

Thursday, August 4, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, Southwest
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Boise Bible College, Inc., 8695 Marigold Street, Boise, Idaho 83714, Employer I.D. Number 82-0309302, hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 (hereinafter "Title IX") as herein specified, pursuant to Sections 901(a)(3) and 908 of Title IX and 34 C.F.R., §106.12(b). Boise Bible College believes that it may in the past have received, and may currently be receiving, indirect federal aid within our understanding of the Supreme Court decision in *Grove City College vs. Bell*, 465 U.S. 555 (1984) and under the Civil Rights Restoration Act of 1987.

Boise Bible College, Inc. is an accredited bible college and undergraduate seminary, with emphasis of preparation for church workers, offering courses of instruction in appropriate bible studies and related subjects. The corporation is non-profit and has been granted §501(c)(3) status by the Internal Revenue Service on February 18, 1975, as shown by the attached IRS ruling. The corporation is an Idaho corporation, and was first incorporated in 1974. The actual college was established in 1945 by the First Church of Christ of Boise, Idaho, and the religious tenets of the college are based on the religious tenets of the Church of Christ, an internationally recognized major Christian denomination. The corporation is under the control of a board of directors. The directors of the corporation and the faculty, students, and employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith, and in particular, the religious tenets set forth in the Articles and Bylaws of the corporation. The said Articles, Bylaws, catalogues, and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian faith, and more particularly to the particular tenets set forth in said documents. The college is completely governed by, and receives its financial support from religious organizations and individuals related to such religion. The college maintains its religious traditions, standards, and beliefs in accordance with the requirements of the corporation.

The college adheres to biblical tenets for matters of faith and practice, following its religious tradition. It specifically utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common religious understanding of the religious beliefs, values and purposes that guide the educational mission of the college. Accordingly, the personnel of the college accept religious standards in matters of moral behavior, dispute and grievance resolution, and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required. The Holy Bible sets forth the standards for Christian morality and practice in far too many places and forms to be identified comprehensively in this letter, but representative passages can be found in Proverbs, the Gospels, I and II Timothy, I and II Thessalonians, and in many other places in the Old and New Testaments.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, marriage, and residential living environments and standards. It specifically holds religious standards for personnel and students in matters conducive to the fostering of proper moral behavior and the discouragement of inappropriate behavior as understood by the religious traditions and tenets accepted by the college. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language, and attire.

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The college adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Scriptural teachings about moral behavior. The Gospels and the Pauline epistles contain many such teachings, as do certain books of the Old Testament, including Genesis and Exodus.

The college and corporation hereby request exemption from the application of the following provisions of the Title IX regulations, to the extent that they conflict with the college's religious tenets and traditions as described above: 34 C.F.R. §§106.21(c), 106.40, 106.57, 106.60, 106.34, 106.51, 106.38, 106.53, 106.55, 106.59 and any other sections which may in the future be held to apply to the college and/or corporation and the practices described herein. Said foregoing sections relate primarily to gender based differences or religious preference based differences. As noted above, each section cited would be in conflict with the tenets and traditions of the college and corporation.

There are a number of issues central to the religious beliefs and practices of the college that may not have been discussed in this letter because of our understanding that no specific exemption is required.

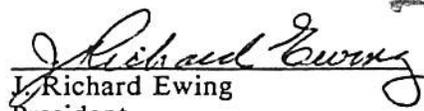
For example, the college believes that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the college or corporation to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Additionally, pursuant to 34 C.F.R. §106.15(d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the college and corporation because it is a private institution of undergraduate higher education. Finally, the college understands that Sections 106.32 and 106.33 permit the college to provide separate, although substantially comparable, housing, bathroom, locker room and similar facilities for men and women.

The college generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the extent that such compliance would cause the college to violate its religious tenets and traditions. The college specifically claims its right to exercise a religious preference in its employment decisions, pursuant to §702 of Title VII of the Civil Rights Act of 1964 and the decision of the United States Supreme Court in *Corporation of the Presiding Bishop vs. Amos*, 107 S.Ct. 2862 (1987). In seeking to provide equal employment opportunities for men and women, the college shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs and practices are consistent with the Christian tenets, principles, and traditions accepted by the college and the corporation.

In the event of future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the college and the burden of such statute and regulations on the college's ability to pursue its religious mission, the college reserves its right to apply to the Department of Education for an amendment to its exemption or additional exemption in order to fully protect the religious tenets, practices, and traditions of the college and corporation.

Thank you for your assistance and for your prompt consideration of this letter. If you have any questions or require any further information, please contact J. Richard Ewing, who is the President of the college and corporation, at 8695 Marigold, Boise, Idaho 83714, (208) 376-7731, or Robert L. Aldridge, Chartered, Attorney at Law, 1209 North Eighth Street, Boise, Idaho 83702-4297, (208) 336-9880, who is the attorney for the college and corporation in regard to this matter.

Very truly yours,


J. Richard Ewing
President
Boise Bible College, Inc.