



ELIM BIBLE INSTITUTE AND COLLEGE

Preparing Christ-centered, Spirit-empowered leaders for end-time global revival

Catherine Lhamon
Assistant Secretary
U.S. Department of Education, Office of Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

RECEIVED DEC 19 2016

Re: Application for Recognition of Exemption from certain Title IX Regulations

Dear Assistant Secretary Lhamon:

As the President of Elim Bible Institute and College, I am making this application for recognition by the Office for Civil Rights of the Department of Education, that Elim Bible Institute and College is exempt from compliance with certain Title IX regulations, under the religious exemption provided in 20 U.S.C. § 1681(a)(3).

I make this application in the context of our policies related to our goal of encouraging behavior which respects each person's dignity. (See Exhibit 1)

The particular regulations for which exemption is requested, to the extent application of those provisions would not be consistent with the College's religious tenets regarding marriage, sex outside of marriage, sexual orientation, gender identity, pregnancy and abortion, are as follows:

- 34 C.F.R. §106.21 (governing admission);
- 34 C.F.R. §106.23 (governing recruitment or students);
- 34 C.F.R. §106.31 (governing education programs or activities);
- 34 C.F.R. §106.32 (governing housing);
- 34 C.F.R. §106.33 (governing comparable facilities such as restrooms and locker rooms);
- 34 C.F.R. §106.34 (governing the access to classes and schools);
- 34 C.F.R. §106.40 (governing different rules based on marital or parental status of students);
- 34 C.F.R. §106.41 (governing athletics);
- 34 C.F.R. §106.51 (governing employment);
- 34 C.F.R. §106.52 (governing employment criteria);
- 34 C.F.R. §106.53 (governing the recruitment of employees);
- 34 C.F.R. §106.57 (governing the consideration of marital or parental status in employment decisions).

Controlled by a Religious Organization

Elim Bible Institute and College (EBI&C) is an integrated auxiliary of Elim Fellowship, Inc. (Elim Fellowship) within the meaning of 26 CFR Section 1.6033-2(h). Elim Fellowship is an association of churches recognized as a religious organization by the Internal Revenue Service.

EBI&C is under the control of Elim Fellowship as follows:

- (1) The EBI&C constitution requires that a majority of the governing board be ordained ministers of Elim Fellowship.
- (2) The EBI&C constitution requires that at least two of its directors be from the Council of Elders of Elim Fellowship.
- (3) The EBI&C constitution requires that only those able to endorse the mission statement and doctrinal statement of Elim Fellowship, Inc. and Elim Bible Institute and College without serious deviation shall be eligible to serve on the Board of Directors.
- (4) EBI&C and Elim Fellowship share a common campus.
- (5) All four members of the Executive Committee of the Board of EBI&C are appointed by virtue of their office. The four positions are (1) President of Elim Fellowship, (2) Pastor of Elim Gospel Church (the campus church), (3) President of EBI&C (presently the Vice-President of Elim Fellowship) and (4) the Chair of the EBI&C Board (presently the immediate past President of Elim Fellowship).
- (6) The administrator of Elim Fellowship is Treasurer of EBI&C.
- (7) Elim Fellowship furnishes substantial financial assistance to EBI&C.

Institutional History as a Religious Organization

The history of EBI&C can be traced to the founding of the Elim Bible Training School in the summer of 1924, in Endwell, New York, as an educational school to prepare workers to bring the gospel around the world. The school flourished and in 1927 was invited by the Duncan sisters to merge with their Bible Training School (Elim Tabernacle) in Rochester, New York.

By 1932, the educational school had grown, and there was a need to formalize its organization. Graduates were pastoring churches that desired religious affiliation. The school moved to Hornell, New York, and was incorporated as Elim Missionary Home, Inc. There it functioned both as a school and as an organization for the oversight and credentialing of pastors.

In 1947, the school's leadership recognized the need for a separate ministerial corporation to serve the churches. Elim Missionary Assemblies was formed under article 15 of the Religious Corporations Law of New York. It was later renamed Elim Fellowship, Inc.

In 1951, both the school and the newly formed ministerial corporation relocated to the Lima campus and it was then that the school took on a distinct Christian education emphasis. The name was changed to Elim Bible Institute, Inc. (EBI) and for the next 60 years, the school continued to train pastors and Christian workers, but not as a degree granting institution. Rather, it offered a three year certificate program that was recognized and respected in the evangelical community.

The ministerial corporation also flourished. Today, Elim Fellowship provides support services to more than 100 affiliated churches and ministries and over 800 pastors, ministry leaders and Christian workers.

In 2003, the Board of Directors of EBI made a determination that it would be advantageous to its students for the school to gain the ability to grant an associate's degree in applied science in theological and biblical studies. The process to obtain degree granting status is a rigorous one in New York State and required considerable training for the Board, staff and faculty of the school, the development of new policies, the building-up of library resources, the improvement of faculty compensation, the development of long term planning, the development of a new curriculum plan, the preparation of a detailed self-study and a two day site visit by a peer review committee.

