Alaska Bible College

Box 289, Glennallen, Alaska 99588
Telephone Area Code 907-822-3201

Partners

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September 27, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Alaska Bible College 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).

Alaska Bible College is a nationally accredited Bible college, offering courses of instruction in Bible, General Education, and Christian Ministry. The college is controlled by SEND International of Alaska (formerly Central Alaskan Missions, Inc.) a non-profit religious corporation originally incorporated in 1936 and incorporated in the State of Alaska in 1956. SEND is under the control of a board of directors and is exempt from federal income taxation as a not-for-profit religious institution under Section 501 (c) (3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. 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. Faculty members at the college are missionaries under and members of SEND International, a religious order, and have raised their support from interested churches and individuals. 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 Romans 13: 8-10, 13-14; Ephesians 5:1-13.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Hebrews 13:4, I Corinthians 6: 9-10, 18.

The college hereby requests 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: 34 C.F.R Sections 106.21 (c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tents to students of one gender) and section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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 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 tenets 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 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 Gary J. Ridley, Sr. who is President of the college, at 907-822-3201.

Very truly yours,

Gary J. Ridley
President

GJR/sln

AMERICAN INDIAN BIBLE COLLEGE

10020 North Fifteenth Avenue
Phoenix, Arizona 85021-2199

Telephone: (602) 944-3335
Office of the President

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cy: AS
DAS (Lewis)

October 11, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of the American Indian Bible College (the "College"), to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R., section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is controlled by the Arizona, Arkansas, New Mexico, North Texas, Northern California-Nevada, Oklahoma, Rocky Mountain, South Texas, Southern California, and West Texas District Councils of the Assemblies of God ("District Councils"). The District Councils are associations of churches in the states of Arizona, Arkansas, California, Colorado, Nevada, New Mexico, Oklahoma, Texas, and Utah. The Districts are members of The General Council of the Assemblies of God ("General Council") -- an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c) (3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District councils are religious organizations.

Further, the Constitution and Bylaws (enclosure 4) of the College demonstrate that the College is controlled by a religious organization (the District Councils). Article II, Section 1 of the College's constitution and bylaws provides in relevant part, that:

> The American Indian Bible College of the Assemblies of God, Inc. shall be sponsored by the following entities which shall exercise complete control of the Corporation through a Board of Directors:

a. The General Council of the Assemblies of God through its Division of Home Missions

b. The six founding District Councils: Arizona, West Texas, New Mexico, Rocky Mountain, Northern California-Nevada, and Southern California . . . .

c. Other District Councils, concerned with American Indian missions, which may become members in the future.

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths" -- a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R., sections 106.20(c), 106.40(b), and 106.57, would conflict

106.21(c)

with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) an unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

David J. Moore

David J. Moore
President

DM:jo

Enclosures

cc: Ms. Maye Miller-Bozeman
Richard R. Hammar, Esq.

Andrews University Berrien Springs, Michigan 49104 (616) 471-7771

President

July 15, 1976

Dr. F. David Mathews, Secretary
Department of Health, Education, and Welfare
330 Independence Avenue, N.W.
Washington, D. C. 20201

Dear Dr. Mathews:

I am sending you a statement concerning the relationship of Andrews University to Title IX. We published a year ago the following statement in the local publications such as The Herald Palladium, Saturday, October 18, 1975; The Journal Era, Wednesday, October 15, 1975; The Student Movement, Tuesday, October 21, 1975; the Weekly Announcement Sheet, Thursday, October 16, 1975; Andrews University Focus, November 1975; and included it as an insert with the faculty and staff payroll checks of Thursday, October 16, 1975.

> Andrews University has reviewed its relationship with Title IX and asserts that it does not discriminate on the basis of race, color, national origin or sex in admission, employment, or educational programs and activities, except where provisions of the law conflict with the Ten Commandments and with the moral teachings of Scripture as understood by the Seventh-day Adventist Church. Inquiries may be directed to the President of the University.

The following statement now requests exemptions from specific provisions of Title IX.

> Andrews University is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.
>
> Andrews University is committed to equal educational and employment opportunities among its students or employees or among applicants for admission or employment. The University is in substantial compliance with the requirements issued by the United States Department of Health, Education, and Welfare under Title IX of the Educational Amendments Act of 1972.
>
> Andrews University believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Andrews University is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Chruch. It also is obligated to apply church standards with respect to appearance, including those differentiating between men and women.

Andrews University claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(b), and 86.31, insofar as they conflict with church teachings and practices on morality, deportment, and appearance.

We appreciate the provisions to allow specific exemptions in Title IX.

Very sincerely yours,

Joseph G. Smoot
President

r

APPALACHIAN BIBLE INSTITUTE

BRADLEY, WEST VIRGINIA

25818

OFFICE OF THE PRESIDENT

November 30, 1976

Director: Office for Civil Rights

The Appalachian Bible Institute, Incorporated, is a professional Christian educational institution which has as its sole objective the providing of a Biblical educational environment in which Christian men and women may prepare themselves for Christian service in church-related ministries.

The Appalachian Bible Institute holds that the Bible teaches that the pastoral office and preaching are reserved for men (I Timothy 2:12; 3:1-8). Those courses specifically designed for pastoral preparation, such as Homiletics and Pastoral Theology, are not required of females. Women may elect courses in the Bible-Pastoral Studies program but they may not graduate from it.

Inasmuch as sexual intercourse apart from marriage is forbidden in the Bible (I Corinthians 4:3; Hebrews 13:4), the Appalachian Bible Institute disciplines both a man and a woman student who are involved in a violation of this standard.

We, therefore, request exemption from compliance in these areas under Title IX, 86:10 and 86:12.

Lester E. Pipkin

Lester E. Pipkin
President

no tenet cited; unsigned statement

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Asbury College – Kentucky
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

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[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

HEW—639 (7/76)

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[x] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Dr. J. Paul Ray
(name of employee)

CPO Box 632, Asbury College, Wilmore, KY 40390
(office address)

606-858-3511, Ext. 233
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[x] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ .
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 30, 1976

Asbury College
(Insert name of Applicant)

By Dennis F. Kinlaw
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

GPO 906-517

Asbury College
Wilmore, Kentucky 40390
606/858-3511
Dennis F. Kinlaw, president

Asbury College is an undergraduate institution of higher education, controlled by an independent board of trustees, and bound by Articles of Incorporation that commit it to the fundamental doctrines of the Protestant Christian faith as found in the Bible. Its faculty and staff are required to believe in those doctrines and are charged with operating an educational program consistent with those doctrines. As such an institution it finds itself concerned with 45 C.F. R. Part 86 at four points:

1) The sanctity and the permanently binding character of marriage vows,
2) the legitimacy of sexual relations only within marriage,
3) the sanctity of human life, including fetal life,
4) and the divinely established differences between the sexes.

We therefore reserve the right to make inquiry about marital status (86.21 (c) (4), 86.60 (a) in order to present proper models to our academic institutional community. This right has not and will not be used to discriminate against one sex or for one sex.

We reserve the right, if future interpretation of Sections 86.21 C, 86.40 (a), (b) (1) (5), and 86.57 make it necessary, to continue to treat pregnancy and abortion as moral/ethical matters.

We reserve the right to differentiate in our community life on occasion between the male and the female (Sections 86.31 (b) (4), (5) (d), 86.34 (f). This is not to discriminate or to perpetuate any stereotyped characterizations of one or the other sex. It is to acknowledge the divinely established difference between a man and a woman and that a true self-understandin is an appropriate goal in human education.

Dennis F. Kinlaw
President

FRANK BATEMAN STANGER
PRESIDENT

ASBURY THEOLOGICAL SEMINARY
WILMORE, KENTUCKY 40390 (606) 858-3581

OFFICE OF THE PRESIDENT

June 2, 1977

"Attachment"

Claim for Exemption
Under Section 86.12

Asbury Theological Seminary is a graduate professional school of theology, organized for the purpose of training men and women for Christian ministry. The Seminary is a confessional institution, adhering to certain religious persuasions as set forth in its Articles of Incorporation. No person may be elected to the Board of Trustees, to an official position in the corporation, or employed as an administrator or faculty member unless that person fully subscribes to the theological tenets upon which the Seminary was founded.

Sections D, E and G of Article IV of the Seminary's Articles of Incorporation are reproduced below. These paragraphs have likewise been printed in the Seminary's 1976-1977 catalog.

ARTICLE IV (Purpose and Doctrinal Standards)

Section D

To maintain the corporation as a Theological Seminary for the promotion of Theological Education. It will be the OBJECT of this Seminary to prepare and send forth a well-trained, sanctified, Spirit-filled, evangelistic ministry. This Seminary will emphasize in its teaching the divine inspiration and infallibility of the Holy Scriptures, the Virgin Birth, Godhead, Vicarious Sufferings, and bodily resurrection of our Lord Jesus Christ. The instruction of this Seminary will fully recognize the fallen estate of mankind, the necessity of individual regeneration, the witness of the Spirit, the remains of the carnal nature, and entire sanctification as a second work of grace subsequent to regeneration. The instruction in this Seminary will conform fully to the Wesleyan interpretation of the Scripture. The instructors in this institution will guard with jealous care against any sort of teaching in sympathy with modern liberalism.

Section E

No person shall be elected to the Board of Trustees, or to an official position, in this corporation, nor shall any person be employed as an instructor, in its corps of teachers who is not in full sympathy with the Wesleyan interpretation of the Scriptures on Entire Sanctification, and who does not in humble faith trust in Christ for full deliverance from all sin.

Section G

It is the FULL PURPOSE of the incorporation of this institution, and it must be the FULL PURPOSE of the Trustees, Administrators and Faculty, of the incorporation as well as all donors, givers, bestowers, and contributors to the corporation, by the use of all proper means to spread Scriptural Holiness over all these lands.

The Seminary contends that Sections 86.21 (c), 86.40 and 86.57 of Title IX are in conflict with the theological position stated in Article IV, Sections D, E and G of the Articles of Incorporation of Asbury Theological Seminary. Those portions of Title IX prohibit the Seminary from making any differentiation between a person who is pregnant within the confines of marriage and one who is pregnant outside the marital state. Asbury Theological Seminary's theology of the Christian life, as expressed in the Articles of Incorporation, affirms that pregnancy is a privilege of the marriage relationship solely.

On these grounds, applicant respectfully requests the granting of an exemption from those parts of Title IX which are inconsistent with the religious tenets of Asbury Theological Seminary.

Asbury Theological Seminary

By: _____

President

Telephone FYI
Kim

Assemblies of God Theological Seminary

1445 BOONVILLE AVENUE SPRINGFIELD, MISSOURI 65802 TELEPHONE (417) 862-3344

H. GLYNN HALL, Ed.D.
President

KANSAS R. VII
11/23
prepare for A.S. Sec.
cy: OASP-LETTER
VPES - ENTIRE PACKAGE

October 4, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Assemblies of God Theological Seminary (the "Seminary") to claim exemption for the Seminary from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

ASSEMBLIES OF GOD THEOLOGICAL SEMINARY INCORPORATED 1972 SPRINGFIELD MO.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The Seminary is controlled by a religious organization

The Seminary is a graduate-level educational institution that is owned and controlled by The General Council of the Assemblies of God ("General Council"). The General Council is an association of some 11,000 Assemblies of God churches in the United States, and it has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). I am enclosing the General Council's charter (enclosure 2) as well as a copy of its Constitution and Bylaws (enclosure 3), which will demonstrate conclusively that the General Council is a religious organization.

Article V, Section 1, of the articles of incorporation of the Seminary (enclosure 4) specifies that the Seminary "is and shall be at all controlled by The General Council of the Assemblies of God, a religious corporation organized and existing under the laws of the State of Missouri. The execution of policy and administration may be delegated, but The General Council of the Assemblies of God shall have control over all phases of the institution." Similarly, Article IV, Section 1, of the Seminary's Constitution and Bylaws (enclosure 5) specifies that the Seminary "is and shall be at all times controlled by The General Council of the Assemblies of God."

The above-quoted provision clearly demonstrate that the Seminary is owned and controlled by a religious organization (the General Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the Seminary with Title IX would conflict with specific tenets of the controlling religious organizations (the General Council).

Article VI, Section 1, of the Seminary's articles of incorporation and Article V, Section 1, of the Seminary's Constitution and Bylaws, specify that the Seminary " is bound to the Statement of Fundamental Truths and to the policies and standards as set forth in the Constitution and Bylaws of The General Council of the Assemblies of God." The General Council's Statement of Fundamental Truths (Constitution Article V) contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the Seminary with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the Seminary and its controlling religious organization. These provisions prohibit discrimination based

on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following. (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the Seminary that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the Seminary.

In summary, compliance with the anti-discrimination provisions referenced above would force the Seminary to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the Seminary with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

H. Glynn Hall

President H. Glynn Hall

HGH:je

Enclosures

cc: Richard R. Hammar

The Archdiocese of Cincinnati • 29 East Eighth St., Cincinnati, Ohio 45202

Office of the Archbishop

July 23, 1976

Dear Sir:

As Chairman of the Board of Trustees of The Athenaeum of Ohio, I hereby apply on behalf of The Athenaeum for exemption to Part 86, under Title IX of the Education Amendments of 1972, on the grounds that The Athenaeum of Ohio is controlled and operated by the Roman Catholic Archdiocese of Cincinnati.

Both divisions of The Athenaeum of Ohio - St. Gregory's College Seminary and Mt. St. Mary's School of Theology - are operated to prepare men for the Priesthood in the service of the Roman Catholic Church. Since the teaching and discipline of the Roman Catholic Church do not permit the ordination of women to the Priesthood, I feel the exemption is justified.

I state further that we require faculty and students to espouse the personal belief in the Catholic Religion, that our Board of Trustees is appointed by the Roman Catholic Archdiocese of Cincinnati and that The Athenaeum receives a significant amount of financial support from the Roman Catholic Archdiocese of Cincinnati.

Sincerely yours,

Joseph L. Bernardin

Archbishop of Cincinnati
Chairman of the Board of Trustees
of The Athenaeum of Ohio

Director of Civil Rights
Office for Civil Rights
Department of Health, Education and Welfare
Office of the Secretary
Washington, D.C. 20001

01 00 0-923

Atlantic Christian College
Wilson, N. C. 27893

August 29, 1984

Mr. William Thomas
50 Seventh Street, N.E.
Room 404
Atlanta, Georgia 30323

Dear Mr. Thomas:

I am writing to request the allowable exemption to the application of Title IX: Prohibition of Sex Discrimination. The requested exemption is provided for under Part 86: Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities, Subpart B: Coverage, Item 86.12 A and B. Based on this allowance, I respectfully request that Atlantic Christian College be allowed to prohibit unmarried pregnant females from maintaining residence in our College dormitories.

Atlantic Christian College was founded and continues to be sponsored by the Christian Church (Disciples of Christ) whose moral and ethical principles do not condone sexual relationships out of wedlock. Because one of the important ways by which the College attempts to develop the moral character of its students is role modeling, the presence of unmarried pregnant women in our dormitories clearly contradicts our efforts. The Christian Church expects the College to demonstrate through teaching, rules, and action those moral and ethical values which represent the highest achievements of mankind. Atlantic Christian College believes that the presence of unmarried pregnant females in our dormitories defines for the other women living in those dormitories undesirable moral and ethical principles. Therefore, we are requesting that you grant to us exemption from the application of this portion of Title IX. It is very important that we have your decision at the earliest possible time.

Thank you for your consideration of this request. I look forward to hearing from you very soon.

Sincerely,

James B. Hemby, Jr.
President

jbh:ls

cc Mr. Gordon Joyner
V.P. for Student Affairs

OFFICE FOR CIVIL RIGHTS
REGION IV
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AYELET HASHACHAR

teacher's seminary
for women and
institute for jewish studies

OFFICE: 707 BOLTON ROAD, FAR ROCKAWAY, N.Y. 11961

MRS. SARAH FREIFELD
DEAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Mrs. Sarah Freifeld

538 VENARD ROAD • CLARKS SUMMIT, PENNSYLVANIA 18411 • TELEPHONE (717) 587-1172

DR. MILO THOMPSON, PRESIDENT

Baptist Bible College & Seminary

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DAS (LEWIS)

October 17, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Baptist Bible College of Pennsylvania
Clarks Summit, Pennsylvania
Title IX Exemption

Dear Sir:

Baptist Bible College of Pennsylvania hereby claims 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).

Baptist Bible College of Pennsylvania is a regionally accredited Bible College, offering courses of instruction in theology, religion, Old and New Testament and also the humanities, arts and sciences. The College is a non-profit corporation incorporated under the laws of the Commonwealth of Pennsylvania and is approved by the General Association of Regular Baptist Churches,, Schaumburg, Illinois, as a Christian institution of higher education. It is exempt from federal income taxation as a not-for-profit religious educational institution under Section 501(c)(3) of the Internal Revenue Code. Its property, business and affairs are controlled by a Board of Trustees all of whom must be members of local, autonomous Baptist churches which adhere to and practice the historic religious doctrines and tenets of the Christian faith. Each Trustee and each member of the College's faculty, staff of employees and its student body are required to espouse a personal belief in the religious tenets of the Christian faith. The catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion and maintains its religious tradition, standards and beliefs in accordance with Baptist distinctives.

The College adheres to biblical tenets for matters of faith and practice, following its religious tradition and Baptist distinctives. 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 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, Romans 1:18-32; Galatians 5:16-24 and Ephesians 4:17-5:6.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Matthew 18: 15-20 and I Corinthians 5:1-13.

The College has previously communicated with the Department of Education concerning a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the college, this additional exemption notice is being submitted at this time in order to clarify the scope of the exemption claimed by the College.

The College hereby claims 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions limited by religious tenets to one gender, such as, chaplains), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.55 (job classification and structure) or 106.59 (advertising) that relates to employment opportunities that are limited to one gender by the religious beliefs of the College.

There are a 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 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 tenets 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the College and the General Association of Regular Baptist Churches.

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 claim 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 the undersigned at the College.

Very truly yours,

Milo E. Thompson, Jr.

Milo E.Thompson, Jr.
President

MET:bw

PENN

P Smith

538 Venard Road · Clarks Summit, Pennsylvania 18411 · Telephone: 717 | 587-1172 · ANCHORED IN THE WORD

Harris PA

Baptist Bible College & School of Theology of Pennsylvania

TO: The Director, Office for Civil Rights

FROM: Baptist Bible College and School of Theology of PA

RE: Identification of the specific provisions of 45 C.F.R. part 86 which conflict with the specific religious tenets of Baptist Bible College and School of Theology of PA.

86.15 Admissions

(1) Baptist Bible College - admissions policies of private undergraduate institutions are exempt.

(2) School of Theology (Grad School) - 86.15 is inconsistent with the religious tenets of this institution. We believe that, by divine appointment, there are some ministries in the church which are prohibited to women. Such prohibitions do not imply any mental or spiritual inferiority on the part of women, but are simply part of God's wise arrangements for His people. Women cannot serve as preachers or pastors, and in areas of theological instruction are to remain subordinate to men (I Timothy 2:11-15; Titus 1;5-9, Bible references). There is no instance of a woman preacher or pastor in the New Testament. For these reasons, since its beginning in 1932, Baptist Bible College and School of Theology does not admit women as students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

With respect to the above ministries in the church which are prohibited to women, the college and School of Theology adhere to the position of the General Association of Regular Baptist Churches, by which we are approved.

86.21 Admission,

86.22 Preference in Admissions,

86.23 Recruitment: Students -- same as exemption request in 86.15

86.31 Education Programs and Activities

Baptist Bible College and School of Theology find 86.31(a) inconsistent with its religious tenets regarding the participation of women in academic programs designed to train preachers, pastors, or theological teachers.

86.34 Access to Course Offerings

Baptist Bible College and School of Theology find 86.34 inconsistent with its religious tenets regarding the participation of women in classes designed to train preachers, pastors, or theological teachers.

86.51 Employment

Baptist Bible College and School of Theology find 86.51 inconsistent with its religious tenets regarding the employment of women in areas of theological instruction.

