



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."

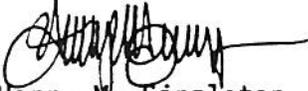
Based on the above principles, Roberts Wesleyan College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (admissions - prohibitions relating to marital and parental status); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); 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