



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

DEC 20 1988

H. Glynn Hall, Ed.D.
President
Assemblies of God Theological Seminary
1445 Boonville Avenue
Springfield, Missouri 65802

Dear Dr. Hall:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated October 4, 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 establishes that the Assemblies of God Theological Seminary (Seminary) 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 Seminary as being consistent with the tenets of the religious organization that controls the Seminary. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the Seminary 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 Seminary 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. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the Seminary. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Seminary is a graduate-level educational institution that is owned and controlled by The General Council of the Assemblies of God (General Council). Your letter of request advises that Article V, Section 1 of the Seminary's articles of incorporation specifies that the Seminary "is and shall be at all times controlled by The General Council of the Assemblies of God, a religious corporation organized and existing under the laws of the State of Missouri." According to your letter, Article V, Section 1 further states that "[t]he execution of policy and administration may be delegated, but The General Council of the Assemblies of God shall have control over all phases of the institution." This statement of the relationship between the General Council and the Seminary adequately establishes that the Seminary 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.

Your letter states that the Seminary adheres to the Statement of Fundamental Truths and to the policies and standards as set forth in the Constitution and Bylaws of the General Council. Your letter cited two of the sixteen tenets contained in the Statement of Fundamental Truths as examples of fundamental Biblical and moral precepts that bind the Seminary. Specifically, your letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40 and 106.57 conflict directly with two of the tenets of the General Council's Statement of Fundamental Truths 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 Seminary 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 has biological children but has never been married.

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

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 Kansas City OCR. The address is:

Ms. Judith E. Banks
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381 - 07-6010
10220 N. Executive Hills Blvd. - 8th Floor
Kansas City, Missouri 64190-1381.

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII