40, and § 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Kettering College of Medical Arts is controlled by the Seventh-day Adventist Church. Kettering College of Medical Arts "is responsible for applying to both men and women students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church." This relationship between the Seventh-day Adventist Church and Kettering College of Medical Arts adequately establishes that Kettering College of Medical Arts is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Kettering College of Medical Arts must adhere to tenets of the Seventh-day Adventist Church relative to morality, deportment and appearance. Based on these principles, Kettering College of Medical Arts has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission), § 106.40 (marital or parental status of students), and § 106.57(b) (marital or parental status of employees and applicants for employment).

An exemption to § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was rescinded from the Title IX regulation. Thus, an exemption for appearance codes is not necessary.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. Walter Y. Murphy
President
LaGrange College
601 Broad Street
LaGrange, Georgia 30240-2999

Dear President Murphy:

On July 26, 1985, you spoke with a member of the Atlanta Regional Office for Civil Rights regarding the status of your institution's request for religious exemption from Title IX of the Education Amendments of 1972. Based upon your statement that LaGrange College no longer needed or requested exemption from Title IX, we have closed your request file.

If you have any questions in the future regarding a Title IX religious exemption, please do not hesitate to contact the Atlanta Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1989

Gilbert A. Peterson, Ed.D.
President
Lancaster Bible College
901 Eden Road
Lancaster, Pennsylvania 19047

Dear Dr. Peterson:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your September 28, 1988, request for religious exemption from Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. Sections 1681 et seq., and its implementing regulation 34 C.F.R. Part 106 (copy enclosed). Your letter of January 9, 1989, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

In your letters, you supplied information that establishes that Lancaster Bible College (College) is controlled by a religious organization and that the tenets followed by this organization conflict with specific sections of the Title IX regulation. You described in your request several policies and practices at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate specific sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption from the sections of the Title IX regulation specified in your letters. The College is hereby granted an exemption from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.40, 106.57, 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 of our decision to grant this exemption is discussed in further detail below.

Your letter of September 28, 1988, indicates that the College is controlled by, and receives all of its financial support from, the Corporation and the Board of Trustees of Lancaster Bible College. The College is not affiliated with any denomination or association, but seeks to function in cooperation with all churches that are committed to the historic, orthodox Christian faith. The charter of the Corporation contains explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the directors of the Corporation, faculty, students and employees of the College are required to espouse a personal belief in the religious tenets of the Christian faith. This relationship between the Corporation and the Board of Trustees 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. Section 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Corporation and adheres to Biblical tenets for matters of faith and practice, following its religious tradition. Thus, certain conduct of a sexual nature outside of marriage by the College's personnel and students would violate religious tenets regarding moral behavior and standards.

Based upon the information submitted, the College is granted by this letter, exemption from 34 C.F.R. Sections 106.40 (marital and parental status of students); 106.57 (marital and parental status of employees); 106.60 (pre-employment inquiries).

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 College are not based on the religious tenets of the controlling organizations, OCR is obligated to contact the controlling organization to verify those facts. If the organization provides an interpretation of the 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 to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office at this address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

DEC 14 1988

Dr. Manuel R. De La Cruz
President
Latin American Bible Institute
10822 FM Rd. 1560
San Antonio, Texas 78254

Dear Dr. De La Cruz:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated September 1, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letter, you describe several policies practiced at the Latin American Bible Institute (Institute) 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. You have provided information that establishes that the Institute 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 Institute an exemption to those sections of the Title IX regulation appropriate to your request letter. You clarified, in a telephone conversation on November 9, 1988, with staff of the Dallas Regional Office for Civil Rights, that those sections are §§ 106.21(c), 106.40, and 106.57. The Latin American Bible Institute is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the Institute. The basis for this decision to grant this exemption is discussed in further detail below.

Your request letter indicates that the Institute is controlled by the Gulf Latin American District Council of the Assemblies of God (District Council), which is a member of the General Council of the Assemblies of God. This relationship between the Institute and the District Council adequately establishes that the Institute is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that adultery and sexual relations outside of marriage are contrary to the religious tenets of the District Council of the Assemblies of God. In the November 9, 1988, telephone conversation with regional office staff, you indicated that the Institute would discipline employees as well as students for violating these tenets.

The Institute would deny admission or employment to a female applicant who is pregnant and has never been married, and dismiss unmarried female students or employees who become pregnant and married female students or employees who become pregnant because of an adulterous relationship.

Based on these principles, the Institute 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); § 106.40 (marital or parental status of students); and § 106.57 (marital or parental status of employees), to the extent that application of these sections conflicts with the religious tenets practiced by the Institute.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building
Suite 2260, 06-5010
Dallas, Texas 75202-9998.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUL 22 1985

Dr. R. F. Kirkham
President
LDS Business College
411 East South Temple Street
Salt Lake City, Utah 84111

Dear President Kirkham:

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 LDS Business College (LDSBC) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at the LDSBC 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. You have supplied information in your 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 the LDSBC an exemption to those sections of the Title IX regulation specified in your 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. The LDSBC is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c), § 106.40(b) and § 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below. You also requested an exemption from § 106.31(b)(5) regarding rules of appearance. This section was rescinded from the regulation in 1982. Thus, an exemption for appearance codes is unnecessary.

Your letter indicates that the LDSBC is controlled by the Church of Jesus Christ of Latter-day Saints (CJCLDS). All students and employees at the LDSBC agree to abide by the moral teachings of the Church as embodied in the College's "Code of Honor." This relationship between the CJCLDS and the LDSBC adequately establishes that the LDSBC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

With your request letter you enclosed a document entitled, "Notification of Brigham Young University Policy of Non-Discrimination on the Basis of Sex," which also states the position of the LDSBC. That document states that the institutions teach and enforce "strict adherence to the highest

Christian standards of sexual morality." Based on this principle, the LDSBC has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21(c), § 106.40(b), and 106.57(b).

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.

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
Federal Office Building
1961 Stout Street, - Room 1185
Denver, Colorado 80294

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202-_____

Dr. Charles Paul Conn
President
Lee College
P.O. Box 2430
Cleveland, Tennessee 37320-2430

FILE COPY

Dear Dr. Conn:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated January 30, 1996, for religious exemption for Lee College (College) from Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. Part 106 (1992). This letter is in response to your request.

In your request, you described several policies and practices at Lee College as consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request 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 Lee College an exemption to those sections of the Title IX regulation specified in your request letter.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Lee College. Lee 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, 106.34, 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 basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that the College is controlled by the Church of God, a Protestant evangelical denomination whose basic tenets come directly from the Holy Bible, as interpreted generally by the Church of God. The Church of God fosters the College and selects the College's board of directors. In addition, a substantial number of the College's students are in training to become ministers in the Church of God. This relationship between the Church of God and the College

adequately establishes that Lee 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 implementing regulation.

In your letter, you indicate that there are certain biblical tenets that the College uses as its standard of faith and practice which are directly related to issues such as human sexuality, cohabitation, the institution of marriage, and other subjects of a moral character or dimension. The institution practices the following tenets:

1. Of particular relevance and significance is the institution's role in encouraging those intending to marry and become parents to adhere to the College's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life. Based on these principles, the College is granted by this letter exemption the following Sections of 34 C.F.R.:

§ 106.40	Marital or parental status
§ 106.51	Employment

2. In keeping with the College's religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Based on these principles, the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising

3. The College provides an education to a significant number of students who are training for the ministry. The College may provide different scholarship assistance and academic and professional counseling to ministerial students on the basis of gender. The College may deem it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. The College is therefore granted by this letter exemption from the following Sections of 34 C.F. R.:

§ 106.21(c)	Admission; prohibitions relating to
§ 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
§ 106.38	Employment assistance to students

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. If OCR receives a complaint on these issues against the College, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the College 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 College, or if the organization denies that it controls the College, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Susan Bowers
Acting Director,
Policy, Enforcement, and
Program Service
Office for Civil Rights

Enclosure

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Dr. Troy R. Eslinger
President
Lees Junior College
Jackson, Kentucky 41339

Dear President Eslinger:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Lees Junior 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. You have supplied information in your 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 Lees Junior College an exemption to those sections of the Title IX regulation specified in your 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. Lees Junior College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.40, 106.57, and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Lees Junior College is associated with and follows the tenets of the Presbyterian Church. The relationship between the Presbyterian Church and Lees Junior College adequately establishes that Lees Junior College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that because Lees Junior College is associated with the Presbyterian Church and because it adheres "to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability." Based on the above principle, Lees Junior College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.40 of the Title IX regulation which addresses the treatment of students based on marital or parental status and 34 C.F.R. § 106.57 which addresses the treatment of employees based on marital or parental status.

Your letter further states that "[m]embers of the faculty . . . are expected to constitute role models for the students and in such roles - stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is, therefore, essential that Lees Junior College know in advance of employment whether prospective faculty members have a good family relationship." Based on the above principle, Lees Junior College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.60(a) which addresses pre-employment inquiries about marital status.

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 your original request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

NOV 19 1985

Dr. Norman J. Woods
President
Loma Linda University
Loma Linda, California 92350

Dear President Woods:

The Office for Civil Rights (OCR) of the Department of Education has reviewed Loma Linda University's request for religious exemption from Title IX of the Education Amendments of 1972.

In your request letter of October 22, 1985, you describe certain policies practiced at Loma Linda University 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. You have provided information that establishes that the University 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 specified in your 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. Loma Linda University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Loma Linda University is controlled, owned and operated by the Seventh-day Adventist Church. The University is listed in the Church yearbook as a Seventh-day Adventist educational institution, and the University's Board of Directors, faculty and full time staff are members of the Seventh-day Adventist Church. This relationship between the University and the Seventh-day Adventist Church adequately establishes that Loma Linda University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you state that Loma Linda University, as an institution of the Seventh-day Adventist Church, is obligated to uphold the Church's religious standards in its relationships with students and employees. The Seventh-day Adventist Church disapproves of all acts of moral indiscretion and "other grievous sins." Based on these principles, Loma Linda University has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21, to the extent that this section addresses the marital or parental status of applicants for admission, § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees).

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.

I hope this letter responds fully to your 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

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Moshe Weitman
Dean
Long Island Seminary of Jewish
Studies for Women
444 Beach 6th Street
Far Rockaway, New York 11691

Dear Rabbi Weitman:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter dated August 7, 1985, which requested additional information regarding the Long Island Seminary of Jewish Studies for Women's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the Seminary, OCR has determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C.

In your letter, dated August 21, 1985, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested a religious exemption for 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contacts with the institution, that the Seminary offers only undergraduate level programs. Under § 106.15, the Seminary, a private institution offering undergraduate level programs only, is already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If you determine that your institution does not need a religious exemption, please note your wish to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that your institution has no need for a religious exemption and will close your request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 6 1985

Dr. John MacArthur
President
Los Angeles Baptist College
21726 Placerita Canyon Road
Newhall, California 91322-0878

Dear President MacArthur:

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 Los Angeles Baptist College (LABC) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request (copy enclosed) signed by former President Dunkin in which he described several policies practiced at LABC 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 LABC 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. LABC is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21(c)(1), (2) and (4); § 106.34; § 106.40(a) and (b)(1), (4) and (5); and § 106.57(a)(1), (b) and (c). The basis for our decision to grant this exemption is discussed in further detail below. Section 106.31(b)(5), regarding appearance codes, was rescinded from the Title IX regulation. Thus, an exemption for § 106.31(b)(5) is unnecessary.

Former President Dunkin's letter indicates that LABC is controlled by the General Association of Regular Baptist Churches (GARBC). The GARBC and LABC adhere to the fundamentals of Biblical Christianity, and rules and regulations of the institution are based upon the moral standards contained in the Bible. LABC is approved annually by the GARBC on the basis of its continuance of the program emphasizing the fundamentals of Biblical Christianity. This relationship between the GARBC and LABC adequately establishes that LABC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

LABC's letter of request states that the "College must reserve the right to suspend or exclude, men or women students or employees who violate the rules and regulations of the institution which the college believes to be based upon the moral standards contained in the Bible." Thus, the institution excludes from its program, activities, or employment, unmarried, pregnant women.

Based on the above principle, LABC has requested and is granted by this letter, exemption to: § 106.21(c)(1), (2) and (4) (prohibitions relating to marital or parental status of prospective students); § 106.40(a) and (b)(1), (4) and (5) (marital or parental status including pregnancy and related conditions); and § 106.57(a)(1), (b) and (c) (policies and employment actions concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex).

LABC has certain courses relative to the preparation for the ministry that are designed for and offered only to male students. Only men are ordained in the ministry of the General Association of Regular Baptist Churches.

Based on the above principle, LABC has requested and is granted by this letter, exemption to § 106.34 (access to course offerings).

LABC also requested exemption to § 106.32, regarding housing, because dormitories are open only to unmarried persons. The Title IX regulation does not prohibit an institution from limiting available housing to unmarried students. Rather, housing policies regarding the marital status of students may not impose different rules on the basis of sex. By the exemption granted herein to § 106.21(c)(4), LABC may request a prospective student's marital status. However, the practices in the housing program, as described in LABC's letter, do not demonstrate a conflict with § 106.32, making an exemption to this section 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 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 institution's 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

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 20 1985

Dr. Robert L. Lynn
President
Louisiana College
1140 College Drive
Pineville, Louisiana 71359

Dear President Lynn:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Louisiana College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Louisiana 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. You have supplied information in your 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 Louisiana College an exemption to those sections of the Title IX regulation appropriate to your 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. Louisiana College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.37(a) and (b); 106.39; 106.40; 106.51(b)(6); 106.57(a)(1), (b) and (c); and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Louisiana College is owned and operated by the Louisiana Baptist Convention and controlled by a Board of Trustees. The Board of Trustees is chosen by the Louisiana Baptist Convention. The Louisiana Baptist Convention and Louisiana College adhere to the belief that "[s]exual immorality, whether on the part of man or woman, is contrary to the tenets of Southern Baptists." In addition, your letter indicates that Southern Baptists do not practice the ordination of women to serve as pastors. This relationship between the Louisiana Baptist Convention and Louisiana College adequately establishes that Louisiana College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that "to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability" is in conflict with the tenets of Southern Baptists. Based on this principle, Louisiana 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); § 106.39 (health and insurance benefits and services to students); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence, including for pregnancy and child care); § 106.57(a)(1), (b) and (c) (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries as to marital status).

In your letter you also indicated that "Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches[,]" and requested exemption for equal numbers of male and female students selecting church-related vocations and receiving scholarship assistance. Based on this principle, Louisiana College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.37(a) and (b) (provision of financial assistance to students).

Louisiana College also requested exemption to § 106.51 (employment, general), § 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure) based on this principle. The institution practices described in your letter, regarding vocational selections of students and the award of scholarship assistance, do not demonstrate a conflict with the employment provisions of the regulation addressed at §§ 106.51, 106.53 or 106.55(a). Therefore, with the exception of the exemption granted to § 106.51(b)(6) for the reasons noted above, no exemption is granted to §§ 106.51, 106.53 or 106.55(a). If you believe an exemption to §§ 106.51, 106.53 and 106.55(a) is still necessary, you should submit clarification of this request to the regional office.

Also, although your letter listed § 106.14, no basis for requesting an exemption to this section was stated. Under § 106.14, the membership practices of certain organizations, such as social fraternities and sororities and voluntary youth service organizations, are exempt from the requirements of Title IX. Since your letter did not demonstrate a conflict between your institution's policies and § 106.14, no exemption has been granted for this section.

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.

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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON DC 20202

SEP 23 1985

Sister Ann Francis Klimkowski
President
Lourdes College
6832 Convent Boulevard
Sylvania, Ohio 43560-2898

Dear Sister Ann Francis Klimkowski:

Thank you for your letter of August 19, 1985, in which you advised that you are withdrawing Lourdes College's request for a religious exemption from the provisions of Title IX of the Education Amendments of 1972. Accordingly, the Office for Civil Rights has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 21 1985

Reverend James N. Laughran, S.J.
President
Loyola Marymount University
7101 West 80th Street
Los Angeles, California 90045

Dear Father Laughran:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed a request filed by Loyola Marymount University and determined that we needed further information to make a decision to grant an exemption.

On April 19, 1985, OCR sent a request for more information to you, specifying that the original request did not provide sufficient information regarding the specific section number(s) of the Title IX regulation from which an exemption is sought for OCR to make a determination. OCR received no response to this initial request for more information and sent a second request on July 3, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days that we would assume that Loyola Marymount University no longer had need for a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to:

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

Sincerely yours,

James M. Littlejohn
for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

415005

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

MAY 7 1986

Very Reverend James C. Carter, S.J.
President
Loyola University
New Orleans, Louisiana 70118

Dear President Carter:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972. In your request, you describe certain policies practiced at Loyola University 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. You have supplied information in your 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 Loyola University an exemption to those sections of the Title IX regulation specified in your request letter.[1] Loyola University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c)(2) and (3), 106.39, 106.40(b)(1) and (4), and 106.57(b) and (d). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the University. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter and accompanying documents, the Articles of Incorporation and By-laws of the University, indicate that Loyola University is controlled and governed by a Board of Trustees. The majority of the members of the Board of Trustees and the President of the University must be members in "good standing" with the Society of Jesus, a religious order affiliated with the Roman Catholic Church. According to the Articles of Incorporation, a primary purpose of the University is to promote religious studies. The University conducts religious worship services and performs "functions and duties which are in harmony with the practices of the Roman Catholic faith." The University By-laws indicate that the tradition of the institution and the intent for the future is "to reaffirm and to maintain the primary importance of Christian values in the educational process . . . applied according to the Jesuit tradition of liberal education." This relationship between

1. The Title IX regulation was recodified with the creation of the Department of Education in 1980. The regulation, enforced by the former Department of Health, Education and Welfare and codified at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

the University and the Roman Catholic faith adequately establishes that Loyola University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter states that "the long-established teaching of the Catholic Church through its various Councils, Papal Encyclicals and other teaching authorities . . . define the intentional termination of pregnancy through means of abortion as the wrongful taking of human life contrary to the natural and moral law of the Church." Also, you state that "non-therapeutic sterilization" is "contrary to the established teachings and dogma of the Roman Catholic Church and the policies of Loyola University." Based on these principles, Loyola University has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c)(2) and (3) (marital or parental status of applicants for admission); § 106.39 (health and insurance benefits and services for students); § 106.40(b)(1) and (4) (marital or parental status of students); and § 106.57(b) and (d) (marital or parental status of employees).

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.

I hope this letter responds fully to your 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, 22nd Floor
Dallas, Texas 75202

Sincerely,

Alicia Coro

Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 20 1985

Dr. Steven S. Lemley
President
Lubbock Christian College
5601 West 19th Street
Lubbock, Texas 79407

Dear President Lemley:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed your request and determined that we need further information to make a decision to grant an exemption.

On June 7, 1985, OCR forwarded a request for more information to Lubbock Christian College, specifying that your institution's letter did not provide sufficient information for OCR to make a determination. There was insufficient information regarding the religious tenets followed by your institution that conflict with specific sections of the Title IX regulation. OCR received no response to this initial request for more information and issued a second request on July 18, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days, we would assume that Lubbock Christian College no longer had need of a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to:

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 yours,

James M. Littlejohn
for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. C. Jack Eichhorst
President
Lutheran Bible Institute of Seattle
Providence Heights
Issaquah, Washington 98027

Dear President Eichhorst:

The Office for Civil Rights (OCR) appreciates receiving the letter of July 25, 1985, from Mr. Joseph D. Bjordal, Executive Director for Public Relations and Admissions, concerning the request of the Lutheran Bible Institute of Seattle for religious exemption from Title IX of the Education Amendments of 1972 (Title IX).

In his letter, Mr. Bjordal stated that the Lutheran Bible Institute of Seattle does not wish exemption from any portion of the Title IX regulation. He indicated that the original request was made under a previous administration and that these individuals are no longer with the Institute. This letter is to notify you that, because the Lutheran Bible Institute of Seattle does not wish to claim a religious exemption from Title IX, OCR has closed the request file.

If you have any questions in the future regarding religious exemption, please do not hesitate to contact the Seattle Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202

SEP 30 1985

Dr. Lloyd Svendsbye
President
Luther Northwestern Theological Seminary
2481 Como Avenue West
St. Paul, Minnesota 55108

Dear President Svendsbye:

The Office for Civil Rights of the Department of Education (OCR/ED) recently notified you that OCR had closed the Seminary's request file, regarding a religious exemption from Title IX of the Education Amendments of 1972, because the Seminary had not responded to OCR's requests for additional information. The letter was prepared prior to my receiving the Seminary's letter withdrawing the request for religious exemption.

We appreciate receiving the letter from Mr. Layne Haugen, Business Manager, which stated that the "Seminary does not intend to continue its attempt to acquire such exemption." Mr. Haugen's letter confirms that OCR's closure of the request file was in accordance with your intentions regarding religious exemption.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

NOTE TO MCCORMICK THEOLOGICAL SEMINARY TITLE IX RELIGIOUS EXEMPTION REQUEST FILE

OCR letter of 1-17-80 resolves issue. This request file was closed officially June 3, 1985.

Valerie McMurtrie, EOS
Coordinator, Religious Exemption Project

OCT 13 1988

Dr. Thomas P. Kim
President
McMurry College
McMurry Station
Abilene, Texas 79697

Re: 06-88-2136

Dear Dr. Kim:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from a certain section of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). McMurry College submitted a letter dated August 24, 1988, to support this request.

In your letter, you describe certain policies practiced at McMurry 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. You have supplied information in your request letter that establishes that McMurry College is controlled by a religious organization and that tenets followed by this organization conflict with 34 C.F.R. § 106.40(b)(4) of the Title IX regulation. Therefore, I am granting the College an exemption to that section of the Title IX regulation as specified in your request letter. In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirements of 34 C.F.R. § 106.39, which pertains to student health insurance plans, also conflict with the religious tenets you have identified that are followed by McMurry College. Accordingly, I am granting the College an exemption from that section as well. McMurry College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39 and 106.40. 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 letters indicate that McMurry College is controlled by the Northwest Texas and the New Mexico Annual Conferences of the United Methodist Church. This relationship between McMurry College and the Annual Conferences of the Methodist Church adequately establishes that McMurry College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicate that sex outside of marriage is contrary to the religious tenets of the United Methodist Church. Your request letter states that religious tenets thus do not permit you to issue maternity coverage to all students, because as to unmarried students you would be tacitly condoning sex

outside of marriage. Based on this principle, McMurry College is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services) and § 106.40 (marital and parental status of students), to the extent that application of these sections conflict with the religious tenets practiced by the college.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. We suggest that you carefully review all sections of the regulation to be certain that you have not overlooked any other sections which may conflict with the religious tenets. For instance, you may wish to review 34 C.F.R. § 106.57 (marital and parental status of employees). If you find that additional exemptions are needed, please apply in the same manner as this request.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Taylor B. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building - Room 2260 - 06-5010
Dallas, Texas 75202

Sincerely,

/s/

LaDree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

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

PCS/OCR/nSEN:Schultz:732-1670:10.13.88:/Disk 4.27

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

Rabbi Joseph Halberstadt
Executive Director
Mesivta of Eastern Parkway
Rabbinical Seminary
510 Dahill Road
Brooklyn, New York 11218

Dear Rabbi Halberstadt:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Mesivta of Eastern Parkway Rabbinical Seminary's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request submitted by Rabbi Samuel Teitelbaum, you describe certain policies practiced at the Seminary 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. You and Rabbi Teitelbaum have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your September 19, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Mesivta of Eastern Parkway Rabbinical Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Rabbi Teitelbaum stated in his original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Mesivta of Eastern Parkway Rabbinical Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 19 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Rabbi Shlomo Goldman
Dean
Mesivta Sanz of Hudson County
3400 New York Avenue
Union City, New Jersey 07087

Dear Rabbi Goldman:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Mesivta Sanz of Hudson County's (formerly, the Rabbinical College of Sanz in Brooklyn, New York) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at Mesivta Sanz of Hudson County (Mesivta Sanz) 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. Mesivta Sanz has provided information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Mesivta Sanz an exemption to those sections of the Title IX regulation specified in your October 10, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Mesivta Sanz of Hudson County is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicated that Mesivta Sanz is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and Mesivta Sanz adequately establishes that Mesivta Sanz of Hudson County is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

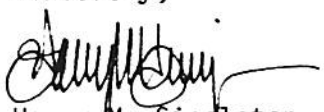
In your October 10 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Mesivta Sanz of Hudson County has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Bezalel Reifman
Executive Vice President
Mesivta Yeshiva Rabbi Chaim Berlin
1593 Coney Island Avenue
Brooklyn, New York 11230

Dear Rabbi Reifman:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of August 7, 1985, which requested additional information regarding the Mesivta Yeshiva Rabbi Chaim Berlin's (Yeshiva) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Yeshiva 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. You have supplied information in your request letters that establishes that the Yeshiva is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshiva an exemption to the sections of the Title IX regulation specified in your August 22, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Mesivta Yeshiva Rabbi Chaim Berlin is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Yeshiva is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that the Mesivta Yeshiva Rabbi Chaim Berlin is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 22 letter, you also stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Mesivta Yeshiva Rabbi Chaim Berlin has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Yisrael H. Eidelman
Executive Vice President
Mesivtha Tifereth Jerusalem of America
141-7 East Broadway
New York, New York 10002

Dear Rabbi Eidelman:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Mesivtha Tifereth Jerusalem of America's (Mesivtha) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Mesivtha 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. You have supplied information in your request letters that establishes that the Mesivtha is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Mesivtha an exemption to those sections of the Title IX regulation specified in your September 3, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Mesivtha Tifereth Jerusalem of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original request that the Mesivtha is "maintained as an Orthodox Jewish Seminary with preparatory departments in accordance with the Jewish Orthodox faith with all its phases, facets, facilities and Governing Trustees in strict conformance with the tenets of the Orthodox Jewish Religious faith[.]" This relationship between Orthodox Judaism and the Mesivtha adequately establishes that the Mesivtha Tifereth Jerusalem of America is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 3 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Mesivtha has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

30

Dr. Milton B. Fletcher
President
Michigan Christian College
800 West Avon Road
Rochester, Michigan 48063

Dear President Fletcher:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Michigan Christian 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 Gardner (copy enclosed), and the additional information which you provided by telephone on August 8, 1985, and September 24, 1985. The former president described certain policies practiced at Michigan 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 (copy enclosed) absent a religious exemption. Michigan Christian College has 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 Michigan Christian College an exemption to those sections of the Title IX regulation appropriate to the request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Michigan Christian College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.53 and 106.55. The basis for our decision to grant this exemption is discussed in further detail below.