86.55 Job Classification and Structure

Baptist Bible College and School of Theology find 86.55 inconsistent with its religious tenets regarding the classification of women in areas of theological instruction.

Date December 9, 1976

By Ernest Pickering

Dr. Ernest Pickering
President

Baptist Bible College
628 E. Kearney
Springfield, Missouri 65803
(417) 869-9811

LELAND R. KENNEDY, PRESIDENT

1988 SEP 27 AM 11:32
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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OASP

September 5, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Title IX Exemption Application

Dear Sir:

Baptist Bible College 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) and 908 of Title IX and 34 C.F.R. Section 106.12(b).

Baptist Bible College is a nationally accredited school by the American Association of Bible Colleges offering courses in Bible and Theology as well as necessary courses in humanities, arts and sciences in order to prepare its graduates for Christian ministries. The college is controlled by Baptist Bible Fellowship International, a non-profit religious corporation which was incorporated in the State of Missouri in 1950 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation. (Please find a copy of the B.B.F.I. Constitituion enclosed.)

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 resolutions and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 taught by the Holy Bible and accepted by the college.

The college hereby requests exemption from the application of the following provisions of the Title IX regulations, to the extent that they conflict with the college's religious tenents and the Word of God and traditions as described above: 34 C.F.R. Sections 106.21 (c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministrerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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.

The college 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 tenets as taught by the Holy Bible and accepted by the college. 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.

The college reserves its right to apply for further amendments in accord with its religious belief. 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 Mr. Gary Grey, who is the Executive Vice President of the college, at 628 East Kearney, Springfield, Missouri 65803.

Very truly yours,

BAPTIST BIBLE COLLEGE

Leland R. Kennedy

Dr. Leland R. Kennedy
President

Baptist Bible College
628 E. Kearney
Springfield, Missouri 65803
(417) 869-9811

LELAND R. KENNEDY, PRESIDENT

1988 OCT 13 AM 11:06

October 10, 1988

Judith E. Banks
Acting Regional Civil
Rights Director
Office of Civil Rights
Department of Education - Region 7
Executive Hills MO
10220 North Executive Hills Boulevard
8th Floor
P. O. Box 901381
Kansas City, MO 64190-1381

Dear Ms. Banks:

Pursuant to my conversation with Patricia Boyd, we are hereby submitting further clarification as to the nature of our appeal for religious exemption. I will attempt to address the issues as they are stipulated in the document of Title IX.

1. Section 106.21c states that there shall be no exclusion of unmarried women due to pregnancy. Unmarried pregnant women are excluded from admission to Baptist Bible College as well as men whose lifestyle is immoral.

BASIS FOR EXEMPTION: It is the religious conviction of the Baptist Bible Fellowship International (hereinafter called BBFI) that the act of marriage is reserved for those who are married. Unwed pregnancy or evidence of sexual involvement prior to marriage is in violation of this religious conviction. Please see:

Genesis 2:24 - "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

Hebrews 13:4 - "Marriage is honorable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

2. Section 106.40 states that an unmarried female shall not be terminated from attendance of college if she becomes pregnant while in attendance.

BASIS FOR EXEMPTION: It is the religious conviction of the BBFI that the act of marriage is reserved for those who are married. Unmarried students, both male or female, who are proven to have engaged in sexual activity are dismissed from college.

Genesis 2:24 - "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

Hebrews 13:4 - "Marriage is honorable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

Romans 13:9 - "For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself."

I Corinthians 6:9 - "Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind."

Leviticus 20:10 - "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbor's wife, the adulterer and the adulteress shall surely be put to death."

Deuteronomy 5:18 - "Neither shalt thou commit adultery."

Matthew 5:27 - Ye have heard that it was said by them of old time, Thou shalt not commit adultery."

3. Section 106.57 states that a single woman who becomes pregnant will not be terminated from employment.

BASIS FOR EXEMPTION: It is the religious conviction of the BBFI that the act of marriage is reserved for those who are married. Those unmarried employees (male or female) who are proven to have engaged in sexual activity will be terminated in their employment because of their violation of the above-stated religious conviction. Please see:

Genesis 2:24 - "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

Hebrews 13:4 - "Marriage is honorable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

Romans 13:9 - "For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there by any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself."

I Corinthians 6:9 - "Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind."

Leviticus 20:10 - "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbor's wife, the adulterer and the adulteress shall surely be put to death."

Exodus 20:14 - "Thou shalt not commit adultery."

Deuteronomy 5:18 - "Neither shalt thou commit adultery."

Matthew 5:27 - "Ye have heard that it was said by them of old time, Thou shalt not commit adultery."

4. Section 106.60 states that there will be no inquiry as to marital status in the pre-employment application process.

BASIS FOR EXEMPTION: Many of the employment positions require a particular gender. It is the religious conviction of the BBFI that nouns and pronouns referring to the minister in I Timothy 3:1-7 and Titus 1:6-9 are consistently masculine gender. It is further recognized that the woman is not to usurp the authority over the male in spiritual matters, therefore it is necessary to have male faculty members teaching the ministerial courses. Please see:

I Corinthians 11:3 - "But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God."

I Timothy 2:12 - "But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."

It is also necessary for women to teach some courses to women who are training for support positions to those in the ministry. Please see:

Titus 2:2-5 - "The aged women likewise, that they be in behavior as becometh holiness, not false accusers, not given to much wine, teachers of good things; that they may teach the young women to be sober, to love their husbands, to love their children, to be discreet, chaste, keepers at home, good, obedient to their own husbands, that the word of God be not blasphemed."

5. Section 106.34 states that there is to be no discrimination in academic programs. Basis for exemption: Our pastoral ministries program is limited to male students only. It is the religious conviction of the BBFI that the minister of the gospel is to be a male. Please see:

> I Timothy 3:1-7 - "This is a true saying, If a man desire the office of a bishop, he desireth a good work. A bishop then must be blameless, the husband of one wife, vigilant, sober, of good behavior, given to hospitality, apt to teach; not given to wine, no striker, not greedy of filthy lucre; but patient, not a brawler, not covetous; one that ruleth well his own house, having his children in subjection with all gravity; (for if a man know not how to rule his own house, how shall he take care of the church of God?) Not a novice, lest being lifted up with pride he fall into the condemnation of the devil. Moreover he must have a good report of them which are without; lest he fall into reproach and the snare of the devil."
>
> Titus 1:6-9 - "If any be blameless, the husband of one wife, having faithful children not accused of riot or unruly. For a bishop must be blameless, as the steward of God; not self-willed, not soon angry, not given to wine, no striker, not given to filthy lucre; but a lover of hospitality, a lover of good men, sober, just, holy, temperate; holding fast the faithful word as he hath been taught, that he may be able by sound doctrine both to exhort and to convince the gainsayers."
>
> Therefore, only men are permitted to enter into the program.

6. Section 106.51 states that there shall be no exclusion in training for the chaplaincy.

> BASIS FOR EXEMPTION: The chaplaincy is a position that is filled by an ordained minister of the gospel which as a matter of conviction by the BBFI must be a man. Reasons for the exemption are identical to those listed in Section 106.34 above.

7. Section 106.38 states that no distinctions of gender will be made in the employment of students.

> BASIS FOR EXEMPTION: In keeping with the moral standards of this institution, single men and women have separate residence halls. Employment for supervision, janitorial, etc., necessitates that men be hired in areas used exclusively by men and women be hired in areas used exclusively by women.

8. Section 106.53 states that recruitment of employees will not ask questions as to religious beliefs.

BASIS FOR EXEMPTION: The existence of this institution is dependent upon its ability to produce graduates who believe the doctrines held by the BBFI. Doctrinal beliefs of the BBFI necessitate particular adherence to such by its prospective employees in order for Baptist Bible College to maintain its distinctive beliefs.

9. Section 106.55 states that gender distinctions cannot be made for jobs on campus.

BASIS FOR EXEMPTION: Certain jobs require gender distinctions. Based upon a religious conviction that the female is not to usurp authority over the male in spiritual matters, there is a necessity for male employees to teach pastoral and theological courses. It is also necessary for ladies to teach some courses that are uniquely germain to ladies' academic programs. Please see:

I Timothy 2:11-12 - "Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."

Titus 2:3-5 - "The aged women likewise, that they be in behavior as becometh holiness, not false accusers, not given to much wine, teachers of good things; that they may teach the young women to be sober, to love their husbands, to love their children, to be discreet, chaste, keepers at home, good, obedient to their own husbands, that the word of God be not blasphemed."

10. Section 106.59 states that male gender is not to receive preference in employment opportunities.

BASIS FOR EXEMPTION: Based on the rationale stated above in Section 106.55, it is necessary for exemption so males can be exclusively used in teaching Bible, theology and ministerial training courses.

Thank you for your consideration of these exemptions. If you have any questions or require any further information, please contact Mr. Gary Grey, who is the Executive Vice-President of the college, at 628 East Kearney, Springfield, MO 65803.

Sincerely,

Russell Dell

Russell Dell, Th.D.
Academic Dean

Kreps
8/13

Bartlesville Wesleyan College

Office of the President

July 16, 1976

Mr. Peter E. Holmes
Director of the Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Holmes:

Bartlesville Wesleyan College has reviewed its current policies and practices in regard to full compliance with the provisions of Title IX. Action has been taken to fully comply with the requirements of Title IX including steps to modify any practice or action required to bring the institution into full compliance in all parts of the act not covered by exemption.

Pursuant to the provision of section 86:12 of Title IX I request exemption of Bartlesville Wesleyan College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the act are inconsistent with the special directions and the general rules of The Wesleyan Church the controlling agency of Bartlesville Wesleyan College.

The special directions of The Wesleyan Church for its members published in the 1972 Discipline of The Wesleyan Church require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it (see the Discipline p. 51 paragraph 187 (5). Further the general rules of the church require (1) the preservation of the sanctity of the home (see the Discipline p. 36 paragraph 131 (11) and (2) the high regard of marriage vows (see the Discipline p. 36 paragraph 131 (14). The Discipline also requires appropriate corrective actions for violators (see Discipline p. 37 paragraph 132).

Bartlesville, Oklahoma 74003

Phone 918-333-6161

While it is the expectation of Bartlesville Wesleyan College to apply college rules and regulations equally to men and women there may be occasions in the instance of pregnancy out of wedlock where the evidence against the father may be insufficient to meet due process requirements whereas such would not be the case with the woman. To deal with neither party because we could not deal with both would be tantamount to sanction of a moral situation which violates a tenet of our church.

Further, I request exemption of Bartlesville Wesleyan College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. The specific tenet of the church with which the requirements of Title IX may be insistent is found in the church's general rules on dress (see Discipline paragraph 131 (8). The application of this tenet does require some differences in the dress code in specific circumstances; for example, the acceptable style of swim suits for men would be different than the acceptable style of swim suits for women.

It is our understanding that Title IX permits separation of housing by sex (86:32 (b), separation of restroom facilities (86:33), and special requirements for employment such as a woman to be resident director in a women's dormitory (86:61). If our understanding of these sections should be in error or at anytime these sections should be interpreted as prohibiting administration based on sex Bartlesville Wesleyan College would desire the opportunity to request specific exemption in these areas, also.

The provision of Title IX for the request of specific exemptions based on religious tenets is appreciated, as is your favorable consideration of these requests.

Sincerely,

John M. Snook

John M. Snook
President

JMS:kew

BAYLOR UNIVERSITY
Abner V. McCall • President
Waco, Texas 76703

McK
1/14

January 12, 1976

Director of the Office for Civil Rights
U. S. Department of Health, Education
and Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Sec. 86.12(b) of "Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise that Baylor University of Waco, Texas, is an educational institution which is controlled by the Baptist General Convention of Texas and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization.

1. Premarital unchastity whether on the part of a man or woman is contrary to the tenets of the Southern Baptists. Insofar as these regulations require Baylor University to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability such regulations conflict with the tenets of Southern Baptists. Such regulations pertaining to unmarried women whether students or prospective students or employees or prospective employees are inconsistent with the policies of the university and Southern Baptists. These inconsistent regulations include Sec. 86.21(c), 86.39, 86.40, 86.51(b)(6), 86.57(a)(1), (b), (c), 86.60(a).

2. It is the tenet and practice of practically all Southern Baptist churches that only men should be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Baylor University. Baylor University matches this partial scholarship. Section 86.37(a)(b) of such regulations is inconsistent with this Southern Baptist tenet. Educational programs

1/19/76 mlw

designed for ministerial students and campus clubs and programs primarily for ministerial students will reflect this tenet. The following regulations may be inconsistent therewith: Sec. 86.6(c), 86.11, 86.31, 86.34, 86.36(c), 86.38(a)(1)(2).

Licensed and ordained Baptist ministers are given preference in employment in certain offices, e.g. chaplain and certain academic departments, e.g. Department of Religion. Since women are not licensed or ordained as ministers, such tenet is inconsistent with Sec. 86.51, 86.53, 86.55(a).

Sincerely,

Abner V. McCall

Abner V. McCall
President

kt

FEB 22

BELMONT COLLEGE
NASHVILLE, TENNESSEE 37203

EXECUTIVE VICE PRESIDENT
AND
ACADEMIC DEAN

February 16, 1979

Mr. Waite H. Madison, Jr., Acting Director
Divison of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

In response to your letter dated January 26, 1979, I am pleased to re spond to your inquiry regarding 45 CFR Section 86.4 under Title IX of the Education Amendments of 1972.

You asked for clarification in two areas:

First, regarding religious tenets and provisions of the regulation which the college believes to be in conflict. Belmont College is owned by the Tennessee Baptist Convention. The Baptist denomination is not a creedal faith nor does it have stated dogmas. It does very clearly emphasize certain practices and beliefs.

The Baptist Faith and Message was adopted by the denomination in its annual convention in 1963 and reaffirmed in 1969. There are 17 sections of this statement growing out of Biblical truth. The Baptist Faith and Message statements are a part of our Faculty Handbook and, therefore, a part of our contracts. It stresses that every Christian is under obligation to follow the teachings of Exodus 20:3-17 and other Biblical truths stated elsewhere. Exodus 20:14 (one of the Ten Commandments) states: "Thou shalt not commit adultery." Our denomination believes that pregnancy and childbirth out of wedlock are wrong and, therefore, reserves the right to act accordingly. This teaching also permeates the denominational educational literature used in the churches. The college does not discriminate in its action regarding sex in these matters.

Second, Belmont College belongs to the Tennessee Baptist Convention having been established in 1951. Its trustees are elected by the convention in its annual session and the denomination significantly funds the college with operational and capital funds. The college is responsible to the convention in fiscal, academic and spiritual matters, even though the convention leaves wide discretionary power with the college.

Sincerely,

BELMONT COLLEGE

Glen E. Kelley
Executive Vice President
and Academic Dean

Rabbinical Seminary of Belz

4814 16th Avenue
Brooklyn, N.Y. 11204
(212) 435-9633

RD 1907-85
55

September 9, 1985

RECEIVED
SEP 13 1985
O C R
REGION II

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights
Department of Education, Region II
26 Federal Plaza, Rm. 33-130
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59.

Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rosach Ringel
President

BEREA
COLLEGE
Berea, Kentucky 40403
Office of the President, Willis D. Weatherford

September 28, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

I enclose the Assurance of Compliance under Title IX of the Education Amendments of 1972, as required.

Berea College claims a religious exemption as permitted by law, and this statement is included in its self-evaluation.

Berea College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adhered throughout its history, however, and because it is controlled by its Articles of Incorporation, Berea College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Christian religion.

In particular, Berea College asserts its exemption from those provisions of Section 86.40 which would appear to require Berea College not to exclude any unmarried student from its education program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Berea College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Berea College claims exemption from those provisions of Section 86.51 that would appear to require the College to grant leaves for pregnancy, childbirth, false pregnancy and termination of pregnancy of an unmarried employee.

Berea College claims exemption from those provisions of Section 86.57 which appear to prevent the College from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy and termination of pregnancy and appears to require the College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

Berea College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss" or "Mrs."

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the faculty and staff of Berea College are expected to constitute role models for the students and in such roles, stable, moral family relationships are extremely important in adhering to Christianity's principles. It is, therefore, essential that Berea College may inquire in advance of employment whether prospective faculty members have a healthful moral family relationship or whether, at the other extreme, such prospects participate in extramarital sexual relationships.

Yours sincerely,

Willis D. Weatherford

Willis D. Weatherford

Enclosure

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

file 6/11/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

BETHANY LUTHERAN COLLEGE
(Name of Applicant or recipient

734 Marsh Street
(address)

Mankato, Minnesota 56001
(city, state, zip code)

OE - 002337
(identifying code-FICE, OE, or IRS)
27002337

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Calvin K. Johnson
(name of employee)

3. 734 Marsh Street
(office address)

4. (507) 625-2977
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (x) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by July 1, 1977 (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 24, 1977

BETHANY LUTHERAN COLLEGE
(Insert name of Applicant)

By Raymond M Brantad
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

BETHANY LUTHERAN
COLLEGE

ARTICLE I, B.

The Applicant claims exemption from paragraph 86.55/a insofar as it pertains to those who preach and officiate in the religious exercises of the institution. It is a religious tenet of the Evangelical Lutheran Synod which owns and operates the institution that such positions be restricted to qualified males who are in religious fellowship with the Evangelical Lutheran Synod.

Raymond M Baustad
President

BETHEL COLLEGE
MISHAWAKA, INDIANA 46544
PHONE (219) 259-8511

June 1, 1977

Mr. Albert T. Hamlin
Acting Director
Office of Civil Rights
Dept. of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Hamlin:

Bethel College has reviewed its current policies and practices in regard to full compliance with the provisions of Title IX.

Pursuant to the provisions of section 86:12 of Title IX, I request exemption of Bethel College from the provisions of section 86:21 c; 86:40 (a) and (b) and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the act are inconsistent with the general practice of The Missionary Church with which Bethel College is affiliated.

The Constitution of The Missionary Church as published in its 1973 edition requires practices and conduct in social relationships that reflect the spiritual ideals of Christianity. (See the Constitution of The Missionary Church, p. 12.) Further, the church takes a position that the sanctity of marriage and the home should be taught to all believers (ibid., page 11.)

While it is the expectation of Bethel College to apply college rules and regulations equally to men and women there may be occasions in the instance of pregnancy out of wedlock where the evidence regarding the father may be insufficient to meet due process requirements whereas such would not be the case with the woman. To deal with neither party because we could not deal with both would be tantamount to sanctioning of a moral situation which violates a position of the church.

Further, I request exemption of Bethel College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. The application of the standards of practice and conduct of the church requires differences in dress code in specific circumstances. The acceptable style of swim suit for a swimming class would be different for the men than for the women.

Your favorable consideration of our request for specific exemption will be appreciated.

Sincerely,

Albert J. Beutler
President

AJB:cc
Enclosure

212-
TEL. 854-2290-2

ישיבה שערי ישר

מיסודו של הרב יצחק דב קפלמן שליט"א

BETH HAMEDRASH SHAAREI YOSHER

4102 16TH AVENUE

BROOKLYN, N. Y.

בס"ד

RABBINICAL ADVISORY BOARD

RABBI ABRAHAM JOFEN
RABBI ELIEZER Z. PORTUGAL

BOARD OF GOVERNORS

RABBI CHAIM BERKOWITZ
RABBI LEO BULMAN
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GEDALIA BROYDE
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RABBI YERACHMIEL KEMPINSKI
MORRIS KLAGSBALD
SOLOMON KNOLL
JOSEF KORN
LAZAR LOEWI
MORRIS LOEWI
ARON MAGID
ISRAEL MEYER
IRVING OCHS
RABBI ISRAEL ORLANSKI
ISSACHER PARNES
JAKOB PARNES
RABBI ZEV PARNES
RABBI SHEA PARNES
RABBI MORDCHA RUBIN
RABBI AKIWA SENDROWITZ
CHAIM SRULEWITZ
MEIR STEFANSKY
SAM TISSER
ISRAEL ZUPNIK

ROSHEI HAYESHIVA

RABBI YOSEF ROSENBLUM
RABBI SHLOMA FIGA

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Shloma Figa

RD 1906 85
SS

TEL. 854-2290-2

ישיבה שערי ישר

מיסודו של הרב יצחק רב קפלמן שליט"א

BETH HAMEDRASH SHAAREI YOSHER

4102 16TH AVENUE

BROOKLYN, N. Y.

