



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

MAY 31 1989

Dr. Joseph C. Aldrich
President
Multnomah School of the Bible
435 Northeast Glisan Street
Portland, Oregon 97220

Dear Dr. Aldrich:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Multnomah School of the Bible's (Multnomah) request for religious exemption to Title IX of the Education Amendments of 1972. You submitted a letter dated December 8, 1988, requesting a religious exemption, and this request was clarified by Multnomah's Vice President of Educational Development (Vice President) in a telephone conversation of February 27, 1989, with OCR staff.

You have described certain policies that are practiced by Multnomah as being consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have provided information that establishes that Multnomah is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Multnomah an exemption to those sections of the Title IX regulation appropriate to your request. Multnomah School of the Bible is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.31, 106.36, 106.38, 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Multnomah. The basis for this decision is discussed in further detail below.

Your letter of December 8, 1988, indicates that Multnomah is a professionally accredited bible college and was incorporated as a Christian institution under the control of a board of trustees. The trustees are members of local Protestant evangelical churches and sign annually a doctrinal statement of faith. The trustees, faculty, employees, and students of Multnomah are required to espouse a personal belief in the religious tenets of the Christian faith. Multnomah's official publications contain explicit statements that Multnomah is committed to the doctrines of the Christian religion. The requirement that the trustees, faculty, employees, and students of Multnomah espouse a personal belief in the Christian faith and the statements of commitment to the Christian faith in official publications adequately establishes that Multnomah is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your request letter indicates that Multnomah adheres to biblical tenets for matters of faith and practice. Multnomah "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." Based on these tenets, Multnomah has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries).

Your request letter indicates that certain administrative and faculty positions are restricted to men in accordance with religious tenets. Such positions are related to governance of religious bodies, such as Multnomah, and to teaching biblical, theological, and Church ministry courses. Based on these practices, Multnomah has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising).

Multnomah reserves the right, according to your request letter, to offer separate chapels, spiritual emphasis days of prayer, meetings, and spiritual fellowship groups on the basis of sex, based on Multnomah's religious tenets. Thus, Multnomah has requested, and is granted by this letter, exemption to: 34 C.F.R. § 106.31 regarding education programs and activities.

Your letter also requests exemption to § 106.34 (access to course offerings) and § 106.36 (counseling and use of appraisal and counseling materials). In a telephone conversation of February 27, 1989, with OCR staff, the Vice President clarified that all education programs are open to men and women, but indicated that women would be counseled against an undergraduate degree in theology or a master's degree in divinity since most churches do not ordain women as ministers. Based on these practices, Multnomah has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.36 regarding counseling. However, Multnomah has not demonstrated a conflict between its practices as based on its religious tenets and the requirements of § 106.34 regarding access to courses. Multnomah may submit a request for an exemption to this section at such time as it determines students should be excluded from certain courses on the basis of sex in accordance with the institution's religious tenets.

Your request letter and OCR's telephone conversation with Multnomah's Vice President indicate that Multnomah does not refer female students to employment positions it considers inappropriate for women, as based on its religious tenets. In addition, certain employment positions at Multnomah may be offered on the basis of sex in accordance with Multnomah's religious tenets. Based on these practices, Multnomah has requested, and is granted by this letter, exemption to 34 C.F.R. § 106.38 regarding employment assistance to students. This exemption is limited to the extent that compliance with this section conflicts with Multnomah's religious tenets and that requests from outside agencies for gender specific references are for positions which Multnomah itself would limit to students of one sex, in accordance with its religious tenets, were such positions available at Multnomah.

Your letter also indicates that student scholarship funds are distributed on a "first come first served" basis, and that Multnomah reserves the right to distribute such funds without parity by gender. Multnomah's basic practice does not, at this time, demonstrate a conflict with § 106.37 of the Title IX regulation regarding financial assistance for students. Multnomah may request an exemption to this section at such time as students are denied scholarship funds on the basis of sex in accordance with Multnomah's religious tenets.

Your letter also made reference to athletics programs at the institution which are covered by § 106.41 regarding athletics. The Vice President of Educational Development clarified that an exemption to § 106.41 was unnecessary.

Other sections of the Title IX regulation mentioned in your letter are clarified here for your information. Section 106.15(d) exempts private undergraduate institutions from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23 regarding admissions and recruitment. Graduate programs are not exempt under the provisions of § 106.15 from the admissions and recruitment requirements of Subpart C. In addition, §§ 106.32 and 106.33 permit separate housing and facilities on the basis of sex where such housing and facilities are comparable.

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 institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Seattle Regional Office for Civil Rights. The address is:

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
915 Second Avenue, Room 3310 - 10-9010
Seattle, Washington 98174-1099.

Sincerely,


William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Gary D. Jackson, Regional Civil Rights Director, Region X