Structural changes were also required in governance, as EBI had been incorporated under the Membership Corporations Law of New York as a religious organization and a degree granting program in New York must operate under a charter issued by the New York Regents pursuant to the Education Law of New York.

All of the necessary requirements were met and on November 5, 2012, the NY State Dept. of Educational granted a provisional charter to Elim Bible Institute and College to conduct programs leading to an Associates degree. The educational and related activities that had been carried on by Elim Bible Institute, Inc. (EBI, Inc.) were then transferred to Elim Bible Institute and College (EBI&C). The IRS recognizes EBI&C as a 170 (b)1)(A)(ii) public charity, as of the date of its provisional charter.

Purpose Clause of the EBI&C Provisional Charter

The purpose clause of the newly formed college (EBI&C) is essentially unchanged from that of the original Bible Institute. The purposes for which the College was formed are:

- (1) To teach, preach and study the Gospel of Christ by any and all legal means;
- (2) To promote the advancement and glory of Christ's Kingdom by missionary, benevolent and Christian education activities;
- (3) To train, teach, mature and equip students, missionaries, pastors, and Christian workers to be effective witness of the Gospel through classroom teaching, practical ministry, internships, electronic technology and correspondence courses;
- (4) To conduct programs leading to the Associates in Applied Science (A.A.S.) degree;
- (5) To publish religious literature;
- (6) To establish, purchase, own and operate any communication media in order to achieve the above stated purposes;
- (7) Do all things necessary for the achievement of the above stated purposes; and
- (8) To generally exercise all powers granted by section 226 of the Education Law and the applicable provisions of the Religious Corporation Law and Not-for-Profit Law of New York.

Religious tenets of EBI&C and Elim Fellowship

Elim Fellowship and Elim Bible Institute and College ("Elim" when referring to both organizations) have religious tenets that are not consistent with certain of the Title IX Regulations, as they might be applied.

Specifically,

- Elim believes that sexual purity is a necessary expression for all of God's children and requires abstinence from adultery, fornication, incest, homosexuality and other sexual practices forbidden by scripture. (Heb. 13:4; 1 Cor. 6:18; Lev. 18:1-30; Gal. 5:19)
- Elim believes that marriage is the uniting of one man and one woman in covenant commitment for a lifetime, and a sacred institution established by God. (Matt. 19:4-6)
- Elim believes that God's design was the creation of two distinct and complementary sexes, male and female, and that a person affirms God's infinite wisdom by living in alignment with his or her birth sex. (Gen 1:26-28; Matt 19:4-5)
- Elim believes that since mankind is created in God's image, human life is of inestimable worth and significance in all its dimensions, from conception to the grave. (Gen. 1:27; Ps. 139:13, 14)

Each of these tenets is imbedded in Holy Scripture, in the Elim Statement of Faith, in the constitutions of both EBI&C and Elim Fellowship and in historic Christian orthodoxy. From its earliest decree (the Jerusalem Council Decree as recorded in Acts 15:29), the church has valued life and has required its members to abstain from sexual immorality.

Core Values

It is the mission of EBI&C to prepare Christ-centered, Spirit-empowered servant leaders for end-time global revival. To this end, the College has identified four core values:

1. **We Are a Community of Believers.** Our staff and students comprise a community of believers committed to a life of expressive worship, prayer, simplicity, integrity, holiness, servanthood and mission-mindedness, both individually and corporately.
2. **We Prepare Students for Ministry.** We are committed to providing a setting where Spirit-impartation, systematic and intensive Bible study, academic excellence, and practical ministerial training and experience are woven together, so the student may be prepared for a variety of service opportunities.
3. **We Welcome Differing Opinions.** We are committed to unity among believers on the fundamentals of the faith, but liberty in other doctrinal matters.
4. **We Pursue Revival.** We are committed to discern, pursue, and participate in any fresh emphasis of the Holy Spirit's work in each generation.

Community Life Commitment (staff)

In order to safeguard the mission, unity, and integrity of Elim Bible Institute and College's campus community, EBI&C asks all staff, faculty, adjunct faculty, and volunteer staff to agree to and follow certain non-negotiable standards. While acknowledging that it is impossible to create a community with expectations and guidelines which are ideally suited to each member, EBI&C believes that it is essential to specify certain behavior patterns that reflect Elim's core values and enables its staff, faculty, adjunct faculty and volunteer staff to serve as role models for the student body.