בס"ד

RABBINICAL ADVISORY BOARD

RABBI ABRAHAM JOFEN
RABBI ELIEZER Z. PORTUGAL

BOARD OF GOVERNORS

RABBI CHAIM BERKOWITZ
RABBI LEO BULMAN
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RABBI YERACHMIEL KEMPINSKI
MORRIS KLAGSBALD
SOLOMON KNOLL
JOSEF KORN
LAZAR LOEWI
MORRIS LOEWI
ARON MAGID
ISRAEL MEYER
IRVING OCHS
RABBI ISRAEL ORLANSKI
ISSACHER PARNES
JAKOB PARNES
RABBI ZEV PARNES
RABBI SHEA PARNES
RABBI MORDCHA RUBIN
RABBI AKIWA SENDROWITZ
CHAIM SRULEWITZ
MEIR STEFANSKY
SAM TISSER
ISRAEL ZUPNIK

ROSHEI HAYESHIVA

RABBI YOSEF ROSENBLUM
RABBI SHLOMA FIGA

September 10, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office of Civil Rights, Region 11
Department of Education
26 Federal Plaza
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter dated July 11, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding on 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I hope that the above information satisfies the necessary requirements regarding our request for religious exemption from Title IX of the Education Amendments of 1972.

Sincerely yours,

RYM/ma

Rabbi Yosef Mayer
President

BETH HATALMUD
INSTITUTE FOR ADVANCED TALMUDIC STUDIES

בית התלמוד
בית שמגדלים בו תורה ויראה

2127 - 82nd STREET • BROOKLYN 14, NEW YORK
CLoverdale 9-2525

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title 1X of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Chaim Wysokier

BETH HATALMUD
INSTITUTE FOR ADVANCED TALMUDIC STUDIES

בית התלמוד

P.O. BOX 85 • 2127 - 82nd STREET • BROOKLYN, NEW YORK 11214
(718) 259-2525

September 1, 1985

Department of Education
Office for Civil Rights
Federal Building
26 Federal Plaza
New York, N.Y. 10278

Att: Mr. Stanley Seidenfeld

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with thost tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I hope this letter will clarify all matters. If you have any questions, please feel free to contact me.

Sincerely,

Rabbi Abba Osina
Executive Administrator

4419 - 18th AVENUE / BROOKLYN, N. Y. 11204 / (212) 435-8478

Beth Jacob Hebrew Teachers College

RG

Office of the Dean

בס"ד

August 17, 1977

OS-OCR
CORRESPONDENCE
BRANCH
AUG 23 5 52 PM '77

TO WHOM IT MAY CONCERN:

This is to certify that we are claiming a religious exemption from those parts of 45 C.F.R. part 86, which conflicts with the religious beliefs of our organization. As an orthodox Jewish school, we cannot have classes with men and women together. All our religious classes are for women only. Our students and staff must be orthodox Jews.

Sincerely yours,

Shlomo M. Teichman

Rabbi Shlomo M. Teichman,
Executive Vice President

smt;gg

Received 8-28-77

תיכון בית יעקב למורות

Beth Jacob Hebrew Teachers College
Bais Yaakov Academy

RD 2128-85

SAM

ב"ה

RECEIVED
OCT 10 1985
OCR
REGION II

October 9, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region 11
Department of Education
Federal Building Room 33-130
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of September 20, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only female students. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: Section 106.21, 106.22, and 106.23. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes.

Sincerely,

DR. SHLOMO M. TEICHMAN
President

SMT/re

1213 Elm Avenue / Brooklyn, New York 11230 / 339-4747

Tel.: 232-1600

YESHIVA EMEK HALACHA ישיבת עמק הלכה

1763-63RD STREET • BROOKLYN N.Y 11204

RABBI TUVIA GOLDSTEIN
Dean
HYMAN M. BOOKSON
GERALD SCHWEBEL
President
MICHAEL RATNER
Vice-President
ALAN L. FELD
Secretary
MARTIN C. KOFMAN
Treasurer
HARRY FEINSTEIN
DR. PAUL FENSTER
ICEK LITWIN
Executive Committee

Board of Governors

LEO BOOKSON
HON. PAUL E. BOOKSON
State Senator, N.Y.
MORRIS FEINSTEIN
NATHAN FENSTER
MORRIS J. GREENBERG
BERNARD GROSS
RABBI DR. PINCHAS KAHN
PINCUS KAHN
NISSEN KRAKINOWSKI
RABBI DR. JULIUS G. NEUMAN
WILLIAM SAPERSTEIN

May 3, 1977 הרב טוביה גולדשטיין
ראש הישיבה

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Beth Rivkah Schools

בית רבקה

310 CROWN STREET • BROOKLYN, N.Y. 11225 • (212) 735-0400

Founded by
The Late Lubavitcher Rebbe
Rabbi Joseph I. Schneerson

Under the Auspices of
Merkos L'Inyonei Chinuch, Inc.
RABBI M. HODAKOV
National Director
DR. NISSEN MINDEL
Secretary

RECEIVED

SEP 23 1985

O C R
REGION II

September 5, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education
Federal Building Room 33-130
26 Federal Plaza
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only female students. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, and 106.23. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes.

Sincerely,

Leima Minkowitz

LM:sa

05 005 051

ANDERSON C. HILL, II, J.D., M.B.A.

ATTORNEY AT LAW

368 SECOND AVENUE, DAYTONA BEACH, FL 32014
904/252-4150

July 22, 1985

RECEIVED
1985 AUG -5 AM 11:19
U.S. DEPT OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. William H. Thomas
Regional Civil Rights Director
U.S. Department of Education
101 Marietta Tower
Atlanta, GA 30323

RE: Exemption from Title IX
Bethune-Cookman College
Daytona Beach, FL

Dear Mr. Thomas:

President Bronson asked that I thank you for your letter of July 3, 1985. The College is still interested in obtaining the requested exemption in Dr. Bronson's letter of May 30, 1977. He has asked my office, as internal attorney, to respond to the three questions posed in your March 25, 1985 letter to the institution. I will track each of your questions with my responses as follows:

1. The United Methodist Church controls the college by and through its Board of Trustees. On page three of the manual for the Board it states that "through an amendment to the Corporate Charter in 1931, the management of the college through the Board of Trustees became subject to the rules and regulations of the Methodist (now the United Methodist) Church, a Tennessee Corporation, or its successors and subject to the Discipline of the Methodist Church.

2. The religious tenets of the United Methodist Church, expounded in The Book of Discipline of the United Methodist Church published in 1984, which the institution accepts and complys are:

   (A) Of Faith in the Holy Trinity,
   (B) Of the Word, or Son of God, who was made very man,
   (C) Of the Resurrection of Christ,
   (D) Of the Holy Ghost,
   (E) Of the Sufficiency of the Holy Scriptures for Salvation,
   (F) Of the Old Testament,
   (G) Of Original or Birth Sin,
   (H) Of Free Will,
   (I) Of the Justification of Man,
   (J) Of Good Works,
   (K) Of Works of Supererogation,
   (L) Of Sin after Justification,
   (M) Of the Church,
   (N) Of Purgatory,

(O) Of Speaking in the Congregation in such a tongue as the People understand,
(P) Of the Sacraments,
(Q) Of Baptism,
(R) Of the Lord's Supper,
(S) Of Both Kinds,
(T) Of the One Oblation of Christ, Finished upon the Cross,
(U) Of the Marriage of Ministers,
(V) Of the Rites and Ceremonies of Churches,
(W) Of the Rulers of the United States of America,
(X) Of Christian Men's Goods,
(Z) Of Santification,
(AA) Of the Duty of Christians to the Civil Authority.

3. The college, given the aforementioned religious tenets, request exemption from section 106.40(a) and (b)(1) of Title IX. All students residing in college residence halls are unmarried. If a student becomes pregnant, then that student must move from therein immediately upon receipt of evidence by the college. This is not the same college policy for other temporary disabilities, unless that disability is medically known as contagious. The two noted subparts of 106.40 expose the institution to potential charges of discrimination. Methodism social principles found under the nuturing community in the aforementioned text references states the following:

"Although men and women are sexual beings whether or not they are married, sex between a man and a woman is only to be clearly affirmed in the marriage bond. Sex may become exploitative within as well as outside marriage. We reject all sexual expressions which damage or destroy the humanity God has given us as birthright, and we affirm only that sexual expression which enhances that same humanity, in the midst of diverse opinions as to what constitutes that enhancement."

To allow a pregnant student campus residence may imply college approval of pre-martial sex. The Church and the College cannot allow this impingement to happen.

In conclusion, I do hope this information is sufficient to accomodate your determination about the college's exemption. If you need further information, please contact me and I will respond directly.

Thank you for your consideration.

Sincerely,

A. C. Hill, II

Anderson C. Hill, II

ACH:acf
CC: Dr. Oswald P. Bronson, Sr.

BIOLA UNIVERSITY

RECEIVED
AUG 02 1985
POST SECONDARY EDUCATION DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX

RECEIVED
AUG 02 1985
PROGRAM REVIEW & MANAGEMENT
SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/SF

July 30, 1985

Mr. John E. Palomino
Acting Regional Civil Rights Director
Office for Civil Rights, Region IX
221 Main Street, 10th Floor
San Francisco, CA 94105

Re: Request for Religious Exemption from Title IX

Dear Mr. Palomino:

The following information is submitted in response to your letter of April 29, 1985, and subsequent undated letter received July 3, 1985, requesting further information on Biola's original request for religious exemption from Title IX of the Education Amendments of 1972.

The original request by Biola College, Inc., now Biola University, Inc., for a religious exemption from Title IX filed with the office for civil rights of the Department of Education, 1976, specifically referenced exemption on behalf of Talbot Theological Seminary. Subsequent to this exemption request, Biola University has experienced institutional restructuring which has resulted in the establishment of a single University consisting of four schools (Talbot School of Theology, Rosemead School of Psychology, School of Intercultural Studies and School of Arts and Sciences). Inasmuch as the integration of Christian faith and learning is an essential part of all of Biola's educational programs, Biola's request for religious exemption from the sections of Title IX regulations stated herein is made on behalf of Biola University in its entirety, unless otherwise specifically stated.

Biola University, Inc., is a private Christian evangelical institution governed by its Board of Trustees pursuant to the statement of purpose and mission and Articles of Faith contained within its Articles of Incorporation, By-laws and rules and regulations from time to time promulgated by its Board of Trustees. The Federal tax-exempt status of Biola University, Inc. is designated by the Internal Revenue Service to be both religious and educational in nature.

A copy of the religious tenets and Articles of Faith of Biola University as set forth in its Articles of Incorporation and followed by Biola University, Inc. is attached hereto.

Biola wholeheartedly supports the goals and spirit of Title IX legislation in seeking to eliminate all unwarranted distinctions between the sexes. At the same time Biola is committed to the Biblical ethic which makes a differentiation in roles between the sexes and espouses moral standards applicable to both sexes equally. Therefore, Biola University requests exemption from the following Title IX regulations which are in conflict with its religious tenets as indicated:

1. Section 106.21(c) insofar as it prohibits discrimination in admission of students on the basis of parental or marital status, pregnancy, childbirth, termination of pregnancy, etc. is in conflict with the religious tenets of this institution in that the Bible condemns sexual relations outside of marriage; that the Bible is clear in its teachings on the sanctity of human life and that human intervention to terminate life after its conception is to be opposed vigorously; and that the Bible is clear in its committment to the sanctity of marriage and the inappropriateness of divorce or re-marriage in certain circumstances.

2. Section 106.31(b)(4) insofar as this section would prohibit or impinge upon establishment of differing standards of appearance, grooming or dress based on sex, is in conflict with this institution's religious tenets in that the Bible differentiates between men and women as to appearance. This differentiation is reflected in certain regulations governing proper decorum in dress. However, the principles underlying these rules of decency and modesty apply equally to both sexes.

3. Section 106.40 insofar as it prohibits differentiation and discrimination on the basis of parental or marital status, pregnancy, childbirth, termination of pregnancy, etc., of students in relation to educational programs or activities is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

4. Section 106.51(a) as it relates to Section 106.51(b)(6) insofar as these sections prohibit discrimination in employment in granting leaves for pregnancy, childbirth, termination of pregnancy, etc., is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

5. Section 106.57 insofar as it prohibits differentiation or discrimination in employment practices based on marital or parental status, pregnancy, childbirth, termination of pregnancy, etc., including temporary disability, leave and reinstatement policies, is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

6. Section 106.60(a) insofar as it prohibits pre-employment inquiry as to the marital status of an applicant for employment is in conflict with this institution's religious tenets in that the Bible is clear in its committment to the sanctity of marriage and the inappropriateness of divorce and re-marriage in certain circumstances.

So far as we have been able to determine, these are the only provisions of the Title IX regulation which are in conflict with the religious tenets of Biola University, Inc.

Thank you for your cooperation in this matter. Should you have any further questions, please feel free to contact me at your convenience.

Sincerely,

Clyde Cook

Clyde Cook
President

JDM:lml
Enclosure
LT158.JDM

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no statement

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4 Blue Mountain College – Mississippi
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

28 00 2398

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

_____
(name of employee)

_____
(office address)

_____
(telephone number)

Participates in FOE program

[x] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[x] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: February 9, 1977

Blue Mountain College
(Insert name of Applicant)

By E. Harold Fisher
E. Harold Fisher
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

RABBI LEIB PINTER
President
RABBI ZEV HOBERMAN
Dean of Faculty
RABBI SHIYA RUBNITZ
Dean of Admissions
RABBI MICHEL SHURKIN
Dean of Students
RABBI DOVID MYKOFF
Registrar
RABBI AVROHOM DONNER
Executive Vice President
RABBI SCHMELKE PINTER
Comptroller
RABBI DOV GEWIRTZMAN
Director, Student Aid

מוסד בני תורה
B'nai Torah Institute
1705 FORTY-NINTH STREET/BROOKLYN, N.Y. 11204/PHONE (212) 871-6000

ב"ה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

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(DASP S/O ON YELLOW)
AS sig
cy: AS
DASP

Thursday, August 4, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, Southwest
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Boise Bible College, Inc., 8695 Marigold Street, Boise, Idaho 83714, Employer I.D. Number 82-0309302, hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 (hereinafter "Title IX") as herein specified, pursuant to Sections 901(a)(3) and 908 of Title IX and 34 C.F.R., §106.12(b). Boise Bible 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 vs. Bell*, 465 U.S. 555 (1984) and under the Civil Rights Restoration Act of 1987.

Boise Bible College, Inc. is an accredited bible college and undergraduate seminary, with emphasis of preparation for church workers, offering courses of instruction in appropriate bible studies and related subjects. The corporation is non-profit and has been granted §501(c)(3) status by the Internal Revenue Service on February 18, 1975, as shown by the attached IRS ruling. The corporation is an Idaho corporation, and was first incorporated in 1974. The actual college was established in 1945 by the First Church of Christ of Boise, Idaho, and the religious tenets of the college are based on the religious tenets of the Church of Christ, an internationally recognized major Christian denomination. The corporation is under the control of a board of directors. The directors 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, and in particular, the religious tenets set forth in the Articles and Bylaws of the corporation. The said Articles, Bylaws, catalogues,a nd other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian faith, and more particularly to the particular tenets set forth in said documents. THe college is completely governed by, and receives its financial support from religious organizations and individuals related to such religion. The college maintains its religious traditions, 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, but representative passages can be found in Proverbs, the Gospels, I and II Timothy, I and II Thessalonians, and in many other places in the Old and New Testaments.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 traditions 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 teachings about moral behavior. The Gospels and the Pauline epistles contain many such teachings, as do certain books of the Old Testament, including Genesis and Exodus.

The college and corporation hereby request 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: 34 C.F.R. §§106.21(c), 106.40, 106.57, 106.60, 106.34, 106.51, 106.38, 106.53, 106.55, 106.59 and any other sections which may in the future be held to apply to the college and/or corporation and the practices described herein. Said foregoing sections relate primarily to gender based differences or religious preference based differences. As noted above, each section cited would be in conflict with the tenets and traditions of the college and corporation.

There are a 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 or corporation 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. §106.15(d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the college and corporation because it is a private institution of undergraduate 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 tenets and traditions. The college specifically claims its right to exercise a religious preference in its employment decisions, pursuant to §702 of Title VII of the Civil Rights Act of 1964 and the decision of the United States Supreme Court in *Corporation of the Presiding Bishop vs. 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 and practices 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 additional exemption in order to fully protect the religious tenets, practices, and traditions of the college and corporation.

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 J. Richard Ewing, who is the President of the college and corporation, at 8695 Marigold, Boise, Idaho 83714, (208) 376-7731, or Robert L. Aldridge, Chartered, Attorney at Law, 1209 North Eighth Street, Boise, Idaho 83702-4297, (208) 336-9880, who is the attorney for the college and corporation in regard to this matter.

Very truly yours,

J. Richard Ewing

J. Richard Ewing
President
Boise Bible College, Inc.

FEB 22 1979

Brescia College

120 WEST SEVENTH STREET / OWENSBORO, KENTUCKY 42301 / TELEPHONE: (502) 685-3131

February 15, 1979

Office of the President

Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Dr. Madison:

I am writing in response to your letter dated January 26, 1979.

Enclosed is a copy of a letter sent to the Director of the Office for Civil Rights on June 29, 1976, which cites the provisions of the Title IX Regulation which are not consistent with the religious tenets of a Catholic educational institution.

Information which demonstrates that Brescia College falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form is as follows:

1. Brescia College was founded in 1950 by the Ursuline Sisters of Mount Saint Joseph, Maple Mount, Kentucky. As stated in the most recent issue of the College bulletin (enclosed), "Brescia College is committed to the concept of value-centered education, including stress on religious values. As such, the mission of Brescia College can be summarized in four key concepts: Catholic, liberal arts, career-oriented, and community service."

2. In 1964 the Ursuline Sisters reorganized their governing board to include a number of lay Trustees.

3. The Ursuline Sisters contribute over a quarter of a million dollars annually to Brescia College by way of contributed services.

If further information is needed, please feel free to contact me.

Sincerely yours,

Sister George Ann

Sister George Ann Cecil
President

Enclosures

85-004-721

Brescia College

120 West Seventh Street
Owensboro, Kentucky 42301
(502) 685-3131

OFFICE OF THE PRESIDENT

May 7, 1985

Mr. William H. Thomas
Region IV Director
U. S. Department of Education
101 Marietta Tower
Atlanta, Georgia 30323

RECEIVED
1985 MAY -9 AM 8:
U.S. DEPT. OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION IV

Dear Mr. Thomas:

I am writing in response to a recent letter from your office regarding our request made in 1976 and again in 1979 for religious exemption from certain provisions of Title IX of the Education Amendments of 1972. Brescia College is a Catholic institution of higher education and as such strives in all areas of its service to uphold the religious tenets of the Catholic Church. We would like to request exemption from the following Title IX regulations which we believe are in conflict with some of those tenets:

1. Marital Status. The Catholic Church is by its very nature committed to the importance and stability of the family. Divorce is permitted under certain circumstances, but remarriage is recognized only if an annulment of the previous marriage is granted by the Church. As a Catholic College, we seek to employ persons whose lifestyle seems consistent with the tenets of the Church. We request exemption from the part of Section 106.60 which denies us the right to make pre-employment inquiry as to the marital status of an applicant for employment.

2. Pregnancy. Sections 106.51 and 106.57 require that we treat pregnancy and childbirth and recovery therefrom as any other temporary disability for all job related purposes. We request exemption from this requirement where it applies to an unmarried employee, since we consider pregnancy outside marriage a moral issue.

3. Abortion. Sections 106.51 and 106.57 require that we treat termination of pregnancy and recovery therefrom as any other temporary disability for all job related purposes. According to the tenets of the Catholic Church, abortion is a question of grave moral significance. We request exemption from this requirement for all of our employees, married and unmarried.

We will be most grateful for your immediate attention to this important concern.

