



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 N. Singleton
Assistant Secretary
for Civil Rights

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