President Gardner's letter indicates that Michigan Christian College is controlled by the Churches of Christ, which provide the major portion of financial support to the College. In addition, you have indicated that the Churches of Christ and Michigan Christian College practice tenets that require action and conduct that reflect Christian ideals and beliefs. This relationship between the Churches of Christ and the College adequately establishes that Michigan Christian College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The original request letter indicates that "it is the doctrinal position of Churches of Christ that women may not preach at public meetings of the Church, nor serve as preachers of the Church. Accordingly, the college does employ only men to teach Bible or religion courses." Additionally, you have clarified

by telephone that the position of College President is limited to males. Based on this practice, Michigan Christian College is granted by this letter exemption to: § 106.51 (employment, general), § 106.53 (recruitment of employees), and § 106.55 (job classification and structure) for those positions reserved for men based on religious tenets.

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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 20 1985

Dr. John W. Conley
President
Mid-America Bible College
3500 S.W. 119th Street
Oklahoma City, Oklahoma 73170-9797

Dear President Conley:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of July 18, 1985, which requested clarification of Mid-America Bible College's (formerly Gulf-Coast Bible College in Texas) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, you describe certain policies practiced at Mid-America Bible 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. You have 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 Mid-America Bible College an exemption to those sections of the Title IX regulation specified in your August 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Mid-America Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The Constitution and Bylaws of the College indicate that the institution is a general agency of the Church of God and is responsible to the General Assembly of the Church of God. The College is controlled and operated by a Board of Trustees whose members are elected by the General Assembly. This relationship between the Church of God and Mid-America Bible College adequately establishes that Mid-America Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 20 letter, you state that both staff and students would be asked to leave the institution if they engaged in premarital or extramarital sex or had an abortion without being married. Thus, the College denies enrollment and employment to students and staff who violate the institution's

"Judea-Christian concept of sexuality[.]" Based on these practices, Mid-America Bible College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission), § 106.40 (marital and parental status of students) and § 106.57 (marital and parental status of employees).

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 the College, 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 College 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 College, or if the organization denies that it controls the College, this exemption will be rescinded.

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 Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 3 1985

Dr. Robert J. Hilgenberg
President
Mid-South Bible College
2485 Union Avenue
Post Office Box 12144
Memphis, Tennessee 38182-0144

Dear President Hilgenberg:

Thank you for your letter of July 23, 1985, regarding your request for religious exemption from Title IX of the Education Amendments of 1972. You explained that since the educational programs and policies of Mid-South Bible College have changed substantially over the past several years, the institution no longer desires an exemption from Title IX and wishes to withdraw its request. Accordingly, OCR has closed your request file.

If you have any questions in the future regarding a Title IX religious exemption, please do not hesitate to contact the Atlanta Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

SEP 23 1985

Rabbi Shrage Moshe Kalmanowitz
President and Dean
Mirrer Yeshiva Central Institute
1791-5 Ocean Parkway
Brooklyn, New York 11223

Dear Rabbi Kalmanowitz:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of August 7, 1985, which requested additional information regarding Mirrer Yeshiva Central Institute's (Institute) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request submitted by Rabbi Chaim Stern, you describe certain policies practiced at the Institute 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 Institute has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Institute an exemption to those sections of the Title IX regulation specified in your August 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Mirrer Yeshiva Central Institute is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Rabbi Stern indicated in his original letter that the Institute was chartered and maintained as an Orthodox Jewish Seminary. Its trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. This relationship between Orthodox Judaism and the Institute adequately establishes that Mirrer Yeshiva Central Institute is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Mirrer Yeshiva Central Institute has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

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:

Mr. Jesse L. High
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

Copy sent forward 4/18/96

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-_____

Dr. R. Alton Lacey
President
Missouri Baptist College
One College Park Drive
St. Louis, Missouri 63141-8698

Dear Dr. Lacey:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated April 1, 1996, for religious exemption for Missouri Baptist College (College) from Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. Part 106 (1992).

In your request you described several policies and practices at Missouri Baptist College as consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request 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 Missouri Baptist College an exemption to those sections of the Title IX regulation specified in your request letter.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Missouri Baptist College. Missouri Baptist 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, 106.34, 106.36, 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.52, 106.53, 106.55(a), 106.57, 106.59, and 106.60(a). The basis for the decision to grant this exemption is discussed in further detail below.

Your letter indicates that Missouri Baptist College is controlled by the Missouri Baptist Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Missouri. The College is controlled by the Missouri Baptist Convention, and all members of the Board of Trustees of Missouri Baptist College are elected by the Convention. The Convention fosters the College and provides it substantial financial support. This relationship between the

Missouri Baptist Convention and the College establish that Missouri Baptist 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 implementing regulation.

In your letter, you indicate that there are certain biblical tenets that the College adheres to as its standard of faith and practice and that are based upon the College's Christian understanding of the Scriptures. The institution practices the following tenets:

1. The College requires that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be a violation of the College's religious tenets to compel it to treat unmarried women's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of her condition as required by 34 C.F.R. §§ 106.39, 106.40(b) and 106.51(b). Based on these principles, the College is granted by this letter exemption from the following sections of 34 C.F.R.:

§ 106.39	Health and insurance benefits and services
§ 106.40	Marital or parental status
§ 106.51	Employment

2. In keeping with the College's religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Based on these principles, the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55(a)	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising
§ 106.60(a)	Pre-employment inquiries

3. The College provides an education to a significant number of students who are training for the ministry. The College may provide different scholarship assistance and academic and professional counseling to ministerial students on the basis of gender. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. The College is therefore granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.21(c)	Admission; prohibitions relating to marital or parental status
§ 106.31	Education programs and activities
§ 106.34	Access to course offerings
§ 106.36	Counseling and use of appraisal and counseling materials
§ 106.37(a)&(b)	Financial assistance
§ 106.38(a)	Employment assistance to students

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. If OCR receives a complaint on these issues against the College, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the College 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 College, or if the organization denies that it controls the college, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Susan Bowers
Acting Director,
Policy, Enforcement and
Program Service
Office for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 3 1985

The Reverend J. Terrence Fitzgerald
President - Rector
Mt. Angel Seminary
St. Benedict, Oregon 97373

Dear Reverend Fitzgerald:

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. We have reviewed your response to our letter of March 22, 1985, in which you describe a policy practiced at Mt. Angel Seminary as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain portions of the regulation implementing Title IX absent a religious exemption. You supplied information in your letter of April 12 that establishes that Mt. Angel Seminary is controlled by the Catholic Church and that tenets followed by the Church conflict with specific portions of the Title IX regulation. Therefore, I am granting Mt. Angel Seminary an exemption to the section of the Title IX regulation specified in your letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Mt. Angel Seminary. Mt. Angel Seminary is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.21.[1] The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Mt. Angel Seminary is owned and operated by the Catholic Church for the training of students for the Catholic priesthood. This relationship between the Catholic Church and Mt. Angel Seminary adequately establishes that Mt. Angel Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the Catholic Church does not allow the ordination of women or married men. Thus, only unmarried males are accepted into your program for priestly training. Based on this principle, Mt. Angel Seminary has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21 (Admissions).

---

1 The regulation implementing Title IX of the Education Amendments of 1972 was recodified with the establishment of the Department of Education in 1980. The regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

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 Mt. Angel Seminary, 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 Mt. Angel Seminary are not based on the religious tenets of the Catholic Church, OCR is obligated to contact the Catholic Church to verify those tenets. If the Church provides an interpretation of tenets that has a different practical impact than that described by Mt. Angel Seminary, or if the Church 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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 6 1985

Dr. Thomas R. Feld
President
Mount Mercy College
1330 Elmhurst Drive, N.E.
Cedar Rapids, Iowa 52402

Dear President Feld:

Thank you for your letter of July 31, 1985, in which you advised that you are withdrawing Mount Mercy College's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on your letter, the Office for Civil Rights has closed your institution's request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Kansas City Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

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

MAY 31 1989

Dr. Joseph C. Aldrich
President
Multnomah School of the Bible
435 Northeast Glisan Street
Portland, Oregon 97220

Dear Dr. Aldrich:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Multnomah School of the Bible's (Multnomah) request for religious exemption to Title IX of the Education Amendments of 1972. You submitted a letter dated December 8, 1988, requesting a religious exemption, and this request was clarified by Multnomah's Vice President of Educational Development (Vice President) in a telephone conversation of February 27, 1989, with OCR staff.

You have described certain policies that are practiced by Multnomah 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. You have provided information that establishes that Multnomah 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 Multnomah an exemption to those sections of the Title IX regulation appropriate to your request. Multnomah School of the Bible is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.36, 106.38, 106.40, 106.51, 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 Multnomah. The basis for this decision is discussed in further detail below.

Your letter of December 8, 1988, indicates that Multnomah is a professionally accredited bible college and was incorporated as a Christian institution under the control of a board of trustees. The trustees are members of local Protestant evangelical churches and sign annually a doctrinal statement of faith. The trustees, faculty, employees, and students of Multnomah are required to espouse a personal belief in the religious tenets of the Christian faith. Multnomah's official publications contain explicit statements that Multnomah is committed to the doctrines of the Christian religion. The requirement that the trustees, faculty, emplcyees, and students of Multnomah espouse a personal belief in the Christian faith and the statements of commitment to the Christian faith in official publications adequately establishes that Multnomah 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 Multnomah adheres to biblical tenets for matters of faith and practice. Multnomah "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 attire." Based on these tenets, Multnomah 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); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

Your request letter indicates that certain administrative and faculty positions are restricted to men in accordance with religious tenets. Such positions are related to governance of religious bodies, such as Multnomah, and to teaching biblical, theological, and Church ministry courses. Based on these practices, Multnomah has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising).

Multnomah reserves the right, according to your request letter, to offer separate chapels, spiritual emphasis days of prayer, meetings, and spiritual fellowship groups on the basis of sex, based on Multnomah's religious tenets. Thus, Multnomah has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.31 regarding education programs and activities.

Your letter also requests exemption to § 106.34 (access to course offerings) and § 106.36 (counseling and use of appraisal and counseling materials). In a telephone conversation of February 27, 1989, with OCR staff, the Vice President clarified that all education programs are open to men and women, but indicated that women would be counseled against an undergraduate degree in theology or a master's degree in divinity since most churches do not ordain women as ministers. Based on these practices, Multnomah has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.36 regarding counseling. However, Multnomah has not demonstrated a conflict between its practices as based on its religious tenets and the requirements of § 106.34 regarding access to courses. Multnomah may submit a request for an exemption to this section at such time as it determines students should be excluded from certain courses on the basis of sex in accordance with the institution's religious tenets.

Your request letter and OCR's telephone conversation with Multnomah's Vice President indicate that Multnomah does not refer female students to employment positions it considers inappropriate for women, as based on its religious tenets. In addition, certain employment positions at Multnomah may be offered on the basis of sex in accordance with Multnomah's religious tenets. Based on these practices, Multnomah has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.38 regarding employment assistance to students. This exemption is limited to the extent that compliance with this section conflicts with Multnomah's religious tenets and that requests from outside agencies for gender specific references are for positions which Multnomah itself would limit to students of one sex, in accordance with its religious tenets, were such positions available at Multnomah.

Your letter also indicates that student scholarship funds are distributed on a "first come first served" basis, and that Multnomah reserves the right to distribute such funds without parity by gender. Multnomah's basic practice does not, at this time, demonstrate a conflict with § 106.37 of the Title IX regulation regarding financial assistance for students. Multnomah may request an exemption to this section at such time as students are denied scholarship funds on the basis of sex in accordance with Multnomah's religious tenets.

Your letter also made reference to athletics programs at the institution which are covered by § 106.41 regarding athletics. The Vice President of Educational Development clarified that an exemption to § 106.41 was unnecessary.

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.

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.

I hope this letter responds fully to your request. If you have any questions, please to not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
915 Second Avenue, Room 3310 - 10-9010
Seattle, Washington 98174-1099.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Rabbi Herman N. Neuberger
Vice President
Ner Israel Rabbinical College
Mt. Wilson Lane
Baltimore, Maryland 21208

Dear Rabbi Neuberger:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Ner Israel Rabbinical College's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the 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. You have supplied information in your request letters that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Ner Israel Rabbinical College an exemption to those sections of the Title IX regulation specified in your August 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Ner Israel Rabbinical College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

In your original letter you stated that Ner Israel Rabbinical College is "controlled, conducted, and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that Ner Israel Rabbinical College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 20 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Ner Israel Rabbinical College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Post Office Box 13716
Philadelphia, Pennsylvania 19104

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III

CR 9013 0089

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

MAR 7 1989

Dr. Don Argue
President
North Central Bible College
910 Elliot Avenue South
Minneapolis, Minnesota 55404

Dear Dr. Argue:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated December 6, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letter you supplied information that establishes that the North Central Bible College is controlled by a religious organization and that the tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request several policies practiced at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption from those sections of the Title IX regulation specified in your request letter. In doing so, I note an apparent error. You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I conclude from the facts outlined in your request that you desire an exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. 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 our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is owned and controlled by the General Council of the Assemblies of God and various District Councils of the Assemblies of God. Information provided with your request letter indicates that the College is affiliated with, responsive to and subject to the Constitution and Bylaws of the General Council of the Assemblies of God. This relationship between the General Council and District Councils of the Assemblies of God 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 and accompanying materials indicate that the officers, faculty and students of the College are bound by the General Council's Statement of Fundamental Truths. Your letter identified two of the sixteen tenets contained in

the Statement of Fundamental Truths as being pertinent to your request. Specifically, your letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40, and 106.57 conflict directly with the tenets of the College and its controlling organization because in some cases, these provisions contradict the the Bible and the church's view on sanctification.

Your letter cites as examples of such contradiction the religious tenets that require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married.

Based on the information submitted, North Central Bible College is granted by this letter exemption from 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.40 (marital and parental status of students); 106.57 (marital and parental status of employees), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office at the following address:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 18 1985

Mr. C. Larry Roberts
President
Northeastern Christian Junior College
1860 Montgomery Avenue
Villanova, Pennsylvania 19085

Dear President Roberts:

Thank you for your letter dated August 15, 1985, which advised that Northeastern Christian Junior College no longer desires a religious exemption from Title IX of the Education Amendments of 1972. Accordingly, the Office for Civil Rights has closed your institution's request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights.

Sincerely yours,

James M. Littlejohn

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III

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

SEP 3 1985

SEP 3 1985

Dr. J. Don Jennings
President
Northwest Baptist Seminary
4301 North Stevens
Tacoma, Washington 98407

Dear President Jennings:

The Office for Civil Rights (OCR) of the Department of Education is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. We have reviewed your responses to our letter of March 22, 1985, requesting clarification of your religious exemption request. You described certain policies practiced at Northwest Baptist Seminary (NBS) 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. You have supplied information in your response which establishes that NBS is controlled by the General Association of Regular Baptist Churches (GARBC) and that tenets followed by GARBC conflict with specific sections of the Title IX regulation. Therefore, I am granting Northwest Baptist Seminary 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. Northwest Baptist Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c); § 106.31(a), (b)(1), (2), (3), (7); § 106.34; § 106.36; § 106.40(a), (b)(1), (4), (5); § 106.51(a)(1), (2); § 106.55(a); § 106.57; and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Northwest Baptist Seminary is responsible to the GARBC and its constituency. NBS is subject to annual approval by the GARBC to ensure that the continuity of the educational program conforms with the scriptural position of the majority of the GARBC. All members of the Board of Trustees, which governs NBS, must be members of fundamental Baptist churches. NBS is supported financially by the constituency of the GARBC and student fees. This relationship between the GARBC and NBS adequately establishes that Northwest Baptist Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicate that NBS "is committed to the distinctive character of a Christian institution by regarding the Bible's moral-sexual standards and its theological teaching on the significance of the family

unit." Thus, NBS "reserves the right to exclude or suspend from its educational program, activities, or employment, students or employees who violate institutional standards that have as their basis the moral standards and theological premises contained in the Bible." Based on these principles, Northwest Baptist Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of potential students); § 106.40(a), (b)(1), (4), (5) (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

Your letter also indicates that NBS believes "the Bible excludes women from the ordained ministry[,]" and, for this reason, NBS does not recruit women to prepare for the ministry. Therefore, NBS reserves "the right to refuse a woman's participation in any educational program, activity, or course offering which is deemed to violate the Bible's ministerial standards and practices." Based on these principles, Northwest Baptist Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.31(a), (b)(1), (2), (3), (7) (education programs and activities); § 106.34 (access to course offerings); and § 106.36 (counseling and use of appraisal and counseling materials).

Finally, your letter indicates that NBS believes that "Biblical guidelines exclude women from positions of leadership and teaching in the church." For this reason, you indicate that, "while not totally exclusive of female leadership, certain administrative and teaching positions are more appropriate for men." Therefore, NBS "reserves the right to hire employees who meet the religious requirements of educating students for the ministry." Thus, "the Seminary reserves the right to classify a job as being for males." Based on these principles, Northwest Baptist Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.51(a)(1), (2) (employment); and § 106.55(a) (job classification and structure).

You also requested exemption from 34 C.F.R. § 106.31(b)(5) regarding rules of appearance. This section has been rescinded and deleted from the Title IX regulation. Therefore, an exemption 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 Northwest Baptist Seminary, 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 Northwest Baptist Seminary are not based on the religious tenets of the GARBC, OCR is obligated to contact the GARBC to verify those tenets. If the GARBC provides an interpretation of these tenets that has a different practical impact than that described by Northwest Baptist Seminary, or if the organization denies that it controls Northwest Baptist Seminary, this exemption will be rescinded.

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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1988

Dr. D. V. Hurst
President
Northwest College
of the Assemblies of God
P.O. Box 579
Kirkland, Washington 98083-0579

Dear Dr. Hurst:

This is in response to your July 29, 1988, request that the Northwest College of the Assemblies of God (the College) be granted an exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your letter, you 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. You have supplied information in your request letter that establishes that the College is controlled by a religious organization and that the 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 specified in your request letter. Your letter requested exemption from 34 C.F.R. § 106.20(c); however, since there is no such section, staff of the Seattle Regional Office for Civil Rights (OCR) raised this matter in a telephone conversation on August 23, 1988, with Dr. Randall K. Barton, Vice President for Development. At that time, Dr. Barton confirmed that the request should have read 34 C.F.R. § 106.21(c).

In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirement of 34 C.F.R. § 106.39, which pertains to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. In the August 23, 1988, telephone conversation with regional staff, Dr. Barton requested, on behalf of the College, an exemption from this provision of the regulation. Accordingly, I am granting the College an exemption to that section as well.

Northwest College of the Assemblies of God is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. 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 indicates that the College is owned and controlled by the General Council of the Assemblies of God (General Council). The Articles of Incorporation and By-Laws of the College state that the College is committed to the doctrines of the General Council, and the College is completely governed by the Assemblies of God. This relationship between the College and the General Council, supports a determination 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 states that the College adheres to the fundamental precepts contained in the "Statement of Fundamental Truths" adopted by the General Council and that the personnel and students of the College accept religious standards in matters of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required. The letter further states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letter also states that these same tenets apply to employees of the College. Based on this principle, Northwest College of the Assemblies of God is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the College.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. Since a complaint has been filed against the College regarding the exclusion of pregnancy and related conditions from the student health insurance plan, OCR will have to determine the extent to which the College's religious tenets conflict with the regulatory provisions regarding the coverage of pregnancy and related conditions for students. The Seattle OCR will contact you further regarding this matter. Similarly, in the event OCR receives future complaints against your institution, OCR will be obligated to determine 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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Seattle OCR. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
U.S. Department of Education
2901 Third Avenue, Room 100 - 10-4010
Seattle, Washington 98121-1042

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

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

MAY 16 1989

Dr. Donald O. Ericksen
President
Northwestern College
3003 North Snelling Avenue
St. Paul, Minnesota 55113

Dear Dr. Ericksen:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated June 23, 1988, and March 16, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letters, you provided information that establishes that Northwestern College (the College) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letters 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 absent a religious exemption. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letters. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Northwestern College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. The basis for this decision is discussed in further detail below.

Your request letters indicate that the College is controlled by Northwestern College, Inc., (the Corporation), a non-profit religious corporation. The directors of the Corporation and faculty and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College receives its entire financial support from the Corporation. This relationship between the Corporation and the College adequately establishes that Northwestern College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter of March 16, 1989, indicates that the College follows biblical standards for Christian morality and "seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, marriage and residential living environments and standards." Based on these tenets, the 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); § 106.40 (marital or parental status of students); § 106.57 (marital or parental

status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

Your letter of June 23, 1988, indicates that the College follows religious standards concerning the performance of any religious role or office in which gender distinctions may be required. Based on these tenets, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising for employees), where courses or employment positions involve religious roles limited on the basis of sex. Thus, this exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

As noted in your letter of March 16, 1989, under 34 C.F.R. § 106.15(d), private undergraduate institutions are exempt from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23, regarding admission and recruitment. It is the practice of OCR to grant a religious exemption to § 106.21(c), as in this case, so that programs or activities not undergraduate in nature are exempt, where the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
U.S. Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Mr. Kenneth A. Mines, Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 6 1985

Dr. Harold Heie
Acting President
Northwestern College
Orange City, Iowa 51041

Dear President Heie:

Thank you for your letter of July 29, 1985, in which you advised that you are withdrawing Northwestern College's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on your letter, the Office for Civil Rights has closed your institution's request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Kansas City Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

Reverend Monsignor John C. Favalora
President
Notre Dame Seminary
2901 South Carrollton Avenue
New Orleans, Louisiana 70118

Dear Reverend Monsignor Favalora:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Notre Dame Seminary 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 Bruns (copy enclosed) in which he described certain policies practiced at Notre Dame Seminary 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 that establishes that Notre Dame Seminary 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 Notre Dame Seminary 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. Notre Dame Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.34, 106.51, 106.52, 106.53 and 106.55. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter states that Notre Dame Seminary is a school of theology, subsidized by the Archdiocese of New Orleans. Notre Dame Seminary primarily trains candidates for the Roman Catholic priesthood. This relationship between the Roman Catholic Church and Notre Dame Seminary adequately establishes that Notre Dame Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that Notre Dame Seminary trains candidates for the Roman Catholic priesthood and offers graduate level programs to qualified male and female applicants. However, the letter stated that the Master of Divinity program, which is designed to train candidates for the priesthood, is open, subject to a limited numerical enrollment, to non-Catholic applicants of either sex. Thus, to the extent that the institution partially

limits admission and access to courses, Notre Dame Seminary is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students) and § 106.34 (access to course offerings).

The former president's letter also indicates that Notre Dame Seminary, in accordance with its primary purpose of training candidates for the priesthood, hires only priests as full-time faculty members who live in-house with priesthood candidates. Based on this practice, Notre Dame Seminary is granted by this letter exemption to: § 106.51 (employment, general), § 106.52 (employment criteria), § 106.53 (recruitment of employees) and § 106.55 (job classification and structure), to the extent that certain employment positions must be reserved for priests.

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 Notre Dame Seminary, 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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the 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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

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

SEP 3 1985

Dr. Calvin B. Rock
President
Oakwood College
Huntsville, Alabama 35896

Dear President Rock:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letters of March 25, 1985, and July 3, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In the request of August 6, 1985, Dr. Banks (Vice President of Administration and Development) describes certain policies practiced at Oakwood 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. Oakwood College 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 Oakwood College an exemption to those sections of the Title IX regulation specified in 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. Oakwood College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Oakwood College is controlled by the Seventh-day Adventist Church. The General Conference of Seventh-day Adventists, your institution's parent body, owns all of Oakwood College's buildings and property. The doctrines, policies, and practices of the Seventh-day Adventist Church govern Oakwood College. This relationship between the Seventh-day Adventist Church and Oakwood College adequately establishes that Oakwood College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that your religion views sexual relations outside of marriage as a sin. Unmarried students or employees who become pregnant are not permitted to remain enrolled or employed at the institution.

Based on this principle, Oakwood College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status, including pregnancy, of applicants for admission), § 106.40 (marital or parental status of students, including pregnancy), and § 106.57 (marital or parental status of employees, including 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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

Sep 23, 1985

SEP 23

Rabbi Israel E. Kanarek
President
Ohr Hameir Theological Seminary
3 Boulevard
New Rochelle, New York 10801

Dear Rabbi Kanarek:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Ohr Hameir Theological Seminary's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Seminary 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. You have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your August 26, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Ohr Hameir Theological Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Ohr Hameir Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 26 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Mr. Emil Tauber
President
Ohr Somayach Institutions
142 Route 306 P.O. Box 334
Monsey, New York 10952

Dear President Tauber:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the request of Ohr Somayach for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original request of July 22, 1985, you describe certain policies practiced at Ohr Somayach 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. You have supplied information in your request letters that establishes that Ohr Somayach is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Ohr Somayach an exemption to those sections of the Title IX regulation specified in your September 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Ohr Somayach is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that Ohr Somayach is "controlled, conducted, and operated by the Orthodox Jewish Religion." This relationship between Orthodox Judaism and Ohr Somayach adequately establishes that Ohr Somayach is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 20 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Ohr Somayach has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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.

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 Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 20 1985

Mr. Oral Roberts
President
Oral Roberts University
Post Office Box 2187
Tulsa, Oklahoma 74171

Dear President Roberts:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Oral Roberts University filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former Provost Hamilton (copy enclosed) in which he described certain policies practiced at Oral Roberts University 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 provost 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 Oral Roberts University an exemption to those sections of the Title IX regulation specified in 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. Oral Roberts University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40(b)(1) and (4) and 106.57(b) and (c). The basis for our decision to grant this exemption is discussed in further detail below.

