



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1988

Gilbert A. Peterson, Ed.D.
President
Lancaster Bible College
901 Eden Road
Lancaster, Pennsylvania 19047

Dear Dr. Peterson:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your September 28, 1988, request for religious exemption from Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation 34 C.F.R. Part 106 (copy enclosed). Your letter of January 9, 1989, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

In your letters, you supplied information that establishes that Lancaster Bible College (College) is controlled by a religious organization and that the tenets followed by this organization conflict with specific sections of the Title IX regulation. You described in your request several policies and practices at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate specific sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption from the sections of the Title IX regulation specified in your letters. The College is hereby granted an exemption from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.40, 106.57, and 106.60. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis of our decision to grant this exemption is discussed in further detail below.

Your letter of September 28, 1988, indicates that the College is controlled by, and receives all of its financial support from, the Corporation and the Board of Trustees of Lancaster Bible College. The College is not affiliated with any denomination or association, but seeks to function in cooperation with all churches that are committed to the historic, orthodox Christian faith. The charter of the Corporation contains explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the directors of the Corporation, faculty, students and employees of the College are required to espouse a personal belief in the religious tenets of the Christian faith. This relationship between the Corporation and the Board of Trustees and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. Section 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Corporation and adheres to Biblical tenets for matters of faith and practice, following its religious tradition. Thus, certain conduct of a sexual nature outside of marriage by the College's personnel and students would violate religious tenets regarding moral behavior and standards.

Based upon the information submitted, the College is granted by this letter, exemption from 34 C.F.R. Sections 106.40 (marital and parental status of students); 106.57 (marital and parental status of employees); 106.60 (pre-employment 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 your 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 College are not based on the religious tenets of the controlling organizations, OCR is obligated to contact the controlling organization to verify those facts. If the organization provides an interpretation of the 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.

I hope this letter responds to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office at this address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772.

Sincerely,



Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III