Sincerely,

Sister George Ann

Sister George Ann Cecil
President

SGAC/lb

BRESCIA COLLEGE

OWENSBORO, KENTUCKY 42301

TELEPHONE: 685-3131
AREA CODE 502

June 29, 1976

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Director of the Office for Civil Rights
U.S. Department of Health, Education
and Welfare
Washington, D.C. 20201

Dear Sir or Madam:

In accordance with Section 86.12 (b) of "Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education," I am writing to inform you that Brescia College, Owensboro, Kentucky, is a Catholic educational institution and that the following provisions are not consistent with the religious tenets of such an organization:

Section 86.21 (c)	Section 86.51 (b) (6)
Section 86.39	Section 86.57 (a) (1), (b),(c),(d)
Section 86.40	Section 86.60 (a)

Thank you for giving your attention to this matter.

Sincerely,

Sister George Ann

Sister George Ann Cecil
President

President
Alton L. Wade

Brigham Young University
Hawaii Campus

March 21, 1989

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryloan Avenue S.W.
Washington, D.C. 20202

RE: Notification of Brigham Young University-Hawaii Exemption from Certain Title IX Regulations

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University-Hawaii, located in Laie, Hawaii (hereinafter referred to as "BYU-Hawaii") considers itself exempt from the application of 34 CFR Sections 106.21(c), 106.40, 106.57(b), 106.31, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence and not already exempted by previous Department of Education actions, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statue prohibiting sex discrimination in educational programs. BYU-Hawaii expressly requests the Department to formally recognize that BYU-Hawaii is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU-Hawaii.

As noted, BYU-Hawaii, a Utah non-profit corporation, is owned, operated and controlled by the Church of Jesus Christ of Latter-day Saints and is eligible for exemption from the regulations pursuant to 34 CFR Section 106.12. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created BYU-Hawaii on March 11, 1970 and has since been continuously and ultimately responsible for its operation. The BYU-Hawaii Board of Trustees consists of persons appointed by the governing board of the LDS Church and over two-thirds of the BYU-Hawaii operating budget is derived directly from appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church.

In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behaviour; to respect the personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relaitons outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU-Hawaii students and employees are members of the Church.

The controlling organization of BYU-Hawaii, the Church of Jesus Christ of Latter-day Saints, is a major international Christian religion having a fully developed theology, a well known history spanning two centuries and a world-wide membership presently numbering over six million. Its members believe the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the biblical sense in 1820. The governing board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the biblical sense. While accepting the Bible as holy scripture, the Church regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives and children are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the economic, political and social life of the communities in which they live.

The mission of BYU-Hawaii is essentially spiritual and educational. The University would not exist if it were not for the opportunity to fully and freely blend the teachings and influence of the Church within both the curriculum and the extracurricular environment on the campus.

Below described are the Title IX regulatory provisions for which BYU-Hawaii has identified a recognized exemption together with an explanation of the religious tenets upon which the exemption is based. For purposes of making these requests, BYU-Hawaii is proceeding on the basis (1) that these requests for religious exemption do not limit BYU-Hawaii'is rights subsequently to claim additional religious exemptions as these come to light and subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authority; (3) that BYU-Hawaii's good faith claims about the existence and meaning of religious doctrine are entitled to a presumption of validty; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines. (See generally United States Department of Education Memorandum dated February 19, 1985 regarding "Policy Guidance for Resolving Religious Exemption Requests," to Regional Civil Rights Directors by Harry M. Singleton, Assistant Secretary for Civil Rights, Department of Education, and United States vs. Ballard, 322 U.S. 78 (1944).

1. Sections 106.21(c), 106.40 and 106.57(b) - BYU-Hawaii claims exemption from these regulations to the extent that they prohibit certain inquiries into or actions based upon the marital or parental status of the pregnancy or termination of pregnancy or present or prospective students of employees. The Church which sponsors BYU-Hawaii teaches strict adherence to the highest Christian standards of sexual morality on the same basis for both sexes, as indicated above.

2. Section 106.31 - BYU-Hawaii claims exemption from this section to the extent that it interferes with the operation of extracurricular student activities in organizations sponsored by the Church. Specifically, there exist on campus numerous student congregations (called "Wards" according to the Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

3. Section 106.32 - BYU-Hawaii claims exemption from this regulation to the extent that it interferes with the University's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house BYU-Hawaii students. The regulations allows sex-segregated housing when provided by the recipient, but it appears to prohibit such segregation in off-campus housing. The teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities. For this same reason, the University claims the right under its religious exemption to separate students in BYU-Hawaii-approved housing on the basis of sex and to regulate this separation by designating separate buildings or wings of buildings (and not merely separate apartments), as exclusive to one sex, both on and off campus.

4. Section 106.36 - BYU-Hawaii claims exemption from this regulation to the extent it may inhibit its teachers or counselors from discussing and advising students concerning the ways in which marriage may be compared to career choices or with respect to other questions arising concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some difference between counseling for men and counseling for women.

5. 34 CFR Section 106.39 and Section 106.40(b)(4) - The Office for Civil Rights (OCR), U.S. Department of Education has interpreted these regulations to require the University to offer, if offered at all, student health insurance policies which treat pregnancy the same as any other temporary disability in order to be in compliance with the regulations. By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU-Hawaii's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare cases, must not participate in nor obtain an abortion.

With respect to pregnancy related conditions of married women, the application of the regulations as to BYU-Hawaii is not abortion neutral, but rather has the practical impact on application to encourage abortion and to financially discriminate against those institutions, such as BYU-Hawaii, which promote the religious belief that in most cases full term delivery is the only morally acceptable resolution of pregnancy. For example, insurance premiums paid by other colleges and universities not sharing the LDS beliefs on abortion will probably not increase substantially upon the extension of disability coverage to pregnancy because students at these universities may elect to terminate the pregnancy through an abortion (costing several hundred dollars) while students at BYU-Hawaii will be required, according to LDS religious tenets, to deliver the baby full term costing several thousand dollars. As a result, the impact of the law is not abortion neutral because the Act provides a practical incentive to perform abortion and a concomitant financial penalty for those institutions promoting religious tenets which prohibit abortion. BYU-Hawaii is unwilling to accept abortion as a cheap, simple and facile mechanism to keep insurance costs within reasonable financial limits.

In addition, as the regulations now stand, married or single students who become pregnant in violation of the doctrine of chastity through extramarital means would be afforded maternity benefits. This would also be in violation of the fundamental Church doctrine requiring chastity and forbearance of premarital or extramarital sexual relations.

BYU-Hawaii is a church-related institution of higher learning with a serious religious commitment at the heart of its educational mission. With the enactment of the Civil Rights Restoration Act of 1988, the University began a careful and deliberative process to assess the possible adverse impact of the Act on the University. Because it is possible that there may be carying interpretations of Title IX and its regulations yet to be resolved, the University determined to protect its vital interests against the possibiliyt of any future adverse determinations as to the meaning of these regulations with this Notice of Exemption. The University, however, fully supports the goal of equal opportunity and non-discrimination on the basis of gender while at the same time preserving its Constitutional Rights of free exercise of religion. Your prompt attention in evaluating this Notice would be greatly appreciated. If I can be of any assistance to you in completing this task or if you require additional information, please do not hesitate to contact me.

Sincerely,

Alton L. Wade

ALW:jt

President
Alton L. Wade

Brigham Young University
Hawaii Campus

March 28, 1989

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryloan Avenue S.W.
Washington, D.C. 20202

RE: Notification of Brigham Young University-Hawaii Exemption from Certain Title IX Regulations (Revised from March 21, 1989 letter).

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University-Hawaii, located in Laie, Hawaii (hereinafter referred to as "BYU-Hawaii") considers itself exempt from the application of 34 CFR Sections 106.21(c), 106.40, 106.57(b), 106.31, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence and not already exempted by previous Department of Education actions, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statue prohibiting sex discrimination in educational programs. BYU-Hawaii expressly requests the Department to formally recognize that BYU-Hawaii is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU-Hawaii.

As noted, BYU-Hawaii, a Utah non-profit corporation, is owned, operated and controlled by the Church of Jesus Christ of Latter-day Saints and is eligible for exemption from the regulations pursuant to 34 CFR Section 106.12. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created BYU-Hawaii on March 11, 1970 and has since been continuously and ultimately responsible for its operation. The BYU-Hawaii Board of Trustees consists of persons appointed by the governing board of the LDS Church and over two-thirds of the BYU-Hawaii operating budget is derived directly from appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church.

In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behaviour; to respect the personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relaitons outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU-Hawaii students and employees are members of the Church.

The controlling organization of BYU-Hawaii, the Church of Jesus Christ of Latter-day Saints, is a major international Christian religion having a fully developed theology, a well known history spanning two centuries and a world-wide membership presently numbering over six million. Its members believe the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the biblical sense in 1820. The governing board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the biblical sense. While accepting the Bible as holy scripture, the Church regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives and children are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the economic, political and social life of the communities in which they live.

The mission of BYU-Hawaii is essentially spiritual and educational. The University would not exist if it were not for the opportunity to fully and freely blend the teachings and influence of the Church within both the curriculum and the extracurricular environment on the campus.

Below described are the Title IX regulatory provisions for which BYU-Hawaii has identified a recognized exemption together with an explanation of the religious tenets upon which the exemption is based. For purposes of making these requests, BYU-Hawaii is proceeding on the basis (1) that these requests for religious exemption do not limit BYU-Hawaii'is rights subsequently to claim additional religious exemptions as these come to light and subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authority; (3) that BYU-Hawaii's good faith claims about the existence and meaning of religious doctrine are entitled to a presumption of validty; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines. (See generally United States Department of Education Memorandum dated February 19, 1985 regarding "Policy Guidance for Resolving Religious Exemption Requests," to Regional Civil Rights Directors by Harry M. Singleton, Assistant Secretary for Civil Rights, Department of Education, and United States vs. Ballard, 322 U.S. 78 (1944).

1. Sections 106.21(c), 106.40 and 106.57(b) - BYU-Hawaii claims exemption from these regulations to the extent that they prohibit certain inquiries into or actions based upon the marital or parental status of the pregnancy or termination of pregnancy or present or prospective students of employees. The Church which sponsors BYU-Hawaii teaches strict adherence to the highest Christian standards of sexual morality on the same basis for both sexes, as indicated above.

2. Section 106.31 - BYU-Hawaii claims exemption from this section to the extent that it interferes with the operation of extracurricular student activities in organizations sponsored by the Church. Specifically, there exist on campus numerous student congregations (called "Wards" according to the Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

3. Section 106.36 - BYU-Hawaii claims exemption from this regulation to the extent it may inhibit its teachers or counselors from discussing and advising students concerning the ways in which marriage may be compared to career choices or with respect to other questions arising concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some difference between counseling for men and counseling for women.

4. 34 CFR Section 106.39 and Section 106.40(b)(4) - The Office for Civil Rights (OCR), U.S. Department of Education has interpreted these regulations to require the University to offer, if offered at all, student health insurance policies which treat pregnancy the same as any other temporary disability in order to be in compliance with the regulations. By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU-Hawaii's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare cases, must not participate in nor obtain an abortion.

With respect to pregnancy related conditions of married women, the application of the regulations as to BYU-Hawaii is not abortion neutral, but rather has the practical impact on application to encourage abortion and to financially discriminate against those institutions, such as BYU-Hawaii, which promote the religious belief that in most cases full term delivery is the only morally acceptable resolution of pregnancy. For example, insurance premiums paid by other colleges and universities not sharing the LDS beliefs on abortion will probably not increase substantially upon the extension of disability coverage to pregnancy because students at these universities may elect to terminate the pregnancy through an abortion (costing several hundred dollars) while students at BYU-Hawaii will be required, according to LDS religious tenets, to deliver the baby full term costing several thousand dollars. As a

result, the impact of the law is not abortion neutral because the Act provides a practical incentive to perform abortion and a concomitant financial penalty for those institutions promoting religious tenets which prohibit abortion. BYU-Hawaii is unwilling to accept abortion as a cheap, simple and facile mechanism to keep insurance costs within reasonable financial limits.

In addition, as the regulations now stand, married or single students who become pregnant in violation of the doctrine of chastity through extramarital means would be afforded maternity benefits. This would also be in violation of the fundamental Church doctrine requiring chastity and forbearance of premarital or extramarital sexual relations.

BYU-Hawaii is a church-related institution of higher learning with a serious religious commitment at the heart of its educational mission. With the enactment of the Civil Rights Restoration Act of 1988, the University began a careful and deliberative process to assess the possible adverse impact of the Act on the University. Because it is possible that there may be carying interpretations of Title IX and its regulations yet to be resolved, the University determined to protect its vital interests against the possibility of any future adverse determinations as to the meaning of these regulations with this Notice of Exemption. The University, however, fully supports the goal of equal opportunity and non-discrimination on the basis of gender while at the same time preserving its Constitutional Rights of free exercise of religion. Your prompt attention in evaluating this Notice would be greatly appreciated. If I can be of any assistance to you in completing this task or if you require additional information, please do not hesitate to contact me.

Sincerely,

Alton L. Wade

ALW:jt

Brigham Young University - Hawaii Campus

Office of the President

April 14, 1998

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Cantu:

Subject: Request for Religious Exemption from Title IX Regulation: 34 CFR 106.21 (Admissions) and 34 CFR 106.23 (Recruitment)

The purpose of this letter is to provide the United States Department of Education with official notification that Brigham Young University, located in Laie, Hawaii, (hereinafter referred to as BYUH or the "University" considers itself exempt from the application of 34 CFR § 106.21 and 34 CFR § 106.23, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC § 1981 et. Seq., a federal statute prohibiting sex discrimination in educational programs. BYUH expressly requests the Department to recognize formally that BYUH is exempt from the application of these sections because their provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as the "church" or the LDS Church"), a religious organization which sponsors and controls BYUH.

In 1985 your office granted other requests for exemption to our sister institution, Ricks College. These exemptions were from other sections of 34 CFR. Specifically, the University was ". . . exempted from the requirements of the following sections of the Title IX regulations: 34 CFR §§ 106.21, 106.31, 106.32, 106.36, 106.39, 106.40, and 106.57." (The exemption with reference to 106.21 concerned prohibitions relating to marital or parental status.) The basis for these exemptions was ". . . that Ricks College is controlled by The Church of Jesus Christ of Latter-day Saints in that Ricks College practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that BYUH,

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like Ricks, is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulations."

The Church originally created the University in 1955and since that time the Church has been continuously and ultimately responsible for the University's operation. The University's Board of Trustees consists of persons appointed by the governing board of the Church. The majority of the University's operating budget is derived from appropriations from the Church.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain the fullness of the gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets. While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that marriage between a man and a woman and the family unit are of basic theological significance. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit A is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation of the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain beliefs concerning marriage and the family to be principles of Church doctrine, which are binding on the Church, its controlled organizations, like BUYH, and the Church membership.

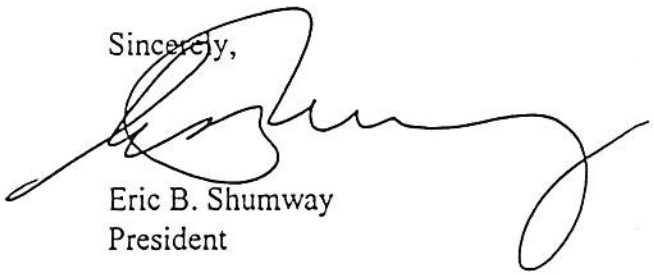
In order to promote marriage and family as religious values, BYUH seeks to maintain an appropriate balance of males and females in its student body. It is believed that a more gender balanced and proportional student body is critical to allow for healthy social interaction between males and females, which is conducive to marriage and family, and to promote a healthy balance between the genders in the composition of University ecclesiastical units and congregations. Accordingly, BYUH seeks to prefer males over females or females over males in both recruitment and admissions ,as circumstances

dictate in an attempt to achieve enhanced gender equity and the optimal environment for the promotion of the religious values of marriage and family at the University.

University efforts to reach an appropriate gender balance, however, may come into conflict with the gender neutral provisions of Sections § 106.21 and 106. 23. Accordingly, BYUH requests that an exemption be granted to it from § 106.21 and 106.23 of the Title IX regulations to allow it to give preferential treatment on the basis of gender in admissions and recruitment to support its religious value of promotion marriage and family.

The University is a distinctive, religiously based institution with a serious commitment to the values, doctrines, and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluation this notice will be greatly appreciated. If I, or any members of the University administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Sincerely,



Eric B. Shumway
President

EBS:ds

Brigham Young University - Hawaii Campus

Office of the President

September 11, 1997

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, D. C. 20202

RE: Request for Religious Exemption from Title IX regulation: 34 CFR § 106.60

Dear Secretary Cantu:

The purpose of this letter is to provide the United States Department of Education with official notification that Brigham Young University—Hawaii Campus, located in Laie, Hawaii (hereinafter referred to as "BYUH" or "the University") considers itself exempt from the application of 34 CFR § 106.60, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC § 1681 et. seq., a federal statute prohibiting sex discrimination in educational programs. BYUH expressly requests the Department to recognize formally that BYUH is exempt from the application of this Section because its provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as 'the Church" or "the LDS Church"), a religious organization which sponsors and controls BYUH.

In 1989, your office granted other BYUH requests for exemption from other sections of 34 CFR. Specifically, the University was ". . . exempted from the requirements of the following sections of the Title IX regulation: 34 CFR §§ 106.21(c), 106.31, 106.36, 106.39, 106.40, and 106.57." The basis for this exemption was ". . . that BYUH . . . is controlled by the Church of Jesus Christ of Latter-day Saints (Church), and that BYUH practices the tenets of the Church and is owned and operated by the Church . . . This relationship between the Church and BYUH adequately establishes that BYUH is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation." (OCR letter, May 18, 1989 to Dr. Alton L. Wade)

The LDS Church founded BYUH on February 12, 1955 and since that time the Church has been continuously and ultimately responsible for BYUH's operation. Until June 1974, BYUH was known as the Church College of Hawaii. The University's Board of Trustees consists of persons appointed by the governing board of the LDS church, and all of the Trustees are General Officers of the Church. Two-thirds of BYUH's operating budget is derived directly from appropriations from the Church. Additionally, the Board of Trustees not only sets hiring policy for the University but General Officers of the Church are directly involved in the hiring process for every full-time permanent faculty at the University.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain he fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church

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Membership as Apostles and Prophets.[1] While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that the family unit is of basic theological significance and that the often independent roles of husbands and wives are fundamental elements of Church doctrine. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit "A" is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation on the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain family values and principles as Church doctrine, which is binding on the Church, its controlled organizations, like BYUH, and the Church membership. Please note the significant emphasis on the importance of family and the differing roles of men and women in the family.

It is for this reason that the University may from time to time make a pre-employment inquiry as to the marital and family status of an applicant for a teaching position at the University. The Church teaches and we believe that such information about marital and family status is relevant, combined with other factors, in assessing the extent of an applicant's religious conviction and commitment to Church doctrine and practice as we attempt to identify those most qualified to teach at BYUH. Naturally, questions about religious conviction will be wide-ranging and will include areas of inquiry about the support of Church leaders, morality, family life, and basic Church doctrine. The result of this broad inquiry will be that the University will have a better view as to whether the applicant has the necessary religious conviction and devotion to teach at BYUH. We emphasize that answers to questions about family are not, by themselves, dispositive in the employment decision. Rather, they are considered, together with the answers to other religiously oriented questions, in measuring the religious strength and commitment of the applicant to Church doctrine and practice.

While this application deals with an exemption for faculty who teach, it is also true that the General Officer interview is required for all new permanent faculty, even those without fixed teaching assignments. Accordingly, we request that an exemption be granted from § 106.60 of the Title IX regulation which extends to all new faculty hires at the University. Of course, at the heart of this analysis is the holding in Corporation of the Presiding Bishop vs Amos, 483 U.S. 327 (1987), which held that the religious exemptions of Title VII to the Civil Rights Act do not violate the establishment clause of the first amendment. Simply stated, Amos allows an institution like BYUH, one which is owned or controlled by a Church, to exercise a religious hiring preference. That principle, in turn, permits the University to employ Church members who meet certain minimum standards of faithfulness and wholehearted commitment to Church teachings.[2]

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[1] The First Presidency, as well as members of the Quorum of the Twelve Apostles, among others, make up the University's Board of Trustees.

