



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

JUL 8 1994

Dr. T. Clark Bryan  
President  
Truett-McConnell College  
Cleveland, Georgia 30528

Dear Dr. Bryan:

The Office for Civil Rights (OCR) of the U.S. Department of Education received your request (copy enclosed), dated March 21, 1994, for religious exemption for Truett-McConnell College (College) from Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation, at 34 C.F.R. Part 106 (1992). This letter is in response to your request. Please excuse our delay in responding.

We have reviewed your request in which you described several policies and practices at the College as consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You supplied information in your request 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 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 Truett-McConnell College. Truett-McConnell College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.34, 106.36, 106.37, 106.38, 106.39, 106.40, 106.51, 106.52, 106.53, 106.55, 106.57, 106.59, and 106.60. The basis for our decision to grant this exemption is discussed in detail below.

Your letter indicates that the College is controlled by the Baptist Convention of the State of Georgia (Convention). The College and the Convention adhere to religious tenets that are based upon their understanding of the Scriptures. All members of the Board of Trustees of the College are elected by the Convention and must be resident, active members of Baptist churches affiliated with the Convention. The Convention fosters the College and provides it substantial financial support. This relationship between the Convention and the College adequately establishes that Truett-McConnell College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX implementing regulation.

In your letter, you indicate that there are certain biblical tenets that the College uses as its standard of faith and practice which are directly related to issues such as human sexuality, cohabitation, the institution of marriage, language and other subjects of a moral character or dimension. You have provided the following information:

1. In keeping with the College's religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Based on these principles, the College is granted by this letter exemption for those positions from the following Sections of 34 C.F.R.:

§ 106.52	Employment criteria
§ 106.53	Recruitment
§ 106.55	Job classification and structure
§ 106.57	Marital or parental status
§ 106.59	Advertising
§ 106.60	Pre-employment inquiries

2. The College provides an education to a significant number of students who are training for the gospel ministry. Your request letter further states that the College may provide different scholarship assistance and academic and professional counseling to ministerial students on the basis of gender. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Accordingly, for the aforementioned purposes the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.21(c)	Admission; prohibitions relating to
§ 106.31	Education programs and activities
§ 106.34	Access to course offerings
§ 106.36	Counseling and use of appraisal and counseling materials
§ 106.37	Financial assistance
§ 106.38	Employment assistance to students

3. Of particular relevance and significance is the institution's role in encouraging those intending to marry and become parents to adhere to the College's and the Convention's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life. Based on these principles, the College is granted by this letter exemption from the following Sections of 34 C.F.R.:

§ 106.39	Health and insurance benefits and services
§ 106.40	Marital or parental status
§ 106.51	Employment

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This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned nor for any purpose other than to the extent the regulation conflicts with a religious tenet. If OCR receives a complaint on these issues against the College, we are obligated to determine initially whether the allegations fall within the exemptions granted. Also, in the unlikely event that a complaint alleges that the practices followed by the College 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 College, or if the organization denies that it controls the College, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact me at (202) 205-5413 or have member of your staff contact Mr. Marc Brenman at (202) 205-9876.

Sincerely,



Norma V. Cantú  
Assistant Secretary  
for Civil Rights

Enclosures