



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JUN 18 1985

Dr. John P. Ragsdale  
President  
United Wesleyan College  
Allentown, Pennsylvania 18103

Dear President Ragsdale:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that United Wesleyan College filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request (copy enclosed) made by former President Wilson in which he described several policies practiced at United Wesleyan College 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. Former President Wilson supplied information in his 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 United Wesleyan College 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. United Wesleyan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40(a) and (b) and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

In the institution's letter it states that United Wesleyan College is controlled by The Wesleyan Church. United Wesleyan College is required by the teachings of The Wesleyan Church to "require a standard of moral purity opposing sexual promiscuity." The Wesleyan Church also seeks to preserve the sanctity of the home and high regard of the marriage vows.

Based on these principles, United Wesleyan College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital and parental status as they relate to admissions); § 106.40(a) and (b) (marital and parental status of students); and, § 106.57 (marital and parental status of employees) to the extent that these sections address the issue of pregnancy out of wedlock.

In its exemption request letter, United Wesleyan College also requested exemption from 34 C.F.R. § 106.31(b)(5) which addresses the issue of rules of appearance. In 1982, this section was rescinded and deleted from the Title IX regulation, thus making an exemption unnecessary.

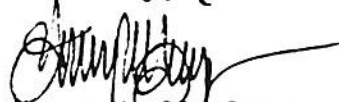
Former President Wilson also requested the opportunity to apply for exemptions from certain sections if his understanding of the requirements was incorrect. His interpretation that Title IX permits separation of housing and restroom facilities by sex (§§ 106.32(b) and 106.33, respectively) is correct. However, § 106.61, regarding sex as a bona-fide occupational qualification, does not apply to hiring only women as resident directors for women's dormitories. If you wish to limit the employment of resident directors in women's dormitories to women only, you will need to apply for a religious exemption from the employment sections of the Title IX regulation which you deem applicable. You should briefly describe the religious tenet(s) or practices on which this institution policy is based. Your request should be forwarded to this office.

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 here 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 the request made by United Wesleyan College. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Dewey E. Dodds  
Regional Civil Rights Director  
Office for Civil Rights, Region III  
Department of Education  
Gateway Building, 6th Floor  
3535 Market Street  
Philadelphia, Pennsylvania 19104

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures