

EVANGEL

U N I V E R S I T Y

A CHRISTIAN LEARNING-CENTERED UNIVERSITY

March 20, 2017

Assistant Secretary

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

Re: Statement of exemption under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12

Dear Assistant Secretary:

I am President of Evangel University of the Assemblies of God, located in Springfield, Missouri. As such, I am the highest ranking official of this institution. As a university affiliated with the Assemblies of God, we believe every person is created in the image of God and should be treated with dignity and respect. I submit the following statement in order to claim on behalf of the University the religious tenet exemption from Title IX of the Education Amendments of 1972 which is provided for in 20 U.S.C. 1681, and which is the subject of 34 C.F.R. 106.12.

The University is the national university of the Assemblies of God. It was originally chartered in 1955 as Evangel College of the Assemblies of God by the state of Missouri. In 1998, by unanimous vote of the Board of Trustees and the General Presbytery of the Assemblies of God, Evangel College became Evangel University of the Assemblies of God (referred to herein as “Evangel University” or the “University”). It is a benevolent corporation whose principal office address is 1111 N. Glenstone Avenue, Springfield, MO 65802.

The mission of the University is stated as follows:

Evangel University is a comprehensive Christian University committed to excellence in educating and equipping students to become Spirit-empowered servants of God who impact the church and society globally.

The University is controlled by a religious organization, the General Council of the Assemblies of God. The General Council of the Assemblies of God is a Missouri

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benevolent corporation and constitutes an “association of churches” in the terminology of the Internal Revenue Code.

The General Council of the Assemblies of God (“General Council”) controls the University, in part, by exercising its right to appoint membership to the board of trustees, the governing body of the University. Per University Bylaws, which I enclose, board members are selected by the board for election by the Executive Presbytery of the General Council of the Assemblies of God and ratification by its General Presbytery. In addition, Evangel University is an Affiliated Entity of the General Council of the Assemblies of God, and thus our annual financial statements are audited and consolidated with the General Council of the Assemblies of God.

The Executive and General Presbytery’s authority over the University constitutes control by the General Council, which alone is sufficient cause for the University to be exempt from Title VII of the Civil Rights Act of 1964’s general prohibition against an educational institution “which is in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association or society.”

The following explains why the University qualifies for the exemption set forth at 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12.

Evangel University qualifies for Title IX’s religious exemption.

The General Council, the highest governing body of the church, has established the Alliance for Assemblies of God Higher Education (“Alliance”) and tasked the Alliance with developing educational, spiritual, and theological standards for schools that wish to be affiliated with the church. To fulfill this mandate, the Alliance developed endorsement criteria that are intended to facilitate the development of educational institutions that are committed to the Assemblies of God’s mission, to the integration of faith and learning in the Pentecostal tradition, and to academic excellence (“Endorsement Criteria”). The purpose of the Endorsement Criteria is to ensure doctrinal fidelity and institutional conformity to Assemblies of God standards of morality.

Evangel University is endorsed by the Alliance and is committed to maintaining this status by carefully following the Endorsement Criteria.

Consistent with the Endorsement Criteria, Evangel University’s mission documents commit the University to the formation of mature Christian character and spiritual life, the development of loyalty to the doctrines and principles of the Assemblies of God, and the preparation of leaders for the Kingdom of God and the Assemblies of God.

The Endorsement Criteria also shape how Evangel University selects its leadership, faculty, administrators, and students. At least 90% of the University's board members are affiliated with the Assemblies of God, and the remaining board members are affiliated with another Pentecostal church. Under the Endorsement Criteria, the University may not deviate from these standards without permission from the Alliance.

Consistent with Alliance standards, the University asks all student applicants for on-campus programs to affirm that they are born-again Christians, that they desire to be involved in Christian service, and that they agree with the accepted essentials of the Christian faith as held by the Assemblies of God. Applicants must also provide a letter of recommendation from a pastor.

Student life at Evangel University is also shaped by our commitment to Alliance standards. The University shares the Assemblies of God's conviction that Christian colleges and universities should form their students both academically and spiritually. Faithful to the Endorsement Criteria, Evangel helps stimulate students' appreciation for the Word of God and encourages students to pursue spiritual maturity and excellence. The University is dedicated to strengthening our students' appreciation of and attachment to the Christian church, especially the Pentecostal tradition, and to the Assemblies of God. Each student is expected to be involved in ministry and service for at least two semesters, with more expected of students in ministry-related majors.

As part of our commitment to developing a robust Christian community, and consistent with the Alliance's standards, the University holds at least three chapel services each week, which are mandatory for students. The University also has expected church and chapel attendance policies for administrators and faculty.

Because Evangel University adheres to the Endorsement Criteria, it is eligible for financial support from the Assemblies of God. The Alliance develops financial resources for endorsed colleges in cooperation with the Assemblies of God Trust. The Alliance also develops educational resources and offers conferences to help affiliated schools better serve their mission and their students. The University is significantly supported by Assemblies of God sources, receiving \$2,048,389 in contributions from these sources in the most recent year. Since the University's founding, the General Council has contributed over \$44,000,000 to support the University and its theological seminary.

The University asserts an exemption from those regulations which are inconsistent with our religious tenets, and those include:

Admissions

34 C.F.R. § 106.21 and §106.22 including but not limited to 106.21(b)(iii) (governing differential treatment on the basis of sex in admissions); and (c) (governing admissions prohibition on the basis of marital or parental status).

Recruitment

34 C.F.R. § 106.23 (governing nondiscriminatory recruitment);

Education Programs or Activities

34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions), and (b)(7) (otherwise limiting any person in the enjoyment of any right, etc.);

34 C.F.R. § I 06.32 (governing housing);

34 C.F.R. §106.33 (governing comparable facilities such as restrooms and locker rooms);

34 C.F.R. §106.37 (governing financial assistance);

34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students); and 34 C.F.R. § 106.41 (governing athletics);

Employment

34 C.F.R. § 106.51 (governing employment);

34 C.F.R. § 106.52 (employment criteria);

34 C.F.R. § 106.53 (recruitment);

34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions); and

34 C.F.R. § 106.60 (governing pre-employment inquires).

As a Christian institution, Evangel University believes that all matters of faith and conduct must be aligned with holy scripture, which is our infallible guide (2 Timothy 3:16-17). As a school founded in and inspired by the Assemblies of God tradition and endorsed by the Alliance, Evangel University aligns with the General Council and the General Presbytery of the Assemblies of God with respect to interpretation of Scripture.

Human Dignity: The Assemblies of God believes that God created humankind in His image, and that people receive their essential dignity from the fact that they are created in God's image and are loved by Him (Genesis 1:27). This dignity does not depend on whether someone is single or married or on whether someone suffers from any particular temptation to sin (1 Corinthians 7; Romans 5:8).

Abortion: The Assemblies of God believes that human beings bear the image of God and receive their essential identity and dignity before they are born (Luke 1:31-44; Acts 7:19; Job 31:15; Psalm 139:13-16). As such, the Assemblies of God believes that abortion is the killing of innocent human life and is therefore prohibited by the Ten

Commandments and elsewhere throughout (Exodus 20:13, 21:22-24; Matthew 19:18; Romans 13:9).

Marriage: The Assemblies of God defines marriage as the permanent, exclusive, comprehensive, and conjugal union of one man and one woman, intrinsically ordered to procreation and biological families, and in furtherance of the moral, spiritual, and public good of binding father, mother, and child. The Assemblies of God teaches that the purpose of Christian marriage is to reflect the love, purity, and permanence between Christ and the Church (Ephesians 5:23-33).

Sexual Conduct: The Assemblies of God believes that God has designed sexual intimacy for marriage, and that sexual acts outside of marriage between one man and one woman are sinful. (Exodus 20:14; Leviticus 18:7-23; 20:10-21; Deuteronomy 5:18; Matthew 5:27-28; 15:19; Romans 1:26-27; 1 Corinthians 6:9-13; Galatians 5:19; Ephesians 4:17-19; Colossians 3:5; 1 Thessalonians 4:3; Hebrews 13:4).

Sexual Orientation: The Assemblies of God affirms the sexual complementarity of man and woman and teaches that same-sex sexual attractions are temptations to sin and should therefore be resisted. (Genesis 1:27; 2:24; Matthew 19:4-6; Mark 10:5-9; Romans 1:26-27; 1 Corinthians 6:9-11).

Sexual Identity: The Assemblies of God believes that God created humankind in His image, male and female, sexually different but with equal personal dignity. The church supports the dignity of individual persons affirming their biological sex and discouraging any and all attempts to physically change, alter, or disagree with their biological sex. (Genesis 1:26-28; Romans 1:26-32; 1 Corinthians 6:9-11).

Sexual Equality: The Assemblies of God believes that men and women have equal dignity before God and does not make any distinction between the sexes when selecting people for ministry or spiritual leadership positions. Having observed that God pours out His Spirit upon both men and women, the Assemblies of God concludes that God gifts both sexes for ministry in His Church.

Evangel University believes and embraces these teachings and has integrated them into its standards for its administrators, faculty, and students. In order to help foster these standards and to help ensure that the University is a place of nourishment, Evangel University has adopted a student policy manual that clearly outlines policies regarding expectations for student behavior, accountability, rules and disciplinary actions, and other general expectations for student life on campus.

None of this is to say that Evangel University or the Assemblies of God excludes anyone based on their sins or based on their temptations. The Assemblies of God believes that all have sinned and fall short of the glory of God and should seek

redemption through confession, repentance, baptism, and faith in Jesus Christ. We welcome and treat with respect, compassion, and sensitivity all who experience same-sex attractions, confess sexually immoral acts, or who have emotional struggles with their biological sex, provided they are committed to resisting sexual temptation, refraining from sexual immorality, and orienting their thinking and behavior in the light of biblical teachings. (Matthew 11:28–30; Romans 3:23; 1 Corinthians 10:13; Ephesians 2:1–10; Hebrews 2:17–18; 4:14–16). However, in keeping with our biblical beliefs about sexual morality, Evangel University cannot in good conscience support or encourage an individual to live in conflict with biblical principles. Any individual who violates our community covenant for biblical living is subject to discipline, including expulsion.

Evangel University believes that its policies and practices, informed by Assemblies of God teachings, do not discriminate on the basis of sex—that is, between men and women—and therefore do not violate Title IX. However, at the same time, I understand that Evangel University’s faithful application of the religious tenets set forth above may conflict with the way that the Department may interpret or seek to apply certain provisions of 34 C.F.R. 106. Potential conflicts include:

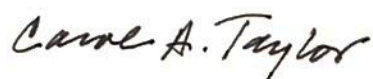
Admissions and Student Discipline: Based on the convictions listed above, Evangel University believes that it cannot fulfill its God-given mission and build an intentional Christian community if it cannot expect students to embrace and do their best to follow the Assemblies of God’s teachings about sexual morality and sexual identity. These convictions shape the University’s admissions policies, the student community covenant and discipline policies.

Housing, Restrooms, and Locker Rooms: Based on the convictions listed above, Evangel University expects all students to embrace their God-given biological sex. This expectation shapes the University’s policies regarding student housing, restroom and locker room use, and participation in athletic programs.

Marriage, Sexual Conduct, and Abortion: Based on the convictions listed above, Evangel University expects all students, faculty, and administrators to honor the Assemblies of God’s teachings on marriage, sexual conduct, and abortion.

I trust this letter and the enclosure is sufficient, but if you require any additional information, please let me know. Thank you for your attention to this matter.

Sincerely,



Carol A. Taylor, Ph.D.
President
Evangel University

**BYLAWS
OF
EVANGEL UNIVERSITY
SPRINGFIELD, MISSOURI
(Updated November 4, 2016)**

Preamble

The Assemblies of God, embracing Bible-based objectives for the Kingdom of God and its worldwide ministry, recognizes the need to prepare students to fulfill their life-long calling to follow Christ for effective service through vocational and lay ministry throughout the world. Toward that end, the Assemblies of God brought together the former schools of the Assemblies of God Theological Seminary (1972), Central Bible College (1922), and Evangel University (1954) into one Evangel University in 2013.

ARTICLE 1. NAME AND LOCATION

1.1 Name.

The name of this corporation is Evangel University of The Assemblies of God, a Missouri nonprofit corporation under Chapter 352 of the Revised Statutes of Missouri.

1.2 Location.

The corporation is located in Springfield, Missouri.

ARTICLE II. PURPOSE

2.1 Comprehensive Educational Institution

Evangel University is a comprehensive Christian University committed to excellence in educating and equipping students to become Spirit-empowered servants of God who impact the church and society globally.

2.2 Educational Excellence

Being Spirit-empowered leaders in society and the global church takes place within a framework of a divine calling, disciplined character, and developing competencies. Evangel University provides an educational experience where students integrate their dynamic spiritual experiences with academic and professional disciplines and are transformed by the encounter. To the extent that all the members of Evangel University strive to achieve the highest level of integration in their lives and learning, Evangel University will continue to provide excellence in spiritual and human development, as reflected in the Core Values statement adopted by the Board of Trustees and ratified by the General Presbytery of The General Council of The Assemblies of God.

2.3 Preparation of Ministers and Missionaries

Included in the mission of Evangel University is the continuing preparation of ministers and missionaries on both the undergraduate and graduate levels.

ARTICLE III. NATURE OF CONTROL

- 3.1 The General Council of the Assemblies of God Evangel University is, and shall be at all times, controlled by The General Council of The Assemblies of God. The execution of policy and administration may be delegated to the Board of Trustees, the President, and the faculty, but The General Council, acting through the Executive and General Presbyteries, shall have control over all phases of the University.
- 3.2 Ultimate Responsibility
Although all University officers, administrators, faculty and staff shall be directly responsible to their supervisors for the proper execution of their duties, they shall be responsible ultimately to The General Council of The Assemblies of God.

ARTICLE IV. BOARD OF TRUSTEES

- 4.1 Membership

The Board shall consist of a minimum of 25 members and a maximum of 35 members, two of whom shall be executive officers of The General Council of the Assemblies of God who serve as ex-officio at the election of its Executive Presbytery. The remaining members shall be chosen in compliance with the endorsement criteria promulgated by the Alliance for Assemblies of God Higher Education and consisting of approximately one-half laity endorsed by their pastors and one-half ordained ministers.
- 4.2 Nomination and Terms of Service
Candidates for board membership shall be recommended to the Board of Trustees by its Leadership Committee and selected by the Board for election by the Executive Presbytery of The General Council of the Assemblies of God and ratification by its General Presbytery. New trustee appointments shall begin on September 1 for three years, except for death, resignation, or removal. Terms of office shall be so arranged that approximately one-third of the membership shall be elected each year. With the exception of The General Council of the Assemblies of God executive officers, elected Trustees shall not succeed themselves after serving three consecutive three-year terms. With a one-year absence, they are re-eligible for Board membership.
- 4.4 Removal from the Board
(a) Any Trustee may be removed from office at any time, with or without cause, by affirmative vote of two-thirds or more of the Executive Presbytery. Any Trustee to be removed shall be entitled to notice of, and an opportunity to be heard on the grounds of removal.

4.5 General Powers and Responsibilities

The Board of Trustees shall have delegated final power and responsibility from the Executive Presbytery for fulfilling the purpose of Evangel University.

4.6 Further Powers and Responsibilities

- (a) The Board shall determine and review periodically the purposes and the mission of the University.
- (b) The Board shall elect the President who shall serve at its pleasure.
- (c) The Board shall elect Vice-Presidents who are responsible for specific areas of administration within the University upon recommendation of the President.
- (d) The Board shall elect members to the Faculty upon the recommendation of the President.
- (e) The Board shall authorize and establish the academic program of the University consistent with the statement of institutional purpose and have power to review and approve changes, consistent with the purpose of the University.
- (f) The Board shall ensure that sound University planning occurs, which shall establish specific goals for the University, with concrete ways in which such goals can be reached.
- (g) The Board shall make provision for the financial needs of the University, adopt its budget and secure its revenue. It shall be responsible for its endowments, investments, funds, and property. Further, it shall authorize degrees and awards, and set the scale of tuition charges and fees. It shall establish the salary scale for the administrative officers, faculty and staff.
- (h) The Board shall have the general oversight of the property, business, and concerns of the University. It shall designate a device for the corporate seal, shall have the power to elect and remove at its discretion all agents and employees of the University, prescribe their duties, and fix their compensation, and may require from any office, agent, or employee such bond as it sees fit.
- (i) The Board may make rules for its government, change the same, and generally do any and every lawful act which it may deem proper to carry the policies of the University into effect. It shall keep records of its proceedings and books of account showing the financial condition of the University. It shall authorize an annual audit of the financial records by a certified public accountant.
- (j) Execution of Written Instruments.
All contracts, deeds, documents, and instruments requiring a seal shall be executed by any two signatures of the Chair or a Vice Chair of the Board or by the President,

or a Vice President, under the seal of the Corporation as the Board may direct. All checks, notes, drafts, demands for money, and other obligations of the Corporation not requiring a seal, shall be signed by the Treasurer or such other Officer, or Officers, as the Board may, from time to time, designate.

- (k) Execution of Assignments of Securities.
Any two of the signatures of the President, the Treasurer or Assistant Treasurer, or Vice President for Fiscal Affairs Business and Finance, shall be necessary and sufficient to execute assignments of securities standing in the name of the institution for purposes of sale or transfer.

ARTICLE V. MEETINGS

5.1 Meeting Schedule

The Board of Trustees shall convene a minimum of twice per year. The first meeting of the year is to be designated for the election of board officers.

5.2 Special Meetings

Special meetings of the Board of Trustees may be called by the Chair or the Executive Presbytery at any time, or shall be called by the Chair upon the written request of one-third of the Trustees. Notice of any special meetings shall be given to each Trustee not later than ten days before the day on which the meeting is to be held.

5.3 Distance Meetings

Members of the Board of Trustees, committee designated by the Board of Trustees may participate and act at any meeting through the use of a conference telephone or other communications device by means of which all persons participating in the meeting can communicate simultaneously with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the member or members so participating.

Any action required or permitted to be taken at any such meetings may be taken without a meeting if all members consent thereto in writing, and the writings are filed with the minutes of proceedings of the Board of Trustees.

5.4 Quorum

The majority of the total number of Trustees shall constitute a quorum at any meeting. The vote of a majority of the Trustees in attendance at a meeting at which a quorum is present shall be the act of the Board of Trustees.

5.5 Resignation

Any Trustee, member of a committee, or other officer, may resign at any time by giving written notice thereof to the Chair of the Board or the President. Such resignation shall be effective at the time of its receipt unless a date certain is specified for it to take effect. Acceptance of any resignation shall not be necessary to make it effective.

5.6 Vacancies

Any vacancy in the office of Trustee may be filled by a candidate selected by the Board of Trustees and nominated to the Executive Presbytery. Any Trustee so chosen shall hold office for the remainder of the term of service associated with that office or until his or her successor shall be elected and qualified.

5.7 Trustee Emeriti

A Trustee, who in the opinion of the Board of Trustees, has served with distinction for two or more terms may be elected by the Board as a Trustee Emeritus for a three-year term and then be re-elected without limitation. Each Trustee Emeritus shall have the same right and obligation as a Trustee, except that a Trustee Emeritus shall not have any voting right and shall not be able to serve as an officer of the Board or on any standing committee of the Board. A Trustee Emeritus shall not be counted as a member of the Board of Trustees in determining a quorum. The number of Trustee Emeriti may not exceed seven.

ARTICLE VI. OFFICERS OF THE UNIVERSITY

6.1 Officers

The officers of the University shall be the Chair, Vice Chair, Secretary, Treasurer and the President.

6.2 Officer Election

Unless a vacancy in an office occurs at another time, all officers except the President shall be elected at the first regular meeting of the Board in each calendar year, so long as a quorum of Trustees has been established. They shall serve for the ensuing year and until their successors are elected and enter upon their duties. All officers serve at the discretion of the Board and may be removed at any time by the affirmative vote of two-thirds of the Trustees present at a meeting of the Board at which there is a quorum. A vacancy in any of the offices of the University may be filled at any meeting of the Board at which there is a quorum.

6.3 President Election

Candidates for the position of President shall be approved by the Executive Presbytery, after which the President shall be elected by the Board of Trustees. The President shall serve at the pleasure of the Board. A two-thirds (2/3) vote of the Trustees present at a regularly constituted meeting shall be necessary to elect or to remove the President from office. In the event of a vacancy, the Board shall appoint an acting President, subject to approval of the Executive Presbytery, and a special search committee to submit nominations for candidates for the office.

6.4 Assistant Officers

The Board may appoint one or more assistants to the Secretary, the Treasurer, and other such officers, as may be deemed necessary. These assistants to the officers may, but need not be, members of the Board of Trustees.

6.5 Duties of the Officers of the University.

- (a) The Chair shall preside at all meetings of the Board of Trustees and serve as Chair of the Executive Committee. The Chair shall perform all the duties incident to such office and all acts for the University not delegated to others.
- (b) The Vice Chair shall perform such duties as shall be assigned by the Board of Trustees. In case of death or inability of the Chair to act, the Vice Chair shall discharge the duties of the Chair until such time as a new Chairman is elected by the Board.
- (c) The Secretary shall give proper notice of all meetings of the Board of Trustees and shall keep a record of the appointment of all committees of the Board. Furthermore, the Secretary shall keep, or cause to be kept, a record of the minutes of all meetings of the Board and each of its committees. The Secretary shall be the custodian of the corporate seal and all legal documents.
- (d) The Assistant Secretary shall perform all duties as assigned by the Secretary and shall fulfill those functions consistent with his or her title.
- (e) The Treasurer shall be responsible for carrying out the mandates of the Board of Trustees in overseeing the financial resources of the University. The Treasurer shall present a full and detailed annual financial statement properly audited by an independent certified accountant to the Board at its regular meetings and, if requested, at any other meeting of the Board, or at any meeting of the Finance Committee or Executive Committee.
- (f) The Assistant Treasurer shall perform all duties as assigned by the Treasurer.
- (g) Under the authority of the Board of Trustees, the President develops and establishes the basic policies and objectives of the University and directs the integrated management of all functions of the University towards the accomplishment of the established goals and objectives. The President shall be responsible for spiritual, academic, and fiscal administration. The President shall be chief custodian of all properties and be charged with the supervision of the faculty and safeguarding of academic standards, and, give particular care to the advancement and fostering of the spiritual purposes of the University. The President's signature shall be necessary on all diplomas issued by the University.

The President shall serve as Chair of the President's Executive Leadership Committee, as provided for by the Board of Trustees, and of the faculty and shall be an ex officio member of all committees and Boards of the University, except the Audit Committee. The President shall be regarded as a member of the faculty with vote, and shall represent the faculty and other employees of the University, in meetings of the Board of Trustees and its Committees.

The President shall have power, on behalf of the Board of Trustees, to perform all acts, and execute all documents to make effective the actions of the Board.

ARTICLE VII. COMMITTEES OF THE BOARD

7.1 The Board shall establish an Executive Committee as follows: The President shall be a voting member of the Executive Committee. All other members of the Executive Committee shall be Trustees. The Chair, Vice-Chair, Secretary, and Treasurer of the Board of Trustees shall be members of the Executive Committee along with the Chairperson of each standing Committee. In addition, two other Trustees shall be elected by the Board to serve as at large members of the Executive Committee. The at large members of the Executive Committee shall serve for one year terms, and may be reelected without limits. The Executive Committee shall meet as often as necessary to carry out its business.

The Executive Committee shall have delegated authority from the Board to advise and assist the President of the University to address routine business matters between regular Board meetings and to assist the Chair and the President in their joint responsibility to help the Board to function effectively and efficiently by suggesting Board meeting agenda items and periodically assessing the quality of Committee work.

The Committee on the President shall be tasked to annually review the President's compensation and terms of employment and make recommendation to the Executive Committee.

Further, the Executive Committee, through the Leadership Committee, shall ensure that the membership and leadership of the Board consist of highly qualified and committed individuals; it shall ensure that regular programs of new Trustee and in-service education are maintained, and it shall periodically recommend initiatives by which the Board shall assess its performance. It shall serve as the agent of the Board, through the Leadership Committee, in reviewing the performance of incumbent Trustees and Board officers, who are eligible for reelection, maintain a list of qualified candidates for possible nomination, consider cultivation strategies for promising Trustee candidates, and propose and periodically review the adequacy of a statement of Trustee responsibilities as adopted by the Board.

7.2 (a) **Standing Committees and Ad Hoc Committees**
The Board shall establish such standing Committees, sub-committees and ad hoc committees as it deems appropriate to discharge its responsibilities. Each Committee shall have a written statement of purpose, role, and scope as approved by the Board, and such rules of procedure or policy guidelines that it or the Board, as appropriate, shall approve. Each committee shall review such statements annually.

The Leadership Committee shall have the responsibility of nominating for election by the Board of Trustees, the officers, the chairs, vice chairs, and members of all Board Committees and sub-committees for election by the Board. All committee chairs and vice chairs shall be Trustees.

The election or appointment to a Committee or a sub-committee shall be on an annual basis and shall not preclude service on any other committee during the term of the appointment, unless directed otherwise by the Executive Committee. The President of the University, with the consent of the Chair of the Board, may appoint a member of the administrative staff to serve as a liaison between a Committee or a sub-committee and the office of the President. Such liaison person shall assist the Committee or sub-committee in the carrying out of its duties. Each Committee or sub-committee shall meet regularly and report on its work and recommendations to the Board of Trustees.

(b) Audit Committee

The primary function of the Audit Committee is to assist the Board of Trustees in fulfilling its oversight responsibilities relating to: the integrity of the University's financial statements, the systems of internal control, the performance of the Evangel auditor's qualifications and independence, and the University's compliance with legal and regulatory requirements. In so doing, it is the responsibility of the committee to maintain free and open communication among the committee, independent auditors, the internal auditors and management of the University.

The Chair of the Board of Trustees shall annually appoint three or more members to the committee who are independent of management and the University. Members of the committee shall be considered independent as long as they do not accept any consulting, advisory, or other compensatory fee from the University and are not affiliated persons of the University or management. Members can be appointed for successive terms. Members of the committee shall possess general accounting, business and financial knowledge, including the ability to read and understand financial statements. At least one member, preferably the chair of the committee, shall have accounting or financial expertise as defined by the Board. The chair of the committee shall preside over committee meetings, and his or her designee shall serve in the chair's absence.

