



Dallas Christian College

June 29, 1988

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building - Room 2260
Dallas, Texas 75202

Re: Title IX Exemption Application

Dear Mr. August,

Dallas Christian College hereby requests 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 our understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

Dallas Christian College is accredited by the American Association of Bible Colleges and offers courses of instruction in Bible, religion, education, music, business, missions, and various church ministries. The college was incorporated as Dallas Christian College as a non-profit corporation in the state of Texas on February 16, 1950. The college is a Christian institution of higher education under the control of a Board of Regents and is exempt from federal income taxation as a not-for-profit institution under the Internal Revenue Code. The Regents, Trustees, 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 corporation, its Constitution, catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion.

Ultimate authority for the college is vested in the Regents. Every Independent Christian Church/Church of Christ congregation that consistently and regularly supports the College selects one to three representatives to serve as Regents. Individuals who are members of such churches may be Regents but they are not to exceed 15% of the total number of Regents. The corporation through these Regents controls the institution.

The college 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 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 Holy 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: Matthew 5: 27-32; 1 Timothy 2: 9-15; Romans 1: 26-29; 1 Corinthians 5: 1-5; Proverbs 5: 3-4; Matthew 19: 9; Acts 15: 20; 1 Corinthians 6: 18; Galatians 5: 19.

The college seeks to maintain its religious freedom to make certain gender 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 attire.

The college adjudicates matters of moral behavior, including misuse of human sexuality, in accordance with Scriptural teaching about moral behavior. See, for example the above mentioned Scriptural references.

The college hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57, and 106.60(a) (treatment based on marital and parental status is determined by religious tenets), 106.31 (access to educational programs, extracurricular activities, and occupational training limited by religious tenets to students of one gender), 106.31(c) and 106.37(b) (financial assistance established by certain legal instruments), 106.36(c) (effect of course offerings in ministerial programs determined by religious tenets), 106.38, (employment assistance to students is limited in specific situations by religious tenets), 106.51 (employment opportunities for certain positions determined by religious tenets), and 106.55(a) (job classification and structure determined by religious beliefs).

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 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 Dallas

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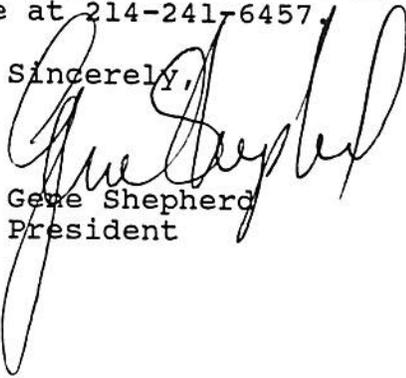
Christian College because it is a private institution of undergraduate higher education. Finally, the college understands that Sections 106.32 and 106.33 permit the college to provide separate, although substantially comparable, housing, bathroom, locker room and similar facilities for men and women.

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 apply to the Department of Education for 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 Jack Straus, who is the attorney of the college at 214-241-6457.

Sincerely,


Gene Shepherd
President