The former provost's letter indicates that Oral Roberts University is controlled by the Oral Roberts Evangelistic Association (the Association). The Association's primary purpose is described as the propagation of Christian principles. The Association and Oral Roberts University "adhere to the tenets, principles and teachings embraced by the Bible." Additionally, the request letter indicates that the University's Articles of Incorporation require that members of the controlling board be members of the Association. This relationship between Oral Roberts University and the Oral Roberts Evangelistic Association adequately establishes that Oral Roberts University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that the specific sections of the Title IX regulation set forth in the University's exemption statement "could conflict with the Bible's statements on illicit sexual activity, marriage and homosexuality." Thus, the institution indicated that regulations prohibiting the exclusion of students or employees because of pregnancy and related conditions may be inconsistent with the University's religious tenets. Based on these principles, Oral Roberts has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission), § 106.40(b)(1) and (4) (marital or parental status of students, including pregnancy) and § 106.57(b) and (c) (marital or parental status of employees or applicants for employment, including pregnancy).

Oral Roberts University also requested exemption to § 106.31(b)(5) concerning rules of appearance. Section 106.31(b)(5) has been rescinded from the Title IX regulation. Therefore, an exemption for appearance codes is not necessary.

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.

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 Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUN 7 1993

Mr. Ben M. Elrod
President
Ouachita Baptist University
Arkadelphia, Arkansas 71998-0001

Dear Mr. Elrod:

The Office for Civil Rights (OCR) in the U.S. Department of Education received your request, dated March 31, 1993, for religious exemption for Ouachita Baptist University (OBU) from Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation, at 34 C.F.R. Part 106. This letter is in response to your request.

We have reviewed your request in which you described several policies and practices at OBU as consistent with the tenets of the religious organization that controls OBU. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request that establishes that OBU 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 OBU an exemption to those sections of the Title IX regulation.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by OBU. OBU is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.34, 106.36-.39, 106.40, 106.51-.53, 106.55, 106.57, and 106.59-.60. The basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that OBU is controlled by the Arkansas Baptist State Convention (Convention). OBU and the Convention adhere to religious tenets that are based upon their understanding of the Scriptures. All members of the Board of Trustees of OBU are elected by the Convention. The Convention fosters OBU and provides it substantial financial support. This relationship between the Convention and OBU adequately establishes that OBU is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX implementing regulation.

In your letter, you indicate that there are certain biblical tenets that OBU uses as its standard of faith and practice. Further, you indicated that faculty, employees, and students of OBU are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. Thus, the institution practices the following:

1. All employees and students are required to refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be a violation of OBU's religious tenets to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability and award certain benefits or privileges in spite of her condition, including student health and insurance benefits.

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

34 C.F.R. § 106.39	Health and insurance benefits and services
34 C.F.R. § 106.40(b)	Marital or parental status; pregnancy and related conditions
34 C.F.R. § 106.51(b)	Employment

2. Some employment positions within OBU which require certain religious or ministerial qualifications/functions may be restricted on the basis of sex.

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

34 C.F.R. § 106.51	Employment
34 C.F.R. § 106.52	Employment criteria
34 C.F.R. § 106.53	Recruitment
34 C.F.R. § 106.55	Job classification and structure
34 C.F.R. § 106.57	Marital or parental status
34 C.F.R. § 106.59	Advertising
34 C.F.R. § 106.60	Pre-employment inquiries

3. OBU provides an education to a significant number of students who are in training for the gospel ministry. Consequently, OBU deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Therefore, OBU may provide different counseling, scholarship assistance, and job placement services to ministerial students on the basis of sex. Separate organizations for men and women are also offered to students.

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

34 C.F.R. § 106.21(c)	Admission; prohibitions relating to marital or parental status

34 C.F.R. § 106.31	Education programs and activities
34 C.F.R. § 106.34	Access to course offerings
34 C.F.R. § 106.36	Counseling and use of appraisal and counseling materials
34 C.F.R. § 106.37	Financial assistance
34 C.F.R. § 106.38	Employment assistance to students
34 C.F.R. § 106.40	Marital or parental status

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. If OCR receives a complaint on these issues against OBU, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by OBU 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 OBU, or if the organization denies that it controls OBU, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me.

Sincerely,

Norma V. Cantú

Norma V. Cantú
Assistant Secretary
for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION

AUG - 7 1990

Dr. D. Malcolm Maxwell
President
Pacific Union College
Angwin, California 94508-9707

Dear Dr. Maxwell:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated June 13, 1989, and the supplementary letter, dated January 30, 1990, from counsel for Pacific Union College (College) requesting a religious exemption to Title IX of the Education Amendments of 1972. Specifically, by these letters, the College has requested exemption to 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51(a), (b)(6) and (7), 106.56, 106.57, and 106.60(a) of the regulation implementing Title IX. Our records indicate that, by letter of September 3, 1985 (copy enclosed), OCR acknowledged the College's exemption to 34 C.F.R. §§ 106.21(c), 106.40, and 106.57(b) in response to an earlier request from the College. Your recent letters confirm that the College's educational policies in adhering to the tenets of the controlling religious organization have not changed since that time. Therefore, the following does not address in detail those sections of the Title IX regulation for which exemption was granted by OCR's letter of September 3, 1985.

The request letters of June 13, 1989, and January 30, 1990, describe certain policies of the College as being consistent with the tenets of the religious organization that controls the institution. These policies would violate various sections of the Title IX regulation absent a religious exemption. You have provided information in your request letters 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, Pacific Union College is hereby exempted from the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39, 106.51(a), (b)(6) and (7), 106.56, 106.57 (all paragraphs, in effect, (a), (b), (c), and (d)), and 106.60(a). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. As noted above, the College has a previous exemption to §§ 106.21(c), 106.40, and 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter of June 13, 1989, states that Pacific Union College is owned and operated by the Seventh-day Adventist Church. This relationship between the Seventh-day Adventist Church and the College adequately establishes that Pacific Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
PSEB	Bonnette by		PASP	Komen	8/7/90			
"	Lim	8-3-90	ASS	Komen	8/7/90			
PES	Caffi	8/6/90						

U.S. GPO: 1988-199-650

The College's request letters indicate that the Church maintains standards of conduct for Christian living, and members of the academic community are expected to adhere to those standards. Christian marriage is considered to be divinely sanctioned. Violations of biblical standards of moral conduct, including sexual relations outside marriage, adultery, sexual perversions, and divorce for reasons other than adultery, are subject to Church discipline. In accordance with these religious tenets, the College's request letters indicate that the College must be able to inquire about the marital and parental status of students or employees or applicants for admission or employment. Furthermore, the College, in the provision of health, insurance, and other benefits to students and employees who have violated biblical standards of moral conduct, must be able to act so as not to condone such conduct.

Based on these principles, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services for students); § 106.51(a), (b)(6) and (7) (employment - leaves of absence and fringe benefits); § 106.56 (fringe benefits); § 106.57 (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries). This exemption is limited to the extent that application of these sections conflicts with the religious tenets followed by the College. In addition, information in the June 13, 1989, and January 30, 1990, request letters reaffirms the exemptions granted by OCR's letter of September 3, 1985, to 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); and § 106.57(b) (marital or parental status of employees - pregnancy).

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. In the event OCR receives a complaint against the College, 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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the San Francisco Regional Office for Civil Rights. The address is:

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
U.S. Department of Education
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, California 94102.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Elizabeth K. McCarthy
John E. Palomino, Regional Civil Rights Director, Region IX

Prepared by VBonnette 8/3/90-732-1645-jm

envelope missing for Elizabeth K. McCarthy

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

SEP 3 1985

Dr. D. Malcolm Maxwell
President
Pacific Union College
Angwin, California 94508

Dear President Maxwell:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Pacific Union College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have reviewed the request filed by former President Cassell (copy enclosed) in which several policies practiced at Pacific Union are described 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 College 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 College an exemption to those sections of the Title IX regulation appropriate to 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. Pacific Union College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

The original request indicates that Pacific Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of the Church's teaching ministry. The College applies to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. This relationship between the Seventh-day Adventist Church and Pacific Union College adequately establishes that Pacific Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Based on the College's responsibility to apply these principles of morality and deportment as interpreted by the Church, Pacific Union College has requested and is granted by this letter exemption to:

§ 106.21(c) (admissions: prohibitions relating to marital or parental status).

§ 106.40 (marital or parental status of students)

§ 106.57(b) (marital or parental status of employees)

A request for exemption from § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was deleted from the Title IX regulation in 1982. Thus, an exemption for appearance codes 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 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 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
U.S. 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

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.

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

SEP 14 1994

Mr. Paul R. Corts
President
Palm Beach Atlantic College
901 South Flagler Drive
P.O. Box 24708
West Palm Beach, Florida 33416-4708

Dear Mr. Corts:

The Office for Civil Rights (OCR) of the U.S. Department of Education has received your letter dated August 18, 1994, in which you inquired whether the proposed changes in the incorporation of the Palm Beach Atlantic College (the College) would in any way affect the religious exemption that was granted the College by OCR in 1989.

OCR has reviewed the proposed charter and amendments. The charter indicates that the College continues to be a nonprofit religious corporation, controlled by a Board of Trustees selected by the Palm Lake Baptist Association, a group whose members are Baptist churches.

Since there is nothing in the charter or amendments that would indicate any change in the religious tenets of the College or its controlling organization, your religious exemption from the requirements of Title IX of the Education Amendments of 1972 (Title IX), as mentioned in OCR's letter of January 6, 1989 (copy enclosed) is still in effect.

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned in OCR's 1989 letter. If OCR receives a complaint on these issues against the College, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the College 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 College, or if the organization denies that it controls the College, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact Eleanor Baker at (202) 205-9495.

Sincerely,

Norma V. Cantú

Norma V. Cantú
Assistant Secretary
for Civil Rights

Enclosures

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.

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1992

W. Sherrill Babb, Ph.D.
President
Philadelphia College of Bible
Langhorne Manor
Langhorne, Pennsylvania 19047

Dear Dr. Babb:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your November 18, 1988, request for religious exemption from Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. Sections 1681 et seq., and its implementing regulation 34 C.F.R. Part 106 (copy enclosed). Your letter of April 3, 1989, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

Your request described several policies at Philadelphia College of Bible (College) as consistent with the tenets of the religious organization that controls the College. These policies would conflict with the regulation implementing Title IX absent a religious exemption. You have supplied information that establishes that the College, although denominationally unaffiliated, serves a constituency that represents conservative, evangelical Protestants and is led by a board of trustees, administrators, faculty and staff which is committed to the authority of the Bible in matters of curriculum and life. You have also supplied information which establishes that tenets followed by the constituency served by the college organization conflict with specific sections of the Title IX regulation. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.21(c)(2), 106.39, and 106.57. 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 of our decision to grant this exemption is discussed in further detail below.

Your letters of November 18, 1988, and April 3, 1989, indicate that the College is incorporated, and the Charter of the Corporation contains explicit references to the doctrines of the Christian religion. The College is controlled by a Board of Trustees, and the trustees, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. This relationship between the Board of Trustees 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. Section 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the College maintains its religious tradition, standards, and beliefs in accordance with the requirements of its conservative evangelical Protestant tradition. The College, its students and employees must adhere to Biblical tenets for matters of curriculum and life. Thus, conduct such as the termination of a pregnancy, except when the mother's health is in jeopardy, would violate religious tenets regarding moral behavior. Based upon these principals, the College has requested and is granted by this letter, exemption to 34 C.F.R. Sections 106.21(c)(2), regarding treatment of students based upon marital and parental and status; 106.39, regarding health and insurance benefits and services; and 106.57, regarding treatment based upon marital and parental status in employment.

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 College are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those facts. If the organization provides an interpretation of the 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 to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office at this address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JAN 10 1989

Dr. Howard Wilburn
President
Piedmont Bible College
716 Franklin Street
Winston-Salem, North Carolina 27101-5197

Dear Dr. Wilburn:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letter of September 29, 1988. You requested a religious exemption for Piedmont Bible College from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your letter, you describe certain policies practiced at Piedmont Bible College (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. You have supplied information in your request letter 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. Therefore, I am granting the College an exemption to the nine sections of the Title IX regulation specified in your request letter (34 C.F.R. §§ 106.21(c), 106.31, 106.32, 106.34, 106.40, 106.51, 106.55, 106.57, and 106.60).

Piedmont Bible 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, 106.40, 106.51, 106.55, 106.57, 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 indicates that the College is controlled by a Board of Trustees whose members are elected in accordance with the constitution and by-laws of the College, which require that each member of the Board be a member of a Baptist organization. This relationship between the College and Baptist organizations adequately establishes that Piedmont Bible 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 states that applicants for admission, students and employees of the College are all required to espouse a personal belief in the Doctrinal statement of the College. The College is Baptist in polity and doctrine, and finds biblical support for its positions on divorce, abortion, homosexuality, premarital sex, and sexual abstinence outside the marriage bond. For instance, the pastoral training program is limited to males because only a male can serve as pastor. Based on these principles, Piedmont Bible College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital or parental status

of applicants for admission); § 106.31 (education programs and activities); § 106.32 (housing); § 106.34 (access to course offerings); § 106.40 (marital or parental status of students); § 106.51 (employment); § 106.55 (job classification and structure); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries), to the extent that application of these sections conflict with the religious tenets practiced by the College.

As mentioned in your letter, 34 C.F.R. 106.15(d) excludes private institutions of undergraduate higher education from certain provisions of the regulation, including § 106.21, which relates to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature, are exempt, if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. I regret the delay in responding to your original request. If you have any questions, please do not hesitate to contact the Atlanta OCR. The address is:

Mr. Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Tower, 27th Floor, Suite 2702
P.O. 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

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

AUG 16 1985

Reverend Dennis F. Sheehan
Rector
Pope John XXIII National Seminary
Weston, Massachusetts 02193

Dear Father Sheehan:

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 Pope John XXIII National Seminary (Seminary) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by the former Rector, Reverend James W. DeAdder (copy enclosed), in which he described a policy practiced at the Seminary as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The former Rector 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 the Seminary 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. Pope John XXIII National Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The former Rector's letter indicates that the Seminary is controlled by the Roman Catholic Church. The Seminary educates students to be ordained priests in the Roman Catholic Church and accepts as full-time students only males who profess the Roman Catholic faith. This relationship between the Roman Catholic Church and Pope John XXIII National Seminary adequately establishes that the Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

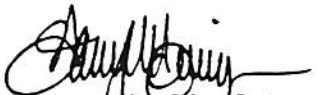
Pope John XXIII National Seminary educates only men to become ordained priests in the Roman Catholic Church. Based on this practice, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Boston Regional Office for Civil Rights. The address is:

Richard V. E. McCann
Regional Civil Rights Director
Office for Civil Rights, Region I
Department of Education
Room 222, J.W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Richard V. E. McCann, Regional Civil Rights Director, Region I

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUL 22 1985

Sister Lynn Marie Welbig
President
Presentation College
1500 North Main
Aberdeen, South Dakota 57401

Dear Sister Welbig:

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 Presentation 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 Dunn (copy enclosed) in which she described several policies practiced at Presentation 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 her 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 Presentation College an exemption to those sections of the Title IX regulation specified in 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. Presentation College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c)(2) and (3); § 106.40(b)(1), (4), and (5); and § 106.57(b), (c) and (d). The basis for our decision to grant this exemption is discussed in further detail below.

The former President's letter indicates that Presentation College is owned, operated and controlled by Sisters of the Presentation, and Presentation College practices the tenets of the Catholic religion. Specifically, the Sisters of the Presentation and Presentation College follow the Catholic teaching regarding termination of pregnancy. This relationship between the Sisters of the Presentation and Presentation College adequately establishes that Presentation 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 Presentation College has adopted a "Right to Life" statement which includes acceptance of the Catholic teaching regarding termination of pregnancy. Based on the above principle, Presentation College has requested and is granted by this letter exemption to 34 C.F.R. § 106.21(c) (2) and (3); § 106.40(b) (1), (4) and (5); and § 106.57(b), (c) and (d).

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.

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
Federal Office Building
1961 Stout Street, - Room 1185
Denver, Colorado 80294

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Mr. Sidney Schiff
Dean
Rabbinical College Beth Shraga
Saddle River Road
Monsey, New York 10952

Dear Mr. Schiff:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Rabbinical College Beth Shraga's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at the 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. You have supplied information in your request letters that establishes that the College is controlled by a religious organization and that practices based on 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 specified in your September 9, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical College Beth Shraga is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Rabbinical College Beth Shraga is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 9 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Mr. Mordechai Stuhl
Administrator
Rabbinical College Ch'san Sofer of New York
1876 50th Street
Brooklyn, New York 11204

Dear Mr. Stuhl:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Rabbinical College Ch'san Sofer of New York's (College) request for a religious exemption from Title IX of the Education Amendments of 1972. Our records indicate the College was formerly named the Rabbinical Seminary Yeshivas Ch'san Sofer and that the original exemption request was made under that institution name.

In your response, which supplements the original exemption request filed by Mr. Samuel Fischer, you describe certain policies practiced at the 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. You and Mr. Fischer have supplied information in your request letters that establishes that the College is controlled by a religious organization and that practices based on 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 specified in your September 11, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical College Ch'san Sofer of New York is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Mr. Fischer stated in his original letter that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Rabbinical College Ch'san Sofer of New York is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 11 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Rabbi Abraham Tenenbaum
Dean
Rabbinical College Kamenitz
Yeshivah of America
1650-56th Street
Brooklyn, New York 11204

Dear Rabbi Tenenbaum:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Rabbinical College Kamenitz Yeshivah of America's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at the 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 College has supplied information in these request letters that establishes that it is controlled by a religious organization and that practices based on 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 specified in your September 9, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical College Kamenitz Yeshivah of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter stated that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Rabbinical College Kamenitz Yeshivah of America is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

You stated in your September 9 letter that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Mr. Hirsh Greenzweig
Vice President for Administration
Rabbinical College of Adas Yereim
185 Wilson Street
Brooklyn, New York 11211

Dear Vice President Greenzweig:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Rabbinical College of Adas Yereim's (College) request for a religious exemption from Title IX of the Education Amendments of 1972. Our records indicate the College was formerly named the Mesivta Nachlas Yakov of K'hal Adas Yereim and that the original exemption request was made under that institution name.

In your response, which supplements the original exemption request, you describe several policies practiced at the 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 College has supplied information that establishes that the institution is controlled by a religious organization and that practices based on 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 specified in your September 10, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical College of Adas Yereim is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter stated that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Rabbinical College of Adas Yereim is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 10 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
REGION II
FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

AUG 7 1985

OFFICE FOR CIVIL RIGHTS

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rabbi Yitzchak Feigelstock
Director
Rabbinical College of Long Island
201 Magnolia Boulevard
Long Beach, New York 11561

Dear Rabbi Feigelstock:

The Office for Civil Rights (OCR) of the Department of Education recently forwarded a request for information to Rabbinical College of Long Island and several rabbinic and other institutions. This request is part of OCR's effort to resolve a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972.

In response to these requests, OCR received a letter dated April 16 from Agudath Israel of America (AIA) indicating its position that a request for religious tenets is constitutionally impermissible under the First Amendment of the United States Constitution. OCR recently responded to AIA outlining our responsibilities in granting religious exemption under Title IX. Since OCR's position may affect your request for exemption, a copy of this letter is enclosed for your reference.

OCR recognizes the constitutional concerns in providing OCR with a description of religious tenets. If your institution is still interested in receiving a religious exemption, then we recommend that you submit a statement regarding religious tenets or institution practices that are based on religious tenets which you believe conflict with the regulation. This will enable OCR to act on your request by confirming that the correct sections of the Title IX regulation have been cited in your request letter. For example, a statement such as - based on our religious tenets, the institution admits only men - enables OCR to confirm that an exemption to 34 C.F.R. §§ 106.21, 106.22 and 106.23 regarding admissions and recruitment is necessary. Also, a statement indicating, for example, that based on religious tenets, only men are permitted to teach certain courses, enables OCR to take action on those sections of the Title IX regulation regarding employment that may be specified in your request letter. Without information regarding institution practices to confirm that the sections of the regulation cited in your request letter are accurate, any exemption granted by OCR would have little practical impact. OCR would be required to investigate any complaint filed against your institution, to the extent that your institution receives Federal financial assistance, if we cannot determine the accuracy of the exemption requested or subsequently granted.

I hope this letter and the enclosed copy of the letter to AIA clarify OCR's intent in issuing the information request and OCR's responsibilities in granting religious exemptions. It would be appreciated if you responded no later than August 23, 1985. If you have any questions, please feel free to contact me or Ms. Marilyn Rabinowitz at (212) 264-4633.

Sincerely,

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education

Enclosure

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Yitzchok Feigelstock
Rosh Yeshiva
Rabbinical College of Long Island
201 Magnolia Boulevard
Long Beach, New York 11561

Dear Rabbi Feigelstock:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed the response of Rabbi Shlomo Lesin, Executive Vice President, to OCR's letter of August 7, 1985, which requested additional information regarding the Rabbinical College of Long Island's (the College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In his response, which supplements the institution's original exemption request, Rabbi Lesin describes certain policies practiced at the 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 College has supplied information that establishes that the institution is controlled by a religious organization and that practices based on 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 specified in Rabbi Lesin's August 21, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical College of Long Island is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Rabbinical College of Long Island is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Rabbi Lesin stated in his August 21 letter that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Rabbinical College of Long Island has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Rabbi Elyakim G. Rosenblatt
Dean
Yeshiva Kesser Torah
Rabbinical College of Queens
141-20 Grand Central Parkway
Briarwood, New York 11435

Dear Rabbi Rosenblatt:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Yeshiva Kesser Torah's (Yeshiva) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Yeshiva 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. You have supplied information in your request letters that establishes that the Yeshiva is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshiva an exemption to those sections of the Title IX regulation appropriate to your October 3, 1985, 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. Yeshiva Kesser Torah is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Yeshiva is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that Yeshiva Kesser Torah is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your October 3 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty[.]" Based on these practices, the Yeshiva is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 27 1985

Rabbi B. Grunfeld
Executive Director
Rabbinical College of the Bobover
Yeshiva Bnei Zion Inc.
1577-48th Street
Brooklyn, New York 11219

Dear Rabbi Grunfeld:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information from the Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. (College) regarding the College's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the 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. You have supplied information in your request letters that establishes that the College is controlled by a religious organization and that practices based on 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 specified in your September 18, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 18 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

SEP 24 1985

Mr. Benjamin Lederer
Vice President
Rabbinical Seminary M'kor Chaim
1571 Fifty-Fifth Street
Brooklyn, New York 11219

Dear Vice President Lederer:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of August 7, 1985, which requested additional information regarding the Rabbinical Seminary M'kor Chaim's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original request, you describe certain policies practiced at the Seminary 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. You have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your August 23, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical Seminary M'kor Chaim is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Rabbinical Seminary M'kor Chaim is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 23 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi A. H. Leibowitz
President and Rosh Hayeshiva
Rabbinical Seminary of America
92-15 69th Avenue
Forest Hills, New York 11375

Dear Rabbi Leibowitz:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed the response of Rabbi Abraham Ginzberg, Assistant to the Dean, to OCR's letter of August 7, 1985, which requested additional information regarding the Rabbinical Seminary of America's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In his response, which supplements the original exemption request, Rabbi Ginzberg describes certain policies practiced at the Seminary 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 Seminary has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in Rabbi Ginzberg's August 19, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical Seminary of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Rabbinical Seminary of America is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In Rabbi Ginzberg's letter, he stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on the above practices, the Rabbinical Seminary of America has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Mr. Chaim Rosenberg
Director
Rabbinical Seminary of Munkacs
1377-42nd Street
Brooklyn, New York 11219

Dear Mr. Rosenberg:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Rabbinical Seminary of Munkacs's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at the Seminary 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. You have supplied information in your request letters that establishes that the Seminary is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation specified in your September 12, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Rabbinical Seminary of Munkacs is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Seminary is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Seminary adequately establishes that the Rabbinical Seminary of Munkacs is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your September 12 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 25 1985

Rabbi S.A. Weissmandl
Director
Rabbinical Seminary of New Square
15 Roosevelt Avenue, New Square
Spring Valley, New York 10977

Dear Rabbi Weissmandl:

On March 29, 1985, the Office for Civil Rights (OCR) of the Department of Education sent to Rabbinical Seminary of New Square a request for sufficient information which would enable OCR to process your institution's request for religious exemption from Title IX of the Education Amendments of 1972. OCR received no response to this request and sent a second request for information on July 11, 1985. Additionally, OCR sent a clarification of its information request to Rabbinical Seminary of New Square on August 7, 1985.

OCR did not receive a response from your institution to our three requests and sent a final request for information on September 20, 1985. This final request indicated that if we did not hear from you by October 15, OCR would assume that your institution is no longer interested in receiving a religious exemption and close your request file.

OCR has not received a response from your institution to our four requests for information. Accordingly, the Office for Civil Rights has closed the request file for the Rabbinical Seminary of New Square.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

JUN 22 1988

Dr. Joe J. Christensen
President
Ricks College
295 Administration Building
Rexburg, Idaho 83440

Dear Dr. Christensen:

This is in response to the request of Ricks College for a religious exemption to 34 C.F.R. § 106.39 of the regulation implementing Title IX of the Education Amendments of 1972. Ricks College submitted this request to the Seattle Regional Office for Civil Rights on November 12, 1985, and submitted additional information on April 1, 1986.

The regional office received a complaint in August 1985 alleging that Ricks College violated 34 C.F.R. § 106.39 by discriminating on the basis of sex in the provision of student health insurance. The regional office subsequently closed the complaint for lack of jurisdiction and determined that the request for religious exemption could be addressed at such time as the Office for Civil Rights (OCR) established jurisdiction to investigate the complaint.

Ricks College has provided information in previous correspondence (dated May 7, 1985) that establishes that the institution is controlled by a religious organization (Church of Jesus Christ of Latter-day Saints) and that tenets followed by this organization conflict with specific sections of the Title IX regulation. By letter of June 24, 1985, OCR granted an exemption to Ricks College for 34 C.F.R. §§ 106.21, 106.31, 106.32, 106.36, 106.40, and 106.57. The November 12, 1985, and April 1, 1986, letters requesting exemption to 34 C.F.R. § 106.39, which were submitted by Michael R. Orme, counsel for the College, further describe College policies as consistent with the tenets of the religious organization that controls the institution. These policies might violate § 106.39 of the Title IX regulation absent a religious exemption. Therefore, I am granting Ricks College an exemption to 34 C.F.R. § 106.39, which is limited to the extent that compliance with this section conflicts with the religious tenets followed by Ricks College. OCR's basis for granting the exemption and the limits of this exemption are discussed in further detail below.

