



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

MAY 31 1989

Dr. J. Richard Ewing
President
Boise Bible College, Inc.
8695 Marigold Street
Boise, Idaho 83714-1220

Dear Dr. Ewing:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Boise Bible College's (College) request for religious exemption to Title IX of the Education Amendments of 1972. You submitted a letter dated August 4, 1988, requesting a religious exemption, and clarified the request by letter of October 20, 1988, and in telephone conversations of February 17 and 22, 1989, with OCR staff.

You have described certain policies that are practiced by 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 that establishes that the College 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 College an exemption to those sections of the Title IX regulation appropriate to your request. Boise Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.38(a), 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. The 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 this decision is discussed in further detail below.

Your letter of August 4, 1988, indicates that the College was established 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. The College was incorporated in 1974 and is controlled by a board of directors. The directors, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. The College is an undergraduate seminary, preparing students for religious vocations. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian faith. In addition, the College receives financial support from religious organizations. The preparation of students for religious vocations, the requirement that the directors, faculty, employees, and students of the College espouse a personal belief in the Christian faith, the statements of commitment to the Christian faith in official publications, and the receipt of financial support from religious organizations adequately establishes that Boise Bible College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your August 4, 1988, letter indicates that the College adheres to biblical tenets for matters of faith and practice. The College "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." Based on these tenets, the College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

In telephone conversations with OCR staff, you indicated that only men may be ministers in accordance with religious tenets. Based on these tenets, the College reserves certain administrative and faculty positions, which are related to the preparation of future ministers, for men. Thus, the College has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

You also indicated during telephone conversations with OCR staff that the College receives requests for references for male students from congregations interested in employing preaching ministers, and that the College limits its recommendations to students of one sex. Based on this practice, the College has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.38(a) regarding employment assistance to students. This exemption is limited to the extent that the requests for gender specific references are for positions which the College itself would limit to students of one sex, in accordance with its religious tenets, were such positions available at the College.

OCR has noted that you withdrew your request for exemption to § 106.34 (access to course offerings) and § 106.38(b) (employment of students by recipient) as unnecessary. Also, as noted in your letter of August 4, 1988, § 106.15(d) exempts private undergraduate institutions from the requirements of §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. In addition, §§ 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable.

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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I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
915 Second Avenue, Room 3310 - 10-9010
Seattle, Washington 98174-1099.

Sincerely,



William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X