



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

SEP 30 1988

Dr. Lloyd M. Pelfrey
President
Central Christian College of the Bible
911 Urbandale Drive East
Moberly, Missouri 65270

Dear Dr. Pelfrey:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). Central Christian College of the Bible (College) submitted letters on July 26, 1988, and August 19, 1988, to support this request.

In your letters you describe certain policies practiced at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that your institution 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 specified in your request letters. 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, 106.39, 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 letters indicate that the College is controlled by a Board of Directors, consisting of 20 members, each of whom is a member in good standing of a different congregation. The directors are required to espouse a personal belief in and commitment to the objectives of the College, including a continuing belief that Jesus is the Christ, the Son of the Living God in the unique sense without reservation, and including an acceptance of the Bible as the divinely inspired truth. This relationship between the College and its Board of Directors adequately establishes that Central Christian College of the Bible is controlled by a religious organization as is required for consideration for exemption under section 106.12 of the Title IX regulation.

Your letters indicate that the College adheres to biblical tenets with regard to the standards of behavior of students and employees. On page three of your letter of August 19, 1988, you state that the college "prefers to have the privilege of denying admission to a single, pregnant female and/or the single or married male who may be responsible for such a pregnancy." You state that the College applies these same tenets to students and employees of the College, such that dismissal of such an individual might be the result. You also indicate that these tenets require that preaching ministers and teachers of ministry be of the male gender, and that classes in homiletics may be restricted to males. As a result the advertising, recruitment, hiring, and employment of instructors may violate the Title IX regulation.

Based on the above principle, Central Christian College of the Bible has requested, and is granted by this letter, exemption from 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 and 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); § 106.60 (pre-employment inquiries), to the extent that application of these sections conflict with the religious tenets of the college. In addition, based upon the facts outlined in your letters, I am granting an exemption from 34 C.F.R. § 106.39 (health and insurance benefits and services), to the extent that application of that section conflicts with the religious tenets of the college.

On page two of your letter of July 26, 1988, you mention the topic of abortion. You are correct that the Civil Rights Restoration Act of 1987 (Section 909) contains "abortion neutral" language, as follows:

Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion.

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 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 Kansas City OCR. The address is:

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

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

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