

CR 90113035



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

FEB 2 1989

Leslie Madison, Th.D.  
President  
Calvary Bible College  
15800 Calvary Road  
Kansas City, Missouri 64147-1341

Dear Dr. Madison:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated December 13, 1988, requesting a religious exemption for Calvary Bible College and Graduate School of Theology (the College) from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

Your request letter supplied information that establishes that the College is controlled by a religious organization and that tenets followed by this organization and the College conflict with specific sections of the Title IX regulation. You have described certain policies practiced at 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. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letter.

The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R §§ 106.21(c), 106.34, 106.38, 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. This 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 our decision to grant this exemption is discussed in further detail below.

Your letter requesting exemption indicates that 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. 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. Your letter states, "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." 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 is completely governed by and receives its major financial support from the Corporation. The College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Corporation. Your letter also states that the College is an institutional member of the Independent Fundamental Churches of America. The relationship between the Calvary Bible College Board of Trustees and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

Your letter of request states that the College adheres to biblical tenets in matters of faith and practice, following its religious tradition. Passages from the Bible are referenced as examples of biblical tenets. Your letter states that biblical norms are violated by "cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds." These tenets require the College to make gender-based distinctions regarding marriage, family, and parental status. The request letter further states that religious convictions require that ministerial or pre-ministerial programs and employment opportunities for religious offices or positions be limited to one gender.

Based on the information submitted, the College is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); 106.34 (access to course offerings); 106.38 (employment assistance to students); 106.40 (marital or parental status of students); 106.51 (employment); 106.53 (recruitment); 106.55 (job classification and structure); 106.57 (marital and parental status of employees); 106.59 (advertising); and 106.60 (pre-employment inquiries), to the extent that application of these sections conflicts with the religious tenets practiced by the College. As mentioned in your letter, 34 C.F.R. § 106.15(d) excludes private institutions of undergraduate higher education from the provisions of §§ 106.21-106.23, which relate to admissions. However, it is the practice of this office to grant an exemption from § 106.21(c), as in this case, so that any activities of the institution which may not be undergraduate in nature are exempt if the application of that section of the regulation conflicts with the religious tenets practiced by the College.

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. Also, in the unlikely event that a complaint 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 OCR's regional office in Kansas City at the following address:

Ms. Judith E. Banks  
Regional Civil Rights Director  
Office for Civil Rights, Region VII  
Department of Education  
P.O. Box 901381, 07-6010  
10220 N. Executive Hills Blvd., 8th Floor  
Kansas City, Missouri 64190-1381.

Sincerely,

A handwritten signature in cursive script that reads "LeGree S. Daniels". The signature is written in dark ink and is positioned above the typed name.

LeGree S. Daniels  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Judith E. Banks, Regional Civil Rights Director, Region VII