



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

SEP 24 1985

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Dr. Warren E. Bathke
President
Grace College of the Bible
1515 South 10th Street
Omaha, Nebraska 68108

Dear President Bathke:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Grace College of the Bible's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In the original request (copy enclosed), former President Benton described certain policies practiced at Grace College of the Bible as 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. Grace College of the Bible has supplied information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with a specific section of the Title IX regulation. Therefore, I am granting Grace College of the Bible an exemption to the section of the Title IX regulation appropriate to the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Grace College of the Bible is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.34. The basis for our decision to grant this exemption is discussed in further detail below.

According to the College catalog, Grace College of the Bible is committed to a Christian philosophy of education. Every facet of the College program "is conditioned and directed by a Christ-centered, Biblical perspective." The College "seeks to prepare students for church-related, Christian ministries[,] and "[a]ll students are required to be involved in Christian service." Additionally, each member of the Board of Directors, Advisory Council and faculty is required to subscribe annually to the College's doctrinal statement. This relationship between the Christian religion and the College adequately establishes that Grace College of the Bible is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The former president stated in his original request letter that, "Grace College of the Bible does not hold to the Ordination of women to the position of Pastor" based on Biblical tenets. Thus, two areas of study offered by the College leading to possible ordination of graduates are restricted to men only: the Pastoral Ministries and the Evangelism programs. Based on this practice, the College requested exemption to § 106.34 (access to course offerings). However, the admission practices for programs such as the Pastoral Ministries and Evangelism programs are addressed more appropriately by Subpart C, in effect, § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). Grace College of the Bible is already exempt from §§ 106.21, 106.22 and 106.23 by the exemption provided to private undergraduate institutions at 34 C.F.R. § 106.15. Therefore, a religious exemption is not necessary for the admission practices to the Pastoral Ministries and Evangelism programs.

Based on this same principle, that women are not ordained, Grace College of the Bible also offers homiletics classes only to men, while women are offered courses in public speaking. Access to individual courses is appropriately addressed at § 106.34. Grace College of the Bible has requested and is granted by this letter exemption to: 34 C.F.R. § 106.34 (access to course offerings) for those courses where access is limited on the basis of sex in accordance with religious tenets.

The original request letter also indicates that, based on Biblical teachings, Grace College of the Bible does not admit divorced persons or persons married to a divorced person. Based on this principle, the College requested exemption to § 106.21(c)(4) (pre-admission inquiry as to marital status of applicants for admission). However, as noted above, Grace College of the Bible is already exempt from § 106.21. Therefore, a religious exemption is not necessary regarding pre-admission inquiries.

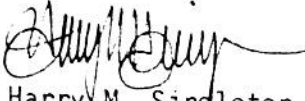
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against the institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. 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. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

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I hope this letter responds fully to the College's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High
Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
324 East 11th Street, 24th Floor
Kansas City, Missouri 64106

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Jesse L. High, Regional Civil Rights Director, Region VII