The following paragraph from the Community Life Statement is pertinent to this request for exemption:

We believe that our mission and core values are best supported within Biblical standards of personal purity. These absolute Biblical standards are reflected in our statement of faith and are critical to our institution. The Bible clearly teaches that intimate sexual relations are confined within the bounds of marriage between a husband and wife. This necessarily means that (i) those who are not involved in such a marriage are to live celibate lives, and (ii) that homosexual and/or lesbian behavior, incest, adultery and fornication are forbidden. By signing this document, you agree with these standards and commit to live a life of purity that is above reproach.

Student Honor Code

Each student of EBI&C signs an Honor Code in which he or she promises by God's grace to submit to all of the community life guidelines outlined in the student handbook and to respect Elim's Statement of Faith.

Community Life Guidelines (students)

The Community Life Guidelines contained in the student handbook details standards of behavior in the areas of sexuality, courtship, abstinence from tobacco and alcohol, abstinence from recreational use of controlled substances, abstinence from gambling, abstinence from the possession or viewing of pornographic materials, moral discernment in the choice of television programs, music, movies, and electronic media and abstinence from language that is crude, vulgar, obscene, swearing, lewd, or abusive. (See Exhibit 2)

The following paragraphs from the Community Life Statement is pertinent to this request for exemption:

Elim has adopted a position on sexuality that is higher than what the Affirmative Consent and Responsible Employees laws require regarding premarital sexual engagement. EBI&C believes God has reserved the most intimate of sexual relationships for the marriage union between a man and a woman. It is, therefore, not only a violation of our social policy, but also of God's law to engage in such behavior outside of the marriage covenant.

Men and women are not permitted to visit the personal living area of the opposite sex except with special permission granted by Elim leadership.

Spiritual Emphasis

A week at the beginning of each spring semester is set aside to focus on prayer, as classes are cancelled and special services are held several times a day. Some of the time will have teaching on prayer or a particular topic, with times given for both individual and corporate prayer.

The Patmos Prayer Room (in the I.Q. Spencer Tabernacle) provides a quiet and comfortable environment allowing for extended seasons of prayer for both individual and group prayer and is available to students every day around the clock.

College chapel services are held Tuesday, Wednesday and Friday during the regular school semester. On Thursdays, the whole Elim campus (including out of town guests & area pastors/leaders) gathers to worship together and hear special speakers. EBI&C students and staff are joined by the staffs of the other campus ministries-Elim Fellowship, Elim Gospel Church, BASIC College Ministries, Campus Target and Helimission.

Ministry Opportunities

Each student experiences real-life ministry through participation in a Student Ministry Team. Teams are assigned to serve weekly in different churches and ministries in the area or on campus. Opportunities include serving with local churches in children's, youth & worship ministries; soup bus & street ministry; college ministry; assisting in the planning of a large conference; working with developmentally disabled adults; service planning and video; EBI&C choir; Helimission; and more.

In the second year of the program, students participate in a six-week internship at NYSUM (New York School of Urban Ministry) in New York City, where they are involved in food pantries, homeless ministries and other areas of need in an urban setting.

Biblical Studies

Our two-year A.A.S. Degree (Associate in Applied Science in Theological and Biblical Studies) is designed to give the student a well-rounded education and a solid Biblical foundation. The program includes courses in Old and New Testament Literature, Theology, Book of Romans, Marriage & Family, Contemporary Ethics and Hermeneutics.

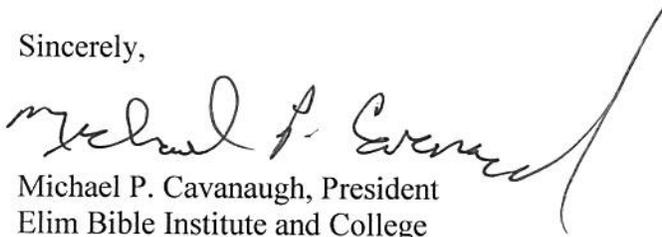
Our Heart and Desire

It is the heart and desire of Elim to embrace the policies of the Department of Education to the extent such policies do not require us to violate essential religious beliefs. Our journey over the past decade to become a degree granting institution in New York and an eligible institution for purposes of governmental aid to our students has been a journey which required increased excellence on our part. Few Bible Institutes of our faith persuasion have been willing to complete this journey – retaining a sheltered environment for our students as we prepare them for participation in a world with diverse values and challenge ourselves to meet new standards of excellence. Elim occupies a specific place on the spectrum of religious diversity and must be true to its own identity. Our desire is that we will always do so in a spirit of Christian love – loving our neighbor as ourselves.

Based upon our understanding that we must request exemptions from certain of the Title IX regulations as noted above, in order to follow our religious tenets as explained above, we do so.

Thank you in advance for your consideration. If you have any questions, or if additional information is required, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Cavanaugh". The signature is fluid and cursive, with a long, sweeping tail that extends upwards and to the right.

Michael P. Cavanaugh, President
Elim Bible Institute and College