

84-3138

OCT 19 1984

Dr. G. Edwin Miller, Jr.
President
Christian Heritage College
2100 Greenfield Drive
El Cajon, California 92021

Dear Dr. Miller:

This is to inform you of my decision regarding your request for a religious exemption from certain requirements of Title IX of the Education Amendments of 1972. You have described several policies practiced at Christian Heritage College (CHC) as consistent with the tenets of the religious organization that controls the institution. These policies would violate several sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your letter that establishes that the 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 CHC an exemption to those sections of the regulation specified in your letter with two minor exceptions. The exemption is limited to the extent that compliance with the regulation conflicts with the religious tenets followed by the institution. CHC is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21(a), (b), (c)(2) and (c)(3), § 106.23(a), § 106.31(a), (b) and (d), § 106.34, § 106.36, § 106.39, § 106.40, § 106.51, § 106.53, § 106.55, § 106.57(b), § 106.59, and § 106.60(a).¹ Your letter does not demonstrate a conflict between your housing policies and the requirements of § 106.32 of the Title IX regulation. Therefore, no exemption is necessary for § 106.32. In addition, § 106.31(b)(5) regarding rules of appearance was rescinded from the regulation in 1982. Therefore, an exemption from the requirements of this paragraph is unnecessary. When § 106.31 paragraph (b)(5) was rescinded, paragraphs (b)(6), (7) and (8) were renumbered as paragraphs (b)(5), (6) and (7). The basis for our decision to grant this exemption is discussed in more detail below.

Your letter and the college catalog indicate that CHC was founded and is controlled by Scott Memorial Baptist Church (Church). The Church and CHC are committed to following the principles of the Bible. CHC business meetings are held at the Church and Church members may propose policy or

¹The regulation implementing Title IX was recodified with the creation of the Department of Education in 1980. The Title IX regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

budgetary changes and vote on such issues. This relationship between the Church and CHC adequately establishes that CHC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that each member of the faculty and administration is required to adhere to the doctrinal position that "stresses the integrity, inspiration, inerrancy, authority, and completeness of the Holy Scriptures, both the Old and New Testaments." Students must agree to abide by the doctrinal position and the standards of conduct of the College prior to admission. Several passages of the Bible are cited to support CHC's position on the following:

1. Different roles in society for men and women as explained in the Bible; CHC offers certain programs on the basis of sex, including home economics, choral groups and degrees in ministerial training, and may offer future courses separately on the basis of sex.

Based on the above principle, CHC has requested and is granted by this letter, exemption to:

- ✓ § 106.21(a), (b) and (c)(2) and (3) admission of students; inquiry regarding parental and marital status of potential students
- ✓ § 106.23(a) recruitment of students
- ✓ § 106.31(a), (b) and (d) participation in programs and activities; treatment of students; aid, benefits and services provided to students; significant assistance (now paragraph (b)(6)) to another agency; required participation of students in programs not operated by a recipient
- § 106.34 access to course offerings
- § 106.36 counseling for admission, participation in courses and use of counseling materials
- § 106.38(a) and (b) employment assistance to students

2. Specific standards of behavior as explained in the Bible: CHC makes pre-employment and pre-admission inquiries regarding marital and parental status of students and employees

Based on the above principle, CHC has requested and is granted by this letter, exemption to:

- ✓ § 106.21(a), (b) and (c)(2) and (3) admission of students
- ✓ § 106.40 marital or parental status of attending students
- ✓ § 106.57(b) marital or parental status of employees
- ✓ § 106.60(a) pre-employment inquiries regarding marital status

3. Church pastors and teachers should be men; line of authority makes husband the head of the wife as explained in the Bible: CHC makes pre-employment inquiries regarding marital status and may deny a woman a position if it conflicts with her husband's position; also, certain positions within the organizational structure of the College are limited to men.

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Based on the above principle, CHC has requested and is granted by this letter, exemption to:

- § 106.51 employment
- § 106.53 recruitment of employees
- § 106.55 job classification and structure
- § 106.57(b) marital or parental status of employees
- § 106.59 advertising for employment
- § 106.60(a) pre-employment inquiries regarding marital status

I trust this letter responds fully to your request. If you have any questions, do not hesitate to contact us.

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

PES:PDD:PSEB:VMcMurtrie:732-1689:10/12/84:cb:Disk #5 (Cassandra's desk)