It is not the duty of this committee to plan or conduct audits or to determine that the University's financial statements are complete, accurate and in accordance with generally accepted accounting principles. This is the responsibility of management and the independent auditors.

The committee will hold at least two meetings each fiscal year. A majority of the members of the committee will constitute a quorum for the transaction of business. The committee shall maintain written minutes of its meetings, which will be filed with the secretary of the corporation. Reports of all meetings will be made to the Board of Trustees. As part of its responsibility to foster open communication, the committee shall provide sufficient opportunity for the internal and independent

auditors to meet privately with the committee. At least annually, the committee shall meet separately with the independent auditor, the internal auditor and management.

ARTICLE VIII. FACULTY

8.1 Faculty Membership

The membership of the faculty shall include the professors, associate professors, assistant professors, and instructors who have been regularly employed by the Board of Trustees. It shall also include the President, the Provost, the Vice Presidents, and such other persons as are designated as members of the faculty.

8.2 Guest Lecturers

Lecturers shall be invited by the President from time to time, with the approval of the faculty, to lecture in the fields in which they are proficient.

Lecturers shall not be retained for full semester courses of study.

Although lecturers shall be selected on the basis of their proficiency in their fields and not in respect to denominational standing, they shall not undermine the Statement of Fundamental Truths of the Assemblies of God.

8.3 Faculty Appointments

Appointments to membership on the faculty shall be made under the authority of the Board of Trustees in accordance with procedures authorized by the Board and as described in the *Faculty and Administration Handbook*. Authority and faculty prerogatives are specified in the principles approved and published by the Board of Trustees in a *Faculty and Administration Handbook*.

8.4 Faculty Requirement

Members of the faculty shall be required to sign annually the Statement of Belief affirming, without mental reservation, their faith in the fundamental truths as stated in the Constitution and Bylaws of The General Council of Assemblies of God. Serving on the faculty of Evangel University requires meeting the same criteria that prevail to retain ministerial credentials with The General Council of the Assemblies of God. The Assemblies of God Alliance for Higher Education criteria shall be conformed to in the selection of all faculty.

8.5 Faculty Jurisdiction

Responsibility for the instructional direction of programs shall be vested in the faculty, under the President. Subject to general University policy and regulations and to the powers vested in the President and in the Board, the faculty shall have jurisdiction over the educational program, including such matters as admission requirements, curricula, instruction, schedules, and degree requirements.

8.6 Faculty and Administration Handbook

The Board of Trustees shall approve and authorize the implementation of a *Faculty and Administration Handbook* to be reviewed annually by the faculty and the Board. The *Faculty and Administration Handbook* shall set forth procedures and guidelines for all

faculty prerogatives, including, policies and procedures for Faculty promotion, tenure, and cyclical post-tenure reviews. The duties of the provost and administrators shall be specified in the *Faculty and Administration Handbook*.

ARTICLE IX. STUDENTS

9.1 Enrollment

Evangel University does not discriminate against any person in the administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other University-administered programs on the basis of race, color, sex, age, national origin, or disability. To gain admission to the University, all students shall profess to be a follower of Christ and have the recommendation of a pastor.

9.2 Attendance Privilege

Attendance is a privilege and not a right. Students applying for admission do so voluntarily and are free to withdraw at their pleasure, subject only to the fulfillment of their financial obligations to the University.

9.3 Responsibilities and Rights

By applying for admission, and being accepted, each student agrees to be bound by the rules, policies, procedures, and administrative regulations as they exist at the time of his or her admission, and as they may be changed, modified, or added to, during the time he or she is a student. By admission as a student, a person acquires the right to pursue the course of study to which he or she is admitted, under applicable policies, rules and procedures.

9.4 Conduct

Each student is expected to conduct himself or herself with dignity and with due respect for the rights of others, and in keeping with the principles and guidelines of the Student Handbook.

ARTICLE X. INDEMNIFICATION

10.1 Indemnification

Trustees, officers, and employees of the University are entitled to indemnification to the extent provided in and subject to the limitations of sections 355.471, 355.476, and 355.496 of the Revised Statutes of Missouri. An officer, employee, or agent of the University who is not a Trustee shall be entitled to indemnification to the same extent and subject to the same limitations as a Trustee, provided that expenses of litigation may be advanced on authorization of the President or the Chair of the Board without action by the Board of Trustees.

10.2 Pending Action

The University shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the University to procure a judgment in its favor by reason of the fact that he or she is or

was a Trustee, officer, employee or agent of the University, or is or was serving at the request of the University as a Trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses, including attorneys' fees, actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the University; except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable to the University unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper.

10.3 Indemnified Expenses

To the extent that a Trustee, officer, employee or agent of the University has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 10.1 or 10.2 above, or in defense of any claim, issue or matter therein, he or she shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by him or her in connection therewith.

10.4 Standard of Conduct

Any indemnification under the provisions of Section 10.1 or 10.2 above, unless ordered by a court, shall be made by the University only as authorized in the specific case upon a determination that indemnification of the Trustee, officer, employee or agent is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Section 10.1 or 10.2, as applicable. Such determination shall be made:

- (a) by a majority vote of the Trustees who are not parties to the action, suit or proceeding, even though less than a quorum;
- (b) by a committee of the Board of Trustees designated by a majority vote of Trustees, even though less than a quorum; or
- (c) if there are no such Trustees, or if such Trustees so direct, by independent legal counsel in a written opinion.

10.5 Expenses Paid

Expenses incurred by an officer or Trustee in defending a civil or criminal action, suit or proceeding may be paid by the University in advance of the final disposition of such action, suit or proceeding as authorized by the Board of Trustees in the specific case upon receipt of an undertaking by or on behalf of such Trustee or officer to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the University as authorized by the provisions of this Section. Such expenses incurred by other employees and agents may be so paid upon such terms and conditions, if any, as the Board of Trustees deems appropriate.

10.6 Limitations

The indemnification herein provided shall not limit the University from providing any other indemnification permitted by law nor shall it be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any bylaw, agreement, vote of members, or disinterested Trustees or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a Trustee, officer, employee, or agent.

ARTICLE XI. CONFLICT OF INTEREST

11.1 General Policy

A Trustee shall inform the Chair of the Board of Trustees of any direct or indirect Conflict of Interest which the Trustee has with regard to any transaction contemplated by the Board of Trustees. A "Conflict of Interest" shall exist in Board actions including, but not be limited to, actions concerning a transaction:

- (a) in which the Trustee has a material financial interest, or
- (b) in which the Trustee is presently serving as a trustee, director, officer or general partner of another party.

A Trustee with a Conflict of Interest may participate in the discussion, but may not vote on the transaction. The transaction may be authorized, approved, or ratified by the vote of a majority of the Trustees in office who have no Conflict of Interest (which must be more than one Trustee), and when a majority of Trustees who have no Conflict of Interest so vote, a quorum is deemed to be present at the meeting for purposes of that vote.

11.2 Specific Guidelines

In interpreting and applying the policy set forth above, the guidelines set forth in this paragraph shall apply.

- (a) A Conflict of Interest may result if a Trustee is employed or compensated in any way, either directly or indirectly, by any person or organization which is doing or seeking to do business with the University as a supplier, vendor, contractor or otherwise.
- (b) A Conflict of Interest may exist when a trustee has made an investment, in or with any person or organization which is doing or seeking to do business with the University.
- (c) Trustees must not appropriate to themselves or divert to others, directly or indirectly, any opportunity in which is known or could reasonably be anticipated that the University may have an interest.

- (d) Trustees shall not use confidential information of the University in connection with any personal business or otherwise for their own gain, or for the benefit of any persons or organizations other than the University. The University mailing lists (donors, trustees, employees and students) are the property of the University, and may not be sold, loaned, used or taken for any purpose unless authorized by the President.
- (e) Trustees are not discouraged from serving on the boards of other academic institutions; however situations may arise which generate actual or perceived Conflicts of Interest between the University and other academic institutions. To the extent such conflicts arise, any Trustee who serves on the board of another academic institution whose interests conflict or appear to conflict with those of the University shall be excused from any involvement with the matter in conflict. Nor shall the trustee become involved with the matter in conflict on behalf of the conflicting institution.
- (f) Trustees must sign an annual acknowledgment indicating that any known financial interest that such individual, or a member of such individual's family, has in any business entity that transacts business with the University. The Chair of the Board shall be responsible for the enforcement of the Conflict of Interest policy and shall see that all Trustees sign the annual certificate of acknowledgment.

ARTICLE XII. AMENDMENT OF BYLAWS

12.1 Amendments and Ratification

These bylaws may be amended at any regular or special meeting of the Board of Trustees by a two-thirds majority vote of all Trustees in attendance. All such amendments shall be subject to ratification by the Executive Presbytery of the General Council of The Assemblies of God.

Evangel University
1111 N. Glenstone Avenue
Springfield, MO 65802

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