



God's Bible School

College and Missionary Training Home

1810 Young St. • Cincinnati, Ohio 45210 • Phone (513) 721-7944

Office of the President

November 28, 1989

12-22-89

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 State Street, Room 700C, 05-0410
Chicago, IL 60605-1202

RE: Title IX - Claim for Exemption - God's Bible School
and College

Our file: 88-0190

Dear Mr. Mines:

I am writing in response to your letter of November 2, 1988 which in turn responded to my letter of October 11, 1988 in which I asserted claims from exemption of certain portions of Title IX of the Educational Amendments of 1972.

In the first paragraph of page two (2) of your letter, you advised that my earlier letter provided sufficient information concerning: (1) the name of the religious organization that controls the institution and; (2) the tenets that are followed by the institution. However, in accordance with your request, I advised below of the institutional tenets which conflict with Title IX and those sections of the regulations with which there is conflict.

Please be advised that exemptions from the following sections of Title IX are claimed by the institution; the religious tenets which conflict with such sections are also referenced below:

1. Sections 106.21(c) [admission]; 106.40 [marital or parental status]; 106.57 [employment]; 106.60 [pre-employment inquiries]; and, 106.51 [employment]. The institution is committed to the inspiration of the Holy Bible; that it is the "inerrant, infallible Word of God, which is the only and sufficient guide to life, belief, and conduct." Article IV of the Constitution of God's Bible School, College and Missionary Training Home, Inc.

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See also pages 5 - 9 of 1981 - 91 Bulletin. Therefore, incorporated by reference, are portions of the Bible as some of the "tenets which support the claims from exemption from certain sections of Title IX. The School also believes that evidence of the Christian Life is an "inner witness that the heart has been purified from sin." Further that "this experience...can only be maintained by a walk of obedience and faith." Article IV Section 4. Constitution of God's Bible School, College and Missionary Training Home, Inc.

Consistent with biblical teachings, the institution believes that God's word forbids: (1) premarital and extramarital sexual relations and consequently, pregnancy and childbirth by an unmarried female; (2) divorce, except on biblically prescribed circumstances; and, (3) termination of pregnancy or the abortion of an unborn child. The foregoing would also, by definition, preclude the co-habitation of two (2) persons of the same or opposite sex without the benefit of marriage. The Scriptures are replete with passages upon which these religious tenets are based. In my letter of October 11, 1988, I referred to I Timothy 4:16 and I Corinthians 6:18. An additional reference would be found in Romans 12:1 where believers are told to "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS). Student Handbook, God's Bible School and College, pages 6, 7, and 8.

It seems clear that the above referenced passages from Scripture and the Constitution of the School would especially impact upon consideration of marital and/or parental status of a prospective student or employee. In addition, the religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor.

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6:14ff; Mal. 2:14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the college reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

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 the 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.

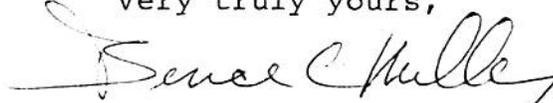
The college generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the extent that such compliance would cause the college to violate its religious tenets and traditions. The college specifically claims 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 of 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 claim an amendment to its exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the college.

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Thank you for your assistance and for your consideration of this letter. Should you have further questions or require further information, please contact Attorney David A. Haffey, who represents the School in this matter, at 3836 Dayton-Xenia Road, Beavercreek, Ohio 45432; (513) 426-3310.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bence C. Miller". The signature is written in dark ink and is positioned above the typed name.

Dr. Bence C. Miller,
President

BCM/vgw