[2] Lawson v Kirkham, 499 F.Supp. 960, 965 (D. Utah 1980) establishes that the right of religiously affiliated institutions to prefer their own in hiring matters necessarily involves the right "to employ those who best promote [their] religious mission . . .."

The University is a distinctive, religiously based institution with a serious commitment to the values, doctrines and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluating this Notice will be greatly appreciated. If I, or any members of the University administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Most sincerely,

Eric B. Shumway
President

EBS:jt
Encl:

OFFICE OF THE GENERAL COUNSEL

EUGENE H. BRAMHALL
ant to the President
l Counsel

H. HAL VISICK
Associate General Counsel

MICHAEL R. ORME
Associate General Counsel

DAVID B. THOMAS
Assistant General Counsel

BRIGHAM YOUNG UNIVERSITY
A-357 ASB
PO BOX 21333
PROVO, UTAH 84602-1333
(801) 378-3089
FAX NO. (801) 378-7521

August 25, 1997

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

RE: Request for Religious Exemption from
Title IX Regulation: 34 CFR § 106.60

Dear Secretary Cantu

The purpose of this letter is to provide the United States Department of Education with official notification that Brigham Young University, located in Provo, Utah (hereinafter referred to as "BYU" or "the University") considers itself exempt from the application of 34 CFR § 106.60, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC §1681 et. seq., a federal statute prohibiting sex discrimination in educational programs. BYU expressly requests the Department to recognize formally that BYU is exempt from the application of this Section because its provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as "the Church" or "the LDS Church"), a religious organization which sponsors and controls BYU.

In 1989, your office granted other BYU requests for exemption from other sections of 34 CFR. Specifically, the University was ". . . exempted from the requirements of the following sections of the Title IX regulation: 34 CFR §§ 106.31, 106.32, 106.36, 106.39, and 106.40". The basis for this exemption was ". . . that BYU is controlled by The Church of Jesus Christ of Latter-day Saints (Church) and that

BYU practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.2 of the Title IX regulation." (OCR letter, January 6, 1989 to President Jeffrey R. Holland)

In our application letter of November 17, 1988, we noted, in part, that Brigham Young, President of the LDS Church, founded BYU in 1875 and since that time the Church has been continuously and ultimately responsible for the University's operation. The University's Board of Trustees consists of persons appointed by the presiding officers of the LDS Church, and all of the Trustees are General Officers of the Church, as is the University's President. The majority of the University's operating budget is derived from appropriations from the Church. Finally, the Board of Trustees not only sets hiring policy for the University but General Officers of the Church are directly involved in the hiring process for every full-time permanent faculty at the University.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church Membership as Apostles and Prophets.[1] While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that the family unit is of basic theological

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[1]The First Presidency, as well as members of the Quorum of the Twelve Apostles, among others, make up the University's Board of Trustees.

significance and that the often independent roles of husbands and wives are fundamental elements of Church doctrine. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit "A" is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation on the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain family values and principles as Church doctrine, which is binding on the Church, its controlled organizations, like BYU, and the Church membership. Please note the significant emphasis on the importance of family and the differing roles of men and women in the family.

It is for this reason that the University may from time to time make a pre-employment inquiry as to the marital and family status of an applicant for a teaching position at the University. The Church teaches and we believe that such information about marital and family status is relevant, combined with other factors, in assessing the extent of an applicant's religious conviction and commitment to Church doctrine and practice as we attempt to identify those most qualified to teach at BYU. Naturally, questions about religious conviction will be wide-ranging and will include areas of inquiry about the support of Church leaders, morality, family life, and basic Church doctrine. The result of this broad inquiry will be that the University will have a better view as to whether the applicant has the necessary religious conviction and devotion to teach at BYU. We emphasize that answers to questions about family are not, by themselves, dispositive in the employment decision. Rather, they are considered, together with the answers to other religiously oriented questions, in measuring the religious strength and commitment of the applicant to Church doctrine and practice.

While this application deals with an exemption for faculty who teach, it is also true that the General Officer interview is required for all new permanent faculty, even

those without fixed teaching assignments. Accordingly, we request that an exemption be granted from § 106.60 of the Title IX regulation which extends to all new faculty hires at the University. Of course, at the heart of this analysis is the holding in Corporation of the Presiding Bishop vs. Amos, 483 U.S. 327 (1987), which held that the religious exemptions of Title VII to the Civil Rights Act do not violate the establishment clause of the first amendment. Simply stated, Amos allows an institution like BYU, one which is owned or controlled by a Church, to exercise a religious hiring preference. That principle, in turn, permits the University to employ Church members who meet certain minimum standards of faithfulness and wholehearted commitment to Church teachings.[2]

The University is a distinctive, religiously based institution with a serious commitment to the values, doctrines and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluating this Notice will be greatly appreciated. If I, or any members of the University administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Sincerely,

Merrill J. Bateman
President

kk
Enc.
cc: Ginger Yee, OCR

---

[2]Lawson v. Kirkham, 499 F.Supp. 960, 965 (D. Utah 1980) establishes that the right of religiously affiliated institutions to prefer their own in hiring matters necessarily involves the right "to employ those who best promote [their] religious mission. . . ."

November 17, 1988

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue S.W.
Washington, D. C. 20202

Re: Notification of Brigham Young University Exemption from Certain Title IX Regulations

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University located in Provo, Utah (hereinafter referred to as "BYU") considers itself exempt from the application of 34 CFR Sections 106.31, 106.32, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statute prohibiting sex discrimination in educational programs. BYU expressly requests the Department to formally recognize that BYU is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU.

As noted, BYU is owned, operated and controlled by the Church of Jesus Christ of Latter-day Saints and is eligible for exemption from the regulations pursuant to 34 CFR Section 106.12. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created BYU in 1875 and has since been continuously and ultimately responsible for its operation. The BYU Board of Trustees consists of persons appointed by the governing board of the LDS Church and over two-thirds of the BYU operating budget is derived directly from appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church.

In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behavior; to respect the

personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relations outside marriage; and to observe high standards of taste and decency. A copy of the BYU Code of Honor which identifies the code of conduct expected of the BYU institutional family is attached as Exhibit "A" and by reference incorporated into this Notice of Exemption. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU students and employees are members of the Church.

The controlling organization of BYU, the Church of Jesus Christ of Latter-day Saints, is a major international Christian religion having a fully developed theology, a well known history spanning two centuries and a world-wide membership presently numbering over six million. Its members believe the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the biblical sense in 1820. The governing board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the biblical sense. While accepting the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives and children are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the economic, political and social life of the communities in which they live.

The mission and purpose of Brigham Young University has been officially articulated in its Mission Statement of November 4, 1981, a copy of which is attached as Exhibit "B" to this correspondence and specifically incorporated by reference. The mission of BYU is essentially spiritual and educational. The University would not exist if it were not for the opportunity to fully and freely blend the teachings and influence of the Church within both the curriculum and the extra-curricular environment on the campus.

Below described are the Title IX regulatory provisions for which BYU has identified a recognized exemption together with an explanation of the religious tenets upon which the exemption is based. For purposes of making these requests, BYU is proceeding on the basis (1) that these requests for religious exemption do not limit

BYU's rights subsequently to claim additional religious exemptions as these come to light and subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authority; (3) that BYU's good faith claims about the existence and meaning of religious doctrine are entitled to a presumption of validity; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines. (See generally United States Department of Education Memorandum dated February 19, 1985 regarding "Policy Guidance for Resolving Religious Exemption Requests," to Regional Civil Rights Directors by Harry M. Singleton, Assistant Secretary for Civil Rights, Department of Education, and United States v. Ballard, 322 U.S. 78 (1944)).

1. Section 106.31 - BYU claims exemption from this section to the extent that it interferes with the operation of extra-curricular student activities in organizations sponsored by the Church. Specifically, there exist on campus numerous student congregations (called "Wards" according to Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

2. Section 106.32 - BYU claims exemption from this regulation to the extent it interferes with the University's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house BYU students. The regulation allows sex-segregated housing when provided by the recipient, but it appears to prohibit such segregation in off-campus housing. The teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities. For this same reason, the University claims the right under its religious exemption to separate students in BYU-approved housing on the basis of sex and to regulate this separation by designating separate buildings or wings of buildings (and not merely separate apartments), as exclusive to one sex, both on and off campus.

3. Section 106.36 - BYU claims exemption from this regulation to the extent it may inhibit its teachers or counselors from discussing and advising students concerning the ways in which marriage may be compared to career choices or with respect to other questions arising concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and counseling for women.

4. 34 CFR Section 106.39 and Section 106.40(b)(4) - The Office for Civil Rights (OCR), U.S. Department of Education has interpreted these regulations to require the University to offer, if offered at all, student health insurance policies which treat pregnancy the same as any other temporary disability in order to be in compliance with the regulations. By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations

outside of marriage and, except in rare cases, must not participate in nor obtain an abortion.

With respect to pregnancy related conditions of married women, the application of the regulation as to BYU is not abortion neutral, but rather has the practical impact on application to encourage abortion and to financially discriminate against those institutions, such as BYU, which promote the religious belief that in most cases full-term delivery is the only morally acceptable resolution of pregnancy. For example, insurance premiums paid by other colleges and universities not sharing the LDS beliefs on abortion will probably not increase substantially upon the extension of disability coverage to pregnancy because students at these universities may elect to terminate the pregnancy through an abortion (costing several hundred dollars) while students at BYU will be required, according to LDS religious tenets, to deliver the baby full term costing several thousand dollars. As a result, the impact of the law is not abortion neutral because the Act provides a practical incentive to perform abortion and a concomitant financial penalty for those institutions promoting religious tenets which prohibit abortion. BYU is unwilling to accept abortion as a cheap, simple and facile mechanism to keep insurance costs within reasonable financial limits.

In addition, as the regulations now stand, married students who become pregnant in violation of the doctrine of chastity through extra-marital means would be afforded maternity benefits. This would also be in violation of the fundamental Church doctrine of chastity in marriage.

Brigham Young University is a church-related college with a serious religious commitment at the heart of its educational mission. With the enactment of the Civil Rights Restoration Act of 1988, the University began a careful and deliberative process to assess the possible adverse impact of the Act on the University. Because it is possible that there may be varying interpretations of Title IX and its regulations yet to be resolved, the University determined to protect its vital interests against the possibility of any future adverse determinations as to the meaning of these regulations with this Notice of Exemption. The University, however, fully supports the goal of equal opportunity and non-discrimination on the basis of gender while at the same time preserving its Constitutional Rights of free exercise of religion. Your prompt attention in evaluating this Notice would be greatly appreciated. If I can be of any assistance to you in completing this task or if you require additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey R. Holland

ישיבת בריסק דשיקאגו

YESHIVAS BRISK OF CHICAGO
6043 N. CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60659
(312) 764-5083

RABBI AARON SOLOVEICHIK
ROSH HAYESHIVA

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Aaron Soloveichik

ישיבת בריסק דשיקאגו

YESHIVAS BRISK OF CHICAGO
BRISK RABBINICAL COLLEGE
6043 N. CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60659
(312) 764-5083

RABBI AARON SOLOVEICHIK
PRESIDENT

June 6, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Aaron Soloveichik

Rabbi Aaron Soloveichik

ישיבת בריסק YESHIVAS BRISK

BRISK RABBINICAL COLLEGE 2965 W. Peterson Ave. • Chicago, Ill. 60659 • (312) 275-5166

Rabbi Aaron Soloveichik
Rosh HaYeshiva

Rabbi Erwin Giffin
Dean of Administration

September 11, 1985

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
United States Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern:

In response to your letter of July 11, 1985, supplementary to the exemption information that we filed with the U. S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation; sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Erwin Giffin

Rabbi Erwin Giffin

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4 California Lutheran College
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

06001133

does not claim a religious exemption per Mr. Don Harrison, Personnel Director 3/2/79 BCL

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[X] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II--PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III--TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Mr. Donald E. Garrison
(name of employee)

60 Olsen Road
(office address)

492-2411, Ext. 211
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: January 31, 1977

California Lutheran College
(Insert name of Applicant)

By Mark Matthews

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Mark A. Mathews

CALVARY BIBLE COLLEGE
15800 CALVARY ROAD • KANSAS CITY, MISSOURI 64147-1341 • (816)322-0110

December 13, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S. W.
Washington, D. C. 20202

RE: Title IX Exemption Application

Dear Sir:

Calvary Bible College and Graduate School of Theology hereby claim 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).

Calvary Bible College is a regionally accredited Bible college, offering courses of instruction in theology, Bible, biblical languages, arts and sciences. The College is controlled by the Calvary Bible College Board of Trustees (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Missouri in 1961 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. 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. The Charter of the Corporation and the catalogs 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 major financial support from the religious organization defined herein as the Corporation. 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. At its spring board meeting, each member of the Board of Trustees is required to sign a statement that he is in full agreement with the articles of faith. Furthermore, a sizable amount of our support comes from churches who adhere to a similar doctrinal statement. However, our strongest argument for exemption stems from the fact that Calvary Bible College is an institutional member of a religious denomination, the Independent Fundamental Churches of America. For confirmation of our membership, see page 33 of the current directory or contact the home office of the Independent Fundamental Churches of America, P. O. Box 810, Grandville, Michigan 49468, or call 616/531-1840. The College 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 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, Exodus 20:1-17; Matthew 5:1-16, 6:19-33; Ephesians 4:30-32; and Colossians 3:1-17.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, I Corinthians 6:13-20; Proverbs 6:24-35; Matthew 5:27,28; and Romans 7:2,13.

The College hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, the following provisions of the Title IX regulations) to the extent that they conflict with the College's religious enets and traditions as described above: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 nd 106.60 (treatment based on marital and parental status--see further explanation below), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentent in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., 1 Corinthians 5-7; Colossians 3:5; 2 Corinthians 6:14ff; Malachi 2:14b-16a; Matthew 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

There are a 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 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 tenets 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 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 claim 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 Mr. Francis Hanna, who is the attorney for the College, at the University of Missouri--Kansas City School of Law, 5100 Rockhill Road, Kansas City, Missouri 64110.

Very truly yours,

Leslie Madison

Leslie Madison, Th.D.
President

LM/ss

calvin theological seminary

OFFICE OF THE PRESIDENT

3233 BURTON STREET, S.E., GRAND RAPIDS, MICHIGAN 49506

July 23, 1976

Mr. Henry De Wit
Calvin College

Dear Mr. De Wit:

I am complying herewith with your request for a review of the policies of Calvin Theological Seminary with respect to sex discrimination.

Access to courses: all degree programs offered by the seminary are open to women and men alike. None of the criteria for admission to courses is related to sexual discrimination.

The supervising Board of Trustees does not license women to conduct religious services. In this respect the Board is administering the policy of the Christian Reformed Church not to admit women to ecclesiastical office. This policy has been recently reviewed with the result that no change was made. This is, however, no barrier to women in gaining the M. Div. (Master of Divinity) degree.

Financial assistance: all students, regardless of sex, pay the same tuition rates. These rates cover approximately 20% of the per-student cost of education. All seminary-administered financial aid is open to women on an equal basis with men.

Counseling: all counseling services are provided on a non-discriminatory basis.

There is no seminary-administered program of housing, physical education, or athletics. Student employment is minimal; what exists is offered without discrimination.

Sincerely yours,

J. H. Kromminga
President

CAMPBELL UNIVERSITY 1887-1987

"A Century of Vision and Service"
Celebrating the Past and Anticipating the Future!

OFFICE OF THE PRESIDENT
Dr. Norman Adrian Wiggins
(919) 893-4111

RECEIVED
1985 JUL 22 PM 2 28
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

July 15, 1985

Mr. William H. Thomas
Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

I am in receipt of your letters of 25 March 1985, and July 3, 1985, replying to my letter of February 25, 1979, in which you replied to Mister Madison's letter of January 26, 1979. In my letter to Mr. Madison, we set forth information we believed would establish Campbell as a church-related university and "controlled" by the Baptist State Convention of North Carolina to be an "exempt institution" within the meaning of the law. Also, we tried in good faith to identify those areas of our program based upon our religious tenets that we thought were in conflict with the regulations.

It is my understanding that you have conceded that Campbell is a "controlled" institution of Christian Higher Education and further information is not needed at this point. Thus, we will confine our efforts to illustrating possible conflicts between the regulations and our tenets of faith.

At the outset, let me emphasize that Campbell has always been deeply committed to principles of nondiscrimination and equality as required by Federal law. From its beginning, the university was a proponent of equal educational opportunities for women and early opened its doors to minorities. Thus, our conflicts stem out of our Christian beliefs, some of which are set forth in the Baptist Faith and Message Statement, a copy of which is enclosed.

Also, let me apologize for our belated reply to your earlier letter. It came at a time when we were deeply involved in matters of our sponsoring church. Furthermore, your request is of such importance that we wanted to give it careful research and due deliberation. Campbell University is an institution of Christian higher education. Our educational program rests upon our religious commitment. In requesting the present exemptions, we in no way want to compromise our right to claim additional exemptions at a later time. From the outset

of the adoption of Title IX, we have been unable to find a reasonably clear definition of the phrase "religious tenets." If there has been a clarification of that phrase, it has escaped our attention. We need to know if a claim made in good faith as to a particular religious tenet would be acceptable or would that be subject to the determination of the appropriate governmental agency? There are other questions which we would like to address to you or your representative, but we will defer them for now in the hope that more definitive explanations will be forthcoming upon the determination of the proposed legislation now before the Congress.

Now, let me turn to the questions set forth in your letter. We are requested to provide:

> 2. "A brief description of the religious tenets of the controlling organization that are followed by the institution."

The Baptists of North Carolina are a people

> "who profess a living faith. This faith is rooted and grounded in Jesus Christ who is the 'same yesterday, and today, and for ever.' Therefore, the sole authority for faith and practice among Baptists is Jesus Christ whose will is revealed in the Holy Scriptures."
>
> "Baptists emphasize the soul's competency before God, freedom in religion, and the priesthood of the believer. However, this emphasis should not be interpreted to mean that there is an absence of certain definite doctrines that Baptists believe, cherish and with which they have been and are now closely identified."

In addition to the statements quoted from the Report of Committee on Baptist Faith and Message, Baptists fully accept without question the Statements of Jesus Christ when He said:

> "I am the resurrection, and the life: he that believeth in me, though he were dead, yet shall he live: and whosoever liveth and believeth in me shall never die..." (John 11:25, 26).
>
> "Because I live, ye shall live also." (John 14:19).
>
> "In my Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you." (John 14:2).

Our belief in Eternal Life is matched by our unyielding faith in the Ten Commandments and the Sermon on the Mount and the principles set forth therein. Therefore, we believe in the sanctity of the home, family and the marriage relationship. In stating that we believe the original purpose of Title IX was to follow the Constitution and not allow any agency to question the truth of these

sacred principles or our belief in them, we are not trying to make your task more difficult. As stated earlier, we are committed to the goals of equal opportunity.

You requested that we state those provisions of Title IX from which exemption is requested. Although we might wish, upon further study, to claim additional exemptions, the following are, for now, specifically noted:

1. Sections 106.21 (c), 106.40 and 106.57 (b). Campbell University claims an exemption from these paragraphs of Title IX regulations insofar as they would require us to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a normal illness and a temporary disability. As noted above, Baptists believe the family is ordained of God and that we are required by our faith to inquire into and take action where necessary in regard to marital or parental status or the pregnancy or termination of pregnancy of students and those seeking employment with the institution.

2. Section 106.14. Campbell University does not have the Greek letter fraternities and sororities. It does have social service fraternities, honor societies and associations. Campbell claims exemption from this and all other regulations to the extent that the practices of such groups would interfere with student organizations sponsored by our Baptist Church. For example, such organizations as the Baptist Student Union and the Baptist Young Women's Association and similar organizations should, in our opinion, be clearly exempt from the regulations inasmuch as the membership of some may be limited to one sex only.