The College's letter submitted April 1, 1986, states: "By requiring that the College treat pregnancy as any other temporary disability for the purpose of student health insurance coverage, 34 C.F.R. [§] 106.39 would compel Ricks College's direct and/or indirect approval, and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare

cases, must not participate in or obtain an abortion." Based on these principles, Ricks College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.39 regarding the provision of health and insurance benefits and services to students.

The exemption granted herein to § 106.39 has the following limitations. The request letters from Ricks College do not suggest that pregnancy related conditions for married women, other than those conditions related to an abortion, contradict Church doctrine. Therefore, if Ricks College offers student health insurance that includes provisions for temporary disabilities, then pregnancy and related conditions for married women, other than abortion related conditions, must be treated as any other temporary disability.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned herein or in the June 24, 1985, letter. In the event that OCR receives a complaint against Ricks College, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the event that a complainant alleges that the practices followed by Ricks College are not based on the religious tenets of the Church of Jesus Christ of Latter-day Saints, OCR is obligated to contact the Church to verify those tenets.

I hope this letter responds fully to your request. I regret the delay in responding to this request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, Room 100
Seattle, Washington 98121-1042

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

AUG 24 1998

David A. Bednar
President
Ricks College
Rexburg, Idaho 83460-4107

Dear Mr. Bednar:

Please accept my apology, on behalf of the Office for Civil Rights (OCR), for the delay in responding to your letter of March 24, 1998, in which you requested, on behalf of Ricks College, a religious exemption, to the extent described in your letter, from the provisions of 34 C.F.R. §§ 106.21 and 106.23, provisions of the Department's regulations implementing Title IX of the Education Amendments of 1972. In a letter of August 11, 1998, from Michael R. Orme, on behalf of Ricks College, faxed to OCR in response to an inquiry from OCR staff, Mr. Orme indicated that Ricks College is a two-year institution of undergraduate higher education. Mr. Orme confirmed that, for that reason, the requested exemption would apply only to undergraduate recruitment and admissions. After this confirmation about the extent of the requested exemption, we reviewed your request and determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

The two provisions of the Title IX regulation from which Ricks College has requested an exemption, §§ 106.21 and 106.23, are provisions within Subpart C of the Department's Title IX regulation. Although Subpart C generally prohibits discrimination on the basis of sex in the admission and recruitment of students, with respect to recipients that are educational institutions, § 106.15(d) provides that, "[e]xcept as provided in paragraph (e) of this section as to recipients which are educational institutions, subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education." Under 106.15(d), the admissions and recruitment practices of private undergraduate institutions are exempt from coverage under Subpart C. Based on the letters from you and Mr. Orme, Ricks College is a private institution of undergraduate higher education and has requested an exemption from certain requirements of Subpart C solely with reference to undergraduate admissions and recruitment practices. Under these circumstances, under § 106.15(d), an exemption already exists.

In the event that in the future Ricks College were to expand to the extent that it offered graduate programs or other programs of the type that are covered by Subpart C, the regulatory exemption described in this letter would not apply. In that case, it would be necessary to request exemption from specific provisions of the regulation that are deemed to be inconsistent with certain tenets of the religious organization which sponsors and controls Ricks.

If you have questions about this, please do not hesitate to contact OCR's Seattle Office. The address and phone number of that office are as follows:

Mr. Gary D. Jackson
Enforcement Director
United States Department of Education
Office for Civil Rights
915 Second Avenue
Room 3110, 10-9010
Seattle, WA 98174-1099
(202) 220-7880.

Sincerely yours,

Norma V. Cantú

Norma V. Cantú
Assistant Secretary
for Civil Rights

cc: Mr. Gary D. Jackson, Enforcement Director, Seattle Office

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUN 24 1985

Dr. Bruce C. Hafen
President
Ricks College
295 Administration Building
Rexburg, Idaho 83440

Dear Dr. Hafen:

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. We have reviewed your response to our letter of March 22, 1985, in which you describe several policies practiced at Ricks 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 letter of May 7 that establishes that Ricks College is controlled by the Church of Jesus Christ of Latter-day Saints (Church) and that tenets followed by the Church conflict with specific sections of the Title IX regulation. Therefore, I am granting Ricks 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 Ricks College. Ricks College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21, § 106.31, § 106.32, § 106.36, § 106.40, and § 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Ricks College is controlled by the Church of Jesus Christ of Latter-day Saints in that Ricks College practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and Ricks College adequately establishes that Ricks College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the Church teaches the doctrine "that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives, and children, are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant." Based on these principles, Ricks College has requested and is granted by this letter,

exemption to 34 C.F.R. § 106.21 (marital or parental status in admission of students), § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees).

Your letter also indicates that "[t]he sponsoring Church teaches that marriage and childrearing are significant religious obligations and that mothers naturally have greater involvement especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and . . . women." Based on these principles, Ricks College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.36, which pertains to counseling of students and applicants for admission.

Your letter states that "[t]he teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities." The College claims exemption from 34 C.F.R. § 106.32 "to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house Ricks College students." Based on these principles, Ricks College is granted by this letter, exemption to 34 C.F.R. § 106.32 which addresses housing.

Finally, your letter indicates that "over 30 student congregations . . . maintain an active campus program through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt." Based on these principles, Ricks College has requested exemption to 34 C.F.R. § 106.14 which exempts membership practices of the specific organizations named in the regulation. Exemption from § 106.14, however, would not appropriately address the practices you have described in your request. Therefore, Ricks College is granted by this letter exemption to 34 C.F.R. § 106.31, regarding education programs and activities, to the extent that § 106.31 conflicts with the membership activities and policies of student religious organizations at Ricks College.

You also requested exemption from 34 C.F.R. § 106.31 regarding rules of appearance. The section of the Title IX regulation pertaining to rules of appearance, 34 C.F.R. § 106.31(b)(5), has been rescinded and deleted from the regulation. Therefore, an exemption is not necessary.

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 Ricks College, 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 Ricks College are not based on the religious tenets of the Church of Jesus Christ of Latter-day Saints, OCR is obligated to contact the Church to verify those tenets. If the Church provides an interpretation of tenets that has a different practical impact than that described by Ricks College, or if the organization denies that it controls Ricks College, this exemption will be rescinded.

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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

24

Rabbi Joseph Elias
Administrative Dean - Principal
Rika Breuer Teachers Seminary for Women
95-103 Bennett Avenue
New York, New York 10033

Dear Rabbi Elias:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Rika Breuer Teachers Seminary for Women's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the Seminary, OCR has determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C.

In your letter, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested exemption to 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contacts with the institution, that the Seminary offers only undergraduate level programs. Under § 106.15, the Seminary, a private institution offering undergraduate level programs only, is already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If you determine that your institution does not need a religious exemption, please note your wish to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that your institution has no need for a religious exemption and will close your request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

AUG 16 1985

Dr. William Crothers
President
Roberts Wesleyan College
2301 Westside Drive
Rochester, New York 14624

Dear President Crothers:

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 Roberts Wesleyan College (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 Adams (copy enclosed) in which he described several policies practiced at the 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. Former President Adams 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 the 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. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21(c), § 106.40, § 106.57 and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Former President Adams indicated that Roberts Wesleyan College is controlled by the Free Methodist Church of North America, and that it is a constituent member of the Association of Free Methodist Educational Institutions. The request letter also indicated that a majority of the Board of Trustees represent the supporting conferences of the Free Methodist Church and that the College receives annual financial support from the Church, the supporting conferences, and individual members. This relationship between the Free Methodist Church and the College adequately establishes that the Roberts Wesleyan College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The Free Methodist Church of North America and the Roberts Wesleyan College believe in "the sacredness of the human sexual experience, of family relationships, and the unacceptability of pre-marital intercourse or sex acts outside the marriage bond." The College, therefore, questions anyone who seeks affiliation with the college as employee or student, about his or her marital status. The College treats pregnancy outside of marriage as a "serious moral breach of the college standards." Also, the College treats abortion, when the mother's life is not endangered, as a violation of "the ethical and moral standards to which the college stands committed."

Based on the above principles, Roberts Wesleyan College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (admissions - prohibitions relating to marital and parental status); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 13 1985

Very Reverend F. Gerald Martin
Rector/President
Sacred Heart Seminary
2701 Chicago Boulevard
Detroit, Michigan 48206

Dear Father Martin:

Thank you for your response to our May 10, 1985 letter regarding a religious exemption from the provisions of Title IX of the Education Amendments of 1972. In your response, you indicated that you no longer wish to claim a religious exemption from Title IX. Accordingly, we are closing your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

AUG 16 1985

Most Reverend Basil H. Losten, D.D.
President
Saint Basil's College
161 Glenbrook Road
Stamford, Connecticut 06902

Dear Bishop Losten:

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 Saint Basil's College filed such a request (copy enclosed), but we have no record that OCR adequately acknowledged this request. We have recently reviewed this request and have determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C. Based on the information provided in the request letter, Saint Basil's College sought a religious exemption because the undergraduate education programs are limited to one sex. Under § 106.15, the exemption for limiting admissions is already provided.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If we do not hear from you within 60 days, we will assume that your institution has no need for a religious exemption and close the original request file. If you have any questions, please do not hesitate to contact the Boston Regional Office for Civil Rights. The address is:

Richard V. E. McCann
Regional Civil Rights Director
Office for Civil Rights, Region I
Department of Education
Room 222, J.W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Richard V. E. McCann, Regional Civil Rights Director, Region I

UNITED STATES DEPARTMENT OF EDUCATION
REGION II
FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

OCT 2 1985

OFFICE FOR CIVIL RIGHTS

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Very Reverend Sebastian A. Falcone
President-Dean
Saint Bernard's Institute
1100 South Goodman Street
Rochester, New York 14620

Dear Reverend Falcone:

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. OCR notified you on May 14 and July 11, 1985 that additional information was needed from Saint Bernard's Institute to enable us to make a determination on your original religious exemption request.

You responded to our request in a letter to Mr. Charles Tejada, dated July 31, 1985. You indicated that "St. Bernard's Seminary has, by virtue of a charter amendment, been re-named St. Bernard's Institute and has re-defined its mission and purpose." You also stated that you were securing clarification from legal counsel and would contact us "within the next two weeks or so."

Ms. Marilyn Rabinowitz, a member of my staff, has contacted Ms. Hetzler of the Institute several times during the last two months to offer assistance and provide clarification if needed. Mrs. Hetzler indicated that a response was being prepared and would be received shortly. However, we have not received a response to date.

If your institution is still interested in receiving a religious exemption, please submit the previously requested information to this office by October 15, 1985. If we do not hear from you by October 15, OCR will assume that your institution is no longer interested in receiving a religious exemption and close your request file.

If you have any questions regarding this notification, please do not hesitate to contact me at (212) 264-4633.

Sincerely,

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MAR 9 1984

Mr. Kevin J. Hughes
Hughes, Thoreen and Sullivan
Attorneys and Counsellors at Law
808-1/2 Saint Germain Street
Post Office Box 1187
Saint Cloud, Minnesota 56302-1187

Dear Mr. Hughes:

This is in response to your recent letter supplementing information provided in the 1976 request by the Chancellor of Saint John's University of Collegeville, Minnesota, for a religious exemption from the Education Department's Title IX regulation for certain employment practices. Your letter and the supporting documentation provided information on two employment issues raised in connection with a recent Title IX complaint against the University (No. 05-83-2038): (1) the University's practice of preferring, in employment, members of Saint John's Abbey, the religious community that owns and controls the University; and (2) the University's policy of hiring for the position of faculty resident in the dormitories for male undergraduate students, male, but not female, faculty members when monks of Saint John's Abbey are not available to fill the position. As explained below, (1) the University is entitled to a religious exemption from the Title IX regulation for its practice of preferring monks of Saint John's Abbey in employment, and (2) under Title IX the University may use sex as a bona fide occupational qualification for the position of faculty resident in the dormitories for male undergraduate students.

The Office for Civil Rights (OCR) has on file a request made by the Chancellor of Saint John's University in 1976 for a religious exemption from Title IX that indicated that Saint John's University is an educational institution controlled by a religious organization and that "one tenet under which the University is operated is that as many members of Saint John's Abbey as possible be active in the University; that Saint John's considers itself exempt from compliance under Title IX as to those persons." The information included with your letter clarified that the University is requesting an exemption from the provisions of the Title IX regulation pertaining to employment in order to permit the University to prefer monks of Saint John's Abbey in employment, and that the application of the Title IX regulation to the employment of members of Saint John's Abbey would be inconsistent with the religious tenets of Saint John's Abbey. This is sufficient information to determine that the University has complied fully with the requirements of § 106.12 of the Title IX regulation on this issue, and the University is hereby granted an exemption from the Title IX regulation with respect to its employment practices that favor members of Saint John's Abbey.

In connection with OCR's review of the request filed by the University Chancellor in 1976, it was noted that there was a second request for a religious exemption from Title IX in connection with admissions and employment practices at the University's School of Divinity, which was described as a seminary for the preparation of men for ordination to the priesthood of the Roman Catholic Church. OCR's files indicate that no response was provided by OCR to this submission. Therefore, this is to state for the record that to the extent that the above stated conditions continue to exist, the University is entitled to an exemption from Title IX with respect to admissions and employment practices at the School of Divinity.

The second issue discussed in your letter concerned the University's practice of hiring for the position of faculty resident in the dormitories for male undergraduate students, male, but not female, faculty members when a member of Saint John's Abbey is not available to fill the position. On the basis of the information provided, I have determined that because the University is entitled to provide separate living facilities on the basis of sex in accordance with Section 907 of the Education Amendments of 1972, the University is entitled to use sex as a bona fide occupational qualification for the position of faculty resident in its single sex living facilities pursuant to § 106.61 of the Title IX regulation.

I have instructed the Chicago Regional Office to take action on the complaint referenced above in accordance with the determinations stated herein.

Sincerely,

Harry M. Singleton

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

SEP 13 1985

Very Reverend Gerald Kicanas
Rector
Saint Mary of the Lake Seminary
Mundelein, Illinois 60060

Dear Father Kicanas:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Saint Mary of the Lake Seminary 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 Murphy (copy enclosed) in which he described the admission policy practiced at Saint Mary of the Lake Seminary as consistent with the tenets of the religious organization that controls the institution. This policy 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 Saint Mary of the Lake Seminary 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. Saint Mary of the Lake Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that "Saint Mary of the Lake Seminary is a school of theology attended by seminarians training for the Roman Catholic priesthood in the Archdiocese of Chicago." The Archdiocese of Chicago and Saint Mary of the Lake Seminary practice tenets which exclude females in the study for the priesthood. This relationship between the Archdiocese of Chicago and Saint Mary of the Lake Seminary adequately establishes that Saint Mary of the Lake Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that Saint Mary of the Lake Seminary only admits male seminarians pursuing the vocation for priesthood. Based on this principle, Saint Mary of the Lake Seminary has requested, and is granted by this letter exemption to §§ 106.21, 106.22 and 106.23, relative to student admissions and recruitment.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 23 1985

Dr. William A. Hickey
Acting President
Saint Mary's College
Notre Dame, Indiana 46556-5001

Dear President Hickey:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of July 18, 1985, requesting clarification of Saint Mary's College's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe several policies practiced at Saint Mary's 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. You have supplied information in your request letter that establishes that Saint Mary's 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 Saint Mary's College an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Saint Mary's College. Saint Mary's College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51 through 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Saint Mary's College is owned and operated by the Sisters of the Holy Cross, an Order of the Roman Catholic Church. This relationship between Saint Mary's College and the Sisters of the Holy Cross adequately establishes that Saint Mary's College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that Saint Mary's College adheres to the tenets of the Sisters of the Holy Cross, an Order of the Roman Catholic Church. Preference is given to hiring Sisters of the Holy Cross within the faculty and administration in that an effort is made to identify, hire and place Sisters of the Holy Cross in influential positions. Additionally, you indicate that the College was founded and continues to present itself as a Catholic liberal arts college for women, and "it is necessary to the future of Catholic higher education that a strong 'Catholic women's presence' be maintained." Accordingly, among equally qualified candidates, Saint Mary's College gives preference in employment to Catholic women. Based on these principles and practices, Saint Mary's College is granted by this letter

exemption to: 34 C.F.R. §§ 106.51 through 106.61 (Subpart E - discrimination on the basis of sex in employment in education programs and activities prohibited). This exemption is limited to the extent that application of these sections conflicts with the religious tenets followed by the institution. Additionally, you correctly noted that § 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C (admission and recruitment of students). Thus, Saint Mary's College is already exempt from the admission and recruitment provisions of the regulation and does not need a religious exemption to continue its policy of enrolling only female students.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Brother Louis DeThomasis, F.S.C.
President
Saint Mary's College
Winona, Minnesota 55987

Dear Brother DeThomasis:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting clarification of Saint Mary's College's request for religious exemption from Title IX of the Education Amendments of 1972. In your letter you describe certain policies practiced at Saint Mary's 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. You have supplied information that establishes that Saint Mary's 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 Saint Mary's College an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Saint Mary's College. Saint Mary's College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.53 and 106.55(a). The basis for our decision to grant this exemption is discussed in further detail below.

In your letter you indicated that Saint Mary's College is controlled by its Board of Trustees. The College's Articles of Incorporation state that at least one-third of the members of the Board of Trustees shall be members of the Christian Brothers, "i.e., members of the international Catholic teaching order known as The Brothers of the Christian Schools." The Christian Brothers provide "the presidential leadership and major donations of personnel and funds." This relationship between the Christian Brothers order and the College adequately establishes that Saint Mary's College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicated that Saint Mary's College respects and upholds its Catholic tradition, but does not impose its religious beliefs and observance. However, the College does require its president "to be a member of the Christian Brothers and, therefore, a male." The College also provides undergraduate education to students of the adjacent seminary of the Diocese of Winona. One or more members of the seminary staff who are priests, and who, according to the tenets of the Catholic Church, must

be male, are appointed as faculty members in the Theology Department. On the basis of these tenets and practices, Saint Mary's College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment, general), § 106.53 (recruitment for employment) and § 106.55(a) (job classification and structure), for the position of president and those positions in the Theology Department reserved for priests.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 8 1989

Dr. Bill W. Lanpher
President
St. Paul Bible College
St. Bonifacius, Minnesota 55375-9001

Dear Dr. Lanpher:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated March 22, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letter, you provided information that establishes that St. Paul Bible College (the College) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letter 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 absent a religious exemption. Therefore, I am granting the College an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. St. Paul Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, 106.57, and 106.60. The basis for this decision is discussed in further detail below.

Your request letter indicates that the College is controlled by The Christian and Missionary Alliance, a non-profit religious corporation. The trustees of The Christian and Missionary Alliance, as well as faculty, students, and employees of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College is governed by and receives a significant amount of its financial support from The Christian and Missionary Alliance. This relationship between The Christian and Missionary Alliance and the College 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 letter indicates that the College follows biblical standards for Christian morality and "seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, marriage and residential living environments and standards". Your letter further states that the College utilizes

a religious preference in employment practices to assure that faculty and staff adhere to a common understanding of the religious beliefs, values and purposes that guide the educational mission of the College in matters of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required.

Based on these tenets, St. Paul Bible College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admissions); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

As noted in your letter, under 34 C.F.R. § 106.15(d), private undergraduate institutions are exempt from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23, regarding admission and recruitment. It is the practice of the OCR to grant a religious exemption to § 106.21(c), as in this case, so that programs or activities not undergraduate in nature are exempt, where the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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 St. Paul Bible College, 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 St. Paul Bible College 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 Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 South State Street
Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,

William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

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

SEP 23 1985

Reverend Charles Froehle
Rector
The Saint Paul Seminary
2260 Summit Avenue
St. Paul, Minnesota 55105

Dear Father Froehle:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of July 18, 1985, requesting clarification of The Saint Paul Seminary's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response you describe several policies practiced at The Saint Paul Seminary 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. You have supplied information in your request letter that establishes that The Saint Paul Seminary 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 Saint Paul Seminary an exemption to those sections of the Title IX regulation specified in your 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. The Saint Paul Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.31, 106.32, 106.34, 106.36, 106.37, 106.40, 106.51, 106.52 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that The Saint Paul Seminary is affiliated with the Roman Catholic Church. The Seminary has degree programs for men and women seeking graduate theological training and maintains a program preparing men for priesthood in the Roman Catholic Church. This relationship between The Saint Paul Seminary and the Roman Catholic Church adequately establishes that The Saint Paul Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that The Saint Paul Seminary maintains a distinct program to train single men for ordination in the priesthood of the Roman Catholic Church. Thus, the tenets of the Roman Catholic Church require The Saint Paul Seminary to admit only eligible single men to programs leading to ordination; and maintain "distinct arrangements" for priesthood candidates in education programs and activities, student housing, access to course offerings, counseling and financial assistance. Accordingly, The Saint

Paul Seminary has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.31 (education programs and activities), § 106.32 (housing), § 106.34 (access to course offerings), § 106.36 (counseling), § 106.37 (financial assistance) and § 106.40 (marital or parental status of students).

In your letter you also indicate that the Roman Catholic Church specifies that certain faculty positions must be filled by priests. Thus, The Saint Paul Seminary follows employment practices that exclude women from such positions. Based on this principle, The Saint Paul Seminary has requested and is granted by this letter exemption to: § 106.51 (employment, general), § 106.52 (employment criteria) and § 106.53 (recruitment of employees).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 29 1992

Dr. Thomas E. Corts
President
Samford University
Birmingham, Alabama 35229

Dear Dr. Corts:

The Office for Civil Rights (OCR) in the Department of Education has completed its review of your letter, dated April 29, 1992, requesting a religious exemption to certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Sections 1681 et seq., and its implementing regulation 34 C.F.R. Part 106 (copy enclosed).

In your letter, you described several policies that are practiced by Samford University (University) as being consistent with the tenets of the Alabama Baptist State Convention (Convention), 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 provided information that establishes that the University 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 specified in your request letter of April 29, 1992. The University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.21(c), 106.31-32, 106.34, 106.36, 106.37(a) and (b), 106.38-40, 106.51-53, 106.55, 106.57, and 106.60. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with religious tenets followed by the University. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter requesting exemption indicates that the University is an entity of the Mississippi Baptist Convention, which is a religious organization incorporated under the laws of the State of Alabama. The Convention is also a member of the Southern Baptist Convention. The Convention has ultimate control of any literary, theological, eleemosynary, or other institutions which have been acquired by or originated in the Convention. The members of the Board of Trustees of the University are elected by the Convention and must hold membership in a Baptist church in Alabama which cooperates with the Convention. Faculty and employees of the University who interface with students must have a Christian perspective or otherwise recognize the mission of the University. The relationship between the Convention and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under Section 106.12 of the Title IX regulation.

Your request letter of April 29, 1992, indicates that the University adheres to the Baptist tenets for matters concerning moral character, Christian sexual conduct, marriage, the nuclear family, the licensing of predominantly male clergy, academics, scholarships, employment, recruitment, housing, and other programs and activities. Based on these tenets, the University has requested and is granted by this letter an exemption to the following sections of the regulation implementing Title IX:

34 C.F.R. Section 106.21(c) (prohibitions relating to marital or parental status)
34 C.F.R. Section 106.31 (education programs and activities)
34 C.F.R. Section 106.32 (housing)
34 C.F.R. Section 106.34 (access to course offerings)
34 C.F.R. Section 106.36 (counseling and use of appraisal and counseling materials)
34 C.F.R. Section 106.37(a) and (b) (financial assistance)
34 C.F.R. Section 106.38 (employment assistance to students)
34 C.F.R. Section 106.39 (health and insurance benefits)
34 C.F.R. Section 106.40 (marital or parental status)
34 C.F.R. Section 106.51 (employment)
34 C.F.R. Section 106.52 (employment criteria)
34 C.F.R. Section 106.53 (recruitment)
34 C.F.R. Section 106.55 (job classification and structure)
34 C.F.R. Section 106.57 (marital or parental status)
34 C.F.R. Section 106.60 (pre-employment inquiries)

The exemption granted herein to Section 106.39 has the following limitations. The request letter from the University does not suggest that pregnancy related conditions for married women contradict University or Convention policy. Therefore, if the University offers student health insurance that includes provisions for temporary disabilities, then pregnancy and related conditions for married women must be treated as any other temporary disability. The exemption from other sections of the regulation is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the University.

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, Sections 106.21, 106.22, and 106.23 regarding admissions and recruitment. Graduate programs are not exempt under the provisions of Section 106.15 from the admissions and recruitment requirements of Subpart C. It is the practice of OCR to grant a religious exemption to 106.21(c) when specifically requested, as in this case, so that programs and activities not undergraduate in nature are exempt where the application of that section of the regulation conflicts with the religious tenets practiced by the University. Section 106.32 permits separate housing on the basis of sex where such housing is comparable.

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 the University 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 University 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:

Mr. Archie B. Meyer, Sr.
Regional Civil Rights Director
Office for Civil Rights, Region IV
U.S. Department of Education
Post Office Box 2048, 04-3010
Atlanta, Georgia 30301-2048.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Archie B. Meyer, Sr., Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON D.C. 20202

SEP 20 1985

Dr. Thomas E. Corts
President
Samford University
Birmingham, Alabama 35229

Dear President Corts:

Thank you for your letter of August 16, 1985, in which you advised that you are withdrawing Samford University's request for a religious exemption from Title IX of the Education Amendments of 1972. Accordingly, the Office for Civil Rights has closed your request file. As noted in your letter, Samford University may apply for a religious exemption at any time in the future.

If you have questions in the future regarding a Title IX religious exemption, please do not hesitate to contact the Atlanta Regional Office for Civil Rights.

