



**CALVARY
BIBLE COLLEGE**

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Request for A.S. Sign
DASIP
12/13
December 13, 1988

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

RE: Title IX Exemption Application

Dear Sir:

Calvary Bible College and Graduate School of Theology hereby claim an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to Sections 901(a)(3) and 908 of Title IX and 34 C.F.R. Section 106.12(b). The 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 v. Bell, 465 U.S. 555 (1984).

Calvary Bible College is a regionally accredited Bible college, offering courses of instruction in theology, Bible, biblical languages, arts and sciences. The College is controlled by the Calvary Bible College Board of Trustees (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Missouri in 1961 as a Christian institution of higher education under the control of a board of trustees, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The trustees 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. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, and the College is completely governed by and receives its major financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, 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. At its spring board meeting, each member of the Board of Trustees is required to sign a statement that he is in full agreement with the articles of faith. Furthermore, a sizable amount of our support comes from churches who adhere to a similar doctrinal statement. However, our strongest argument for exemption stems from the fact that Calvary Bible College is an institutional member of a religious denomination, the Independent Fundamental Churches of America. For confirmation of our membership, see page 33 of the current directory or contact the home office of the Independent Fundamental Churches of America, P. O. Box 810, Grandville, Michigan 49468, or call 616/531-1840. The College 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

Building Christian Character for Effective Ministry

of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in 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; however, see for example, Exodus 20:1-17; Matthew 5:1-16, 6:19-33; Ephesians 4:30-32; and Colossians 3:1-17.

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 tradition 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.

The College adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Scriptural teaching about moral behavior. See, for example, I Corinthians 6:13-20; Proverbs 6:24-35; Matthew 5:27,28; and Romans 7:2,13.

The College hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, 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. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status--see further explanation below), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.55 (job classification and structure) or 106.59 (advertising) that relates to such employment opportunities that are limited to one gender by the religious beliefs of the College.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., 1 Corinthians 5-7; Colossians 3:5; 2 Corinthians 6:14ff; Malachi 2:14b-16a; Matthew 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

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,

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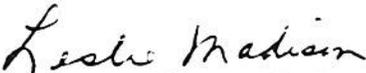
as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the College to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Additionally, pursuant to 34 C.F.R. Section 106.15(d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the College 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 Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the Supreme Court in Corporation of the Presiding Bishop v. 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 practice 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 claim an amendment to its exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the College.

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 Mr. Francis Hanna, who is the attorney for the College, at the University of Missouri--Kansas City School of Law, 5100 Rockhill Road, Kansas City, Missouri 64110.

Very truly yours,


Leslie Madison, Th.D.
President

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