



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS  
SEP 13 1985

Dr. Homer A. Kent, Jr.  
President  
Grace College and Grace Theological Seminary  
200 Seminary Drive  
Winona Lake, Indiana 46590

Dear President Kent:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Grace College and Grace Theological Seminary filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Grace College and Grace Theological Seminary as consistent with the tenets of the religious organization that controls the College and Seminary. 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 Grace College and Grace Theological Seminary are controlled by a religious organization and that tenets followed by the College and Seminary conflict with specific sections of the Title IX regulation. Therefore, I am granting Grace College and Grace Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Grace College and Grace Theological Seminary. Grace College and Grace Theological Seminary are hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.52, 106.53, 106.55 and 106.59. Grace Theological Seminary is further exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, and 106.23. The basis for our decision to grant these exemptions is discussed in further detail below.

Your letter indicates that Grace College and Grace Theological Seminary are affiliated with the Fellowship of Grace Brethren Churches. Grace College and Grace Theological Seminary are "committed to the doctrines of God as set forth in the Bible." This relationship between the Fellowship of Grace Brethren Churches and Grace College and Grace Theological Seminary adequately establishes that the College and Seminary are controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that Grace Theological Seminary is an institution educating students to become ministers and theology instructors, positions open only to males. Based on this practice, Grace Theological Seminary has requested and is granted by this letter exemption to § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

In your letter you indicate that, based on religious tenets, only males may be professors at Grace Theological Seminary, teach Bible courses at Grace College and serve as the six administrative officers on the Advisory Committee to the President of Grace College and Grace Theological Seminary. Based on these practices, Grace College and Grace Theological Seminary have requested and are granted by this letter exemption to § 106.51 (employment, general), § 106.52 (employment criteria), § 106.53 (recruitment), § 106.55 (job classification and structure) and § 106.59 (advertising). This exemption is limited to the positions listed above.

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 Grace College or Grace Theological Seminary, 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 College and Seminary 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 College and Seminary, or if the organization denies that it controls the College and Seminary, this exemption will be rescinded.

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

Linda A. McGovern  
Acting Regional Civil Rights Director  
Office for Civil Rights, Region V  
Department of Education  
300 South Wacker Drive, 8th Floor  
Chicago, Illinois 60606

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V