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7/23*

OFFICE OF THE PRESIDENT

July 1, 1976

Office for Civil Rights  
Department of Health, Education, and Welfare  
Washington, D.C. 20201

Dear Sir:

The attached material is a response for non-compliance to certain regulatory acts of Title IX pertaining to Sex Discrimination, Part 86, Sub-Title A, Title 45, of the code of Federal Regulations.

In the Annual Meeting of its controlling body held on May 7, 1976, nine provisions of the Act, which if implemented, were identified as being in violation of and inconsistent with the religious tenets of the governing body of the Grand Rapids Baptist College and Seminary.

Apart from these particular violations, the Grand Rapids Baptist College and Seminary has for years provided equal opportunity and equal pay without discrimination, and it shall be the intent of the administration to continue to both teach and demonstrate that equality.

Sincerely,

*W. Wilbert Welch*  
W. Wilbert Welch, Ph.D.  
President

WWW:blm  
Enc.



The Grand Rapids Baptist College and Seminary has reviewed carefully the federal government (H.E.W.) regulations concerning "Non-discrimination on the Basis of Sex under Federally Assisted Education Programs and Activities," effective July 21, 1975.

The Grand Rapids Baptist College and Seminary is a private, independent, religious liberal arts College and Seminary, responsible to an evangelical Baptist constituency, supported basically by that constituency and student fees. This school neither seeks nor receives direct financial assistance from the federal government in the areas of capital expansion, special grants, equipment or operations, nor does it intend to do so. In view of the above, while it is the full intent of the school and its supporting constituency to provide equal opportunities to members of both sexes in compliance with the provisions of Act 86, the following general exceptions to the Act are herewith noted:

One - The federal agency, H.E.W., has no constitution right to determine the validity or non-validity of the religious tenets of a religious body or its private religious educational institution. The establishment of such regulations by any government agency is an infringement upon and a direct violation of a constitutional provision for the exercise of religious freedom.

Two - The provision of Act 86 whereby an institution may apply for exemption from certain regulations of the Act when compliance would be in violation of certain specific religious tenets of the institution's controlling religious body. This is in direct violation of this institution on two counts:

- (1) Such a provision if implemented by any private, religious, educational institution automatically recognizes and establishes H.E.W. as an agency properly authorized and capable of determining the validity of, the extent of, and the number of religious tenets in conflict with the regulations of the Act.
- (2) Such a provision completely disregards the historic principle of many Baptist fellowships in which there are no hierarchal structure defining or establishing their religious tenets. In such Baptist fellowships each church is autonomous and has its relationship with other churches only in the recognition of a common faith and practice and in the voluntary association of such independent churches. The exemption provision as stated negates the possibility of many Baptist institutions formally applying for exemptions on the basis of conflict with the tenets of the denomination.

The following specific exceptions to the Act are likewise noted using the number and letter of Part 86, Sub-Title A, Title 45, of the Code of Federal Regulations, which appeared in the Federal Register, June 4, 1975.

- ✓ One - 86.21 (c) (1)-(4). Specifically as it relates to Seminary admission practices, prohibiting any discrimination on marital or parental status of student applicants, or any pre-admission inquiry concerning marital status.

86.57. This prohibits discrimination in employment based upon pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. The regulation requires that the College and Seminary treat pregnancy as a temporary disability, and as sufficient justification for a leave of absence with guaranteed reinstatement privileges.

86.60. This prohibits any inquiry of prospective employees concerning marital status.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We firmly believe that Biblical principles governing the qualifications for Christian service include clear instructions regarding sexual morality, and that the Bible provides clear and essential guidelines concerning the marital status of those who would be Christian leaders.

Two - 86.23 (a). A regulation which indicates a school may be required to undertake additional recruitment efforts toward one sex in order to correct a sex enrollment imbalance existing prior to the adoption of the regulations.

86.34. This regulation denies the College and Seminary the option of providing any academic course to one sex only.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We believe the Bible excludes women from the ordained ministry. Since a primary purpose of the Seminary is to prepare ministers, the Seminary shall not engage in the recruitment of women for this purpose. On the same basis the College holds open the option to conduct certain classes applicable for those preparing for the ministry.

Three - 86.31 (b)(5). This clause requires that a college not discriminate against any person in the application of any rules of appearance.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulation as a violation of our religious convictions. We believe it is within the purview of a private College and Seminary to determine grooming guidelines on the basis of differing expectations of the sexes. It is the intent and practice to maintain the Biblical identity of the sexes while upholding their equality of person, intelligence, dignity and opportunity.

Four - 86.40 (b)(1), (4), (5). These regulations include (1) that the College and Seminary may not discriminate against nor exclude any student on the basis of pregnancy or abortion; (2) that pregnancies and related disabilities be treated as any other temporary disability with respect to student health insurance; and (3) that the College and Seminary treat pregnancy as justification for a leave of absence for as long as medically necessary, with the student reinstated to the status she held when the leave began.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We believe the College and Seminary have the right to suspend any student, male or female, whose sexual practices, whether culminating or not culminating in pregnancy, are defined by the Bible as in violation of its moral standards. We further believe that the school has the right to take other appropriate disciplinary actions, which may include the forfeiture of academic credit for a given semester in which such an infraction occurs.

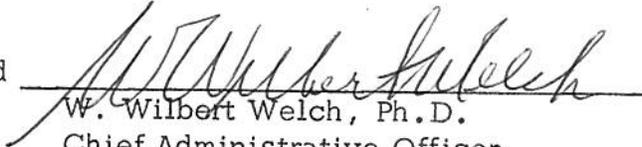
Five - 86.51 (a)(1), (2). This regulation requires the College and Seminary to end discrimination between sexes in all hiring.

86.55 (a). Related to the above, this paragraph states that the College and Seminary cannot classify a job as being for males or females.

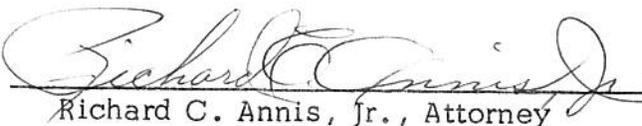
RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulation as a violation of our religious convictions. We believe under our Biblical guidelines that men should take the positions of leadership and teaching in the church. By extension it follows that, while not totally exclusive of female leadership, certain administrative and teaching positions are more appropriate for men.

The above exceptions to Act 86 have been reviewed and approved by the Grand Rapids Baptist College and Seminary administration and its supporting church constituency in the regular Advisory Council Annual Meeting, convened the seventh day of May, 1976.

Signed

  
W. Wilbert Welch, Ph.D.  
Chief Administrative Officer

  
Eugene Berends, Ph.D.  
Chairman of the Executive Board and  
Chairman of the Advisory Council

  
Richard C. Annis, Jr., Attorney  
Secretary of the Executive Board and  
Clerk of the Advisory Council