



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

JAN 16 1990

Dr. Bence C. Miller  
President  
God's Bible School  
College and Missionary Training Home  
1810 Young Street  
Cincinnati, Ohio 45210

Dear Dr. Miller:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated October 11, 1988, and November 28, 1989, requesting a religious exemption to certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letters, you described several policies that are practiced by God's Bible School, College and Missionary Training Home (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, at 34 C.F.R. Part 106 (copy enclosed), absent a religious exemption. You have provided information 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 of November 28, 1989. (In a January 2, 1990, telephone conversation with OCR staff, legal counsel for the College clarified that the sections specified in the November 28, 1989, letter are the only sections for which exemption is requested.) The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.40, 106.51, 106.57, and 106.60. The 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 this decision is discussed in further detail below.

Your request letters indicate that the College is controlled by a Board of Trustees, a non-profit religious corporation. The Trustees of the Corporation, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College receives its entire financial support from the Corporation. This relationship between the Corporation and the College 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.

Your request letter of October 11, 1988, indicates that the College adheres to biblical tenets for matters of faith and practice. The College "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." Based on these tenets, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

Your October 11, 1988, request letter indicates that personnel accept religious standards in the performance of any religious role or office in which gender distinctions may be required. Based on these practices, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment). This exemption is limited to those employment positions that are restricted on the basis of sex in accordance with the College's religious tenets.

Other sections of the Title IX regulation mentioned in your letters are clarified here for your information. Section 106.15(d) exempts private undergraduate institutions from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. Graduate programs are not exempt under the provisions of § 106.15 from the admissions and recruitment requirements of Subpart C. It is the practice of OCR to grant a religious exemption to § 106.21(c) when specifically requested, as in this case, so that programs or activities not undergraduate in nature are exempt where the application of that section of the regulation conflicts with the religious tenets practiced by the College. Sections 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable.

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.

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I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Mr. Kenneth A. Mines  
Regional Civil Rights Director  
Office for Civil Rights, Region V  
U.S. Department of Education  
401 South State Street, Room 700C, 05-4010  
Chicago, Illinois 60605-1202.

Sincerely,



William L. Smith  
Acting Assistant Secretary  
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V