



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

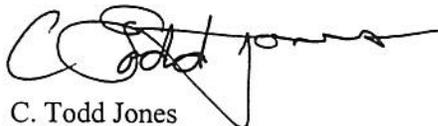
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the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical 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,

A handwritten signature in black ink, appearing to read "C. Todd Jones". The signature is written in a cursive style with a large, sweeping initial "C" and a long horizontal stroke extending to the right.

C. Todd Jones
Deputy Assistant Secretary
for Enforcement

Enclosures