



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

ASSISTANT SECRETARY

Gregory L. Waybright
President
Trinity International University
2065 Half Day Road
Deerfield, Illinois 60015

APR 27 2005

Dear Mr. Waybright:

The Office for Civil Rights of the U.S. Department of Education received your letter dated July 16, 2003, and supplemental material dated August 7, 2003, seeking a religious exemption for Trinity International University (Trinity) from requirements of the U.S. Department of Education regulations that carry out Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* I apologize for the delayed reply.

The U.S. Department of Education Title IX regulations at 34 C.F.R. § 106.21(c)(4) prohibit marital status inquiries of applicants for admission to postgraduate programs. Trinity seeks an exemption from the requirements of this regulation. Trinity additionally seeks a similar exemption for its undergraduate programs. As discussed below, the request for an exemption to the requirements of this regulation as it pertains to Trinity's graduate programs is granted, 34 C.F.R. § 106.21(c)(4) of the Title IX regulations, subject to the conditions set out below pertaining to the granting of such exemptions.

The Title IX statute covers admissions of only certain types of recipient educational institutions, namely, institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education (20 U.S.C. 1681(a)(1)). Because private undergraduate institutions are not listed in the Title IX provision establishing admissions coverage, admissions to private undergraduate institutions are therefore not covered by the Title IX statute. Therefore, no exemption from its requirements is needed to allow Trinity to make marital status inquiries of applicants to its undergraduate programs. Conversely, because institutions of professional and graduate education are listed in the statute as subject to admissions coverage, admissions to those types of institutions are covered by Title IX. This statutory scheme is reflected in our Title IX regulations at 34 CFR 106.15(c) and (d).

Your letter and additional information establishes that Trinity is owned and operated by the Evangelical Free Church of America (the Church). Trinity is controlled by the Church and adheres to its religious tenets. Since Trinity is controlled by a religious organization, the regulations that carry out Title IX permit the Department to exempt the institution from requirements of the Title IX regulations where compliance would conflict with the religious tenets of Trinity's controlling religious organization (34 C.F.R. § 106.12). Trinity is, therefore, eligible for consideration for an exemption from requirements of the Title IX regulations that conflict with the religious tenets of the Church.

Trinity requires all applicants to its graduate programs, whether or not leading to ordination, to be aware of, and to adhere to, the religious tenets of the Church. Trinity regards all graduate training as, at least in part, preparation for positions of leadership in the Church, and expects applicants generally to meet the behavioral and religious commitment requirements imposed on lay leaders of the church. Trinity also requires all applicants to its graduate programs, including but not limited to those leading to ordination, to provide a personal statement that "provides, among other things, information with respect to the applicant's decision to make a commitment to faith in Christ, present spiritual life and Christian service."

For an applicant to the divinity school, Trinity must ask if the applicant is married, to make certain that he or she meets, and is likely to continue to meet, requirements pertaining to married clergy and their families, and that both the applicant and his or her spouse who must complete a statement of spousal support are aware of these requirements. An inability to make a marital inquiry would conflict with the religious tenets of the Church, since it would make it difficult, if not impossible, for Trinity to insure that requirements imposed pursuant to the religious tenets of the Church are met by applicants for the ministry.

Adherence to the tenets of the Church's faith, including those related to family and personal life, as well as commitment to Christian service is, therefore, evaluated as part of the graduate admissions process. Because of tenets specifically applicable to marital life and to the personal conduct of married individuals, the marital status of the applicant is considered to be germane to this inquiry. Because the religious tenets of the Church govern the conduct of all graduate students, admitting a student who is unwilling or unable to comply with these tenets would be contrary to requirements that Trinity imposes on students pursuant to the religious tenets of the Church.

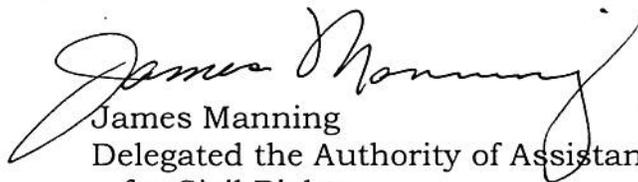
Based on these principles, and on the understanding that both male and female applicants must provide their marital status, and that such information is not used to discriminate on the basis of sex, the requested religious exemption from 34 C.F.R. § 106.21(c)(4) of the Title IX regulation is granted for Trinity's graduate level programs.

This letter should not be construed to grant exemption from any provision of the Title IX regulations that is not specifically mentioned. In the event that OCR receives a complaint against Trinity, we are obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant alleges that the procedures followed by Trinity are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify these tenets. If the organization provides an interpretation of its tenets that has a different practical impact than that described, or if the organization denies that it controls Trinity, this exemption will be rescinded.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek, to the extent provided by law, to withhold personal information, which, if released, would constitute an unwarranted invasion of privacy.

I hope this letter responds fully to your request. If you have any questions, please contact, Lisa Dyson, of my staff, at (202) 205-2958.

Sincerely,

A handwritten signature in cursive script that reads "James Manning". The signature is written in black ink and is positioned above the printed name and title.

James Manning
Delegated the Authority of Assistant Secretary
for Civil Rights