



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