



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

SEP 23 1988

Dr. D. V. Hurst
President
Northwest College
of the Assemblies of God
P.O. Box 579
Kirkland, Washington 98083-0579

Dear Dr. Hurst:

This is in response to your July 29, 1988, request that the Northwest College of the Assemblies of God (the College) be granted an exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your letter, you described certain policies practiced at the College 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 supplied information in your request letter that establishes that the College is controlled by a religious organization and that the tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letter. Your letter requested exemption from 34 C.F.R. § 106.20(c); however, since there is no such section, staff of the Seattle Regional Office for Civil Rights (OCR) raised this matter in a telephone conversation on August 23, 1988, with Dr. Randall K. Barton, Vice President for Development. At that time, Dr. Barton confirmed that the request should have read 34 C.F.R. § 106.21(c).

In addition, you have filed your request in response to a complaint filed in reference to the College's student health insurance plan. The requirement of 34 C.F.R. § 106.39, which pertains to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. In the August 23, 1988, telephone conversation with regional staff, Dr. Barton requested, on behalf of the College, an exemption from this provision of the regulation. Accordingly, I am granting the College an exemption to that section as well.

Northwest College of the Assemblies of God is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is owned and controlled by the General Council of the Assemblies of God (General Council). The Articles of Incorporation and By-Laws of the College state that the College is committed to the doctrines of the General Council, and the College is completely governed by the Assemblies of God. This relationship between the College and the General Council, supports a determination that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

Your letter states that the College adheres to the fundamental precepts contained in the "Statement of Fundamental Truths" adopted by the General Council and that the personnel and students 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 letter further states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letter also states that these same tenets apply to employees of the College. Based on this principle, Northwest College of the Assemblies of God is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the College.

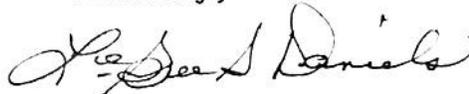
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. Since a complaint has been filed against the College regarding the exclusion of pregnancy and related conditions from the student health insurance plan, OCR will have to determine the extent to which the College's religious tenets conflict with the regulatory provisions regarding the coverage of pregnancy and related conditions for students. The Seattle OCR will contact you further regarding this matter. Similarly, in the event OCR receives future complaints against your institution, OCR will be obligated to determine 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.

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

Mr. Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
U.S. Department of Education
2901 Third Avenue, Room 100 - 10-4010
Seattle, Washington 98121-1042

Sincerely,

A handwritten signature in cursive script, appearing to read "LeGree S. Daniels".

LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

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