



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

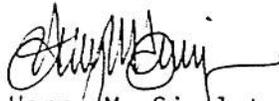
principles, TEDS has requested and is granted by this letter exemption to § 106.21(c)(4) (pre-admission inquiry as to the marital status of an applicant for admission) and § 106.38(a)(1) and (2) (employment assistance to students).

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