3. Section 106.31. Campbell's claim to exemption rests upon its belief that the Church should be free to adopt rules of dress which may differ for men and women. There are differences between the sexes, and it is believed that these are and should be expressed in their dress and grooming habits.

4. Section 106.32. Campbell University has uniformly followed a policy of sex-segregated housing for all of its unmarried students both in on-campus and off-campus housing. The present problems of abortion and divorce, should, standing alone, be sufficient evidence of the need for sex segregated housing for unmarried students. Our rules, however, are based upon the belief of our Baptist church that marriage and the family are sacred and can only be protected when we follow the teachings regarding sexual morality.

5. Section 106.36. Campbell requests an exemption from this regulation inasmuch as the Church of which it is a part believes that the needs of men and women are sufficiently different as to require substantially different kinds of counseling as it relates to career planning, marriage and the building of homes. It is generally believed that mothers play a central role in rearing children and stabilizing the home. Thus, freedom to consider the God-given roles of mothers and fathers must be preserved if we are to make the will of Christ supreme in the family and in the Church.

In closing, let me once again express our intention to insure that equal educational opportunities are provided to all students. We believe our rules and regulations are based upon the teachings of our Church and sound Biblical principles. If there should be any questions, however, we hope you will let us know.

We appreciate your help and understanding in this matter.

Sincerely,

Norman Adrian Wiggins
President

NAW:kaj

85-005-356

CAMPBELL UNIVERSITY 1887-1987

"A Century of Vision and Service"
Celebrating the Past and Anticipating the Future!

OFFICE OF THE PRESIDENT
Dr. Norman Adrian Wiggins
(919) 893-4111

RECEIVED
1985 JUL 22 PM 2:28
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

July 15, 1985

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Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

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We appreciate your help and understanding in this matter.

Sincerely,

Norman Adrian Wiggins
President

NAW:kaj

HEW - 639

ATTACHMENT #1

CAMPBELLSVILLE COLLEGE
Campbellsville, Kentucky

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

ARTICLE I - Paragraph 2 - RELIGIOUS EXEMPTION

Section 86.12 (a) provides that the Rules and Regulations adopted pursuant to Title IX shall not apply . . . to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

Campbellsville College was founded in 1906 and as stated in its Articles of Incorporation was established to "maintain a four-year coeducational liberal arts college emphasizing and recognizing the teachings and doctrines of Jesus Christ as contained in His Holy Word and shall offer such curriculum as may be determined by the administration and faculty, and approved by the Board of Trustees of this corporation..." One of the great commitments of Campbellsville College has been to stimulate understanding of the Christian ethic and the motive of service to mankind.

Campbellsville College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adherred throughout its history, however, and because it is controlled by its Articles of Incorporation, Campbellsville College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Christian religion. In particular Campbellsville College asserts its exemption from those provisions of 86.40 which would require Campbellsville College not to exclude any unmarried student from its educational program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Campbellsville College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Campbellsville College claims exemption from those provisions of Section 86.57 which appear to prevent the college from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, and termination of pregnancy and appears to require the College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

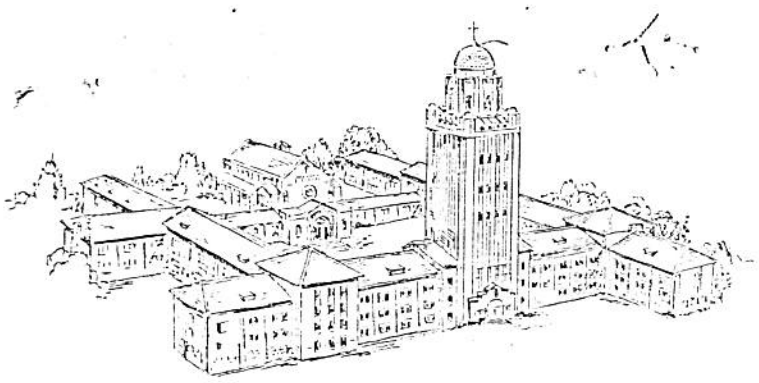
Campbellsville College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is married or unmarried.

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the faculty of Campbellsville College are expected to constitute role models for the students and in such roles - stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is, therefore, essential that Campbellsville College knows in advance of employment whether prospective faculty members have a good family relationship or whether, at the other extreme, such prospects indulge in acts which would be detrimental to good family relationships.

CAMPBELLSVILLE COLLEGE

By W R Davenport
W. R. Davenport Ed.D.
President

September 30, 1976



CARDINAL GLENNON COLLEGE
5200 GLENNON DRIVE
ST. LOUIS, MO. 63119

May 23, 1977

Office of the President

OFFICE FOR CIVIL RIGHTS
Department of Health, Education and Welfare
Post Office Box 8214
Washington, D.C. 20024

Dear Director:

Cardinal Glennon College is a Liberal Arts College but it is also a seminary for candidates for the Roman Catholic Priesthood. It therefore limits its enrollment to students who profess the Roman Catholic Faith, and it also limits its students to males. No student is admitted unless he has a desire to study for the Roman Catholic priesthood. The Roman Catholic Church does not ordain women to the priesthood.

I trust that this will sufficiently indicate our special situation.

Sincerely yours,

Francis A. Gaydos, C.M.

Francis A. Gaydos, C.M.
President

Carson-Newman College

Jefferson City, Tennessee 37760 / 615 / 475-9061

September 27, 1976

Dr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Dr. Gerry:

Attached herewith is the completed Form 639 for Carson-Newman College assuring compliance with Title IX of the Education Amendments of 1972 and the regulations issued by the Department of Health, Education, and Welfare in implementation thereof.

As noted under Article I the college is requesting religious exemption under 45 C. F. R., Section 86.12 (b) of the Rules and Regulations implementing Title IX of the Education Amendments of 1972. I am herewith identifying some sections of the regulations, parts of which are not consistent with the tenets of the Southern Baptist Convention in general and particularly the Tennessee Baptist Convention, Inc. which owns and operates Carson-Newman College.

I am asking for exemption of Carson-Newman College from the following sections:

Section 86.14	Membership Practices of Certain Organizations
86.21 (c)	Admissions
86.31 (b), (6), (8)	Educational Programs and Activities
86.37 (c), (1), (2)	Athletic Scholarships
86.40 (b)	Marital and Parental Status
86.51 (b), (6)	Employment
86.52	Employment Criteria
86.53 (a)	Recruitment
86.55 (c)	Job Classification and Structure
86.57 (b), (c), (d)	Marital or Parental Status
86.59	Advertising

I shall appreciation your consideration of this request provided by the regulations.

Sincerely yours,

John A. Fincher

John A. Fincher, President

JAF:psf
Enclosure
cc: Dr. David Mathews

Cathedral College of the Immaculate Conception
7200 DOUGLASTON PARKWAY DOUGLASTON, N. Y. 11362
(212) 631-4600

Office of the President

September 29, 1976

Cathedral College of the Immaculate Conception is a college-seminary providing college level education for young men preparing for the Catholic diocesan priesthood. At present, the Roman Catholic Church does not admit women to priestly ordination. Seminaries, therefore, do not admit women to educational programs designed specifically for candidates to the priesthood.

Cathedral College does not receive federal financial assistance.

Reverend Monsignor Thomas J. Gradilone
President

CEDARVILLE COLLEGE
A Baptist College of Arts and Sciences

CEDARVILLE, OHIO 45314

June 4, 1976

MCK 7/2

Martin H. Gerry
Acting Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Ave., S.W.
Washington, D.C. 20201

Re: 86.12 (a), (b) of Final Title IX Implementing Regulations

Dear Mr. Gerry:

On behalf of the Administration and Board of Trustees of Cedarville College, we respectfully submit the accompanying claim for exemptions as provided under Section 86.12 (a) and (b) of the Final Title IX Implementing Regulations.

We believe it would be beneficial to your understanding of our position if we were to give you some specific information about our college. Therefore, we present the following for your consideration;

I. A Description of Cedarville College -

Cedarville College is a Baptist college of arts and sciences presenting a balanced liberal arts program coupled with an evangelical, conservative theological position in regard to doctrine and patterns of conduct.

II. The Bible as our Basis for Faith and Practice -

Cedarville College was founded upon and continues to present a curriculum based upon a doctrinal position that the Bible is our sole basis for faith and practice.

6/17/76 mbw

RECEIVED SEP 14 1976 (-9)

COMMIT THOU TO FAITHFUL MEN 2 TIM. 2:2

PASSING THE TORCH

III. Approval by the General Association of Regular Baptist Churches -

Cedarville College is subject to annual approval by the General Association of Regular Baptist Churches (GARBC) to assure the continuity of the educational program in conformity with the Scriptural position of the majority of the GARBC.

Cedarville College wholeheartedly supports the principle of cooperation with governmental authority as admonished by the Bible (Romans 13). However, we also firmly believe that we have the right to take exception to governmental actions which would interfere with faith and practice that is based on Biblical teaching.

We present the following claims for exemption from certain requirements of the Final Title IX Implementing Regulations:

86.21 (c) (1) (2) (4) Admissions -

These subparts (1) prevent a recipient institution from applying any rule concerning the actual or potential parental, family, or marital status of an applicant which treats persons differently on the basis of sex; (2) prohibit an institution from discriminating against or excluding any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, and (3) prevents a recipient institution from making pre-admission inquiry as to the marital status of an applicant.

College Policy - Cedarville College does exclude from its program unmarried, pregnant women.

Rationale - In order to maintain the distinctive character of the College as a Christian institution with Biblical moral standards, Cedarville College must reserve the right to exclude from its programs, male or female applicants who violate the moral standards contained in the Bible.

Scripture References - I Cor. 5; I Cor. 6:15-20; I Thess. 4:3-7.

86.31 (b) (5) Educational Programs and Activities - A recipient shall not, on the basis of sex, "discriminate against any person in the application of any rules of appearance."

College Policy - Cedarville College does maintain a policy limiting the length of men's hair.

Rationale - The policy reflects a sensitivity to the relationship of Cedarville College to its constituency and the institution's responsibility to those whom we serve, together with the School's desire to maintain a testimony to our churches and to society.

Scripture Reference - I Cor. 10:32

It is the institution's intent and practice to maintain the Biblical identity of the sexes while upholding their equality of person.

Scripture References - I Cor. 11:14, 15.

86.40 (a) (b) (1) (4) (5) Marital or Parental Status -

These subparts (1) prevent a recipient institution from applying any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex; (2) prohibit an institution from discriminating against, or excluding any student from its education program or activity on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom; (3) require that a recipient institution treat pregnancy, termination of pregnancy and recovery therefrom as any other temporary disability; and (4) require that a recipient institution shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

College Policy - Cedarville College does exclude from its educational program and activities, unmarried women students experiencing pregnancy, childbirth, or termination of pregnancy.

Rationale - In order to maintain the distinctive character of the College as a Christian institution with Biblical moral standards, Cedarville College must reserve the right to suspend from its program and activities, male or female students who violate institutional standards that have as their basis the moral standards contained in the Bible.

Scripture References - I Cor. 5; I Cor. 6:15-20; I Thess. 4:3-7.

86.57 (a) (1), (b), (c) Marital or Parental Status -

These subparts provide that a recipient institution shall not apply any policy or take any employment action concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex. A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and the recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any other temporary disability resulting therefrom as any other temporary disability for all job related purposes.

College Policy - Cedarville College does exclude unmarried pregnant women applying for employment and also excludes from employment male or female employees who violate the moral standards contained in the Bible.

Rationale - In order to maintain the distinctive character of the College as a Christian institution with Biblical moral standards, Cedarville College must reserve the right to exclude unmarried pregnant women applying for employment and to also exclude from employment male or female employees who violate the moral standards contained in the Bible.

Scripture References - I Cor. 5: I Cor. 6:15-20; I Thess. 4:3-7.

The above exemption statements have been reviewed and approved by the Cedarville College administration and the Board of Trustees. While it is the intent of Cedarville College to continue to provide equal opportunity to members of both sexes in compliance with the provisions of Title IX regulations, continuation of policies relating to the above exemption statements are considered essential to the purpose and programs of the institution.

James T. Jeremiah
Chief Administrative Officer

George Engelmann
Chairman, Board of Trustees

CEDARVILLE COLLEGE

Chicago
7/26
Prepare for AS Sig.
cy: PES

June 26, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

RE: Title IX Religious Exemption

Dear Sir:

The Cedarville College hereby claims 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 its understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

The Cedarville College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College is subject to annual approval by the General Association of Regular Baptist Churches (GARBC), 1300 N. Meacham Road, Schaumburg, Illinois 60195, a non-profit religious corporation which was incorporated under the laws of the State of Illinois under the control of a board of trustees (The Council of Eighteen), and is exempt from federal income taxation as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue Code.

The Cedarville College was incorporated in the State of Ohio as a Christian institution of higher education under the control of a board of trustees and is also exempt from federal income taxation as a not-for-profit institution under Section (c)(3) of the Internal Revenue Code. The trustees of the College 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. The Charter of the College and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the General Association of Regular Baptist Churches aforementioned.

The College educates in the broad range of liberal arts, in which it 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 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. Romans 12:1 "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS)

2. Romans 6:13 "And do not go on presenting the members of your body to sin as instruments of unrighteousness; but present yourselves to God as those alive from the dead, and your members as instruments of righteousness to God." (NAS)

3. Cedarville College Doctrinal Statement 11: "We believe in personal separation from all practices and influences of the world which hinder a spirit-filled life." Cedarville College Doctrinal Statement, page 174, Cedarville College Catalog 1987-1988.

4. The Cedarville College Student Handbook. "IV Community Discipline...[T]he College believes that redemptive discipline should be:

   I. A meaningful learning experience and should encourage responsible behavior;

   II. Based on a Scriptural balance of love and justice and educational principles;

   III. Consistent with the best interest of both the individual and the total College community in mind." Cedarville College Student Handbook at p. 23.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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:

I. I Corinthians 5.
II. I Corinthians 6:15-20.
III. I Thessalonians 4:3-7.

In it's letter of June 4, 1976 to the Department of Education, the College claimed religious exemption from certain of the provisions of Title IX which have since been renumbered. In it's letter of September 13, 1985 the Department granted such claim. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this exemption notice is being submitted at this time in order to clarify and extend the scope of the exemption previously received from the Department and presently claimed by the College.

Accordingly, the College hereby claims 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: C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), together with any application of Sections 106.38 (employment assistance to students); Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender); 106.53 (recruitment); 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, promiscuous conduct outside of wedlock, homosexual behavior, or divorce, [see, e.g., I Cor. 6:12-20; Gal. 5:19-21; Romans 1:24-27; I Cor. 7:10,11]) the college reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices.

There are a 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 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 tenets 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 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 claim 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 Donald W. Rickard, Vice-President of Cedarville College for Student Services at (513) 766-2211 extension 220.

Very truly yours,

Paul H. Dixon

Dr. Paul H. Dixon,
President

CENTRAL BIBLE COLLEGE
3000 NORTH GRANT AVENUE
SPRINGFIELD, MISSOURI
65803

H. MAURICE LEDNICKY
PRESIDENT

TELEPHONE
(417) 833-2551

May 27, 1988

PCS
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AS Reg
cy: AS
DAS
file

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Central Bible College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. §106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious orgranization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by The General Council of the Assemblies of God ("General Council"). The General Council is an association of some 11,000 Assemblies of God churches in the United States, and it has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure A). I am enclosing the General Council's charter (enclosure B) as well as a copy of its Constitution and Bylaws (enclosure C), which will demonstrate conclusively that the General Council is a religious organization.

Article V of the articles of incorporation (enclosure D) of the College specifies:

> This Association is formed for the purpose of,
>
> To provide and maintain an Educational Institution for advanced education in Theological and other courses of study upon a Collegiate level.
>
> To stimulate missionary and evangelistic interest and zeal, foster and nourish the Spiritual life of its students.
>
> To provide Bible centered courses of training to prepare Christian workers for effectual service at home and abroad.
>
> To serve as an instrument to perpetuate and strengthen the distinctive testimony and ministry of the Assemblies of God.

Article IV of the College Bylaws (enclosure E) further provides:

> Central Bible College, a non-profit organization, is and shall be at all times controlled by the General council of the Assemblies of God. The execution of policy and administration may be delegated, but the General Council of the Assemblies of God shall have control over all phases of the institution.
>
> The General Council of the Assemblies of God has charged its board of directors to be guardian of this institution, to see that it promotes forever the ideals and purposes for which it was founded,

> and to take whatever steps are necessary to insure purity of doctrine and excellence of scholarship.

The above-quoted provisions clearly demonstrate that the College is owned and controlled by a religious organization (the General Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organization (the General Council). Article V of the College bylaws (enclosure C) specifies that "Central Bible College is forever bound to give Christ the preeminence is all things and is bound to the statement of Fundamental Truths and to the policies and standards as set forth in the constitution and bylaws of the General Council of the Assemblies of God." The General Council's Statement of Fundamental Truths (constitution, article V) contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the relevation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. §§106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following. (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that

she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College. The only possible exception would be in the case of forcible rape.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from the provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Sincerely yours,

H. Maurice Lednicky

Rev. H. Maurice Lednicky

HML:je

Enclosures

cc: Ms. Maye Miller-Bozeman

Central Christian College of the Bible
911 Urbandale Drive East
Moberly, Missouri 65270
Phone: (816) 263 - 3900

1988 JUL 28 PM 12:59
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 26, 1988

RECEIVED
1988 JUL 28 PM 1:22

Ms. Judith E. Banks
Acting Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381
Kansas City, Missouri 64190-1381

Re: Letter of Title IX Exemption Application

Dear Ms. Banks:

Our Application Letter is enclosed. We understand that you will determine whether the Letter contains sufficient information and then forward our request to the Assistant Secretary.

Please inform us what is needed if the Application Letter is deficient.

Thank you for giving this matter your attention.

Sincerely,

Lloyd M. Pelfrey
President

Enclosure

Central Christian College of the Bible
911 Urbandale Drive East
Moberly, Missouri 65270

Phone: (816) 263 - 3900

July 26, 1988

Assistant Secretary for Civil Rights
United State Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Central Christian College of the Bible hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, purusant 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).

Central Christian College of the Bible is a professionally accredited Bible college, offering courses of instruction in Christian ministry, Christian education, missions, church music, English Bible, and youth ministry. Central Christian College of the Bible (the "Coporation") is a non-profit educational corporation which was incorporated in the State of Missouri in 1957 as an institution of higher education. The College is exempt from federal income tax as a not-for-profit educational institution under Section 501(c)(3) of the Internal Revenue Code. Contributions which are a major portion of the revenue of the College are derived, for the most part, from New Testament churches and individuals who are members of such churches. The Corporation is governed by and operates the College under the control of a board of directors. Each director must be a member in good standing of a New Testament church, and be approved as a director by his presbytery, the highest ecclesiastical authority (Titus 1:5, 9; Acts 14:23; 20:17, 28; 21:18; I Tim. 5:17; James 5:14 and I Pet. 5:1-3).

The directors of the Corporation and the faculty, students and employees of the College are all required to espouse a personal belief in and committment to the object of the Corporation including a continuing belief that Jesus is the Christ, the Son of the Living God in the unique sense without reservation and an acceptance of the Bible as the Divinely inspired truth. The Bylaws of the Corporation contain explicit statements that the College is committed to providing religious, moral, and theological education and the training of leadership for the Church according to New Testament teachings.

The College adheres to biblical tenets in 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 biblical beliefs, values and purposes that are central and essential to the educational mission of the College. Accordingly, the personnel of the College accept biblical 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 Bible sets forth the standards for Christian morality and practice in many places and forms; see the following for examples but not a comprehensive listing. Matthew 18:15-18; Romans 13:1-9; 16:17; I Corinthians 5:1 - 6:3; 11:2, 3; 14:33-37; Galatians 6:1, 2; Ephesians 5:22; II Thessalonians 3:13, 14; I Timothy 2:11-14; 3:1, 2; Titus 2:5; 3:10; James 5:19, 20 and I Peter 3:1.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, marriage, and residential living environments and standards. It holds biblical 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, Romans 1:24-32; I Corinthians 5:1-5; 6:9-11, 15-20; II Corinthians 12:21; Ephesians 5:3; Colossians 3:5; I Thessalonians 4:3-8 and Hebrews 13:4.

