



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

JAN 25 1989

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JAN 27 1989

Dr. Richard B. Roth
President
Bethany Bible College
800 Bethany Drive
Scotts Valley, California 95066

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

Dear Dr. Roth:

This is in response to your November 9, 1988, letter, requesting that Bethany Bible College (College) be granted an exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). The Office for Civil Rights (OCR), Department of Education, has reviewed your request.

In your letter, you describe 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 (copy enclosed) absent a religious exemption. You have provided information in your request letter that establishes that the College is controlled by a religious organization and that the 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. In doing so, I noted an error: You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I concluded from the facts outlined in your request that you required exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission).

Bethany Bible College of the Assemblies of God is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 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 Northern California/Nevada District Council of the Assemblies of God (District Council). The Constitution of the College, Article III, Section 1, states that the College "shall be at all times under the auspices, regulation, and supervision of the District Council." Your letter states that the District Council is a member of the General Council of the Assemblies of God, an association of

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POST SECONDARY EDUCATION DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX

11,000 churches, 57 District Councils, and 2,000,000 members in the United States. This relationship between the College, the District Council, and the General Council of the Assemblies of God supports a determination 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.

Article II, Section 2, of the Constitution of the College states that the College "is irrevocably committed to be a Bible College and to give Christ pre-eminence in all things, providing postsecondary education and practical training through a four-year, accredited program for the primary purpose of embodying and maintaining historic Pentecostal doctrine, vision, values, and environment in order to prepare students for leadership in the Church and society as envisioned by the founders of the College." The same section also states that "[t]he Bible shall be the center of all curriculum, providing a basis for life, the focus of ultimate Truth, and an integration point for all other disciplines, both formal and informal." The Constitution of the College, Article V, refers to Article VI of the Constitution of the District Council, which cites passages from the Bible as examples of religious tenets. Some of these tenets may require that distinctions be made on the basis of gender. Your request letter states that religious tenets 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, December 8, 1988, with the OCR regional office in San Francisco, you indicated that these same tenets apply to employees of the College. Based on this principle, the College is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 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 conflict 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.

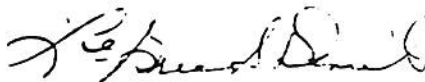
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Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal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

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

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