Sincerely yours,

J. Krueger

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 29 1992

Dr. Thomas E. Corts
President
Samford University
Birmingham, Alabama 35229

Dear Dr. Corts:

The Office for Civil Rights (OCR) in the Department of Education has completed its review of your letter, dated April 29, 1992, requesting a religious exemption to certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Sections 1681 et seq., and its implementing regulation 34 C.F.R. Part 106 (copy enclosed).

In your letter, you described several policies that are practiced by Samford University (University) as being consistent with the tenets of the Alabama Baptist State Convention (Convention), 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 provided information that establishes that the University 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 specified in your request letter of April 29, 1992. The University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.21(c), 106.31-32, 106.34, 106.36, 106.37(a) and (b), 106.38-40, 106.51-53, 106.55, 106.57, and 106.60. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with religious tenets followed by the University. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter requesting exemption indicates that the University is an entity of the Mississippi Baptist Convention, which is a religious organization incorporated under the laws of the State of Alabama. The Convention is also a member of the Southern Baptist Convention. The Convention has ultimate control of any literary, theological, eleemosynary, or other institutions which have been acquired by or originated in the Convention. The members of the Board of Trustees of the University are elected by the Convention and must hold membership in a Baptist church in Alabama which cooperates with the Convention. Faculty and employees of the University who interface with students must have a Christian perspective or otherwise recognize the mission of the University. The relationship between the Convention and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under Section 106.12 of the Title IX regulation.

Your request letter of April 29, 1992, indicates that the University adheres to the Baptist tenets for matters concerning moral character, Christian sexual conduct, marriage, the nuclear family, the licensing of predominantly male clergy, academics, scholarships, employment, recruitment, housing, and other programs and activities. Based on these tenets, the University has requested and is granted by this letter an exemption to the following sections of the regulation implementing Title IX:

34 C.F.R. Section 106.21(c) (prohibitions relating to marital or parental status)
34 C.F.R. Section 106.31 (education programs and activities)
34 C.F.R. Section 106.32 (housing)
34 C.F.R. Section 106.34 (access to course offerings)
34 C.F.R. Section 106.36 (counseling and use of appraisal and counseling materials)
34 C.F.R. Section 106.37(a) and (b) (financial assistance)
34 C.F.R. Section 106.38 (employment assistance to students)
34 C.F.R. Section 106.39 (health and insurance benefits)
34 C.F.R. Section 106.40 (marital or parental status)
34 C.F.R. Section 106.51 (employment)
34 C.F.R. Section 106.52 (employment criteria)
34 C.F.R. Section 106.53 (recruitment)
34 C.F.R. Section 106.55 (job classification and structure)
34 C.F.R. Section 106.57 (marital or parental status)
34 C.F.R. Section 106.60 (pre-employment inquiries)

The exemption granted herein to Section 106.39 has the following limitations. The request letter from the University does not suggest that pregnancy related conditions for married women contradict University or Convention policy. Therefore, if the University offers student health insurance that includes provisions for temporary disabilities, then pregnancy and related conditions for married women must be treated as any other temporary disability. The exemption from other sections of the regulation is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the University.

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, Sections 106.21, 106.22, and 106.23 regarding admissions and recruitment. Graduate programs are not exempt under the provisions of Section 106.15 from the admissions and recruitment requirements of Subpart C. It is the practice of OCR to grant a religious exemption to 106.21(c) when specifically requested, as in this case, so that programs and activities not undergraduate in nature are exempt where the application of that section of the regulation conflicts with the religious tenets practiced by the University. Section 106.32 permits separate housing on the basis of sex where such housing is comparable.

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 the University 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 University 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:

Mr. Archie B. Meyer, Sr.
Regional Civil Rights Director
Office for Civil Rights, Region IV
U.S. Department of Education
Post Office Box 2048, 04-3010
Atlanta, Georgia 30301-2048.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Archie B. Meyer, Sr., Regional Civil Rights Director, Region IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

17 JAN 1980

Reverend William G. Brown
President
Seminary of St. Pius X
Erlanger, Kentucky 41018

ROBINSON:SSOLOMON:mac:1/15/79

Dear Reverend Brown:

This is to advise you that the Department of Health, Education, and Welfare has reviewed your request for an exemption from the admission provisions of the regulation which implements Title IX of the Education Amendments of 1972. We regret the long lapse in responding to your request.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the church sponsoring the institution.

Based on the information which you provided in your letter (copy enclosed), we have determined that it was not necessary for Seminary of St. Pius X to apply for a religious exemption from the admission and recruitment provisions of the Title IX regulation since it is a private undergraduate institution of higher education. Specifically, private undergraduate institutions are automatically exempt from complying with Subpart C of the regulation which prohibits discrimination in the admission and recruitment of students. This exemption is provided for in Section 86.15(e) of the regulation.

This statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it may relate to graduate or other programs. Should there be conflicts in that regard, it would be necessary for you to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your faith.

If there are questions you may write or call me or Mr. Waite Madison, Chief, Compliance and Technical Review Branch, at (202) 472-7413.

Sincerely yours,

/S/

James K. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

Enclosure

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
PSED	Solomon	1/15/80		JWego	1/17/80			
	Robinson	1/16						
	WAM	1/14						

NOTE TO SEMINARY OF ST. PIUS X TITLE IX RELIGIOUS EXEMPTION REQUEST FILE

OCR letter sent 1-17-80 resolves issue. This request file was closed officially April 10, 1985.

Valerie McMurtrie, EOS
Coordinator, Religious Exemption
Project

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 20 1985

SEP 20 1985

Monsignor John J. Petillo
Chancellor
Seton Hall University
South Orange, New Jersey 07079

Dear Monsignor Petillo:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter dated July 11, 1985, requesting additional information regarding Seton Hall University's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter of July 25, 1985, you describe a policy practiced at Seton Hall University College Seminary (Seminary), also known as the Divinity School, as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information that establishes that the Seminary is controlled by a religious organization and that tenets followed by this organization conflict with certain sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Seton Hall University College Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Seton Hall University College Seminary "exists to train candidates for the priesthood of the Roman Catholic Archdiocese of Newark and other Roman Catholic dioceses." This relationship between the Roman Catholic Church and the Seminary adequately establishes that Seton Hall University College Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The Roman Catholic Church and the Seminary practice the tenets articulated in Canons 108 and 968 of the 1917 Code of Canon Law of the Roman Catholic Church which limit the sacred orders of bishop, priest, and deacon to males. Therefore, "[t]he full formational program of the College Seminary . . . is specifically for the education of students accepted as candidates by their Bishops for the ordained priesthood of the Roman Catholic Church." Based on this principle, the Seton Hall University College Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

The Seminary also requested exemption, based on the tenet noted above, to § 106.31 (education programs and activities) and § 106.32 (housing). However, because the Seminary limits admission to men only based on religious tenets, the exemption granted herein to §§ 106.21, 106.22, and 106.23 eliminates the necessity for an exemption to § 106.31 and § 106.32.

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

SEP 23 1985

Rabbi Shlomo Freifeld
Dean
Sh'or Yoshuv Rabbinical College
1526 Central Avenue
Far Rockaway, New York 11691

Dear Rabbi Freifeld:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of August 7, 1985, which requested additional information regarding the Sh'or Yoshuv Rabbinical College's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response (copy enclosed), you describe certain policies practiced at the 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. You have supplied information in your request letters that establishes that the College is controlled by a religious organization and that practices based on 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. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Sh'or Yoshuv Rabbinical College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the Sh'or Yoshuv Rabbinical College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 22 letter, you also stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Sh'or Yoshuv Rabbinical College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

CR905I1003

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

JUN 29 1989

Dr. John D. Talley, Jr.
President
Southeastern Bible College
3001 Highway 280 East
Birmingham, Alabama 35243-4181

Dear Dr. Talley:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letter dated May 8, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

Your letter describes certain policies practiced at Southeastern Bible College (College) as being consistent with the tenets of the religious organization that controls the institution and cites several passages from the Bible as tenets followed by the College. The College's policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Accordingly, I am granting the College an exemption to those sections of the Title IX regulation appropriate to your request letter. Southeastern Bible College is hereby exempted from the requirements of the following sections: 34 C.F.R. §§ 106.21(c), 106.38, 106.40, 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.

As you have noted, the College is already exempt from certain provisions of the regulation implementing Title IX. Your May 8, 1989, letter reaffirms the previous exemption request, which indicated that the College's religious tenets dictate that only men should be in the office of church pastor, that study programs in the pastoral theology are limited to male students, and that teaching positions in Biblical instruction and theology are limited to men. Pursuant to OCR's letter dated July 24, 1985, Southeastern Bible College was granted an exemption from the requirements of the following sections of the regulation: 34 C.F.R. §§ 106.31, 106.34, and 106.51.

Your request letter states that the College is incorporated as a Christian institution of higher education. The board of directors, faculty, students, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. You indicate that the Charter of the Corporation, and the catalogs and other official publications of the College state that the College is committed to the doctrines of the Christian religion. The incorporation of the College as a Christian institution and the requirement that staff and students espouse a personal belief in the Christian faith adequately establish that the College is controlled by a religious organization as is required for exemption under 34 C.F.R. § 106.12.

According to your letter, the College makes gender distinctions in matters of moral behavior, marriage and living environments based on religious tenets. The College holds personnel and students to religious standards of behavior for such matters as expression of human sexuality, language, and attire. Based on these practices, Southeastern Bible College has requested, and is granted by this letter, exemption to the following sections of the regulation implementing Title IX: 34 C.F.R. §§ 106.21(c) (marital or parental status of applicants for admission), 106.38 (employment assistance to students), 106.40 (student marital or parental status), 106.53 (employee recruitment), 106.55 (job classification and structure), 106.57 (employee marital or parental status), 106.59 (advertising of employment opportunities), and 106.60 (pre-employment inquiries). This exemption is limited to the extent that these sections conflict with the religious tenets followed by the College.

The College also requests exemption to 34 C.F.R. § 106.34, concerning access to course offerings, stating that access to course offerings in ministerial or pre-ministerial programs is limited by religious tenets to students of one gender. As already discussed, the College was granted exemption to this section on the basis that courses in pastoral theology are limited to men. To the extent that the current request is a request for a broader exemption to this section of the regulation implementing Title IX, Southeastern Bible College is granted exemption to 34 C.F.R. § 106.34. This exemption is limited to the extent that this section conflicts with the religious tenets followed by the College.

Your letter also refers to three issues for which no specific exemption is requested. First, you are correct that the Civil Rights Restoration Act of 1987 amended Title IX to provide that recipients of Federal financial assistance are not required to provide or pay for, nor prohibited from providing or paying for, any benefit or service relating to an abortion. Second, your letter correctly notes that 34 C.F.R. § 106.15(d) exempts the College, as a private institution of undergraduate higher education, from Subpart C of the Title IX regulation (§§ 106.21, 106.22, and 106.23), which prohibits discrimination on the basis of sex in admissions and recruitment. The exemption at § 106.15(d), however, does not apply to any graduate programs offered by the College. Third, you correctly state that 34 C.F.R. §§ 106.32 and 106.33 allow for the provision of separate but comparable housing, bathrooms, locker rooms, and similar facilities based on sex.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically granted. 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 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.

I hope this letter fully responds to your request. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights at the following address:

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUL 24 1985

Dr. James G. Kallam
President
Southeastern Bible College
2901 Pawnee Avenue
Birmingham, Alabama 35256-2699

Dear President Kallam:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985 requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe certain policies practiced at Southeastern Bible College as consistent with the tenets of the religious organizations that control the institution. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. You have supplied information in your letter of April 4, 1985, that establishes that the institution is controlled by religious organizations and that tenets followed by these organizations conflict with specific sections of the Title IX regulation. Therefore, I am granting Southeastern Bible College an exemption to those sections of the Title IX regulation specified in your 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. Southeastern Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31, 106.34 and 106.51.[1] The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Southeastern Bible College is controlled by various independent churches and Protestant denominational groups including Independent Fundamental Churches of America, Southern Baptists, Presbyterian Churches of America, Christian Missionary and Alliance, Freewill Baptists, Brethren, and Mennonite. These organizations and the Southeastern Bible College believe that the Scriptures provide for men only to be in the office of the pastor of a church and require that women are not to be in the position of teaching men in matters of Biblical instruction and theology. As described in your letter, Southeastern Bible College is governed by a policy-making board of twenty members chosen from constituent churches. This relationship between the constituent churches and Southeastern Bible College adequately establishes that Southeastern Bible College is controlled by religious organizations as is required for consideration for exemption under § 106.12 of the Title IX regulation.

[1] The regulation implementing Title IX was recodified with the creation of the Department of Education in 1980. The Title IX regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

In your letter you indicate that the religious tenets followed by the College dictate that only men should be in the office of the pastor of the church, and thus, study programs in the Pastoral Theology Department are limited to male students. Based on the above principle, Southeastern Bible College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.31, education programs and activities, and 34 C.F.R. § 106.34, access to course offerings. Also, because of religious tenets, the College does not open teaching positions to women in the areas of Biblical instruction and theology. Based on the above principle, Southeastern Bible College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.51, employment.

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 organizations, OCR is obligated to contact the controlling organizations to verify those tenets. If the organizations provide an interpretation of tenets that has a different practical impact than that described by the institution, or if the organizations deny that they control the institution, this exemption will be rescinded.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Dr. D. Jack Nicholas
President
Southern Baptist College
Box 456
Walnut Ridge, Arkansas 72476

Dear President Nicholas:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Southern Baptist College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Southern Baptist 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. You have supplied information in your request letters that establishes that Southern Baptist 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 Southern Baptist 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. Southern Baptist College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57 and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request letters indicate that Southern Baptist College is owned and operated by the Arkansas Baptist State Convention. This relationship between the Arkansas Baptist State Convention and Southern Baptist College adequately establishes that Southern Baptist College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your request letter, you indicated that premarital unchastity on the part of a man or woman is contrary to the tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Southern Baptist College has requested and is granted by this letter exemption to: § 106.21(c) (marital or parental status of applicants for admission), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees) and § 106.60(a) (pre-employment inquiries regarding marital status).

Your letter indicates that it is the belief and practice of almost all Southern Baptist churches that only men should be licensed and ordained to the ministry. The Arkansas Baptist State Convention awards a partial scholarship to every licensed Baptist ministerial student at Southern Baptist College. Additionally, some educational programs are designed for ministerial students, as are some clubs and programs. Based on these practices, Southern Baptist College has requested and is granted by this letter exemption to: § 106.6(c) (effect of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance) and § 106.38(a) (employment assistance to students).

Your letter indicates that licensed and ordained Baptist ministers are given preference in employment in certain positions, and women are not licensed or ordained as ministers. Based on this principle, Southern Baptist College has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure).

You also requested exemption to § 106.11, regarding application of the entire Title IX regulation, and § 106.61, regarding sex as a bona-fide occupational qualification. Your letter does not demonstrate that your institution's practices conflict with all sections of the Title IX regulation. Therefore, no exemption is granted for § 106.11. Your letter also does not demonstrate a conflict with § 106.61, which permits institutions to limit particular employment positions to one sex where such action is essential to the successful operation of the employment function. Therefore, no exemption is granted for § 106.61.

Your original letter also listed § 106.32 regarding housing. However, you did not provide information that would suggest a conflict between the requirements of the Title IX regulation and your housing policies. Therefore, no exemption has been granted for § 106.32.

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.

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,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

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

NOV 4 1988

Mr. Wayne E. Kraiss
President
Southern California College
55 Fair Drive
Costa Mesa, California 92626

Dear President Kraiss:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). You submitted a letter dated August 3, 1988, outlining this request.

In your letter, you described certain policies practiced at Southern California College (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. You have supplied information in your request letter 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 specified in your request letter. In doing so I noted an error: you requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I concluded from the facts outlined in your request that you required exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). In addition, the requirements of 34 C.F.R. § 106.39, which pertain to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. Accordingly, I am granting the College an exemption to that section as well. Southern California College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. 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 indicates that the College is owned and controlled by the Southern California District Council of the Assemblies of God (Council). Article III of the College's bylaws provides: "Southern California College is and shall be at all times controlled by the Southern California District Council of the Assemblies of God. . . ." This relationship between the College and the Council 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.

Article IV of the College's bylaws adopts the "Statement of Fundamental Truths", a list of fundamental doctrinal precepts. Among the precepts are that the Scriptures, both the Old and New Testaments, are verbally inspired of God and are the infallible, authoritative rule of faith and conduct. Your request letter states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letter also states that these same tenets apply to employees of the College. Based on this principle, Southern California College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the college.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the San Francisco OCR. The address is:

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor - 09-8010
San Francisco, CA 94105-1925

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX

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

FEB 28 1986

Dr. John Wagner
President
Southern College of Seventh-day
Adventists
Collegedale, Tennessee 37315

Dear President Wagner:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972. In your request, you describe certain policies practiced at Southern College of Seventh-day Adventists (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. You have supplied information in your 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 the College an exemption to those sections of the Title IX regulation specified in your request letter. Southern College of Seventh-day Adventists is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. 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 indicates that Southern College of Seventh-day Adventists is owned and operated by the Seventh-day Adventist Church. Members "of its constituency and Board of Trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between the College and the Seventh-day Adventist Church adequately establishes that Southern College of Seventh-day Adventists is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your request letter states that "pregnancy outside of marriage is considered immoral conduct inappropriate for a student in a Seventh-day Adventist educational institution." The Church "'must register its decisive, emphatic disapproval of the sin of fornication, adultery, all acts of moral [indiscretion] and other . . . sin[.]'" You state that the College must hold to this religious standard in its relationship with its students and employees. Based on this principle, Southern College of Seventh-day

Adventists has requested and is granted by this letter exemption to: § 106.21, to the extent that this section addresses the marital and parental status of applicants for admission; § 106.40 (marital or parental status of students); and § 106.57 (marital or parental status of employees and applicants for employment).

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.

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:

W. Lamar Clements
Acting Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Alicia Coro

Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: W. Lamar Clements, Acting Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-_____.

OCT 19 1994

Mr. Roy D. Blunt
President
Southwest Baptist University
Bolivar, Missouri 65613-2496

Dear Mr. Blunt:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated August 19, 1994, for religious exemption for Southwest Baptist University (University) from Title IX of the Education Amendments of 1972, and its implementing regulation, at 34 C.F.R. Part 106 (1992). In response to your request, this is the corrected version of the letter dated September 12, 1994, in which a sentence at the end of paragraph 3, page 2 was inadvertently omitted.

We have reviewed your request in which you described several policies and practices at the University as consistent with the tenets of the religious organization that controls it. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request that establishes that the University 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 your request letter.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the University. The University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.34, 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 basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that the University is controlled by the Missouri Baptist Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Missouri. The University and the Convention adhere to religious tenets that are based upon their understanding of the Scriptures. All members of the Board of Trustees of the University are elected by the Convention and must be resident, active members of Baptist churches affiliated with the Convention. The Convention fosters the University and provides it substantial financial support. This relationship between the Convention and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX implementing regulation.

In your letter, you indicate that there are certain biblical tenets that the University uses as its standard of faith and practice which are directly related to issues such as human sexuality, cohabitation, the institution of marriage, language and other subjects of a moral character or dimension. The University practices the following tenets:

1. The University's role in encouraging those intending to marry and become parents to adhere to the University's and the Convention's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life. The University requires that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be in violation of the University's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of the condition as required by the 34 C.F.R. Sections 106.40(b) and 106.51(b). Based on these principles, the University is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.40(b)	Marital or parental status
§ 106.51(b)	Employment

2. In keeping with the University's religious beliefs, some positions of employment within it with certain religious or ministerial functions may be restricted on the basis of gender. Based on these principles, the University is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising

3. The University provides an education to a significant number of students who are training for the gospel ministry. The University may provide different scholarship assistance and academic and professional counseling to ministerial students on the basis of gender. The University deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Based on these principles, the University is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.21(c)	Admission; prohibitions relating to
§ 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
§ 106.38	Employment assistance to students

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. If OCR receives a complaint on these issues against the University, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the University 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 University, or if the organization denies that it controls the University, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact Eleanor Baker (202) 205-9495.

Sincerely,

Jeanette J. Lim
Director
Policy, Enforcement, and
Program Service
Office for Civil Rights

Enclosures

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Dr. Marvin Anderson
President
Southwestern Adventist College
Post Office Box 567
Keene, Texas 76059

Dear President Anderson:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Southwestern Adventist 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 McAdams (copy enclosed) in which he described several policies practiced at Southwestern Adventist 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 Southwestern Adventist College an exemption to those sections of the Title IX regulation specified in 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. Southwestern Adventist College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Southwestern Adventist College is controlled by the Seventh-day Adventist Church. The College is listed in the Church yearbook as a Seventh-day Adventist educational institution. "In addition, the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between the Seventh-day Adventist Church and Southwestern Adventist College adequately establishes that Southwestern Adventist 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 the College follows Church tenets which register decisive and emphatic disapproval of adultery, fornication, all acts of moral indiscretion, various perversions and certain remarriages. Thus, the institution enforces Church standards of morality. Based on these principles, Southwestern Adventist College has requested and is granted by this letter exemption to: § 106.21 (marital and parental status of applicants for admission), § 106.40 (marital or parental status of students) and § 106.57 (marital or parental status of employees).

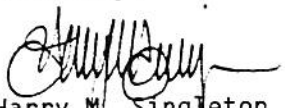
Southwestern Adventist College also requested exemption from § 106.31, which in part prohibited discrimination in appearance requirements. Section 106.31(b)(5) regarding rules of appearance was deleted from the Title IX regulation in 1982. Thus, an exemption for appearance codes is not necessary.

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.

I hope this letter responds fully to your institution's request. I regret the inordinate delay in responding to the 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,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 20 1985

Dr. J. Paul Savell
President
Southwestern Assemblies of God College
1200 Sycamore
Waxahachie, Texas 75165

Dear President Savell:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed your request and determined that we need further information to make a decision to grant an exemption.

On May 31, 1985, OCR forwarded a request for more information to Southwestern Assemblies of God College, specifying that your institution's letter did not provide sufficient information for OCR to make a determination. There was insufficient information regarding religious tenets or institution practices based on religious tenets that conflict with specific sections of the Title IX regulation. OCR received no response to this initial request for more information and issued a second request on July 18, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days, we would assume that Southwestern Assemblies of God College no longer had need of a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to:

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 yours,

James M. Littlejohn

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

DEC 14 1988

Dr. J. Paul Savell
President
Southwestern Assemblies of God College
1200 Sycamore
Waxahachie, Texas 75165

Dear Dr. Savell:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated August 4, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letter, you describe several policies practiced at the Southwestern Assemblies of God College (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. 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 letter. You clarified, in a telephone conversation on November 2, 1988, with staff of the Dallas Regional Office for Civil Rights, that those sections are §§ 106.21(c), 106.40, and 106.57. The Southwestern Assemblies of God College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. 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 this decision to grant this exemption is discussed in further detail below.

Your request letter indicates that the College is owned and controlled by the District Councils of the Assemblies of God (District Councils), through a board of regents, and that the District Councils are members of the General Council of the Assemblies of God. This relationship between the College and the District Councils 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.

The request letter indicates that adultery and sexual relations outside of marriage are contrary to the religious tenets of the District Councils of the Assemblies of God. In the November 2, 1988, telephone conversation with regional office staff, you indicated that the College would discipline employees as well as students for violating these tenets.

The College would deny admission or employment to a female applicant who is pregnant and has never been married, and dismiss unmarried female students or employees who become pregnant and married female students or employees who become pregnant because of an adulterous relationship.

Based on these principles, the 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); § 106.40 (marital or parental status of students); and § 106.57 (marital or parental status of employees), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building
Suite 2260, 06-5010
Dallas, Texas 75202-9998.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

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

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

SEP 23 1988

Dr. Wesley A. Olsen
President
Southwestern Conservative Baptist Bible College
2625 East Cactus Road
Phoenix, Arizona 85032

Dear President Olsen:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letter of July 15, 1988. You requested a religious exemption for Southwestern Conservative Baptist Bible College from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your letter, you describe certain policies practiced at Southwestern Conservative Baptist Bible College (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. You have supplied information in your request letter 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. Therefore, I am granting the College an exemption to the two sections of the Title IX regulation specified in your request letter (34 C.F.R. §§ 106.21(c) and 106.57). In addition, I am granting an exemption from two additional sections of the regulation (34 C.F.R. §§ 106.39 and 106.40) which the facts outlined in your letter indicate also conflict with the religious tenets followed by the College.

Southwestern Conservative Baptist Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. 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 indicates that the College is owned and controlled by a Board of Trustees who are chosen by the Arizona Baptist Convention. This relationship between the College and the Arizona Baptist Convention adequately establishes that Southwestern Conservative Baptist Bible 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 states that the College's constitution, catalogs, and other official publications describe the College's commitment to the doctrines of the Christian religion. Applicants for admission, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. Your request letter also states that the religious tenets forbid sex outside of marriage, and that the pregnancy of an unmarried

applicant for admission, student, or employee would conflict with those tenets. The religious tenets would also conflict with the requirements of 34 C.F.R § 106.39, which requires that the College's health insurance plan treat the pregnancy of an unmarried person the same as that of a married person. Based on this principle, Southwestern Conservative Baptist Bible College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the College. As mentioned in your letter, 34 C.F.R. 106.15(d) excludes private institutions of undergraduate higher education from the provisions of §§ 106.21-106.23, which relate to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature, are exempt, if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. I regret the delay in responding to your original request. If you have any questions, please do not hesitate to contact the San Francisco OCR. The address is:

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street - 10th Floor - 09-8010
San Francisco, California 94105

Sincerely,

LeGree S. Daniels

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 6 1985

Dr. Erich E. Helge
President
St. John's College
1500 East Seventh Avenue
Winfield, Kansas 67156-3198

Dear President Helge:

Thank you for your letter of July 8, 1985, regarding St. John's College's request for religious exemption from Title IX of the Education Amendments of 1972. In your response, you indicated that you wish to withdraw your request for a religious exemption if this would not prejudice a future exemption request. An institution may request a religious exemption from the Title IX regulation at any time. Your decision to withdraw your request does not prejudice a determination by the Office for Civil Rights (OCR) regarding any future religious exemption request you may submit. Accordingly, OCR has closed your request file.

Per your request, we are returning your letter of July 8, 1985. If you have questions in the future regarding religious exemption, please do not hesitate to contact the Kansas City Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

Enclosure

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

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

letter sent 1-17-80

Reverend David J. Sharrock
President
St. Alphonsus College
Redemptorist Fathers
Suffield, Connecticut 06078

Dear President Sharrock:

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 St. Alphonsus College filed such a request (copy enclosed), but we have no record that OCR adequately acknowledged this request. We have recently reviewed your request and have determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15(e) of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C. Based on the information provided in your letter (copy enclosed), you sought a religious exemption because your undergraduate education programs are limited to one sex. Under §106.15(e), the exemption for limiting admissions is already provided.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If we do not hear from you within 60 days, we will assume that your institution has no need for a religious exemption and close your original request file. If you have any questions, please do not hesitate to contact the Boston Regional Office. The address is: Dr. Richard V.E. McCann, Regional Director, U.S. Department of Education, Office for Civil Rights, Room 222, John W. McCormack POCH, Post Office Square, Boston, Massachusetts 02109

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights
Office for Civil Rights

Enclosures

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

SEP 14 1976

Registrar: Please file.

The Right Reverend Monsignor
Vincent L. Burns
St. Charles Borromeo Seminary
Overbrook
Philadelphia, Pennsylvania 19151

Dear Monsignor Burns:

Secretary Mathews has asked me to thank you for your recent inquiry concerning Title IX of the Education Amendments of 1972.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the Church sponsoring the institution.

Based on the information provided in your letter that St. Charles Borromeo Seminary is a Roman Catholic Seminary which trains Roman Catholic men for the Catholic priesthood, the admission practices of your institution are exempt from Title IX coverage (Section 86.21).

Sincerely,

Martin Gerry

Martin H. Gerry
Director
Office for Civil Rights

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON D.C. 20202

SEP 23 1985

Very Reverend Daniel J. Pakenham
Rector
Saint Francis Seminary
3257 South Lake Drive
Milwaukee, Wisconsin 53207

Dear Father Pakenham:

Thank you for your letter of August 8, 1985, regarding St. Francis de Sales College's request for religious exemption from Title IX of the Education Amendments of 1972. Based on your statement that St. Francis de Sales College no longer exists as a separate and distinct educational institution, the Office for Civil Rights (OCR) has closed the request file for the College.

You indicated that you assumed St. Francis Seminary does not require religious exemption since it "is a graduate theological school offering masters degrees for ministry for men, women, religious and candidates for the priesthood." The Seminary need request exemption only if it offers programs or activities that are limited on the basis of sex in accordance with religious tenets.

If you have any questions regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

JAN 17 1980

Reverend Claude Jarmakiewicz
President - Academic Dean
St. Hyacinth College and Seminary
Coventual Franciscan Friars
Granby, Massachusetts 01033

AROBINSON:SSOLOMON:mac:1/15/79

Dear Reverend Jarmakiewicz:

This is to advise you that the Department of Health, Education, and Welfare has reviewed your request for an exemption from the admission provisions of the regulation which implements Title IX of the Education Amendments of 1972. We regret the long lapse in responding to your request.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the church sponsoring the institution.

Based on the information which you provided in your letter (copy enclosed), we have determined that it was not necessary for St. Hyacinth College and Seminary to apply for a religious exemption from the admission and recruitment provisions of the Title IX regulation since it is a private undergraduate institution of higher education. Specifically, private undergraduate institutions are automatically exempt from complying with Subpart C of the regulation which prohibits discrimination in the admission and recruitment of students. This exemption is provided for in Section 86.15(e) of the regulation.

This statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it may relate to graduate or other programs. Should there be conflicts in that regard, it would be necessary for you to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your faith.

If there are questions you may write or call me or Mr. Waite Madison, Chief, Compliance and Technical Review Branch, at (202) 472-7413.

Sincerely yours,

/s/

James K. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

Enclosure

FILE COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
				WHM	1/16			
PSED	Solomon	1/15/80		JKWego	1/16/80			
	Robinson	1/16						

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

AUG 13 2001

Dr. Ernest Mc Nealey
President
Stillman College
Post Office Box 1430
Tuscaloosa, AL 35403

Dear Mr. McNealey:

Re: Request for Exemption from Title IX of the Education Amendments of 1972 (Title IX)

We have reviewed your request (copy enclosed) in which you describe a part of the housing policy of Stillman College as consistent with the tenets of the religious organization that controls the institution. As clarified in a telephone conversation on August 1, 2001, this policy would violate Title IX at 34 C.F.R. Sections 106.32(a) and 106.40 (copy enclosed) to the extent that they would prohibit the exclusion of unwed pregnant women from College-owned housing absent a religious exemptions. You have supplied information in your request letter that established that the institution is controlled by a religious organization and that tenets followed by this organization conflict with a specific section of the Title IX regulation.

Your request indicated that Stillman College is affiliated with the Presbyterian Church (USA) and more than 51% of its Board of Trustees are members of the Presbyterian Church. The College adheres to the religious belief that sexual relations are sacred and should be an expression of intimacy between married persons. Consequently, the College does not condone behaviors that may result in pregnancy among its unmarried student population. The sharing of sexual intimacy between unmarried persons is antithetical to its Christian tradition. The institution believes that the presence of unmarried pregnant women in the College-owned housing would conflict with Stillman's belief that the sexual act is sacred and occurs within the confines of marriage. Consequently, the College requires unwed pregnant students to move out of its dormitories and into off-campus housing after the first trimester.

Stillman College is hereby exempt from the Title IX regulation at 34 C.F.R. Sections 106.32(a) and 106.40 to the extent that they would prohibit the exclusion of unwed pregnant women from College-owned housing. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution.

This letter should not be construed to grant exemption from any section of the Title IX regulations not specifically mentioned. In the event that the Office for Civil Rights (OCR) receives a complaint against your institution, we are obligated to determine initially whether the allegation falls within the exemption granted in this letter. 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. 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 that 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:

Gary S. Walker, Director
Atlanta Office, Southern Division
Office for Civil Rights
61 Forsyth Street S.W.
Suite 19T70
Atlanta, GA 30303

Sincerely,

C. Todd Jones
Deputy Assistant Secretary
for Enforcement

Enclosures

NOTE TO ST. JOHN'S SEMINARY TITLE IX RELIGIOUS EXEMPTION REQUEST FILE

Institution's letter of 2-14-79 is considered withdrawal of request. This request file was closed officially August 2, 1985.

Valerie McMurtrie, EOS
Coordinator, Religious Exemption
Project

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 27 1985

Reverend Charles E. Miller, C.M.
President
St. John's Seminary
5118 East Seminary Road
Camarillo, California 93010

Dear Father Miller:

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. We have reviewed the request filed by former President Timothy Cardinal Manning and subsequent related correspondence in which several policies practiced at St. John's Seminary are described 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 and the Archdiocese of Los Angeles have 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 St. John's Seminary an exemption to those sections of the Title IX regulation appropriate to the request letter. St. John's Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21, § 106.22, § 106.23, § 106.51(a), § 106.53(a), § 106.55(a), § 106.57(a)(1), and § 106.60(a). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for our decision to grant this exemption is discussed in further detail below.

Cardinal Manning's original request for exemption states that the Roman Catholic Church controls St. John's Seminary. The Roman Catholic Church allows only males to be priests, and St. John's Seminary, which trains priests, admits only men as students. This relationship between the Roman Catholic Church and St. John's Seminary adequately establishes that St. John's Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation. St. John's Seminary prohibits the admission of women as students based on religious tenets of the controlling organization. Based on this practice, St. John's Seminary has requested and is granted by this letter, exemption to:

§ 106.21: admission of students;

§ 106.22: preference in admission;

§ 106.23: recruitment of students.

The original request for exemption also cited § 106.31(a)(education programs and activities) and § 106.40(a)(marital or parental status). An exemption to §§ 106.31(a) and 106.40(a) is unnecessary because St. John's Seminary admits only men and is granted herein an exemption for this practice at §§ 106.21, 106.22 and 106.23.

The original request asked that St. John's Seminary also be granted exemption from certain sections of the regulation relating to nondiscrimination in employment. The letter did not describe how these sections of the regulation conflicted with employment practices of the Seminary based upon Roman Catholic tenets. In response to OCR's request for additional information, the Archdiocese of Los Angeles stated that it is necessary to employ Roman Catholic priests (i.e., men) in some positions at St. John's Seminary: President, Rector, Procurator, Dean of Men, Resident Priests.

Based on the above, the St. John's Seminary has requested and is granted by this letter, exemption to the sections of the Title IX regulation noted below. This exemption is limited to those employment positions reserved for priests.

§ 106.51(a): general prohibitions against employment discrimination;

§ 106.53(a): recruitment;

§ 106.55(a): job classification and structure;

§ 106.57(a)(1): marital, parental or family status of employees;

§ 106.60(a): pre-employment inquiries regarding marital status.

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.

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,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX
Rev. Msgr. Jeremiah T. Murphy, Archdiocese of L.A.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 17 1985

Reverend Bernard Kirlin
Rector President
St. John Vianney College
2900 S.W. 87th Avenue
Miami, Florida 33165

Dear President Kirlin:

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 St. John Vianney College, formerly St. John Vianney Minor Seminary, filed such a request (copy enclosed) but we have no record that OCR adequately acknowledged this request. We have recently reviewed your request and have determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation exempts private undergraduate institutions from compliance with Subpart C. Based on the information provided in your letter (copy enclosed), you sought a religious exemption because your undergraduate education programs are limited to one sex. Under § 106.15, the exemption for limiting admissions is already provided.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If we do not hear from you within 60 days, we will assume that your institution has no need for a religious exemption and close your original request file. If you have any questions, please do not hesitate to contact me.

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

JUL 23 1985

JUL 2[illegible]

Reverend Bernard Kirlin
Rector President
St. John Vianney College
2900 S.W. 87th Avenue
Miami, Florida 33165

Dear Reverend Kirlin:

The Office for Civil Rights (OCR) of the Department of Education notified you by letter dated May 17, 1985 (copy enclosed), that we had reviewed your request for religious exemption to Title IX of the Education Amendments of 1972 and determined that St. John Vianney College need not have applied for religious exemption. OCR requested that you respond within 60 days if you sought exemption to sections of the Title IX regulation other than the admissions and recruitment provisions.

OCR is assuming that a religious exemption for St. John Vianney College is unnecessary since you did not contact us within 60 days. Therefore, OCR has closed your request file. If you have questions in the future regarding a religious exemption, please contact the Atlanta Regional Office for Civil Rights at (404) 242-2954.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

Enclosure

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 18 1985

Brother Herman J. Gerber, S.M.
Vice-President and Chairman of the Board
St. Louis-Chaminade Education Center
3140 Waialae Avenue
Honolulu, Hawaii 96816

Dear Brother Gerber:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that such a request was filed for Chaminade College of Honolulu (now, Chaminade University of Honolulu) by its former president, Rev. Charles J. Lees, but there is no record that OCR adequately acknowledged the request.

We have recently reviewed the request, as supplemented and amended in your recent letter (copies enclosed), which expanded the original request to include St. Louis-Chaminade Education Center and St. Louis High School. (Your letter identified St. Louis-Chaminade Education Center as the umbrella institution that encompasses both St. Louis High School and Chaminade University; subsequent references in this letter to the Education Center encompass the University and the High School.) The request, as amended, described certain employment policies of the Education Center 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. St. Louis-Chaminade Education Center 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 Education Center an exemption to those sections of the Title IX regulation appropriate to your request. St. Louis-Chaminade Education Center, encompassing St. Louis High School and Chaminade University of Honolulu, is hereby exempted from the requirements of 34 C.F.R. §§ 106.51 and 106.53. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for our decision to grant this exemption is discussed in further detail below.

Your request letter indicates that St. Louis-Chaminade Education Center is owned and controlled by the Marianist Religious Order of the Roman Catholic Church. This relationship between the Roman Catholic Church, the Marianist Religious Order, and the Education Center adequately establishes that the St. Louis-Chaminade Education Center is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicated that the Corporate Bylaws of the Education Center specify that certain positions must be filled by Marianists who, under tenets of the order and the Roman Catholic Church, are male. These positions are the Vice-President and Chairman of the Board of Directors for St. Louis-Chaminade Education Center, the President of Chaminade University of Honolulu, and the Principal of St. Louis High School. Based on the principle that Marianists must be male and the requirement that certain positions be filled by Marianists, St. Louis-Chaminade Education Center has requested and is granted by this letter, exemption to 34 C.F.R. § 106.51 (employment) and § 106.53 (recruitment of employees) for the positions listed above.

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.

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

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

Rabbi Yitzchock Kleiman
Rosh Yeshiva
St. Louis Rabbinical College
7400 Olive Street Road
St. Louis, Missouri 63130

Dear Rabbi Kleiman:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of August 9, 1985, which requested additional information regarding St. Louis Rabbinical College's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original request filed by Rabbi Reuben Axelrod, Associate Rosh Yeshiva, you describe certain policies practiced at the 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 College has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the St. Louis Rabbinical College an exemption to those sections of the Title IX regulation specified in your September 8, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The St. Louis Rabbinical College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

In the original request, Rabbi Axelrod stated that the College is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that the St. Louis Rabbinical College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter of September 8, 1985, you specified that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

I hope this letter responds fully to the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

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

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

SEP 20 1985

Sister Waldia Ann Warden, OP
President
St. Mary's Dominican College
7300 St. Charles Avenue
New Orleans, Louisiana 70118

Dear Sister Waldia Ann Warden:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that St. Mary's Dominican College filed such a request (copy enclosed), but we have no record that OCR adequately acknowledged this request. We have recently reviewed the request and have determined that your institution need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private undergraduate institutions from compliance with Subpart C. Based on the information provided in your institution's letter (copy enclosed), St. Mary's Dominican College sought a religious exemption because the undergraduate education programs are limited to one sex. Under § 106.15, the exemption for limiting admissions is already provided.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

If we do not hear from you within 60 days, we will assume that your institution has no need for a religious exemption and close the original request file. 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 Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON D.C. 20202

SEP 20 1985

20

Very Reverend Kilian McGowan, C.P.
Rector
St. Michael's Residence
526 Monastery Place
Union City, New Jersey 07087

Dear Father McGowan:

We appreciate your response to our May 14, 1985, letter regarding Saint Michael's Monastic Seminary's request for religious exemption from Title IX of the Education Amendments of 1972. In your response, you stated that the Seminary closed almost ten years ago, and that consequently, there is no need for an exemption at this time. Therefore, the Office for Civil Rights has closed the Seminary's case file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

422003

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

MAY 15 1986

Reverend Bartley MacPhaidin, C.S.C.
President
Stonehill College
North Easton, Massachusetts 02357

Dear President MacPhaidin:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972. In your request, you describe certain policies practiced at Stonehill 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. You have supplied information in your 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 Stonehill College an exemption to those sections of the Title IX regulation specified in your request letter. Stonehill College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39 and 106.40(b)(4). 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 indicates that Stonehill College was founded by the Congregation of Holy Cross, a Catholic religious order. This relationship between the College and the Roman Catholic faith adequately establishes that Stonehill College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter states that, because "the Congregation of Holy Cross is a Catholic order, any statute or regulation mandating insurance coverage for the health care related to pregnancies out of wedlock, or abortions regardless of marital status, is obviously inconsistent with the religious tenets of this Congregation." Based on these principles, Stonehill College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services for students), and § 106.40(b)(4) (marital or parental status of students). This exemption is limited to the extent that these sections may require the institution to provide health or insurance benefits or services for termination of pregnancy or pregnancies out of wedlock.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Boston Regional Office for Civil Rights. The address is:

Richard V. E. McCann
Regional Civil Rights Director
Office for Civil Rights, Region I
Department of Education
Room 222, J.W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Sincerely,

Alicia Coro

Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Richard V. E. McCann, Regional Civil Rights Director, Region I

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

SEP - 3 1985

Reverend Howard P. Bleichner
Rector
St. Patrick's Seminary
320 Middlefield Road
Menlo Park, California 94025

Dear Father Bleichner:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that St. Patrick's Seminary filed such a request, but there is no record that OCR adequately acknowledged the request.

We have reviewed your institution's request, as supplemented by the July 30, 1985, letter from Father Terrien, Vice Rector and Academic Dean (copies enclosed), in which several policies practiced at St. Patrick's Seminary are described 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 Seminary 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 Seminary an exemption to those sections of the Title IX regulation appropriate to the 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. St. Patrick's Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23 and 106.51 - 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

The request for exemption indicates that St. Patrick's Seminary "is owned and operated by the Roman Catholic Archdiocese of San Francisco for the purpose of training Roman Catholic priests[.]" The Seminary "staffing is entrusted to the Society of St. Sulpice, a group of Roman Catholic diocesan priests whose specific function is the formation and education of parish

clergy.' This relationship between the Roman Catholic Church and St. Patrick's Seminary adequately establishes that the Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Father Terrien's request for an exemption states that the Roman Catholic Church does not permit the ordination of women to the priesthood. Since the primary goal of St. Patrick's Seminary is the education of candidates for the priesthood, the Seminary does not admit women students on the same basis as men students. Additionally, women students are not admitted to the Seminary's Master of Divinity program, the ordinary professional degree for seminarians, since admission is limited to candidates for the priesthood.

Based on these principles, St. Patrick's Seminary has requested and is granted by this letter, exemption to: § 106.21 (admission); § 106.22 (preference in admission); and § 106.23 (recruitment of students). St. Patrick's Seminary also requested exemption to § 106.31 because it limits enrollment in the Master of Divinity program to men. However, §§ 106.21, 106.22 and 106.23 address this practice more appropriately than does § 106.31. Therefore, no exemption is granted to § 106.31 (education programs and activities).

The request letter also indicates that the Vatican requires that those who serve as spiritual directors for seminarians be priests and that, as a general rule, seminary professors for the "sacred subjects" be priests. Further, because of their importance as role models for seminarians, the majority of full-time faculty members must be priests. The Seminary, therefore, "may not hire women as full-time faculty members on an equal basis with men."

Based on these principles, St. Patrick's Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. Part 106, Subpart E ("Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited"). "Subpart E" includes §§ 106.51 - 106.61 of the Title IX regulation.

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.

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

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 6 1985

Dr. William R. Keel
President
Saint Paul's College
Concordia, Missouri 64020

Dear President Keel:

Thank you for your letter of July 31, 1985, in which you advised that you are withdrawing Saint Paul's College's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on your letter, the Office for Civil Rights has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Kansas City Regional Office for Civil Rights.

Sincerely yours,

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

17 JAN 1980

Reverend John J. Kiely
President
St. Thomas Seminary
467 Bloomfield Avenue
Bloomfield, Connecticut 06002

Dear Reverend Kiely:

This is to advise you that the Department of Health, Education, and Welfare has reviewed your request for an exemption from the admission provisions of the regulation which implements Title IX of the Education Amendments of 1972. We regret the long lapse in responding to your request.

As you know, Section 86.12 of the regulation specifically exempts an institution from complying with any provision of the regulation which conflicts with the religious tenets of the church sponsoring the institution.

Based on the information which you provided in your letter (copy enclosed), we have determined that it was not necessary for St. Thomas Seminary to apply for a religious exemption from the admission and recruitment provisions of the Title IX regulation since it is a private undergraduate institution of higher education. Specifically, private undergraduate institutions are automatically exempt from complying with Subpart C of the regulation which prohibits discrimination in the admission and recruitment of students. This exemption is provided for in Section 86.15(e) of the regulation.

This statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it may relate to graduate or other programs. Should there be conflicts in that regard, it would be necessary for you to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your faith.

If there are questions you may write or call me or Mr. Waite Madison, Chief, Compliance and Technical Review Branch, at (202) 472-7413.

Sincerely yours,

/s/

ROBINSON:SSOLOMON:mac
1/15/79

James K. Wego, Acting Director
Postsecondary Education Division
Office of Compliance and Enforcement
Office for Civil Rights

Enclosure

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
				[illegible]	1/16			
PSED	Solomon	1/15/80		[illegible]	1/17/80			
	Robinson	1-16						

FILE COPY

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

AUG 5 1985

AUG 5 1985

The Reverend Melvin L. Farrell, S.S.
Director
Chancery Place
910 Marion Street
Seattle, Washington 98104

Dear Reverend Farrell:

Thank you for your letter of April 1, 1985, clarifying the status of the religious exemption request for St. Thomas Seminary. You indicated that St. Thomas Seminary permanently closed operations in 1977 and thus, you wish to withdraw your request for religious exemption from Title IX of the Education Amendments of 1972.

Based on your expressed desire to withdraw the request, we have closed your request file. Please do not hesitate to contact me if you have any questions on this matter.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Yeruchim Shain
Dean
Talmudical Academy
Route 524
Adelphia, New Jersey 07710

Dear Rabbi Shain:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Talmudical Academy's (Academy) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at the Academy 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. You have supplied information that establishes that the Academy is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Academy an exemption to those sections of the Title IX regulation specified in your August 27, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Talmudical Academy is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicates that the Academy is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Academy adequately establishes that the Talmudical Academy is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Academy has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 26 1985

Mr. Erwin Weinberg
President
Talmudical Yeshiva of Philadelphia
6063 Drexel Road
Philadelphia, Pennsylvania 19131

Dear President Weinberg:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Talmudical Yeshiva of Philadelphia's (Yeshiva) request for religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request, you describe certain policies practiced at Talmudical Yeshiva of Philadelphia 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 Yeshiva has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Talmudical Yeshiva of Philadelphia an exemption to those sections of the Title IX regulation specified in your August 30, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Talmudical Yeshiva of Philadelphia is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicates that Talmudical Yeshiva of Philadelphia was chartered and is maintained as an Orthodox Jewish Seminary. "Its Trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that Talmudical Yeshiva of Philadelphia is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 30 letter, you state that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Yeshiva has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Post Office Box 13716
Philadelphia, Pennsylvania 19104

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III

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

205022
K. Mines

FEB 24 1986

Rabbi Shmuel Adler
Administrative Director
Telshe Yeshiva - Chicago
3535 West Foster Avenue
Chicago, Illinois 60625

Dear Rabbi Adler:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letters requesting a religious exemption from Title IX of the Education Amendments of 1972. In your letters, you describe certain policies practiced at Telshe Yeshiva - Chicago 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. You have supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Telshe Yeshiva - Chicago an exemption to those sections of the Title IX regulation specified in your letters. Telshe Yeshiva - Chicago is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for our decision to grant this exemption is discussed in further detail below.

In your letter of November 13, 1985, you stated that "Telshe Yeshiva - Chicago is controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that Telshe Yeshiva - Chicago is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter of September 6, 1985, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Telshe Yeshiva - Chicago has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Alicia Coro

Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

Rabbi Mordecai Gifter
President
Telshe Yeshiva
Rabbinical College of Telshe
28400 Euclid Avenue
Wickliffe, Ohio 44092

Dear Rabbi Gifter:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Telshe Yeshiva's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request (copies enclosed), you describe certain policies practiced at Telshe Yeshiva 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. You have supplied information in your request letters that establishes that Telshe Yeshiva is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Telshe Yeshiva 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 Telshe Yeshiva. Telshe Yeshiva is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

In your original request letter, you stated that Telshe Yeshiva is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Telshe Yeshiva and Orthodox Judaism adequately establishes that Telshe Yeshiva is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 20 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Telshe Yeshiva is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 3 1985

Dr. J. R. Faulkner
President
Tennessee Temple University
1815 Union Avenue
Chattanooga, Tennessee 37404

Dear President Faulkner:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of July 3, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe certain policies practiced at Tennessee Temple University 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 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 Tennessee Temple University an exemption to those sections of the Title IX regulation specified in 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. Tennessee Temple University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.34 and 106.51. The basis for our decision to grant this exemption is discussed in further detail below.

University representatives have indicated that Tennessee Temple University is controlled by the Independent Baptist Church. Although the Independent Baptist Church and Tennessee Temple University are independent institutions, the pastor of the Church and the president of the school are the same, and most board members are also Church members. This relationship between the Independent Baptist Church and Tennessee Temple University adequately establishes that Tennessee Temple University 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.

In your letter you indicate that, based on biblical tenets, physical education classes must be segregated on the basis of sex. Based on this principle, Tennessee Temple University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.34, which addresses discrimination in access to course offerings.

Your letter also indicates that, based on biblical tenets, Tennessee Temple University places certain restrictions on females instructing males on religious matters. Based on this principle, Tennessee Temple University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.51, which addresses discrimination in employment.

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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

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

JUN 18 1985

Reverend William J. Byron, S.J.
President
The Catholic University of America
Washington, D.C. 20064

Dear Father Byron:

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 The Catholic University of America filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed former President Walton's request (copy enclosed) in which he described several policies practiced at The Catholic University of America 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. President Walton 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 The Catholic University of America 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. The Catholic University of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21(c), 106.39, 106.40, 106.51, 106.56 and 106.57. The bases for our decision to grant this exemption are discussed in further detail below.

The University's letter indicates that The Catholic University of America is "sponsored" by the Roman Catholic Church. The Church and the University practice the tenets of prohibiting abortion and premarital sexual relations. The relationship between the Roman Catholic Church and The Catholic University of America adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In his letter President Walton indicates that the University cannot condone abortion or premarital sexual relations. Thus, the institution practices the following.

1. Refusal to provide health or medical insurance coverage for abortions.

Based on the above principle, The Catholic University of America has requested and is granted by this letter, exemption to § 106.39: Health and insurance benefits and services (students) and § 106.56: Fringe benefits (employees).

2. Refusal to condone abortion and premarital sexual relations.

Based on the above principle, The Catholic University of America has requested and is granted by this letter, exemption to § 106.40: Marital or parental status (students); § 106.51: Employment; and § 106.57: Marital or parental status (employees). In addition, The Catholic University of America is granted exemption to § 106.21(c): Admissions -- Prohibitions relating to marital or parental status.

Section 106.21(c) addresses more appropriately the treatment of students regarding marital and parental status than does § 106.31. The original request letter does not support an exemption for § 106.31 regarding education programs and activities. If you believe an exemption to § 106.31 is necessary, you should submit information clarifying your 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 the University's 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

723020

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 8 1985

Reverend William J. Byron, S.J.
President
The Catholic University of America
Washington, D.C. 20064

Dear Father Byron:

This is to inform you of my decision regarding your request for a religious exemption to § 106.31 of the regulation implementing Title IX of the Education Amendments of 1972. You filed this additional request after receiving a letter from this office dated June 18, 1985 that granted The Catholic University of America a religious exemption to 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51, 106.56 and 106.57.

In your letter of July 18, you stated that the Seminary Program (also known as Theological College) "cannot accept women . . . as it provides for the spiritual formation and personal integration necessary for ordination to the priesthood in the Roman Catholic Church." Section 106.15 of the Title IX regulation exempts private, undergraduate institutions and programs from the requirements of Subpart C regarding admissions and recruitment. However, limiting admissions on the basis of sex to graduate higher education programs would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The Catholic University of America has provided information in previous correspondence 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 Catholic University of America an exemption to those sections of the Title IX regulation appropriate to your request letter of July 18. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Catholic University of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23 regarding admissions and recruitment of students for the Seminary Program (Theological College). Sections 106.21, 106.22 and 106.23 more accurately address the practice for which you have requested exemption than does § 106.31, which concerns generally, nondiscrimination following admission to education programs and activities.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Mr. 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

Enclosure

cc: Dewey E. Dodds, Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

Rabbi Don Well
President
The Hebrew Theological College
7135 North Carpenter Road
Skokie, Illinois 60077

Dear Rabbi Well:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding the Hebrew Theological College's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response of September 9, 1985, you describe certain policies practiced at the 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. You have supplied information in your request that establishes that the College is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Hebrew Theological College an exemption to those sections of the Title IX regulation specified in your September 9, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The Hebrew Theological College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.32, 106.34, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Your request letter indicates that the "Hebrew Theological College is under the control of the Board of Directors . . . which is bound by its constitution to all the tenets of the Orthodox Jewish faith." This relationship between the College and Orthodox Judaism adequately establishes that the Hebrew Theological College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that the Hebrew Theological College maintains a program to train men for ordination as rabbis in the Orthodox Jewish faith, and also offers a doctorate and masters degree in Pastoral Counseling open only to ordained rabbis. Based on these practices, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students) for those programs leading to ordination or open only to rabbis.

Your letter indicates that all other programs that do not lead to ordination, or that admit only rabbis, are open to both men and women. However, in accordance with religious tenets, classes and facilities for these programs are segregated on the basis of sex. Based on this practice, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.34 (access to course offerings).

Your request letter also states that "all instructors in the rabbinical program are required to be ordained rabbis." Thus, women are not employed as instructors in the rabbinical program. Based on this practice, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising) for those positions reserved for rabbis.

Finally, you have indicated that the College offers housing only to male students since students in the nonrabbinical programs share housing with rabbinical students. Based on this practice, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.32 (housing).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 24 1985

SEP 24 [illegible]

Dr. Bruce C. Stewart
President
The Reformed Presbyterian
Theological Seminary
7418 Penn Avenue
Pittsburgh, Pennsylvania 15208

Dear President Stewart:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested information regarding the Reformed Presbyterian Theological Seminary's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, you describe a policy practiced at the Reformed Presbyterian Theological Seminary as consistent with the tenets of the religious organization that controls the institution. These policies would violate a section of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with a specific section of the Title IX regulation. Therefore, I am granting the Reformed Presbyterian Theological Seminary an exemption to the section of the Title IX regulation specified in your 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. The Reformed Presbyterian Theological Seminary is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.34. The basis for our decision to grant this exemption is discussed in further detail below.

In your request letter, you state that the Reformed Presbyterian Theological Seminary is controlled by the Reformed Presbyterian Church of North America. The Seminary's professors are elected by the Synod of the Reformed Presbyterian Church as are the members of the Board of Trustees who must be elders in the Church. The purpose of the Seminary is to instruct candidates for the ministry and others preparing for special lines of Christian service. This relationship between the Reformed Presbyterian Church and the Seminary adequately establishes that the Reformed Presbyterian Theological Seminary 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 Reformed Presbyterian Church does not allow the ordination of women to the ministry, nor does it permit women to preach. Thus, the Seminary does not offer classes in homiletics to women. You indicate that all other courses are open to men and women. Based on this practice, the Reformed Presbyterian Theological Seminary has requested and is granted by this letter exemption to: § 106.34 (access to course offerings) for homiletics courses.

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.

I hope this letter responds fully to your request. I regret the inordinate delay in responding to the origina request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Post Office Box 13716
Philadelphia, Pennsylvania 19104

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

SEP 23 1985

Dr. Kenneth B. Bootsma
President
Trinity Christian College
6601 West College Drive
Palos Heights, Illinois 60463

Dear President Bootsma:

Thank you for your letter of August 20, 1985, in which you advised that you are withdrawing Trinity Christian College's request for a religious exemption from the provisions of Title IX of the Education Amendments of 1972. Accordingly, the Office for Civil Rights has closed your request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the Chicago Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 13 1985

Dr. Kenneth M. Meyer
President
Trinity Evangelical Divinity School
2065 Half Day Road
Deerfield, Illinois 60015

Dear President Meyer:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Trinity Evangelical Divinity School (TEDS) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe certain policies practiced at TEDS 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. You have supplied information in your request letter that establishes that TEDS 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 Trinity Evangelical Divinity School an exemption to those sections of the Title IX regulation specified in your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by TEDS. Trinity Evangelical Divinity School is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c)(4) and § 106.38(a)(1) and (2). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Trinity Evangelical Divinity School is affiliated with the Evangelical Free Church America. Churches seek Trinity graduates for the role of elder-pastor, a role which most churches limit to men. The status of Trinity Evangelical Divinity School as a divinity school affiliated with the Evangelical Free Church of America adequately establishes that Trinity Evangelical Divinity School is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the majority of churches seeking TEDS graduates for the role of elder-pastor would adhere to the biblical tenet that such a role is limited to men who have not divorced. Your letter explained that, in order to counsel divorced students on the possible difficulty in placement following study, TEDS needs to make pre-admission inquiries regarding marital status. Based on the above

principles, TEDS has requested and is granted by this letter exemption to § 106.21(c)(4) (pre-admission inquiry as to the marital status of an applicant for admission) and § 106.38(a)(1) and (2) (employment assistance to students).

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

ASSISTANT SECRETARY

Gregory L. Waybright
President
Trinity International University
2065 Half Day Road
Deerfield, Illinois 60015

APR 27 2005

Dear Mr. Waybright:

The Office for Civil Rights of the U.S. Department of Education received your letter dated July 16, 2003, and supplemental material dated August 7, 2003, seeking a religious exemption for Trinity International University (Trinity) from requirements of the U.S. Department of Education regulations that carry out Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* I apologize for the delayed reply.

The U.S. Department of Education Title IX regulations at 34 C.F.R. § 106.21(c)(4) prohibit marital status inquiries of applicants for admission to postgraduate programs. Trinity seeks an exemption from the requirements of this regulation. Trinity additionally seeks a similar exemption for its undergraduate programs. As discussed below, the request for an exemption to the requirements of this regulation as it pertains to Trinity's graduate programs is granted, 34 C.F.R. § 106.21(c)(4) of the Title IX regulations, subject to the conditions set out below pertaining to the granting of such exemptions.

The Title IX statute covers admissions of only certain types of recipient educational institutions, namely, institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education (20 U.S.C. 1681(a)(1)). Because private undergraduate institutions are not listed in the Title IX provision establishing admissions coverage, admissions to private undergraduate institutions are therefore not covered by the Title IX statute. Therefore, no exemption from its requirements is needed to allow Trinity to make marital status inquiries of applicants to its undergraduate programs. Conversely, because institutions of professional and graduate education are listed in the statute as subject to admissions coverage, admissions to those types of institutions are covered by Title IX. This statutory scheme is reflected in our Title IX regulations at 34 CFR 106.15(c) and (d).

Your letter and additional information establishes that Trinity is owned and operated by the Evangelical Free Church of America (the Church). Trinity is controlled by the Church and adheres to its religious tenets. Since Trinity is controlled by a religious organization, the regulations that carry out Title IX permit the Department to exempt the institution from requirements of the Title IX regulations where compliance would conflict with the religious tenets of Trinity's controlling religious organization (34 C.F.R. § 106.12). Trinity is, therefore, eligible for consideration for an exemption from requirements of the Title IX regulations that conflict with the religious tenets of the Church.

Trinity requires all applicants to its graduate programs, whether or not leading to ordination, to be aware of, and to adhere to, the religious tenets of the Church. Trinity regards all graduate training as, at least in part, preparation for positions of leadership in the Church, and expects applicants generally to meet the behavioral and religious commitment requirements imposed on lay leaders of the church. Trinity also requires all applicants to its graduate programs, including but not limited to those leading to ordination, to provide a personal statement that "provides, among other things, information with respect to the applicant's decision to make a commitment to faith in Christ, present spiritual life and Christian service."

For an applicant to the divinity school, Trinity must ask if the applicant is married, to make certain that he or she meets, and is likely to continue to meet, requirements pertaining to married clergy and their families, and that both the applicant and his or her spouse who must complete a statement of spousal support are aware of these requirements. An inability to make a marital inquiry would conflict with the religious tenets of the Church, since it would make it difficult, if not impossible, for Trinity to insure that requirements imposed pursuant to the religious tenets of the Church are met by applicants for the ministry.

Adherence to the tenets of the Church's faith, including those related to family and personal life, as well as commitment to Christian service is, therefore, evaluated as part of the graduate admissions process. Because of tenets specifically applicable to marital life and to the personal conduct of married individuals, the marital status of the applicant is considered to be germane to this inquiry. Because the religious tenets of the Church govern the conduct of all graduate students, admitting a student who is unwilling or unable to comply with these tenets would be contrary to requirements that Trinity imposes on students pursuant to the religious tenets of the Church.

Based on these principles, and on the understanding that both male and female applicants must provide their marital status, and that such information is not used to discriminate on the basis of sex, the requested religious exemption from 34 C.F.R. § 106.21(c)(4) of the Title IX regulation is granted for Trinity's graduate level programs.

This letter should not be construed to grant exemption from any provision of the Title IX regulations that is not specifically mentioned. In the event that OCR receives a complaint against Trinity, 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 procedures followed by Trinity are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify these tenets. If the organization provides an interpretation of its tenets that has a different practical impact than that described, or if the organization denies that it controls Trinity, this exemption will be rescinded.

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 the extent provided by law, to withhold personal information, which, if released, would constitute an unwarranted invasion of privacy.

I hope this letter responds fully to your request. If you have any questions, please contact, Lisa Dyson, of my staff, at (202) 205-2958.

Sincerely,

James Manning
Delegated the Authority of Assistant Secretary
for Civil Rights

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 8 1994

Dr. T. Clark Bryan
President
Truett-McConnell College
Cleveland, Georgia 30528

Dear Dr. Bryan:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated March 21, 1994, for religious exemption for Truett-McConnell College (College) from Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation, at 34 C.F.R. Part 106 (1992). This letter is in response to your request. Please excuse our delay in responding.

We have reviewed your request in which you described several policies and practices at the College as consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request 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 specified in your request letter.

The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Truett-McConnell College. Truett-McConnell 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, 106.34, 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 basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that the College is controlled by the Baptist Convention of the State of Georgia (Convention). The College and the Convention adhere to religious tenets that are based upon their understanding of the Scriptures. All members of the Board of Trustees of the College are elected by the Convention and must be resident, active members of Baptist churches affiliated with the Convention. The Convention fosters the College and provides it substantial financial support. This relationship between the Convention and the College adequately establishes that Truett-McConnell 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 implementing regulation.

In your letter, you indicate that there are certain biblical tenets that the College uses as its standard of faith and practice which are directly related to issues such as human sexuality, cohabitation, the institution of marriage, language and other subjects of a moral character or dimension. You have provided the following information:

1. In keeping with the College's religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Based on these principles, the College is granted by this letter exemption for those positions from the following Sections of 34 C.F.R.:

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising
§ 106.60	Pre-employment inquiries

2. The College provides an education to a significant number of students who are training for the gospel ministry. Your request letter further states that the College may provide different scholarship assistance and academic and professional counseling to ministerial students on the basis of gender. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Accordingly, for the aforementioned purposes the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.21(c)	Admission; prohibitions relating to
§ 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
§ 106.38	Employment assistance to students

3. Of particular relevance and significance is the institution's role in encouraging those intending to marry and become parents to adhere to the College's and the Convention's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life. Based on these principles, the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.39	Health and insurance benefits and services
§ 106.40	Marital or parental status
§ 106.51	Employment

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned nor for any purpose other than to the extent the regulation conflicts with a religious tenet. If OCR receives a complaint on these issues against the College, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the College 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 College, or if the organization denies that it controls the College, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me at (202) 205-5413 or have member of your staff contact Mr. Marc Brenman at (202) 205-9876.

Sincerely,

Norma V. Cantú

Norma V. Cantú
Assistant Secretary
for Civil Rights

Enclosures

101512

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Dr. Benjamin R. Wygal
President
Union College
3800 South 48th Street
Lincoln, Nebraska 68506

Dear President Wygal:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Union College's request for religious exemption from Title IX of the Education Amendments of 1972.

In your response, you describe 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. The College has provided 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 Union College an exemption to those sections of the Title IX regulation specified in your September 30, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Union College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Union College is owned and operated by the Seventh-day Adventist Church. Members "of its constituency and Board of Trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between Union College and the Seventh-day Adventist Church adequately establishes that Union 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 states that "pregnancy outside of marriage is considered immoral conduct inappropriate for a student in a Seventh-day Adventist educational institution." The Church "'must register its decisive, emphatic disapproval of the sin of fornication, adultery, all acts of moral indiscretions and other . . . sin[.]'" You state that the College must hold to this religious standard in its relationship with its students and employees. Based on this principle, Union College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21, to the extent that this section addresses marital and parental status of applicants for admission, § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees and applicants for employment).

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.

I hope this letter responds fully to the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

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

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

SEP 3 1985

Dr. Robert E. Craig
President
Union University
Jackson, Tennessee 38305

Dear President Craig:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985, requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letters you describe several policies practiced at Union University 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 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 Union University an exemption to those sections of the Title IX regulation appropriate to your request letters. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Union University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c); 106.37(a) and (b); 106.39; 106.40; 106.51(b)(6); 106.57(a)(1), (b), and (c); and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letters indicate that Union University is owned and operated by the Tennessee Baptist Convention, which is affiliated with the Southern Baptist Convention. The Tennessee Baptist Convention elects all 48 of the trustees who set policies and employ personnel. Additionally, the Tennessee Baptist Convention "furnishes a great percentage of [the university's] financial support." This relationship between the Tennessee Baptist Convention and Union University adequately establishes that Union University 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 the University considers sexual immorality as contrary to the tenets of Southern Baptists and "insist[s] upon high levels of moral conduct. Sexual activities outside of marriage are deemed contrary to Baptist interpretation of Biblical standards." Based on these principles, Union University 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); § 106.39 (health and insurance benefits and services to students); § 106.40 (marital or parental status of students); § 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care); § 106.57(a)(1), (b) and (c) (marital and parental status of employees, including pregnancy); and § 106.60(a) (pre-employment inquiries as to marital status).

Your letter indicates that since Union University does not ordinarily practice the ordination of women, it does not permit an equal number of male and female students to select church-related vocations or receive equal scholarship assistance for these church-related vocations. Based on this principle, Union University has requested and is granted by this letter, exemption to 34 C.F.R. § 106.37(a) and (b) (financial assistance for students).

You also requested exemption to § 106.51 (employment, general), § 106.53 (recruitment for employment) and § 106.55 (job classification and structure) based on your tenets and practices regarding morality and the award of financial assistance to students selecting church-related vocations. Sections 106.51(b)(6), 106.57(a)(1), (b) and (c) and 106.37(a) and (b), to which Union University is granted exemption by this letter, more appropriately address the practices you have described in your letters than do §§ 106.53, 106.55 or all of § 106.51. Therefore, based upon the information in your letters, an exemption to §§ 106.53, 106.55 and all of § 106.51 is not necessary.

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.

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 Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas
Regional Civil Rights Director
Office for Civil Rights, Region IV
Department of Education
101 Marietta Street, N.W., 27th Floor
Atlanta, Georgia 30323

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 24 1985

Mr. Efroim Stein
Director
United Talmudical Academy
82 Lee Avenue
Brooklyn, New York 11211

Dear Mr. Stein:

We appreciate receiving the letter dated September 10, 1985, from Blain B. Butner, Attorney for the United Talmudical Academy, advising us that the Academy does not wish to pursue its request for a religious exemption from Title IX of the Education Amendments of 1972. Accordingly, the Office for Civil Rights has closed the Academy's request file.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

JUN 18 1985

Dr. John P. Ragsdale
President
United Wesleyan College
Allentown, Pennsylvania 18103

Dear President Ragsdale:

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

We have recently reviewed the request (copy enclosed) made by former President Wilson in which he described several policies practiced at United Wesleyan 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. Former President Wilson 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 United Wesleyan College an exemption to those sections of the Title IX regulation specified in 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. United Wesleyan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40(a) and (b) and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

In the institution's letter it states that United Wesleyan College is controlled by The Wesleyan Church. United Wesleyan College is required by the teachings of The Wesleyan Church to "require a standard of moral purity opposing sexual promiscuity." The Wesleyan Church also seeks to preserve the sanctity of the home and high regard of the marriage vows.

Based on these principles, United Wesleyan College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital and parental status as they relate to admissions); § 106.40(a) and (b) (marital and parental status of students); and, § 106.57 (marital and parental status of employees) to the extent that these sections address the issue of pregnancy out of wedlock.

In its exemption request letter, United Wesleyan College also requested exemption from 34 C.F.R. § 106.31(b)(5) which addresses the issue of rules of appearance. In 1982, this section was rescinded and deleted from the Title IX regulation, thus making an exemption unnecessary.

Former President Wilson also requested the opportunity to apply for exemptions from certain sections if his understanding of the requirements was incorrect. His interpretation that Title IX permits separation of housing and restroom facilities by sex (§§ 106.32(b) and 106.33, respectively) is correct. However, § 106.61, regarding sex as a bona-fide occupational qualification, does not apply to hiring only women as resident directors for women's dormitories. If you wish to limit the employment of resident directors in women's dormitories to women only, you will need to apply for a religious exemption from the employment sections of the Title IX regulation which you deem applicable. You should briefly describe the religious tenet(s) or practices on which this institution policy is based. Your request should be forwarded 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 the request made by United Wesleyan College. 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

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

NOV 21 1985

Dr. John P. Ragsdale
President
United Wesleyan College
1414 East Cedar Street
Allentown, Pennsylvania 18103

Dear President Ragsdale:

This is to inform you of my decision regarding your request for a religious exemption to the regulation implementing Title IX of the Education Amendments of 1972. You filed this additional request after receiving a letter from this office dated June 18, 1985, that granted United Wesleyan College a religious exemption to 34 C.F.R. §§ 106.21(c), 106.40(a) and (b), and 106.57.

In your letter of October 28, 1985, you stated, in reference to 34 C.F.R. § 106.61 (sex as a bona-fide occupational qualification), that "the standards for its educational institutions adopted by The Wesleyan Church require that the occupancy and supervision of dormitories must be separated according to sex." Generally, § 106.61 is not applicable to dormitory supervisory positions since the consideration of an employee's sex is not essential to the successful operation of the employment function. Thus, a practice such as hiring only women as supervisors in women's dormitories would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption.

United Wesleyan College has provided information in previous correspondence 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 United Wesleyan College an exemption to those sections of the Title IX regulation appropriate to your request letter of October 28, 1985. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. United Wesleyan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51 (employment) and 106.53 (recruitment of employees), regarding the employment and recruitment of employees for positions as dormitory supervisors. These sections more accurately address the practice for which you have requested exemption than does § 106.61.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hestitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting 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

Enclosure

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

SEP 20 1985

Dr. Robert F. Sassen
President
University of Dallas
University of Dallas Station
Irving, Texas 75062-4799

Dear President Sassen:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. OCR recently reviewed your request and determined that we need further information to make a decision to grant an exemption.

On May 31, 1985, OCR forwarded a request for more information to the University of Dallas, specifying that your institution's letter did not provide sufficient information for OCR to make a determination. There was insufficient information regarding religious tenets or institution practices based on religious tenets that conflict with specific sections of the Title IX regulation. OCR received no response to this initial request for more information and issued a second request on July 18, 1985. OCR's second request letter indicated that if we did not hear from you within 30 days, we would assume that the University of Dallas no longer had need of a religious exemption to the Title IX regulation.

OCR has not received a response to either request for information. We are assuming that your institution no longer desires a religious exemption. Therefore, OCR has closed your request file. If you determine in the future that your institution requires a religious exemption from Title IX, you will need to submit a new request letter to:

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 yours,

James M. Littlejohn

for Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

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

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

JAN 5 1989

Dr. Wesley Smith
President
Valley Forge Christian College
Charlestown Road
Phoenixville, Pennsylvania 19460

Dear Dr. Smith:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated October 13, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letter you supplied information that establishes that Valley Forge Christian College (College) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request several policies practiced at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption from those sections of the Title IX regulation specified in your request letter. In doing so, I note an apparent error. You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I conclude from the facts outlined in your request that you desire an exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, and 106.57. 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 our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is controlled by the General Council of the Assemblies of God and various District Councils of the Assemblies of God. Information provided with your request letter indicates that the College is affiliated with, responsive to and subject to the Constitution and Bylaws of the General Council of the Assemblies of God. The College is operated under its charter by a Board of Regents representing the District Councils of the Assemblies of God, is governed by the Board of Regents and is owned by the member districts. This relationship between the General Council and District Councils of the Assemblies of God 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 and accompanying materials indicate that the officers and faculty of the College are bound by the General Council's Statement of Fundamental Truths, and that the objective of the College is to provide education to men and women for Christian service based upon the teaching of the Bible and the

Statement of Fundamental Truths. Your letter identified two of the sixteen tenets contained in the Statement of Fundamental Truths as being pertinent to your request. Specifically, your letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40, and 106.57 conflict directly with the tenets of the College and its controlling organization because in some cases, these provisions contradict the Bible and the church's view on sanctification.

Your letter cites as examples of such contradiction the religious tenets that require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married.

Based on the information submitted, Valley Forge Christian College is granted by this letter exemption from 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.40 (marital and parental status of students); and 106.57 (marital and parental status of employees), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Philadelphia OCR at the following address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street - 03-2010
Room 6300
Philadelphia, Pennsylvania 19104- 3326

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Dr. Robert A. Smallwood, Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 20 1985

SEP 20 1985

Reverend Leeward J. Poissant
President
Wadhams Hall Seminary-College
Ogdensburg, New York 13669

Dear Father Poissant:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter dated July 11, 1985, requesting additional information regarding Wadhams Hall Seminary-College's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter of July 24, 1985, which supplements the Seminary's original request, you describe several policies practiced at the Seminary 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. You have supplied information that establishes that the Seminary is controlled by a religious organization and that tenets followed by this organization conflict with certain sections of the Title IX regulation. Therefore, I am granting the Seminary 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. Wadhams Hall Seminary-College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, and 106.51 through 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Charter of Wadhams Hall Seminary-College commissions you "to prepare men for further studies leading toward the Roman Catholic Priesthood through a four-year baccalaureate program with a major in philosophy." This relationship between the Roman Catholic Church and the Seminary adequately establishes that the Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The Roman Catholic Church and the Seminary practice the tenet that only men may be priests. Therefore, women are not admitted to the Seminary. Based on this principle, Wadhams Hall Seminary-College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

The Seminary also requested exemption, based on the tenet noted above, to those sections of the regulation pertaining to housing, educational programs and activities, counseling and guidance, financial aid, and

athletics and physical education. However, because the Seminary limits admission to men only based on religious tenets, the exemption granted herein to §§ 106.21, 106.22 and 106.23 eliminates the necessity for an exemption to § 106.32 (housing), § 106.31 (education programs and activities), § 106.36 (counseling), § 106.37 (financial aid), § 106.41 (athletics) and § 106.34 (physical education).

Your letter also indicates that the Catholic Church "believes that certain rituals and powers are the prerogative only of ordained priests." The "Catholic Church requires that the President, the Director of Spiritual Formation, and a certain percentage of the faculty be ordained priests." These individuals serve "the important purpose of modeling priesthood for the young men who are moving toward this vocation in life." Based on these principles and practices, Wadhams Hall Seminary-College is granted by this letter exemption to: 34 C.F.R. §§ 106.51 - 106.61 (discrimination on the basis of sex in employment in education programs and activities prohibited).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 5 1985

AUG 5 1985

Dr. N. Clifford Sorensen
President
Walla Walla College
College Place, Washington 99324

Dear Dr. Sorensen:

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

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Walla Walla 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. You have supplied information in your 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 Walla Walla College an exemption to those sections of the Title IX regulation specified in your 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. Walla Walla College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40, and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Walla Walla College is controlled by the Seventh-day Adventist Church. Walla Walla College is owned and operated by the Seventh-day Adventist Church and is an integral part of the Church. In addition, your letter stated that Walla Walla College, as a Church institution, is obligated to uphold, in its relationships with its students and employees, the religious standards of the Church. This relationship between the Seventh-day Adventist Church and Walla Walla College adequately establishes that Walla Walla College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that "the eighth Fundamental Belief of the Seventh-day Adventist Church states 'that the law of the ten commandments points out sin' (Church Manual 33)[,]" and that the Church interprets the seventh commandment "to cover adultery, fornication, various perversions, and certain remarriages[.]"

Based on the above principle, Walla Walla College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21, which pertains to admission; 34 C.F.R. § 106.40, which addresses treatment of students with respect to marital or parental status; and, 34 C.F.R. § 106.57, pertaining to treatment of employees or applicants for employment with respect to marital or parental status.

Your letter also indicates that the Seventh-day Adventist Church and Walla Walla College believe that, according to basic Biblical teachings, wearing apparel should be modest, jewelry should not be worn, and there should be distinctions between men's and women's clothing. Section 106.31(b)(5), which concerned student appearance, was deleted from the Title IX regulation. Thus, an exemption for appearance codes 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 Walla Walla College, 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 Walla Walla College are not based on the religious tenets of the Seventh-day Adventist Church, OCR is obligated to contact the Seventh-day Adventist Church to verify those tenets. If the Seventh-day Adventist Church provides an interpretation of tenets that has a different practical impact than that described by Walla Walla College, 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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

OCR 8122908

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

JAN 25 1989

Dr. Harry E. Fletcher
President
Washington Bible College
Capital Bible Seminary
6511 Princess Garden Parkway
Lanham, Maryland 20706

Dear Dr. Fletcher:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Washington Bible College/Capital Bible Seminary's (College/Seminary) request for religious exemption to Title IX of the Education Amendments of 1972.

In your letter of December 21, 1988, requesting a religious exemption, you describe certain policies practiced at the College/Seminary 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. You provided information in your request letter that establishes that the College/Seminary 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/Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. The College/Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39 and 106.40. The basis for this decision is discussed in further detail below.

Your request letter indicates that the College/Seminary provides biblical and professional education to prepare students for Christian ministry worldwide, and provides a biblical and theological resource center for Christian laymen and for the continuing education of pastors, missionaries, and other Christian workers. The Board of Trustees, administrative officers and faculty subscribe to and sign the College/Seminary's statement of doctrine, and students must agree with the Doctrinal Statement for graduation from degree and diploma programs. The preparation of students for religious vocations, and the requirement that employees subscribe to and graduating students agree with the Doctrinal Statement, adequately establishes that the College/Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter indicates that the College/Seminary follows religious tenets that prohibit sex outside of the marriage relationship. Thus, providing insurance coverage for pregnancy for students who are pregnant and unmarried is inconsistent with these tenets. Based on these tenets, the College/Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services) and § 106.40 (marital or parental status of students). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

The exemption granted herein to §§ 106.39 and 106.40 has the following limitations. Your request letter does not suggest that pregnancy and related conditions for married women are contrary to the tenets followed by the institution. Therefore, if the College/Seminary offers a student health insurance plan that includes provisions for temporary disabilities, then pregnancy and related conditions for married women, other than abortion related conditions, must be treated as any other temporary disability. (Under the Civil Rights Restoration Act of 1987, institutions are neither required to nor prohibited from providing or paying for abortion.) The College/Seminary's student health insurance plan may not charge an additional premium for pregnancy coverage without charging the same additional premium for coverage of temporary disabilities.

You may wish to review the enclosed copy of the Title IX regulation to determine whether the College/Seminary may wish to claim exemption to additional sections of the regulation.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Dr. Robert A. Smallwood
Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326.

Sincerely,

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 31 92

Dr. Wallace E. Davis
President
Wayland Baptist University
1900 West 7th Street
Plainview, Texas 79072

Dear Dr. Davis:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972 for Wayland Baptist University. Your May 27, 1992, letter described several policies practiced at the university 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 absent a religious exemption.

Information in your letter establishes that Wayland Baptist University 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 Wayland Baptist University exemption to those sections of the Title IX regulation appropriate to your letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Wayland Baptist University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.34, 106.36, 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.52, 106.53, 106.55(a), 106.57, and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Wayland Baptist University is controlled by the Baptist General Convention of Texas. This relationship between the Baptist General Convention and Wayland Baptist University adequately establishes that Wayland Baptist University is controlled by a religions organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicated that the university, in conformance with the tenets of the Baptist Church, requires Christian sexual conduct on the part of its employees and students. In addition, treating pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of the Baptist Church. Based on these principles, Wayland

Baptist University has requested and is granted by this letter exemption to: § 106.21(c) (marital or parental status of applicants for admission), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees), and § 106.60(a) (pre-employment inquiries regarding marital status).

Your letter indicates that the Baptist Church requires that some scholarship funds and career offerings be provided differently on the basis of sex to ministerial students. In addition some sex separate organizations are provided to minister in unique ways to male and female students in preparing them for their roles as mothers and fathers in the context of religions belief in the sanctity of the home. Based on this principle, Dallas Baptist University has requested and is granted by this letter exemption to: § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36 (counseling, appraisal and counseling materials, disproportion in classes), § 106.37(a) and (b) (financial assistance), and § 106.38(a) (employment assistance to students).

Your letter also indicates that the university restricts employment in some positions based on sex in accordance with the religious tenets of the Baptist Church. Based on this principle, Dallas Baptist University has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), and § 106.55(a) (job classification and structure). An exemption to § 106.55(b) and (c) is not necessary since separate lines of progression, seniority systems, career ladders, or tenure systems are permitted for those positions where sex is a bona-fide occupational qualification.

You also requested exemption to § 106.14 (membership practices of certain organizations) and § 106.59 (advertising). An exemption to § 106.14 is not necessary because the organizations listed or otherwise meeting the criteria specified are exempted from coverage by this section of the regulation. Likewise, an exemption to § 106.59 is not necessary because this section exempts positions where sex is a bone-fide occupational qualification.

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 Dallas Baptist University, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complaint alleges that the practices followed by the university 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 have a different practical impact than that described by the university, or if the organization denies that it controls the university, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
U.S. Department of Education
1200 Main Tower Building, Suite 2200, 5010
Dallas, Texas 75202-9998.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 6 1985

Dr. Hubert P. Black
President
West Coast Christian College
6901 North Maple Avenue
Fresno, California 93710-4599

Dear President Black:

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 West Coast Bible College, now West Coast Christian College (WCCC), filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request (copy enclosed) in which former President Ward described several policies practiced at WCCC 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. Former President Ward 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 WCCC 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. WCCC is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21(c), § 106.40(b), § 106.51(b)(6), § 106.57 and § 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below. Former President Ward also requested exemption for § 106.31(b)(5). Section 106.31(b)(5), regarding rules of appearance, was rescinded from the Title IX regulation. Thus, an exemption for appearance codes is unnecessary.

The request letter indicates that WCCC is controlled by the Church of God. WCCC and the Church of God adhere to traditional moral standards of Christianity. This relationship between the Church of God and WCCC adequately establishes that WCCC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The letter from former President Ward indicates that WCCC follows the Church of God's position with regard to abortion, divorce, fornication, adultery, extramarital pregnancy and termination of a pregnancy, and the Title IX regulation conflicts with WCCC's religious position on these issues.

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

§ 106.21(c) marital and parental status of potential students.

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

§ 106.51(b)(6) employment: granting and return from leaves of absence for pregnancy and related conditions and child care.

§ 106.57 marital or parental status of employees; a general exemption to § 106.57, limited to the extent that this section conflicts with your religious tenets, is more appropriate to the issues listed in former President Ward's letter than the specific exemption to § 106.57(a)(2) requested by Dr. Ward.

§ 106.60(a) inquiry as to the marital status of an applicant for employment.

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.

I hope this letter responds fully to your institution's 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

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 5 1985

Mr. John G. Balyo
President
Western Baptist College
5000 Deer Park Drive, S.E.
Salem, Oregon 97301

Dear President Balyo:

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 Western Baptist College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your institution's request (copy enclosed) in which several policies practiced at Western Baptist College are described 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. Information supplied in the request letter and in your letter dated May 8, 1985, 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 Western Baptist College an exemption to those sections of the Title IX regulation specified in the original request. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Western Baptist College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.34, § 106.40, § 106.51, § 106.55(a), § 106.57, and § 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the religious organization governing Western Baptist College is the General Association of Regular Baptist Churches (GARBC), and that the College is controlled by this organization. This relationship between the GARBC and Western Baptist College adequately establishes that Western Baptist College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The institution's request letter states your belief that "women should be excluded from Pastoral Studies courses." Thus, Western Baptist College "will not prepare women for the ordained ministry." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.34 (access to course offerings) with respect to Pastoral Studies classes.

The letter also indicates that the College reserves the right "to suspend any student, male or female, involved in practices defined by scriptures as sexual immorality." The College "has the right to take other appropriate disciplinary actions, which may include forfeiture of academic credit for a given semester in which such infraction occurs." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.40, which pertains to marital or parental status of students.

The letter states your belief that the New Testament "indicates that men ought to take the positions of leadership and teaching in the church." Thus, you allow only men to be "involved in teaching Bible, . . . Pastoral Studies, and taking responsibilities in administrative leadership for the college." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.51, which concerns employment matters, and 34 C.F.R. § 106.55(a), which addresses job classification and structure.

Finally, the letter indicates that "principles regarding morality and marital status as qualifications for Christian service are clearly set forth in the Bible" and that "the Bible provides injunctions concerning marital status for those who would be Christian leaders." Based on these principles, Western Baptist College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.57, which pertains to marital or parental status of employees or applicants for employment, and 34 C.F.R. § 106.60 which concerns pre-employment inquiries.

Exemption was also requested from 34 C.F.R. § 106.31(b)(5) concerning rules of appearance. This section has been rescinded and deleted from the regulation. Therefore, an exemption is not necessary.

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 Western Baptist College, 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 Western Baptist College are not based on the religious tenets of the GARBC, OCR is obligated to contact the GARBC to verify those tenets. If the GARBC provides an interpretation of tenets that has a different practical impact than that described by Western Baptist College, or if the GARBC 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 your original request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gary D. Jackson, Regional Civil Rights Director, Region X

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 18 1985

Dr. George C. Fuller
President
Westminster Theological Seminary
Post Office Box 27009
Philadelphia, Pennsylvania 19118

Dear President Fuller:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting information regarding Westminster Theological Seminary's request for religious exemption from Title IX of the Education Amendments of 1972.

In your letter, which supplements the original request filed by former President Clowney (copies enclosed), you describe certain policies practiced at Westminster Theological Seminary 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. You have supplied information in your 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 Westminster Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Westminster Theological Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.34, 106.51, 106.53 and 106.55. The basis for our decision to grant this exemption is discussed in further detail below.

The former president indicated that the Seminary serves and is supported by a number of denominations that hold to presbyterian and reformed ecclesiastical polity. The Seminary specifically prepares students to become ministers, to teach theological subjects or enter other religious

vocations. This relationship between the Presbyterian churches and the Seminary adequately establishes that Westminster Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicate that the majority of the Seminary's Board of Trustees and faculty is related to the denominations of the Presbyterian Church in America and the Orthodox Presbyterian Church. The Board and faculty, together with the constituency represented and served by the Seminary, do not believe that women should be ordained to the office of highest leadership in the church. Thus, the Seminary does not admit women to programs and courses specifically designed to train candidates for church roles that are believed to be properly open to men only. Based on this principle, Westminster Theological Seminary is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment) for the Master of Divinity and Doctor of Minister programs. Westminster Theological Seminary is also granted exemption to § 106.34 (access to course offerings) for those courses offered outside the Master of Divinity and Doctor of Minister programs that are specifically for training candidates for church roles reserved for men. Sections 106.21, 106.22 and 106.23 address more appropriately the admission of men only, based on religious tenets, to the Master of Divinity and Doctor of Minister programs than does § 106.31.

Your letter also indicates that women do not have full access to faculty opportunities since they are not ordained. "The positions of president and dean are filled by those who have been ordained to the office of elder." Based on this principle, Westminster Theological Seminary is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment, general), § 106.53 (recruitment) and § 106.55 (job classification and structure) for those positions reserved for men who have been ordained.

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.

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 Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Post Office Box 13716
Philadelphia, Pennsylvania 19101

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS
SEP 13 1985

Dr. J. Richard Chase
President
Wheaton College
501 East Seminary
Wheaton, Illinois 60187

Dear President Chase:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Wheaton 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 Armerding (copy enclosed) in which he described several policies practiced at Wheaton College as consistent with the tenets of the Christian faith. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Wheaton College 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 Wheaton 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 Wheaton College. Wheaton College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c); § 106.40; § 106.51; § 106.53; § 106.57(b), (c) and (d); and § 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Correspondence from the institution indicates that Wheaton College is an "inherently religious organization" committed to a liberal arts education in an evangelical Christian context. The trustees, full-time faculty and staff must subscribe annually to the College's Statement of Faith, which "provides a summary of Biblical doctrine that is consonant with evangelical Christianity." In addition, trustees, full-time faculty, staff and students must subscribe to the College's Statement of Responsibility which states generally, "[t]he College believes that the Scriptures establish the basic principles which should guide the development of Christian character and govern all Christian behavior." This relationship between the Christian faith and Wheaton College adequately establishes that Wheaton College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Wheaton College must adhere to "the moral laws of God as set forth in the Bible." Thus, Wheaton College makes inquiry concerning marital or parental status and prior conduct of men and women to determine "whether the individual's life standard is consistent with the moral laws of God as set forth in the Bible. Such inquiry may result in exclusion or dismissal of an individual if that person . . . violates God's moral law." Based on these principles, Wheaton College has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); and § 106.57(b), (c) and (d) (marital or parental status of employees and applicants for employment); and § 106.60(a) (pre-employment inquiries).

The request letter indicates that it is a religious tenet of Wheaton College that only males who are ordained or have an equivalent spiritual commissioning may function in the positions of President of Wheaton College and Chaplain at the College. The President is required to preside over and speak at chapels and perform other spiritual duties while the Chaplain serves as campus pastor. Based on this principle, Wheaton College has requested and is granted by this letter exemption to § 106.51 (employment, general) and § 106.53 (recruitment), relative to these two positions.

An exemption to § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Thus, an exemption for appearance codes is not necessary.

Wheaton College also requested exemption to § 106.32 (housing) based on religious tenets concerning morality. Since the Title IX regulation permits the provision of separate housing on the basis of sex, the institution's letter does not demonstrate a conflict between the College's housing policies and the regulation. If you believe an exemption to § 106.32 is necessary, you should submit clarification of this request to the regional 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 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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 30 1985

Dr. William A. Shoemaker
President
William Tyndale College
35700 West Twelve Mile Road
Farmington Hills, Michigan 48018

Dear President Shoemaker:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding William Tyndale College's (formerly the Detroit Bible College) request for religious exemption from Title IX of the Education Amendments of 1972.

We have reviewed your response of August 21, 1985, which supplements the original exemption request filed by former President Wendell G. Johnston, and the additional information you provided by telephone on September 24, 1985. You and the former president have described several policies practiced at the 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. William Tyndale College has supplied 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 William Tyndale College an exemption to those sections of the Title IX regulation appropriate to the request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. William Tyndale College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31, 106.34, 106.36, 106.40, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicates that William Tyndale College follows tenets of the Christian faith. Your letter of August 21, 1985, states that the College is "intentionally non-denominational[,]" and that the College is controlled by an independent Board of Directors. You clarified by telephone that members of the Board of Directors must be members of a Protestant Evangelical church. The Board of Directors, faculty and staff must sign annually a doctrinal statement followed by the College. Additionally, the College receives significant financial support from approximately 60 Protestant Evangelical churches. This relationship between the Christian faith, Protestant Evangelical churches and the College adequately establishes that William Tyndale College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter indicates that the College desires an exemption that is "parallel" to the original exemption request. The original request letter states that "leadership in the Christian community normally is a responsibility of Christian men and our programs, courses, and policies, while not denying educational opportunity on the basis of sex, will be so cast as to reflect this belief." You clarified that opportunities in chapel activities are more limited for women. Additionally, you indicated that, while course offerings in homiletics and pastoral theology are not closed to women, women are not encouraged to enroll in such courses because of religious tenets regarding the leadership role of men in the Christian community. You also indicated that female students are advised of which courses more appropriately address the role of women in the church, and that the College's counseling practices reflect the fact that leadership roles for women are limited. Based on these practices, William Tyndale College has requested and is granted by this letter exemption to: § 106.31 (education programs and activities), § 106.34 (access to course offerings) and § 106.36 (counseling), for those programs and activities where opportunities are limited on the basis of sex in accordance with religious tenets.

The original request letter indicates that the College follows standards of conduct appropriate in the Christian community and reserves the right to make decisions on the basis of such standards. You clarified that the College reserves the right to take action appropriate to its religious tenets regarding unmarried, pregnant students. Based on this principle, William Tyndale College has requested and is granted by this letter exemption to: § 106.40 (marital or parental status of students).

The original request letter states "that authoritative instruction in the areas of doctrine and governance of the church normally are also the responsibility of Christian men. Therefore our recruiting and hiring practices for key faculty responsibilities in these areas would reflect these beliefs." You clarified that women are not hired to teach homiletics and pastoral counseling courses. Based on these practices, William Tyndale College is granted by this letter exemption to: § 106.51 (employment, general) and § 106.53 (recruitment of employees), for those positions reserved for men in accordance with religious tenets.

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.

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 13 1985

Reverend Carl Mischke
President
Wisconsin Evangelical Lutheran Synod
2929 North Mayfair Road
Milwaukee, Wisconsin 53222

Dear Reverend Mischke:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that the Wisconsin Evangelical Lutheran Synod filed such a request on behalf of Dr. Martin Luther College and its constituent schools (copy enclosed), but there is no record that OCR adequately acknowledged this request.

I have granted a religious exemption to Dr. Martin Luther College pursuant to the request of the College and the Wisconsin Evangelical Lutheran Synod. Enclosed is a copy of the letter addressed to the Reverend Lloyd O. Huebner, President, Dr. Martin Luther College, notifying the institution that the request for a religious exemption has been granted.

The Synod also requested exemption on behalf of its constituent schools, which include, "293 elementary schools, eleven secondary schools, four preparatory schools (secondary), one junior college, two pastor-teacher training colleges, and one seminary." However, I have not granted an exemption for these institutions since OCR cannot grant a religious exemption without information regarding the names and locations of these institutions, the practices that these institutions follow, as based on religious tenets, and the sections of the Title IX regulation which conflict with these practices.

I hope the enclosed letter responds fully to the Synod's request on behalf of Dr. Martin Luther College. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V

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

SEP 23 1985

Rabbi E. Joshua Geldzahler
Dean
Yeshiva and Mesivta Ohr Yisroel
66-20 Thornton Place
Forest Hills, New York 11374

Dear Rabbi Geldzahler:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter dated August 7, 1985, which requested additional information regarding the Yeshiva and Mesivta Ohr Yisroel's (Yeshiva) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Yeshiva 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. You have supplied information in your request letters that establishes that the Yeshiva is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshiva an exemption to the sections of the Title IX regulation specified in your August 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Yeshiva and Mesivta Ohr Yisroel is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Yeshiva is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that the Yeshiva and Mesivta Ohr Yisroel is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 20 letter, you state that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, the Yeshiva and Mesivta Ohr Yisroel has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

OCT 25 1985

Mr. Moshe Feigelstock
Dean
Yeshivah Chofetz Chaim of Radun
346 West 89th Street
New York, New York 10024

Dear Mr. Feigelstock:

On March 29, 1985, the Office for Civil Rights (OCR) of the Department of Education sent to Yeshivah Chofetz Chaim of Radun a request for sufficient information which would enable OCR to process your institution's request for religious exemption from Title IX of the Education Amendments of 1972. OCR received no response to this request and sent a second request for information on July 11, 1985. Additionally, OCR sent a clarification of its information request to Yeshivah Chofetz Chaim of Radun on August 7, 1985.

OCR did not receive a response from your institution to our three requests and sent a final request for information on September 20, 1985. This final request indicated that if we did not hear from you by October 15, OCR would assume that your institution is no longer interested in receiving a religious exemption and close your request file.

OCR has not received a response from your institution to our four requests for information. Accordingly, the Office for Civil Rights has closed the request file for Yeshivah Chofetz Chaim of Radun.

If you have questions in the future regarding religious exemption, please do not hesitate to contact the New York Regional Office for Civil Rights.

Sincerely yours,

Frederick T. Cioffi
Acting Director
Policy and Enforcement Service
Office for Civil Rights

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

NOTE TO THE YESHIVAH NACHLAS HALEVIYIM TITLE IX RELIGIOUS EXEMPTION REQUEST FILE

This institution has closed. This request file was closed officially September 9, 1985.

Valerie McMurtrie, EOS
Coordinator, Religious Exemption Project

NOTE TO YESHIVA KIBBUTZ TASHBAR TITLE IX RELIGIOUS EXEMPTION REQUEST FILE

This institution has closed. This request file was closed officially September 9, 1985.

Valerie McMurtrie, EOS
Coordinator, Religious Exemption
Project

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 23 1985

Rabbi Tzvi Abba Gorelick
President
Yeshiva Gedolah-Zichron Moshe
Laurel Park Road
South Fallsburg, New York 12779

Dear Rabbi Gorelick:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of August 7, 1985, which requested additional information regarding the Yeshiva Gedolah-Zichron Moshe's (the Yeshiva) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements the original exemption request submitted by Rabbi Jeruchim Gorelick, you describe certain policies practiced at the Yeshiva 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 Yeshiva has supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshiva an exemption to those sections of the Title IX regulation specified in your August 22, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Yeshiva Gedolah-Zichron Moshe is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

Rabbi Jeruchim Gorelick stated in his original letter that the Yeshiva is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that the Yeshiva Gedolah-Zichron Moshe is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 22 letter, you stated that religious tenets require "us to admit only male students and to hire only male faculty." Based on these practices, the Yeshiva Gedolah-Zichron Moshe has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

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

SEP 23 1985

Mr. Sandor Schwartz
President
Yeshivath Kehilath Yakov
206-220 Wilson Street
Brooklyn, New York 11211

Dear President Schwartz:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed the response of Rabbi Joseph Weber, Director of Registration, to OCR's letter dated August 7, 1985, which requested additional information regarding the Yeshivath Kehilath Yokov's (Yeshivath) request for a religious exemption from Title IX of the Education Amendments of 1972.

In his response, which supplements the institution's original exemption request, Rabbi Weber describes certain policies practiced at the Yeshivath 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 Yeshivath has supplied information that establishes that it is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshivath an exemption to those sections of the Title IX regulation specified in Rabbi Weber's August 19, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The Yeshivath Kehilath Yakov is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

The original request letter indicates that the Yeshivath is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshivath adequately establishes that the Yeshivath Kehilath Yakov is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Rabbi Weber stated in his letter that religious tenets "require us to admit only male students, and to hire only male faculty in our Rabbinical Seminary." Based on these practices, the Yeshivath has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II

1015001

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

OCT 25 1985

Rabbi Isaac Wasserman
Dean
Yeshiva Toras Chaim
Talmudical Seminary/Denver
P.O. Box 4067
Denver, Colorado 80204

Dear Rabbi Wasserman:

The Office for Civil Rights (OCR) of the Department of Education recently requested additional information regarding the request of the Yeshiva Toras Chaim - Talmudical Seminary/Denver (Yeshiva) for religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the Yeshiva 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. You have supplied information that establishes that the Yeshiva is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Yeshiva an exemption to those sections of the Title IX regulation specified in your September 26, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Yeshiva Toras Chaim - Talmudical Seminary/Denver is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

You stated in your original letter that the Yeshiva is "controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that Yeshiva Toras Chaim - Talmudical Seminary/Denver is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

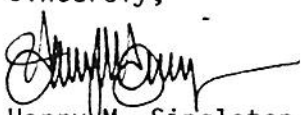
In your letter of September 26, you state that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Yeshiva Toras Chaim - Talmudical Seminary/Denver has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
1961 Stout Street
Denver, Colorado 80294

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 1 1985

Dr. Gary R. Bartholomew
President
York College
York, Nebraska 68467

Dear Dr. Bartholomew:

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 the regulation implementing Title IX of the Education Amendments of 1972, 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86). Our records indicate that York College (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 Larsen (copy enclosed) in which he described several policies practiced at the 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. Former President Larsen 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 York College an exemption to those sections of the Title IX regulation appropriate to the College's request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31(a), 106.34, 106.37(a), 106.38, 106.41, 106.51, 106.53, 106.55(a) and 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The letter from the College indicates that it is controlled by members of churches of Christ. The churches of Christ and the College practice certain tenets relating to: (1) the role of men and women in the church; (2) differences in the nature and appearance of men and women; (3) modesty; (4) sexual morality; and (5) marriage, divorce and remarriage. This relationship between the churches of Christ and the College 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.

The College's statement lists several practices applied to students and faculty related to moral behavior, modesty, and spiritual leadership. These practices sometimes result in a differentiation of roles of each sex. Thus:

1. The College limits certain courses and activities on the basis of sex. Specifically, the institution excludes women from Christian Education 102 (Song Directing) and Christian Education 123 (Homiletics); separates men and women in swimming courses; limits leadership roles during periods of worship to men; and requests the right to offer clubs such as preacher's club or women's training class for males and females respectively. The above practices are based on Biblical tenets that women should not serve as preachers or in leadership roles in public worship where men are present, and because the churches of Christ believe in high standards of modesty in apparel. Based on these principles and practices, the College has requested and is granted by this letter, exemption to § 106.31(a), education programs and activities, and § 106.34, access to course offerings.

2. The College administers scholarship funds for ministerial students which are intended for males only based on the tenet that women should not serve as preachers. Based on this principle, the College has requested and is granted by this letter, exemption to § 106.37(a), financial assistance.

3. The College does not recommend females for preaching positions because it is one of its tenets that women should not serve as preachers. Based on this principle, the College has requested and is granted by this letter, exemption to § 106.38, employment assistance to students.

4. The College maintains specific requirements regarding apparel for intercollegiate athletics teams based upon its philosophy and Biblical beliefs regarding modesty. Based on this principle, the College has requested and is granted by this letter, exemption to § 106.41, athletics, as it relates to the above-stated principle regarding athletic attire.

5. The College does not hire women to teach in the Department of the Bible. This is based on the religious tenet that women should not publicly teach Bible classes which include adult males. Based on this principle, the College has requested and is granted by this letter, exemption to §§ 106.51, 106.53 and 106.55(a), employment, recruitment for employment and job classification and structure.

6. The College follows the religious tenet that Christian persons should not divorce their mates except for the cause of adultery, and wishes to request the marital status of applicants for employment. Based on this principle, the College has requested and is granted by this letter, exemption to § 106.60(a), pre-employment inquiries of marital status.

The College also requested exemption for dress codes in keeping with the philosophy of modesty. Section 106.31(b)(5) regarding appearance codes was rescinded from the Title IX regulation in 1982. Thus, an exemption for appearance codes 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 the 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.

I hope this letter responds fully to the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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