



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

SEP 3 1985

Dr. Clyde Cook  
President  
Biola University  
13800 Biola Avenue  
La Mirada, California 90639

Dear President Cook:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Biola University filed such a request, but there is no record that OCR adequately acknowledged the request.

We have reviewed the request, as supplemented by your letter of July 30, 1985, in which several policies practiced at Biola are described 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. The University has supplied information 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 the University an exemption to those sections of the Title IX regulation specified in the request letter. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Biola University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c), § 106.31(b)(4), § 106.40, § 106.51(a) and (b)(6), § 106.57 and § 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request indicates that Biola University is a private Christian evangelical institution of higher education. The University is governed and controlled by its Board of Trustees pursuant to the statement of purpose and mission and Articles of Faith contained within its Articles of Incorporation, Bylaws and rules and regulations promulgated by the Board of Trustees. The inclusion of the Articles of Faith in the Articles of Incorporation of Biola University, and the governance by the Board of Trustees pursuant to the Articles of Faith in the Articles of Incorporation, adequately establishes that Biola University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In a Doctrinal Statement submitted with its request, Biola University states a belief that the Bible is without error or misstatement in its moral and spiritual teaching and record of historical facts and is without error or defect of any kind. The University indicates that it is committed to the Biblical ethic which makes a differentiation in roles between the sexes and espouses moral standards applicable to both sexes equally.

The religious tenets of Biola University, as stated in your letter, hold 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 remarriage in certain circumstances."

Based on these principles, Biola University has requested and is granted by this letter, exemption to: § 106.21(c) (admissions: prohibitions relating to marital or parental status); § 106.40 (marital or parental status of students); § 106.51(a) and (b)(6) (to the extent that this section prohibits discrimination in employment in granting leaves for pregnancy, childbirth, and termination of pregnancy); § 106.57 (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries).

The religious tenets of Biola University hold that the Bible differentiates between men and women as to appearance. Thus, the University has adopted rules governing proper decorum, decency and modesty in dress.


Section 106.31(b)(5) regarding rules of appearance was rescinded and deleted from the Title IX regulation. However, Biola University has requested assurance to enforce its policies regarding appearance codes. Therefore, Biola University is granted by this letter, exemption to § 106.31(b)(4) (prohibiting the subjection of any person to different rules of behavior, sanctions or other treatment on the basis of sex), to the extent that this section may be applied regarding different treatment of students on the basis of sex for appearance.

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. 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 your request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the San Francisco Regional Office for Civil Rights. The address is:

John E. Palomino  
Acting Regional Civil Rights Director  
Office for Civil Rights, Region IX  
U.S. Department of Education  
221 Main Street, 10th Floor  
San Francisco, California 94105  
(415) 467-8043

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

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