



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1992

W. Sherrill Babb, Ph.D.
President
Philadelphia College of Bible
Langhorne Manor
Langhorne, Pennsylvania 19047

Dear Dr. Babb:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your November 18, 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 April 3, 1989, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

Your request described several policies at Philadelphia College of Bible (College) as consistent with the tenets of the religious organization that controls the College. These policies would conflict with the regulation implementing Title IX absent a religious exemption. You have supplied information that establishes that the College, although denominationally unaffiliated, serves a constituency that represents conservative, evangelical Protestants and is led by a board of trustees, administrators, faculty and staff which is committed to the authority of the Bible in matters of curriculum and life. You have also supplied information which establishes that tenets followed by the constituency served by the college organization conflict with specific sections of the Title IX regulation. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.21(c)(2), 106.39, and 106.57. 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 letters of November 18, 1988, and April 3, 1989, indicate that the College is incorporated, and the Charter of the Corporation contains explicit references to the doctrines of the Christian religion. The College is controlled by a Board of Trustees, and the trustees, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. This relationship between 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 its conservative evangelical Protestant tradition. The College, its students and employees must adhere to Biblical tenets for matters of curriculum and life. Thus, conduct such as the termination of a pregnancy, except when the mother's health is in jeopardy, would violate religious tenets regarding moral behavior. Based upon these principals, the College has requested and is granted by this letter, exemption to 34 C.F.R. Sections 106.21(c)(2), regarding treatment of students based upon marital and parental and status; 106.39, regarding health and insurance benefits and services; and 106.57, regarding treatment based upon marital and parental status in employment.

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 organization, 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