



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

SEP 23 1988

Dr. Robert H. Spence  
President  
Evangel College  
1111 North Glenstone  
Springfield, Missouri 65802

Re: 07-88-2504

Dear Dr. Spence:

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). You submitted a letter dated July 15, 1988, outlining this request.

In your letter, you described certain policies practiced at Evangel College (College) as being consistent with the tenets of the religious organization that controls the institution. 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 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 the College an exemption to those sections of the Title IX regulation specified in your request letter. In doing so I noted an error: you requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I concluded from the facts outlined in your request that you required exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission).

In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirements of 34 C.F.R. § 106.39, which pertain to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. Accordingly, I am granting the College an exemption to that section as well. Evangel College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. 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 letter indicates that the College is owned and controlled by the General Council of the Assemblies of God (General Council). Article II of the College's articles of incorporation provides: "this institution is and shall be at all times controlled by The General Council of the Assemblies of God . . . ." Similar language appears in Article III of the College's constitution. This relationship

between the College and the General Council adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Article III, Section 1, of the College's articles of incorporation specifies that the College is "bound to give Christ the preeminence in all things and is bound to the Statement of Fundamental Truths as set forth in the Constitution and Bylaws of the General Council of the Assemblies of God." Your request letter states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letter also states that these same tenets apply to employees of the College. Based on this principle, Evangel College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the college.

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.

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  
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