The College hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to sudents of one gender) and Section 106.51 (employment opportunities for religious offices or positions limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.55 (job classification and structure) or 106.59 (advertising) that relates to such employment oportunities that are limited to one gender by the religious beliefs of the College.

There are a 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 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 doctrinal tenets 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 requirement of hiring only persons whose beliefs and practice are consistent with the Christian tenets, principles and traditions accepted by the Corporation and are in harmony with its purposes and policies.

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 Lloyd M. Pelfrey or Gerald L. Browning, who are respectively President and Business Manager of the College.

Very truly yours,

Lloyd M. Pelfrey
President

Central Wesleyan College
CENTRAL, SOUTH CAROLINA 29630 PHONE: 639-2453

OFFICE OF THE PRESIDENT
CLAUDE R. RICKMAN

April 26, 1977

Director of the Office for Civil Rights
Department of Health, Education and
Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Sir:

Central Wesleyan College has checked its policies for compliance with the provisions of Title IX. Steps have been planned to modify any practice or action necessary for compliance in all areas not covered by exemption.

Pursuant to the provision of section 86.12 of Title IX, it is requested that exemption be granted Central Wesleyan College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. It is believed that these sections of the act are inconsistent with the special directions and the general rules of the Wesleyan Church by which Central Wesleyan College is controlled.

The special directions of The Wesleyan Church for its members, published in the 1972 Discipline and the 1976 Discipline of The Wesleyan Church, require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it. (See The Wesleyan Discipline, p. 51, Paragraph 187 (5).)

Further, the general rules of the Church require (1). the preservation of the sanctity of the home (See The Wesleyan Discipline, p. 36, Paragraph 131 (11)) and (2). the high regard of marriage vows (See The Wesleyan Discipline, p. 36, Paragraph 131 (14)). The Church also requires appropriate discipline for violators (See Discipline, p. 37, paragraph 132).

It is the expectation of Central Wesleyan College to apply College rules and regulations equally to men and women. There may be occasions in the instance of pregnancy out of wedlock

where the evidence against the father may be insufficient to meet due process requirements. To deal with neither party because we could not deal with both would be tantamount to sanction of a moral which violates a standard of the Church.

I also request exemption of Central Wesleyan College from the provision of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. This tenet is found in the Discipline on general rules on dress (See Discipline, paragraph 131 (8)). The application of this tenet can be illustrated by the acceptable difference in style of swim suits for women and men.

We believe that Title IX permits separation of housing by sex (86:32 (b)), separation of restroom facilities (86:33), and special requirements for employment such as a woman to be resident director in a women's dormitory (86:61). If our understanding of these sections is in error or at any time these sections should be interpreted as prohibiting administration based on sex, Central Wesleyan College would desire the opportunity to request specific exemptions in these areas, also.

The provision of Title IX for the request of specific exemptions for religious beliefs is appreciated. Your favorable consideration of these beliefs and requests will be appreciated.

Sincerely yours,

Claude R. Rickman

Claude R. Rickman
President

CRR:fe

בעז"ה

הישיבה המרכזית „בית יוסף" ביאליסטאק

Central Yeshiva Beth Joseph Rabbinical Seminary

נוסדה בטוברדק בשנת תרנ"א

1427 - 49TH STREET

BROOKLYN, N. Y. 11219

PHONES GEDNEY 6-7591

GEDNEY 6-5146

הרב הגאון ר' יעקב חיים יפה'ן
ראש הישיבה

הרב הגאון ר' יהודה לייב נעקריץ
ראש הישיבה

מיסדו של מרן הגאון ר' אברהם יפה'ן זצלה"ה

הרב ר' קהת בארצק
הרב ר' אברהם יצחק לינזבערג
חברי הנחלה

May 3, 1977

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ZELIG SHLANSKY
MEIR STEFANSKY

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Jacob Joseph

All Contributions To Our Yeshiva Are Tax-Exempt

KD 1790-85
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בעז"ה

הישיבה המרכזית „בית יוסף" ביאליסטאק

Central Yeshiva Beth Joseph Rabbinical Seminary

נוסדה בניוארק בשנת תרנ"א

1427 - 49TH STREET
BROOKLYN, N. Y. 11219

PHONES GEDNEY 6-7591

GEDNEY 6-5146

מיסדו של מרן הגאון ר' אברהם יפה'ן וצלה"ה

RABBI JACOB JOFEN
Rosh Yeshiva
RABBI LEIB NEKRITZ
Rosh Yeshiva

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Honorary President
Ber Mandel
Vice President
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Isidore Farber
Rabbi H.B. Faskowitz
Moses Feuerstein
Dr. Sidney Finkelstein
Rabbi Yitzchok Hechtman
Henry Hirsch
Rabbi Marvin Jotkowitz
Rabbi Mordecai Kirshblum
Rabbi Dr. Bernard Lander
Max Markowitz
Rubin Markowitz
Rabbi Avrohom C. Nussbaum
Rabbi Jacob Pasternak
Rabbi Samuel Rimpler
Rabbi Akiva Senderowitz
Meir Stefansky

August 26, 1985

RECEIVED
AUG 28 1985
OCR
REGION II

Department of Education
Office for Civil Rights
Region 11
Federal Building Room 33-130
26 Federal Plaza
New York, NY 10278

Dear Sir:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Educaiton in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely,

Rabbi Jacob Jofen

Rabbi Jacob Jofen
Dean

TEL. 434-0784

ב"ה

CENTRAL YESHIVA
TOMCHEI TMIMIM LUBAVITZ
OF THE UNITED STATES OF AMERICA

(RABBINICAL SEMINARY)

הישיבה ומתיבתא המרכזית
תומכי תמימים ליובאוויטש
ברוקלין, נ. י.

841-853 OCEAN PARKWAY • BROOKLYN, NEW YORK 11230

April 15,1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the chief administrative officer of this institution.

2) Central Yeshiva Tomchei Tmimim Lubavitz was charted and is maintained as an Orthodox Jewish Seminary. Its Trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenents. The institution today continues to operate under, and adhere to, these policies.

3) The following provisions of part 86 conflict with specific tenents of the Orthodox Jewish Religion governing our institution:

a) Section 86.21(a)
b) Section 86.31(a)
c) Section 86.32(a)
d) Section 86.34
e) Section 86.51
f) Section 86.52
g) Section 86.55(a)
h) Section 86.7
i) Section 86.22
j) Section 86.23(a)
k) Section 86.23(a)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Rabbi Chaim Stern
Administrator

CS/mr

RD 2149-85
55
Kab

TEL. 434-0784

CENTRAL YESHIVA
TOMCHEI TMIMIM LUBAVITZ
OF THE UNITED STATES OF AMERICA

(RABBINICAL SEMINARY)

ב"ה

הישיבה ומתיבתא המרכזית
תומכי תמימים ליובאוויטש
ברוקלין, נ. י.

841-853 OCEAN PARKWAY • BROOKLYN, NEW YORK 11230

October 11, 1985

RECEIVED
OCT 15 1985
O C R
REGION II

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights Region 11
Department of Education
Federal Building
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rabbi Moshe Bogomilsky
Administrator

CHOWAN COLLEGE
MURFREESBORO, NORTH CAROLINA 27855

OFFICE OF THE PRESIDENT

July 26, 1976

Mr. Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Mr. Gerry:

Per your memorandum of July 1976, enclosed you will find for Chowan College the completed Assurance of Compliance with Title IX of the Education Amendments of 1972.

Should you have questions concerning the compliance of Chowan College with respect to Title IX, you may contact either me or Dr. B. Franklin Lowe, Jr., Dean of the College, whom I have appointed as Coordinator of Title IX.

Very sincerely yours,

Bruce E. Whitaker

Bruce E. Whitaker
President

ml

Enclosures

CHOWAN COLLEGE
MURFREESBORO, NORTH CAROLINA 27855

OFFICE OF THE PRESIDENT

July 26, 1976

CLAIM FOR RELIGIOUS EXEMPTION

Chowan College is a church-related institution, owned by the Baptist State Convention of North Carolina. As such, it unapologetically includes the following statement in its college catalog under Requirements for Admission: " Chowan College desires to enroll only those persons who are trustworthy and studious and who possess those qualities that make for a congenial adjustment to college life. Evidence of good moral character, seriousness of purpose, and desirable personal traits will be considered of first importance."

Consequently, Chowan College has grave misgivings with respect to those requirements as set forth in the various paragraphs of Section 86.40 of the Title IX Regulation Implementing Education Amendments of 1972, insofar as these regulations require Chowan College to treat pregnancy, childbirth, fase pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability. The college is also concerned with similar requirements as included in paragraph 86.21 (c), 86.39, 86.51 (b) (6), 86.57 (a) (1), 86.57 (b), 86.57 (c), and 86.60 (a), whether with respect to unmarried students or employees.

As a church-related institution, Chowan College does not condone premarital unchastity on the part of male or female students or employees. Further, the college shall continue to carry in its catalog the following statement: "The College reserves the right at all times to exclude students whose conduct or academic standing it regards as undesirable..."

With reference to section 86.40 and those other paragraphs listed above, Chowan College reserves the right, pursuant to paragraph 86.12 (b) of the Title IX regulations, to claim exemption from requirements as set forth in the enumerated paragraphs, insofar as it may adjudge any portion or all of these to be contrary to the basic religious stance of Southern Baptists.

Respectfully submitted,

CHOWAN COLLEGE

Bruce E. Whitaker

President of the College

CHRISTIAN HERITAGE COLLEGE
2100 Greenfield Drive, El Cajon, CA 92021

March 28, 1979

Mr. Benjamin Saunders
Office of Civil Rights
Office of Compliance and Enforcement
Division of Post-secondary Education
Department of Health, Education & Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Mr. Saunders:

Enclosed is the statement as per 45CFR 86.12(b), which you requested by letter dated March 1, 1979.

Thank you for your cooperation and assistance. We trust this statement adequately expresses our position and satisfies governmental requirements. If there are any further questions, please let me know.

Sincerely,

Henry M. Morris

Henry M. Morris
President

HMM:lr

Enclosure

DIRECTOR, OFFICE OF CIVIL RIGHTS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

March 28, 1979

Dear Sir or Madam,

The following statement has been prepared to satisfy the requirements of 45CFR Part 86, Section 86.12(b). The statement contains two portions, the first of which demonstrates that Christian Heritage College is controlled by a religious organization. The second specifically identifies the provisions of Part 86 which are in conflict with our religious tenets.

A copy of the 1978-'79 Christian Heritage College catalog is enclosed as a supporting document.

A. Control.

Christian Heritage College was founded by Scott Memorial Baptist Church of San Diego and El Cajon, California. This church continues to exercise control over the College through the College Board of Trustees, which is comprised of the President of the College, the Pastor and Senior Pastor of the Church, the Director of Christian Unified Schools, and six members elected by the membership of the Church. The College corporation membership is identical with the Church membership. Annual business meetings are held at Scott Memorial Baptist Church, at which church members may propose policy or budgetary changes and vote on such issues.

Both the Church and the College are committed to faithful obedience in all things to the principles of Christianity as revealed in God's Word, the Bible. The educational philosophy of the College, as stated on pp. 15-16 of the catalog, is based on the "Biblical framework of history and philosophy," and the College attempts to "develop a thoroughly Biblical and Christian world-view in each discipline." Each member of the faculty and administration is required to adhere to the doctrinal position given on pp. 17-20 of the catalog, the first paragraph of which stresses the integrity, inspiration, inerrancy, authority, and completeness of the Holy Scriptures, both the Old and New Testaments.

Prior to admission to Christian Heritage College, each prospective student is required to submit a statement of personal faith in the Person and work of the Lord Jesus Christ. The applicant must also produce a letter of recommendation from a Pastor, and "agree to abide by the doctrinal position and the standards of conduct of the College," as indicated on p. 32 of the catalog.

B. Specific Areas of Conflict.

On the basis of both the Church's and College's expressed faith in the Bible, we take exception to the following Sections of 45CFR Part 86. Brief explanations of the religious tenets at issue are provided for each section from which exemption is claimed.

1. Section 86.21, paragraphs (a) and (b).

While the College does not restrict its enrollment on the basis of

sex for the majority of its programs, the Ministerial Training program is restricted to men only. Although all students are required to take certain Bible courses, and may take any course as an elective, no woman student would be permitted to receive the degree in Ministerial Training. This restriction is based on the Biblical position that church pastors and teachers should be men (1 Timothy 3:2; Titus 1:6; 1 Timothy 2:11-13; 1 Corinthians 14:34).

In addition, the Scriptures teach that the primary responsibility for the operation of the household in a marriage relationship is given to the woman. The Home Economics program has therefore been designed to teach women the qualities exemplified in Proverbs 31, Titus 2:3-5, and elsewhere. On this basis, enrollment in the Home Economics program is restricted to women only.

2. Section 86.21, subparagraphs (c)(2) and (c)(3).

Since pregnancy out of wedlock, or abortion, or illegitimate childbirth would be indications of immorality, as defined in the Bible, the College requests exemption from these regulations and the right to make an admissions decision against an applicant on this basis (Galatians 5:19-21, Ephesians 5:3, Colossians 3:5, 1 Thessalonians 4:3).

3. Section 86.23, paragraph (a).

In accordance with the discussion of Section 86.21 (a) and (b) above, the College will only recruit male students for the Ministerial Training program and female students for the Home Economics program. In other areas, recruiting will be non-discriminatory.

4. Section 86.31, paragraph (a).

The College takes exception to the broad coverage cited in this paragraph of the regulations. Though the College does not discriminate in the majority of its educational programs and activities and makes a conscientious effort to respect and assist all students regardless of sex, there are certain areas in which we may make policy and take action on the basis of sex. The College will always attempt to make these decisions in a manner consistent with Biblical principles. The College requests exemption from this regulation on the basis of the Biblical teaching that there is a difference between males and females in their roles in society (Proverbs 31, Titus 2:3-5; 1 Timothy 2, etc.). Other principles, such as the commandment to "abstain from all appearance of evil" (1 Thessalonians 5:22) and the commandment to not "put a stumblingblock or an occasion to fall in his brother's way," (Romans 14:13) could require in some situations a decision or policy that necessitated different treatment based upon sex.

5. Section 86.31, paragraph (b).

For the same reasons listed immediately above in the discussion of paragraph 86.31(a), the College requests exemption from the specific prohibitions listed under paragraph (b), especially the following subparagraphs:

a. 86.31(b)(5).

The Scriptures clearly teach that men and women are to have different standards of appearance. For example, Deuteronomy 22:5

states that "the woman shall not wear that which pertaineth to a man, neither shall a man put on a woman's garment, for all that do so are an abomination to the Lord." Also, 1 Corinthians 11:14-15: "Doth not even nature itself teach you, that, if a man have long hair, it is a shame unto him? But if a woman have long hair, it is a glory to her."

b. 86.31(b)(7).

The College feels that assisting such organizations that are in agreement with our doctrinal position, regardless of discriminatory practices, is a Biblical practice that should be followed when necessary. There are many Scriptural examples of this, notably Acts 11:27-30; Philippians 4:14-17; and Hebrews 13:16.

6. Section 86.31, paragraph (d).

The College requests exemption from this paragraph, since it is possible that an organization which is in agreement with the doctrinal position of the College may be considered discriminatory. The students and faculty are required to participate in local churches and other Christian organizations of like faith on the basis of such commandments as Hebrews 10:24-25; 1 Timothy 3:15; and others.

7. Section 86.32.

Since the College expects all its students, male or female, married or unmarried, to "abstain from all appearance of evil" (1 Thessalonians 5:22), to "live soberly, righteously, and godly in this present world" (Titus 2:12), and that they "should abstain from fornication"

(1 Thessalonians 4:3), the College has accordingly established rules governing housing for all students, on and off campus. These rules are not intended to be discriminatory, but rather to take a clear stand against immorality and to prevent situations which might appear to be immoral. The College therefore requests exemption from this entire section on housing.

8. Section 86.34.

For the reasons given under Sections 86.21(a) and (b) certain College programs are restricted by sex. In addition, in order to be consistent with the Biblical principles as given in the discussion of 86.31(a) above and in the discussion of 86.51(a) which follows, future programs at Christian Heritage College may be developed which would have to be segregated by sex. The College therefore asks exemption from this section.

9. Section 86.34, paragraph (f).

The College requests exemption on the basis that there are many Scriptural examples of singing groups organized on the basis of sex (Ecclesiastes 2:8; II Samuel 19:35, II Chronicles 35:25, Ezra 2:65).

10. Section 86.36.

The College requests exemption to this section since, while counseling students for program selection, it will be necessary to treat students differently on the basis of sex to be consistent with the principles cited above in the discussions of Sections 86.21 and 86.31.

11. Section 86.38, paragraph (a).

The College believes that the Scriptures teach that certain jobs in the church are reserved for men (I Timothy 2:12; 3:2; 3:12) whereas others, especially as concerns childraising, are more appropriate for women (Proverbs 31:10-31; Titus 2:4, I Timothy 5:14). The College, therefore, requests exemption from this regulation and will permit other agencies, organizations, or persons who wish to make employment available to our students to specify the sex when such designation is in accordance with the Biblical principles.

12. Section 86.38, paragraph (b).

The College requests exemption to this section. Student employees will be treated on the same basis as other employees. The discussion which follows for Sections 86.51 through 86.61 (subpart E) applies to students employees as well as other employees of the College.

13. Section 86.40.

As discussed above under 86.21 (c)(2) and (c)(3), the College requests exemption from this section since pregnancy, abortion, or childbirth is evidence of immorality in unmarried students. The College will exercise sanctions against such students. However, the College's policies against immorality and fornication apply equally to male and female students (Galatians 5:19-21; Ephesians 5:3; Colossians 3:5; I Thessalonians 4:3).

14. Section 86.51, paragraph (a).

The College requests exemption from all four subparagraphs of this paragraph (a) on the basis that certain jobs within the organizational structure of the College must be limited to men in order to be consistent with the Biblical teaching of the line of authority (I Timothy 2:12; Ephesians 5:23) and the principle that only men should be Pastor-teachers in the work of the church (I Timothy 3:2; Titus 1:6).

15. Section 86.51, paragraph (b).

While the College does not generally discriminate against female employees in any of the specific areas listed under 86.51(b), it does ask exemption from this section to the extent necessary under the policy expressed above under the discussion of 86.51(a).

16. Section 86.53.

The College also needs exemption from this section in order to be consistent with the policy stated under the discussion of 86.51(a) above, for the reasons stated.

17. Section 86.55.

The College requests exemption from this section on the same basis as discussed under 86.51(a) above.

18. Section 86.57, paragraph (b).

For the reasons discussed previously under 86.21 (c)(2) and (c)(3), the College asks exemption from this paragraph. Sanctions would be

exercised against any employee or prospective employee who evidenced immorality. Obviously, pregnancy or childbirth in an unmarried woman is normally an evidence of an immoral lifestyle, which is condemned in the Scriptures (Galatians 5:19; Ephesians 5:3, Colossians 3:5; I Thessalonians 4:3).

19. Section 86.59.

The College requests exemption to this section in order to be consistent with the policy stated in the discussion of 86.51(a) above, for the reasons given.

20. Section 86.60, paragraph (a).

The College requests exemption from this paragraph in that marital status could indeed be a factor in job suitability in certain instances. Since the Scriptures teach that the husband is the head of the wife (Ephesians 5:22-24; Colossians 3:18; I Peter 3:1), a woman whose employment came in conflict with her marriage obligations would be expected to be in submission to her husband. On this basis, the College may find it necessary to make an employment decision based upon marital status.

C. Conclusion.

Christian Heritage College and its controlling organization, Scott Memorial Baptist Church, are firmly committed to the principle that the Bible, the Word of God, is the inspired and infallible source for all rules of faith and practice. This principle and commitment is the sole reason for the exemptions claimed herewith.

Thank you for your consideration.

