



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

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PROGRAM REVIEW & MANAGEMENT
SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/CF

Dr. David J. Moore
President
American Indian Bible College
10020 North Fifteenth Avenue
Phoenix, Arizona 85021-2199

Dear Dr. Moore:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated October 11, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letter, you supplied information that established that the American Indian Bible College (College) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letter certain policies practiced at the College as being 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. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letter. In doing so, I note an apparent error. You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I conclude from the facts outlined in your request that you desire an exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). The 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 and 106.57. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is owned and controlled by the District Councils of the Assemblies of God (Council). Article II, Section I of the College's Constitution and Bylaws provides in relevant part: "The American Indian Bible College of the Assemblies of God, Inc., shall be sponsored by the following entities which shall exercise complete control of the Corporation through a Board of Directors: a. The General Council of the Assemblies of God . . . [,] b. The six founding District Councils . . . [and] c. Other District Councils, concerned with American Indian missions" This relationship between the College and the Council adequately establishes that the 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 regulation.

In your letter, you state that the Constitution of the District Councils adopts the General Council's "Statement of Fundamental Truths." Your letter identified two of the sixteen tenets contained in the Statement of Fundamental Truths as being pertinent to your request. Specifically, your

letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40, and 106.57 conflict directly with the tenets of the College and its controlling organization because in some cases, these provisions contradict the Bible and the church's view on sanctification.

Your letter cites as examples of such contradiction the religious tenets that require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. In a telephone conversation on November 17, 1988, with Robert E. Scott of the San Francisco Regional OCR, you indicated that these tenets also apply to employees of the College.

Based on the information submitted, American Indian Bible College is granted by this letter exemption from 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.40 (marital and parental status of students); and 106.57 (marital and parental status of employees), to the extent that application of these sections conflicts with the religious tenets practiced by the College.

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.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the San Francisco OCR at the following address:

Mr. John E. Palomino
Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
Suite 1020, 09-8010
221 Main Street, 10th Floor
San Francisco, California 94105-1925.

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX