

CEDARVILLE COLLEGE

Chicago
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Prepared for AS Sig.
by PES

June 26, 1989

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

RE: Title IX Religious Exemption

Dear Sir:

The Cedarville College hereby claims 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 its understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

The Cedarville College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College is subject to annual approval by the General Association of Regular Baptist Churches (GARBC), 1300 N. Meacham Road, Schaumburg, Illinois 60195, a non-profit religious corporation which was incorporated under the laws of the State of Illinois under the control of a board of trustees (The Council of Eighteen), and is exempt from federal income taxation as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue Code.

The Cedarville College was incorporated in the State of Ohio as a Christian institution of higher education under the control of a board of trustees and is also exempt from federal income taxation as a not-for-profit institution under Section (c)(3) of the Internal Revenue Code. The trustees of the College 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 College 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. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the General Association of Regular Baptist Churches aforementioned.

The College educates in the broad range of liberal arts, in which it 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

100 years in Christian higher education

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 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:

1. Romans 12:1 "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship."
(NAS)
2. Romans 6:13 "And do not go on presenting the members of your body to sin as instruments of unrighteousness; but present yourselves to God as those alive from the dead, and your members as instruments of righteousness to God." (NAS)
3. Cedarville College Doctrinal Statement 11: "We believe in personal separation from all practices and influences of the world which hinder a spirit-filled life." Cedarville College Doctrinal Statement, page 174, Cedarville College Catalog 1987-1988.
4. The Cedarville College Student Handbook. "IV Community Discipline...[T]he College believes that redemptive discipline should be:
 - I. A meaningful learning experience and should encourage responsible behavior;
 - II. Based on a Scriptural balance of love and justice and educational principles;
 - III. Consistent with the best interest of both the individual and the total College community in mind." Cedarville College Student Handbook at p. 23.

The College seeks to maintain its religious freedom to make certain gender-based 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 modest 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. I Corinthians 5.
- II. I Corinthians 6:15-20.
- III. I Thessalonians 4:3-7.

In its letter of June 4, 1976 to the Department of Education, the College claimed religious exemption from certain of the provisions of Title IX which have since been renumbered. In its letter of September 13, 1985 the Department granted such claim. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this exemption notice is being submitted at this time in order to clarify and extend the scope of the exemption previously received from the Department and presently claimed by the College.

Accordingly, the College hereby claims 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: C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), together with any application of Sections 106.38 (employment assistance to students); Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender); 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. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, promiscuous conduct outside of wedlock, homosexual behavior, or divorce, [see, e.g., I Cor. 6:12-20; Gal. 5:19-21; Romans 1:24-27; I Cor. 7:10,11]) the college reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices.

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 to provide or pay for any benefit or service, including the use of

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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 Donald W. Rickard, Vice-President of Cedarville College for Student Services at (513) 766-2211 extension 220.

Very truly yours,



Dr. Paul H. Dixon,
President