



June 2, 2016

Seth M. Galanter, Principal Deputy Assistant Secretary
U.S. Department of Education, Office for Civil Rights
400 Maryland Avenue S.W.
Washington, DC 20202-1100

Re: Request for Additional Information

Dear Mr. Galanter:

Indiana Wesleyan University (IWU or University) is in receipt of your letter from May 13, 2016, whereby the U.S. Department of Education, Office for Civil Rights (OCR) has requested additional information to support the University's Title IX religious exemption request. Specifically, the OCR is requesting clarification on whether The Wesleyan Church controls the University.

There are three key documents that illuminate the authority and control The Wesleyan Church exerts over the University: (1) *The Discipline of The Wesleyan Church*, (2) the *General Board Standards of The Wesleyan Church for Educational Institutions*, and (3) the "Articles of Incorporation of Indiana Wesleyan University". Each of these documents will be highlighted below.

The Discipline of The Wesleyan Church

In *The Discipline of The Wesleyan Church*, the general duties of the Church's Education and Clergy Development Division are given. One of the primary duties cited is to:

Give leadership to and oversee the educational institutions of Wesleyan Higher Education (2365:2)¹ ensuring that biblical Wesleyan theology and values are reflected in every discipline and that the vision and purpose of the educational

¹ *The Discipline of The Wesleyan Church*: <http://www.wesleyan.org/d/XgmYw/2012WesleyanDiscipline.pdf> (last accessed 5/31/16).

institutions and approved seminaries is aligned with and complementary to the vision and purpose of The Wesleyan Church (2341).²

The Discipline goes on to state that, “Ultimate authority over the educational institutions of The Wesleyan Church rests with the General Conference (1590:13).” In practice this authority is delegated by the General Conference to the General Board, who has the power to (1) establish, merge, or dissolve an educational institution; (2) provide for and deal with all matters pertaining to charters and bylaws; (3) appoint Board of Trustees for the institution; and, (4) to revise The Wesleyan Church’s *Standards of the General Board for Educational Institutions* (2362:1-4).³

Standards of the General Board for Educational Institutions

In order to effectuate its control over Wesleyan educational institutions and their ongoing service to the public (GB-1102), the Church abides by the *Standards of the General Board for Educational Institutions*, a copy of which is enclosed for your convenience. According to the *Standards*, “The structuring of the control of Wesleyan educational institutions shall be such as to perpetuate these institutions as a responsible arm of the total ministry of The Wesleyan Church.” (GB-1104). These *Standards* “set forth the detailed regulations by which the GB [General Board] carries out the delegated responsibility of controlling and operating the educational institutions of The Wesleyan Church.” (GB-1176).

In describing the governance of Wesleyan higher education, the *Standards* reveal:

The Church does not believe that education should be isolated from the mainstream of church life. Therefore it attempts to integrate even the governance of its institutions of higher learning with the governance of the Church itself. The General Conference systematizes the financial contributions of its congregations in support of the education institutions, defines certain broad patterns of governance, and then delegates all further power to the GB. The GB in turn determines the *GB Standards for Educational Institutions* and serves as or elects the board of control of each institution. Each board of control is so constituted and its powers so defined as to provide for the integration of the school and the denomination (GB-1124).

Articles of Incorporation

Control of Indiana Wesleyan University is not just memorialized in denominational documents, but also in the institution’s “Articles of Incorporation”, also included for your reference. Article III declares, “This corporation shall be under the control, supervision,

² *Id.*

³ *Id.*

and patronage of The Wesleyan Church as successor of The Wesleyan Methodist Church of America. The General Conference of said Church shall make regulations from time to time for the general control and to provide for the management of the University.”

While stewardship of the University is delegated to the Board of Trustees, the “Articles of Incorporation” are very clear that ultimate authority resides with the General Board of The Wesleyan Church:

In the event that the Board of Trustees fail for any reason to govern, to manage, or to control the University in agreement with the bylaws and the *Standards for Educational Institutions of The Wesleyan Church*, the General Board of Administration of The Wesleyan Church may assume full responsibilities to govern, to manage, and to control the University including the right to the title of the existing property and assets of the University; providing that the then existing mortgages, liens, or other obligations shall be equally binding upon the General Board of Administration of The Wesleyan Church acting in the capacity of and as successors to the Board of Trustees of the University (Article III, paragraph four).

These three documents speak to the continued interwoven relationship between IWU and The Wesleyan Church. While there is operational autonomy granted through the Board of Trustees, ultimate dominion over the University belongs to The Wesleyan Church.

I trust you will find these documents helpful in making your determination; however, should you have further questions, please do not hesitate to contact me.

Thank you again for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Wright".

David Wright, PhD

President, Indiana Wesleyan University