

BIOLA UNIVERSITY

R E C E I V E D
AUG 02 1985

POST SECONDARY EDUCATION DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX

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

July 30, 1985

Mr. John E. Palomino
Acting Regional Civil Rights Director
Office for Civil Rights, Region IX
221 Main Street, 10th Floor
San Francisco, CA 94105

Re: Request for Religious Exemption from Title IX

Dear Mr. Palomino:

The following information is submitted in response to your letter of April 29, 1985, and subsequent undated letter received July 3, 1985, requesting further information on Biola's original request for religious exemption from Title IX of the Education Amendments of 1972.

The original request by Biola College, Inc., now Biola University, Inc., for a religious exemption from Title IX filed with the office for civil rights of the Department of Education, 1976, specifically referenced exemption on behalf of Talbot Theological Seminary. Subsequent to this exemption request, Biola University has experienced institutional restructuring which has resulted in the establishment of a single University consisting of four schools (Talbot School of Theology, Rosemead School of Psychology, School of Intercultural Studies and School of Arts and Sciences). Inasmuch as the integration of Christian faith and learning is an essential part of all of Biola's educational programs, Biola's request for religious exemption from the sections of Title IX regulations stated herein is made on behalf of Biola University in its entirety, unless otherwise specifically stated.

Biola University, Inc., is a private Christian evangelical institution governed by its Board of Trustees pursuant to the statement of purpose and mission and Articles of Faith contained within its Articles of Incorporation, By-laws and rules and regulations from time to time promulgated by its Board of Trustees. The Federal tax-exempt status of Biola University, Inc. is designated by the Internal Revenue Service to be both religious and educational in nature.

A copy of the religious tenets and Articles of Faith of Biola University as set forth in its Articles of Incorporation and followed by Biola University, Inc. is attached hereto.

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Biola wholeheartedly supports the goals and spirit of Title IX legislation in seeking to eliminate all unwarranted distinctions between the sexes. At the same time Biola is committed to the Biblical ethic which makes a differentiation in roles between the sexes and espouses moral standards applicable to both sexes equally. Therefore, Biola University requests exemption from the following Title IX regulations which are in conflict with its religious tenets as indicated:

1. Section 106.21(c) insofar as it prohibits discrimination in admission of students on the basis of parental or marital status, pregnancy, childbirth, termination of pregnancy, etc. is in conflict with the religious tenets of this institution in that the Bible condemns sexual relations outside of marriage; that the Bible is clear in its teachings on the sanctity of human life and that human intervention to terminate life after its conception is to be opposed vigorously; and that the Bible is clear in its commitment to the sanctity of marriage and the inappropriateness of divorce or re-marriage in certain circumstances.
2. Section 106.31(b)(4) insofar as this section would prohibit or impinge upon establishment of differing standards of appearance, grooming or dress based on sex, is in conflict with this institution's religious tenets in that the Bible differentiates between men and women as to appearance. This differentiation is reflected in certain regulations governing proper decorum in dress. However, the principles underlying these rules of decency and modesty apply equally to both sexes.
3. Section 106.40 insofar as it prohibits differentiation and discrimination on the basis of parental or marital status, pregnancy, childbirth, termination of pregnancy, etc., of students in relation to educational programs or activities is in conflict with this institution's religious tenets as set forth in paragraph 1 above.
4. Section 106.51(a) as it relates to Section 106.51(b)(6) insofar as these sections prohibit discrimination in employment in granting leaves for pregnancy, childbirth, termination of pregnancy, etc., is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

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5. Section 106.57 insofar as it prohibits differentiation or discrimination in employment practices based on marital or parental status, pregnancy, childbirth, termination of pregnancy, etc., including temporary disability, leave and reinstatement policies, is in conflict with this institution's religious tenets as set forth in paragraph 1 above.
6. Section 106.60(a) insofar as it prohibits pre-employment inquiry as to the marital status of an applicant for employment is in conflict with this institution's religious tenets in that the Bible is clear in its commitment to the sanctity of marriage and the inappropriateness of divorce and re-marriage in certain circumstances.

So far as we have been able to determine, these are the only provisions of the Title IX regulation which are in conflict with the religious tenets of Biola University, Inc.

Thank you for your cooperation in this matter. Should you have any further questions, please feel free to contact me at your convenience.

Sincerely,



Clyde Cook
President

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Enclosure
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