



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

OCT 25 1985

Dr. Joe L. Wall
President
Colorado Christian College
180 South Garrison Street
Lakewood, Colorado 80226

Dear President Wall:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Colorado Christian College's (formerly Western Bible College) request for religious exemption to Title IX of the Education Amendments of 1972.

We have reviewed your response of September 18, 1985, which supplements the original exemption request, and the additional information you provided by telephone on October 18, 1985. You have described certain policies practiced at the College as consistent with the tenets of the religious organization affiliated with the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information that establishes that the College 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 Colorado Christian College an exemption to those sections of the Title IX regulation appropriate to your request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Colorado Christian College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31(a) and (b), 106.34, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

In your letter, you indicate that Colorado Christian College is an "independent, non-sectarian evangelical Christian College." You clarified by telephone that the College is controlled by a Board of Trustees, whose members must sign the College's Statement of Faith. The Statement of Faith states in part, the College's "educational programs . . . are firmly founded upon definitively formulated and explicitly stated biblical doctrines." Additionally, you stated that the College receives significant financial support from a large number of Christian churches. Students at the College must profess to be Christians and must become active in the church if they are not at the time of admission. The College "is dedicated to preparing individuals who anticipate career ministries[,]" and over half of the College's students enter church-related vocations. This relationship between the Christian faith and the College adequately establishes that Colorado Christian College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter also indicates that the College's position, that the function of pastor within today's church is for men only, is based on Scripture. Based on this religious tenet, the College requested exemption for § 106.15 (admissions, educational institutions), § 106.21 (admission, students), § 106.23 (recruitment of students), § 106.31(a) and (b) (education programs and activities), and § 106.34 (access to course offerings).

You clarified that Colorado Christian College offers undergraduate level programs only. Under § 106.15, private undergraduate institutions are exempt from the requirements of Subpart C, in effect, §§ 106.21, 106.22 and 106.23. Therefore, because the College is already exempt from the admission and recruitment provisions of the Title IX regulation, a religious exemption is not necessary for §§ 106.15, 106.21 and 106.23.

Your request letter indicates that, because only men may become pastors, an exemption is necessary for § 106.31(a) and (b) and § 106.34. You clarified that participation opportunities for women may be more limited in chapel activities. Also, courses training pastors may limit the participation of female students. Based on these practices, Colorado Christian College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.31(a) and (b) (education programs and activities) and § 106.34 (access to course offerings), where programs are limited on the basis of sex in accordance with religious tenets.

You also stated by telephone that approximately five or six faculty positions in the Bible and Theology Departments are limited to men, because of the religious tenet that only men may be pastors. Based on this practice, Colorado Christian College is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment) and § 106.53 (recruitment of employees), for those positions reserved for men in accordance with religious tenets.

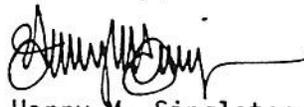
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a 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. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

Page 3 - Dr. Joe L. Wall

I hope this letter responds fully to your request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
1961 Stout Street
Denver, Colorado 80294

Sincerely,

A handwritten signature in black ink, appearing to read "Harry M. Singleton", with a long horizontal flourish extending to the right.

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII