

9-2-572



# JOHN WESLEY COLLEGE

The World ...Our Parish

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May 5, 1989

Assistant Secretary for Civil Rights  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

RE: Title IX Exemption Application

Ladies and Gentlemen:

John Wesley College hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to Sections 901 (a) (3) and 908 of Title IX and 34 C.F.R. Section 106.12(b). The College believes that it may in the past have received, and may currently be receiving, indirect federal aid within our understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

John Wesley College is established as a four year interdenominational, co-educational, evangelical, Bible college and accredited by the American Association of Bible Colleges. The College is controlled by John Wesley College Incorporated (the "Corporation"), a non-profit religious corporation which was incorporated in the State of North Carolina in 1932 as a Christian institution of higher education under the control of the Board of Trustees, is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c) (3) of the Internal Revenue Code. The Trustees of the Corporation and the faculty, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, and the College is completely governed by its Board of Trustees and receives financial support from religious organizations who espouse the same religious doctrine and faith as the Corporation. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The College adheres to biblical tenets for matters of faith and practice, following its religious tradition. It specifically utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common religious understanding of the religious beliefs, values and purposes that guide the educational mission of the College. Accordingly, the personnel of the College accept religious standards in matters of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required. The Holy Bible sets forth the standards for Christian

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morality and practice in far too many places and forms to be identified comprehensively in this letter; however, see for example, Exodus 20:6; John 14:15, 21, 23; Deuteronomy 10:12; Psalm 97:10; Genesis 6:2, 5; Deuteronomy 7:4; Matthew 19:9; Romans 7:2,3; I Corinthians 7:11.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, marriage and residential living environments and standards. It specifically 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.

The College adjudicates matters of moral behavior including the misuse of human sexuality, in accordance with Scriptural teaching about moral behavior.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationship and provide a moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interprets its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds (see, for example, I Cor. 5:7; Col. 3:5, II Cor. 6:14 ff; Malachi 2:14b-16a; Matthew 5:31) and offending person cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices as described above.

The College hereby requests exemption from the application of the following provisions of the Title IX regulations, to the extent that they conflict with the College's religious tenets and traditions as described above: 34 C.F.R. (Sections 106.21(c), 106.40, 106.57 and 106.60.

There are a number of issues central to the religious beliefs and practices of the College that may not have been discussed in this letter because of our understanding that no specific exemption is required. For example, the College believes that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the College to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Additionally, pursuant to 34 C.F.R. Section 106.15(d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the College because it is a private institution of undergraduate higher education. Finally, the College understands that Sections 106.32 and 106.33 permit the College to provide separate, although substantially comparable, housing bathroom, locker room and similar facilities for men and women.

The College generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the