

# JOSEPH C. ALDRICH

P R E S I D E N T

December 8, 1988

Mr. Gary D. Jackson  
Regional Civil Rights Director  
Office of Civil Rights  
Department of Education, Region X  
2901 Third Avenue, Room 100  
Seattle, Washington 98121-1079

Re: Title IX Exemption Application

Dear Sir:

Multnomah School of the Bible 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).

Multnomah School of the Bible is a professionally accredited Bible college, offering courses of instruction in the Bible, theology and Church ministries subjects along with some humanities, arts and social sciences. Its accreditation, which it has enjoyed since 1952, is with the American Association of Bible Colleges, a recognized accreditation agency listed with the United States Department of Education.

The college is controlled by Multnomah School of the Bible, a non-profit religious corporation which was incorporated in the State of Oregon in 1936 as a Christian institution of higher education under the control of a Board of Trustees and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. As a non-denominational corporation, Multnomah School of the



Bible is controlled by a Board of Trustees rather than a particular religious organization. Nevertheless, those Trustees (see attached list) are members of specific, local Protestant evangelical churches, and annually sign a corporation doctrinal statement of faith. They administer the corporation on behalf of the over 2000 interested greater Portland, regional and Northwest non-denominational and denominational congregations of which 55 form the nucleus of the institution's financial support and some 388 to 462 the student population base, and another 378 the recruitment base. Based on these facts, it is our understanding that the Office for Civil Rights does consider the Corporation as a religious organization (see attached memo from Philip G. Kiko). 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 set forth in the school's catalog, pg. 89 (attached). The Charter of the Corporation and the catalog 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 and receives its entire financial support from the religious organization defined herein as the Corporation and its constituency. 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 morality and practice in far too many places and forms to be identified comprehensively in this letter; however, see for example:

1. Gender Distinctions: Genesis 1:26-28; 2:7-25; Leviticus 18; I Corinthians 11:3-12; I Timothy 2:9-15. God who made mankind in His Own Image, made them male and female, a gender distinction carefully, and preciously

preserved in the Bible's teachings on human, personal and social relations.

2. Martial and Parental Status: above references, and Ephesians 5 and 6; I Corinthians 7; Exodus 20:12 and 21:17; Leviticus 18; 19:3 and 20; Deuteronomy 5 and 6; I Corinthians 6:9-20. Our understanding of the Bible's emphasis is upon the sacredness, uniqueness, total-lifetime commitment and special obligations and needs of the married.

3. Religious Gender Distinctions for a) faculty administration-staff religious office, b) staff and student recruitment, c) staff and student advertising, d) student employment assistance, e) student training for religious office through ministerial or pre-ministerial programs and f) job classification: above references under #1 Gender Distinctions, and the following: Mark 3:13-19; Acts 1:15-26; 6:1-7; 14:23; 20:17-38; I Timothy 2:9 through 3:13; Titus 1:5-9. Multnomah believes in an operational hierarchy in which God through His Bible consistently places men at the forefront of responsibility and accountability in religious ministrations and administration.

The college seeks to maintain its religious freedom to make certain gender distinctions for the sake of moral behavior, and in matters of 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. See, for example: Exodus 20:14; Leviticus 18 and 20; Romans 1:24-32; I Thessalonians 4:1-8; I Corinthians 6:9-20. Here, so called alternative lifestyles (homosexuality, lesbianism, and other deviant sexual practices including bestiality), pre-marital and extra-marital sexual liaison are believed to be clearly and soundly condemned.

(The college has not previously applied for a religious exemption

from certain of the provisions of Title IX). In light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provision of Title IX and the regulations thereunder that are applicable to the college, this request for exemption is being submitted at this time in order to establish the scope of the exemption desired by the college

The college hereby requests specific 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:

- I. 34 C.F.R. Sections 106.21(c) 106.40, 106.57 and 106.60 (treatment based on marital and parental status):
  - a. Multnomah reserves the right to take action appropriate to its religious tenets listed above (like immediate dismissal) regarding unmarried, pregnant student(s) and staff; any student(s) or staff espousing and/or engaged in practicing pre-marital, extra-marital or group sexual liaison; or in any alternative, non-heterosexual lifestyles (homosexuality, lesbianism, or other sexual deviations identified in Holy Scripture like bestiality) or in physically or sexually abusing children or spouse.
  - b. Multnomah reserves the right of refusal in student admissions and in staff employment and service for any and all of its programs of education and service those of alternative, deviant, non-heterosexual, promiscuous or abusive lifestyles (as mentioned above for immediate dismissal) and those divorced and single parent applicants.
  - c. Multnomah reserves the right of maintaining totally separate student housing differentiated by gender, and to have student regulations and policies distinguished by gender, or policies applicable to single, but not to married students living in school campus housing.
  - d. Multnomah reserves the right to provide specialized programs for married students without comparable services for singles, such as the Family Christian Service under the Student Ministries program because of its specificity toward marital issues based on its religious tenets.

- II. Section 106.51 (employment opportunities for religious offices or positions such as college chaplains limited by religious tenets to one gender), together with any application of Sections 106.53 (recruitment of employees), 106.55 (job classification and structure) or 106.59 (advertising) that relates to such employment opportunities that are limited to one gender by the religious beliefs of the college.
- a. Multnomah, based on its religious tenets, respects the primacy of appointing men to the teaching of biblical theological and Church ministry subjects, and to the governance of religious bodies such as itself through its Board and administration. Hence, while women are not excluded from such roles, the school reserves for itself the right to define recruitment and hiring or appointment practices consistent with those emphases, without attempts at equal apportionment by sex.
  - b. Because of its religious tenets about the uniqueness of genders by God's creation, no opposite gender person will be placed as Residence Director(s) and Assistants for housing devoted exclusive to another gender.
- III. Section 106.31 (education programs and activities), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender), Sections 106.36 (counseling), and 106.38 (employment assistance to students):
- a. Multnomah reserves the right to limit study opportunities in certain programs like the undergraduate Pastoral professional ministries program, and in the graduate Master of Divinity program because of gender-differentiation in accordance with the above cited religious tenets and biblical understanding. Further, while Multnomah does not now practice gender differentiated matriculation in its ministerial programs, it reserves that right in counseling women students, to direct them primarily, but not exclusively, to alternative programs or courses.
  - b. Multnomah reserves the right to provide special alternative course(s), or even whole program(s) and to mandate curricular requirements for one gender of students unavailable, not recommended, or targeted uniquely to the other gender based on its religious

tenets and biblical convictions:

- 1) For women alone or primarily: PT 302 Advanced Homiletics is not required for women in the BA in theology degree program; CM 314 Message Preparation can be substituted by women on petition in place of PT 304 Homiletics; the curricular program Women's Ministries professional specialization in the undergraduate level, and the Master of Sacred Ministry's Women's Ministry is primarily targeted for women, but men are not forbidden from matriculation or completion.
  - 2) For separate gender: Student ministry leadership training by gender as Resident Advisers as part of required student ministry program.
  - 3) For Resident Director and Assistants working under each separate and respective gender Dean, working in gender differentiated housing through recruitment, training and supervision programs unique to that gender.
- c. Multnomah reserves the right not to apportion equal opportunities for both genders in all its chapel programs, to maintain distinctive and separate single student chapels by gender with separate married student's chapels and to plan programs like spiritual emphasis days of prayer along gender differentiated groupings and meetings based on its biblical beliefs.
  - d. Multnomah reserves the right to maintain distinctive student spiritual fellowship groups distinguished by gender.
  - e. The college reserves the right in its employment assistance to not refer women to openings it believes are inappropriate to and an endangerment of that gender based on its religious beliefs.
  - f. While Multnomah distributes its student scholarship funds on a first come first served basis, it reserves the right to apportion the distribution of those funds without parity by gender.
  - g. Multnomah reserves the right not to apportion athletic department staff and operational budgets or programs in parity by gender. It believes that its curriculum in physical education, while affording at virtually all levels opportunities for separate genders, or providing full co-educational opportunities, may still need to be sectioned by gender because of its religious tenets

(like in the area of Aerobics).

There are an 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 and graduate 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.

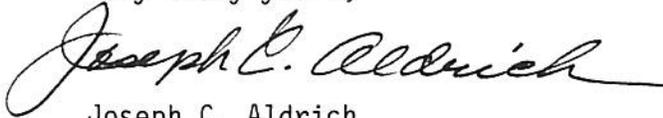
The college generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the extent that such compliance would cause the college to violate its religious tents and traditions. The college specifically claims its right to exercise a religious preference in its employment decisions, pursuant to Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the Supreme Court in Corporation of the Presiding Bishop v. Amos, 107 S. Ct. 2862 (1987). In seeking to provide equal employment opportunities for men and women, the college shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs, heterosexuality, lifestyle and practice are consistent with the Christian tenets, principles and traditions accepted by the college and the Corporation.

In the event of future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the college and the burden of such statute and regulations on the college's ability to pursue its religious mission, the college reserves its right to apply to the

Department of Education for an amendment to its exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the college.

Thank you for your assistance and for your prompt consideration of this letter. If you have any questions or require any further information, please contact Dr. Joseph Y. Wong, who is the Vice President of Educational Development at Multnomah School of the Bible, Portland, OR. (503)255-0332, Ext. 357.

Very truly yours,

A handwritten signature in cursive script that reads "Joseph C. Aldrich". The signature is written in black ink and is positioned above the typed name and title.

Joseph C. Aldrich  
President

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Enclosures