CHRIST THE KING SEMINARY
711 KNOX ROAD
EAST AURORA, NEW YORK 14052

Office of the Rector
(716) 652-8900

Folks ✓
Herd
N.Y.

April 22, 1977

Mr. Albert T. Hamlin
Acting Director, Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Sir:

We have received your MEMORANDUM FOR PRESIDENTS OF COLLEGES AND UNIVERSITIES of April 4, 1977, as well as the document concerning NONDISCRIMINATION ON BASIS OF SEX.

First of all, Christ the King Seminary does not receive Federal funds. Secondly, the primary purpose of Christ the King Seminary is the preparation of priests for Roman Catholic dioceses, mainly in the United States. The present policy of the Roman Catholic Church allows for the Ordination of men, exclusively, to its priesthood. Therefore, in this regard, Christ the King Seminary claims religious exemption.

However, as a matter of principle, Christ the King Seminary has conducted, and has on file, a self-study dealing with policies of employment, of admission of non-seminarian students into its graduate program leading to a Master of Arts in Theology degree, and of the availability of physical facilities for its female clientele. You should be interested to know that the study revealed only one area of need relative to females. This was in terms of the restroom facilities and the matter has been remedied.

For the purposes of the Department of Health, Education, and Welfare, the document of ASSURANCE OF COMPLIANCE WITH TITLE IX is enclosed.

With every good wish, I am

Sincerely yours,

Daniel Lanahan, O.F.M.

Reverend Daniel Lanahan, O.F.M.
President-Rector

DL:NN

Christ the King Seminary

711 KNOX ROAD • P.O. BOX 607
EAST AURORA, NEW YORK 14052-0607

OFFICE OF THE
PRESIDENT-RECTOR

(716) 652-8900

August 2, 1985

Mr. Stanley Seidenfeld
Deputy Director, Office for Civil Rights, Region II
Federal Building
26 Federal Plaza
New York, New York 10278

RECEIVED
AUG 7 1985
O C R
REGION II

Dear Mr. Seidenfeld:

Thank you for your letter of July 11, 1985 concerning a request for religious exemption from Title IX of the Education Amendments of 1972.

Christ the King Seminary is an institution serving the Roman Catholic Church located in the Town of Aurora, Erie County, incorporated under the laws of the State of New York as a nonprofit tax exempt institution operating exclusively for religious educational purposes.

The Minister Provincial and the members of his Council of the Province of the Most Holy Name of Jesus of the Order of Friars Minor constitute the Board of Directors of this Corporation.

Christ the King Seminary does not receive Federal funds. The goals of Christ the King Seminary are: -- primarily to educate and prepare men for priesthood in the Roman Catholic Church; --to offer graduate programs in theological studies to men and women who wish to pursue an advanced degree and/or prepare for special ministries.

The Seminary has four programs of study: The Master of Divinity Program for seminarians; The Master of Divinity Program for commuters; The Master of Arts in Theology; and the Master of Arts in Pastoral Ministry.

The Roman Catholic Church only allows for the Ordination of men to the priesthood. Therefore, the Seminary claims a religious exemption from Title IX of the Education Amendments of 1972 (#86.21 in the Federal Register, Vol 40, No. 108-Wednesday, June 4, 1975) with regard to the Master of Divinity Program for seminarians.

With best wishes,

Sincerely yours,

Kevin E. Mackin

Reverend Kevin E. Mackin, O.F.M.
President-Rector

KEM:NN

the cincinnati bible seminary

2700 Glenway Avenue/Cincinnati, Ohio 45204 (513) 471-4800

cincinnati bible college

cincinnati christian seminary

President
Harvey C. Bream, Jr.

August 11, 1977

Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Re: HEW Form 639 A(3/77), Article I.B., Claiming a Religious Exemption under 45 CFR 86.12(b).

Section 86.21 (c)(1)(2)(3)(4) Pre-admission Marital or Parental Status.

Section 86.40 (a)(b)(1)(2)(3)(4)(5) Marital or Parental Status of Students.

Section 86.57 (a)(b)(c)(d) Marital or Parental Status of Employees.

Section 86.60 (a)(b) Pre-employee Inquiries of Marital Status.

Article III of the Constitution of The Cincinnati Bible Seminary stipulates that we accept ". . . the full and final inspiration of the Bible to the extent that it is . . . the infallible Word of God, and, therefore, the all-sufficient rule of faith and life . . . ."

This being the case, we claim an exemption from those sections cited above based on the religious tenet against sexual immorality as based in such scriptures as: Matthew 15:19, 20; Romans 1:26-32; I Corinthians 5:1-13; Galatians 5:19, Ephesians 5:3-12; Hebrews 13:4; Jude 7; Revelation 21:8.

There is no discrimination against married pregnant applicants, students, or employees.

Section 86.31 (a)(d)(1)(2)(i)(ii) Programs Not Operated by Recipients.

Section 86.34 Access to course offerings.

The undenominational Christian churches and churches of Christ in the main restrict leadership roles such as the preaching ministry and elders and

deacons to men basing this religious tenet on such scriptures as I Timothy 2:12-3:13; Titus 1:5-9; 2:3-5.

The aforementioned being the case, several courses such as Speech from the Pulpit and Practical Ministries are not offered to women.

Also since student summer internship programs are operated by independent, local, undenominational Christian churches and churches of Christ whose religious tenet as cited above restricts most such internship programs to male preaching students, we claim exemption from the above cited sections.

The sections cited above may not necessarily be exhaustive. The continuing self-evaluation process, as provided for in Article III.4 of HEW Form 639 A(3/77), may reveal some other conflicts between our religious tenets and Title IX regulations. In such an event, we reserve the right to claim other exemptions.

We do not concede that 20 U.S.C.A. 1681 and subsequent sections related by implication therein are applicable to The Cincinnati Bible Seminary generally, even though the above cited claims for exemption imply our acceptance of the jurisdiction of all involved in Title IX. We reserve the right to claim exemption under 1681 (a)(3).

Sincerely yours,

THE CINCINNATI BIBLE SEMINARY

Harvey C. Bream

Harvey C. Bream, Jr., President

HCBJr:lm

Circleville Bible College
Office of the President

May 31, 1985

Ms. Linda A. Cornelius
Acting Regional Civil Rights Director
Region V
300 South Wacker Drive - 8th Floor
Chicago, ILL 60606

Dear Ms. Cornelius:

Your letter of May 10 is most genuinely appreciated.

Circleville Bible College is owned and operated by the Churches of Christ in Christian Union. The General Superintendent of the Churches of Christ in Christian Union always serves, by virtue of office, as chairperson of the college's Board of Trustees. All members of the college Board are elected by local church delegates who meet in district councils (assemblies) annually.

The Constitution and Bylaws of the denomination read as follows:

"Any and all actions of the college Board may be appealed to the General Board of Trustees of the Churches of Christ in Christian Union who hold the right to uphold or set aside their actions". (Page 115, para. 3a(7).

It is the historic position of our denomination to affirm equal opportunity for all people. However, certain sections of Title IX could be interpreted in a way which would conflict with our Wesleyan-Arminian theological position and life-style, in particular our views on human sexuality and personal morality. Therefore, based on paragraph 86.12, we respectfully request exemption from the following paragraphs:

106.21 (c) 1-2.
106.40 (b) 1.
106.57 (a) 1.
106.57 (b)
106.60 (a)

Article II of the Statement of Doctrine of the Churches of Christ in Christian Union states, "We believe in the Bible, God's infallible Word, fully inspired by the Holy Spirit, the supreme authority for faith and practice" (Page 12, Constitution and Bylaws, 1978 Edition). It is our belief that the Bible clearly teaches against sexual relations outside of matrimony, homosexuality and artificial termination of pregnancy. Further-

more, it is the stated purpose of our institution to prepare students for "church-related careers" (page 117, Constitution and Bylaws). Such preparation demands that Biblical principles be modeled by our employees and inculcated in our students.

The wording of the above mentioned paragraphs of Title IX could, in our opinion, be interpreted in a way which would compel us to admit, retain and employ persons whose lifestyle would limit the ability of our college to carry out our duties as stated in the Constitution and Bylaws of our parent denomination. Therefore, we request exemption.

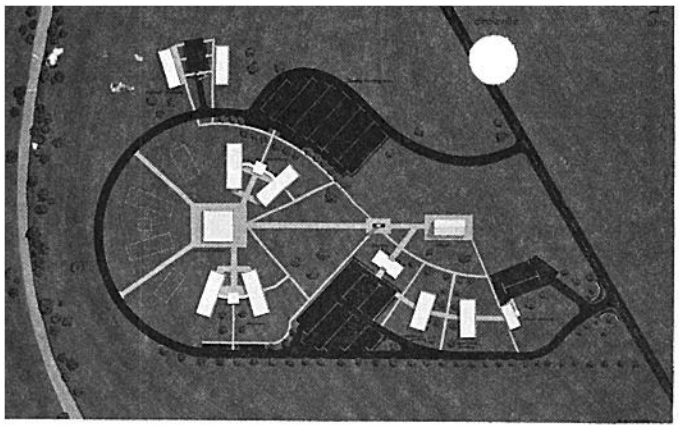
We are indeed grateful for your assistance and shall await further word.

Sincerely,

Doug Carter

Doug Carter
President

DC:rm



New Campus Development

Circleville Bible College

P. O. Box 458

Route 22, East, Circleville, Ohio 43113

Area Code 614 — Phone: 474-8896

MELVIN MAXWELL, President

September 8, 1977

OFFICE FOR CIVIL RIGHTS
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

ATTENTION: David S. Tatel

Dear Mr. Tatel

I must apologize to you for failure to reply to your letter dated August 1, 1977. Material from my office could have gone to the Director of Student Finances, and for some reason, we failed to recognise the past due date. We sincerely regret this and do hope you will accept our apology.

I have gone over the material and the explanation folder along with the HEW form #639A. It is very possible in filling out these materials that I have still failed to comprehend all you may desire. Since we are a church related college, or professional school owned by the Churches of Christ in Christian Union, I am also sending you some material:

(1) From the Constitution and By Laws of our Church, a fotostatic copy that relates to Circleville Bible College.

(2) A current catalog - on page five I have marked a paragraph in red which indicates the history of our institution and it's relationship to the church. On page thirteen of the catalog, under Admissions policies, I have circled our policies in red.

We are well aware of the importance of non-discrimination of race, color and sex. In speaking of the spirit and of the letter, we practice equality in every aspect of our institution.

I am fully aware of your responsibility to see that all institutions are fair in their practices. If further information is yet needed, we will be happy to comply with your requests.

Thank you for your past information and consideration.

Cordially

Melvin Maxwell

Melvin Maxwell
President

Enclosure

rdc

Circleville Bible College
"Different by Design"

November 17, 1988

Chi
12/12
AS sig
cy AS
DAS (Lewis)
FB

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

RE: Title IX Religious Exemption
MFC File No. 88-0616

Dear Sir:

The Circleville Bible College hereby claims 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).

The Circleville Bible College is an accredited Bible college, offering courses of instruction in the Bible in conjunction with various humanities, arts and sciences. The College is controlled by the Churches of Christ in Christian Union (the "Corporation"), a non-profit religious corporation. Both the Corporation and the College are exempt from federal income taxation as not-for-profit organizations under Section 501(c)(3) of the Internal Revenue Code. 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. The Charter of the Corporation and the catalogs 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 a significant amount of its financial support from the religious organization defined herein as the Corporation. 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 of the Wesleyan-Arminian theological position and lifestyle. It specifically utilizes a religious

'476 Lancaster Pike ● P.O. Box 458 ● Circleville, OH 43113-0458 ● Phone: (614) 474-8894

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. Article II of the Statement of Doctrine of the Churches of Christ in Christian Union which sets forth as follows: "We believe in the Bible, God's infallible Word, fully inspired by the Holy Spirit, the supreme authority for faith and practice" (Page 12, Constitution and By-laws, 1978 Edition).

2. I Timothy 4:16 "Take heed unto thyself, and unto the doctrine; continue in them: for in doing this thou shalt both save thyself and them that hear thee." (KJV)

3. Romans 12:1 "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS)

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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:

1. See article II of the Statement of Doctrine of Churches of

Christ in Christian Union set forth above.

2. I Corinthians 6:18 "Flee immorality. Every other sin that a man commits is outside the body, but the immoral man sins against his own body." (NAS)

(The College has previously communicated with the Department of Education concerning a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the College's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this additional exemption notice is being submitted at this time in order to clarify the scope of the exemption claimed by the College.)

The College hereby claims 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: C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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 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 opposed 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 tenets 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 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 claim 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. David A. Case, who is the Academic Dean of the College, at (614)474-8896.

Very truly yours,

Douglas Carter

Douglas Carter,
President

CC: Attorney David A. Haffey

COLLEGE OF MOUNT ST. JOSEPH ON THE OHIO

OFFICE OF THE PRESIDENT

July 21, 1976

Mr. Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

Enclosed are the "Assurance of Compliance with Title IX" forms, as requested in your July, 1976 memorandum.

In addition to the fact that the College has always been, and still is, a women's, undergraduate college, it also can claim the religious exemption. That claim rests upon the conditions spelled out in item (3) on page 6 of your memorandum. The College is owned by the Sisters of Charity of Cincinnati, which body approves policies and procedures of the College, and gives each year to the College support amounting to $500,000. - $1,000,000. through gifts and loans.

The College does have, however, the necessary documents to keep us in compliance with the several federal requirements.

Sincerely yours,

Robert E. Wolverton

Robert E. Wolverton
President

REW/sae

MOUNT ST. JOSEPH, OHIO 45051 TELEPHONE (513) 244-4232

MAR 28 1979

COLLEGE OF MOUNT ST. JOSEPH ON THE OHIO

OFFICE OF THE PRESIDENT

March 22, 1979

Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance & Enforcement
Office for Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

Dear Mr. Waite:

In response to your letter to Mr. Robert E. Wolverton, former President of the College of Mount St. Joseph on the Ohio, I am submitting the following documents.

The enclosed documents demonstrate that the institution falls within the definition of a religiously controlled institution as set forth in the Title IX Assurance of Compliance Form.

The Code of Regulations for the College of Mount St. Joseph, Section 2.2a indicates that the trustees of the college are elected by the members of the corporation who are members of the Governing Board of the Sisters of Charity. The fixed assets of the college are owned by the Sisters of Charity and are merely leased to the Board of Trustees for an annual rental fee of $1 per year. The Sisters of Charity make an annual contribution of $100,000 to the college as well as maintaining an open line of credit in order to assure a cash flow for the operating budget.

I trust that the enclosed documentation will provide the necessary information. Should you need additional information, please do not hesitate to call (513) 244-4232.

Sincerely yours,

S. Jean Patrice Harrington

S. Jean Patrice Harrington
President

enc.

MOUNT ST. JOSEPH, OHIO 45051 TELEPHONE (513) 244-4232

Office of the President
(612) 363-5505

March 27, 1979

Mr. Waite H. Madison, Jr.
The Department of Health,
Education and Welfare
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Office of the Secretary
Washington, D.C. 20201

Gentlemen:

Title 45 CFR Section 86.12 allows educational institutions controlled by religious organizations to apply for an exemption from the application of 45 CFR Part 86 under Section 86.12(b). Your letter of inquiry dated February 19, 1979, requests:

1. An indication of the institution's control by a religious organization and the particular section of CFR Title 45 Part 86 which could be in conflict with a specific tenant of the religious organization.

Enclosed please find photocopies of Articles of Incorporation and By-Laws of the institution which clearly indicate that the College of St. Benedict is operated and controlled by the Sisters of the Order of St. Benedict, which is a canonically established religious community of women under the pontifical directorates of the Roman Catholic Church and the papacy itself. Enclosed also please find a policy statement which indicates the desire on the part of the College of St. Benedict to engage in its employ, members of the Sisters of the Order of St. Benedict when possible.

That policy could conflict with 45 CFR 86.51 in so far as the members of the Sisters of the Order of St. Benedict are all members of one sex, female.

We trust that this meets your demand in your inquiry dated 1 day of March, 1979, for a substantiation of the College's position.

COLLEGE OF ST. BENEDICT

By _____
Beverly W. Miller, Ph.D., President

WESTERN BIBLE COLLEGE
MAILING ADDRESS: P.O.BOX 9332 DENVER, COLORADO 80209 CAMPUS LOCATION: MORRISON, COLORADO
TELEPHONE: 303 697-8135

Hend - NA
Folg
Denver

June 2, 1977

Mr. Albert T. Hamlin
Acting Director
Office for Civil Rights
Department of Health, Education & Welfare
Washington, D. C. 20201

Dear Mr. Hamlin:

The purpose of this letter is to apply for exemption of assurance of compliance with Title IX of the Education Amendments of 1972 (HEW Form 639) as described in Section 86.12 of 45 CFR 86.

The Mandate of Western Bible College as stated in the charter and catalog is:

> Western Bible College is an undergraduate institution specializing in Biblical studies and dedicated to the preparation of purposeful believers--foremost those who anticipate career ministries and also select ministry--motivated lay persons---for fruitful Christian service in the modern world.

As stated in the Mandate, the foremost purpose of Western Bible College is to prepare individuals who anticipate career ministries. These career ministries include pastorate positions within the church today which we believe is a spiritual organism made up of all born-again persons of the present age. (Item 12 of Doctrinal Statement.)

We further believe that the function of pastor within today's church is for men only. This is based on the Scripture verses of I Timothy 2:12-13 which states, "But I do not allow a woman to teach or exercise authority over a man, but to remain quiet. For it was Adam who was first created, and then Eve." This belief is reflected in our Admissions, Recruiting and Education Policies.

Consequently, Western Bible College would like to be exempt from the following sections:

Admissions	86.15
Admissions	86.21
Recruitment: Students	86.23
Education Programs & Activities	86.31 (a) and (b)
Access to Course Offerings	86.34

Thank you for your consideration.

Sincerely,

Gerald R. Stafford
Chairman of the Board of Trustees

GRS/sw

Enclosure

September 18, 1985

Dr. Gilbert D. Roman
Regional Director
Office for Civil Rights
Department of Education
1961 Stout Street
Denver, CO 80294

Dear Dr. Roman:

In response to your letter of August 23, 1985, please be advised that Colorado Christian College wishes to proceed with the previously-filed religious exemption request filed by its predecessor, Western Bible College.

What follows is the information you requested.

Item 1: The name of the religious organization that controls the institution and how the organization controls the institution:

Item 1 is inapplicable in the case of Colorado Christian College, which acquired the assets of Western Bible College in July of 1985. Please be advised that Colorado Christian College is an independent, non-sectarian evangelical Christian College. It is not sponsored by any specific religious organization, denomination, or sect.

Item 2: A brief description of the religious tenets of the controlling organization which are followed by the institution:

Item 2 is inapplicable to Colorado Christian College for the same reason Item 1 is inapplicable: CCC is an independent institution.

Item 3: The Section numbers and paragraphs of Title IX from which exemption is requested, and the conflicting tenet of the organization: Colorado Christian College, as an independent evangelical Christian institution, is dedicated to preparing individuals who anticipate career ministries.

The position of CCC is that the function of the pastor within today's church is for men only. This is based on the Scripture verses of I Timothy 2:12-13 which state, "But I do not allow a woman to teach or exercise authority over a man, but to remain quiet. For it was Adam who was first created, and then Eve." This Scripture is reflected in the College's Admissions, Recruiting and Education policies.

Accordingly, CCC hereby seeks exemption from the following Sections of Title IX of the Education Amendments of 1972:

Admissions	Sub Sec. 106.15
Admissions	Sub Sec. 106.21
Recruitment: Students	Sub Sec. 106.23
Education Programs & Activities	Sub Sec. 106.31(a),(b)
Access to Course Offerings	Sub Sec. 106.34

I trust that the information in this letter has been sufficient. Please do not hesitate to contact me if I may provide further information.

Sincerely,
COLORADO CHRISTIAN COLLEGE

By: _____
Dr. Joe L. Wall, President

COLUMBIA

GRADUATE SCHOOL OF BIBLE & MISSIONS
BIBLE COLLEGE
SCHOOL OF BIBLICAL EDUCATION
WMHK-FM

October 15, 1986

Ms. Alicia Coro
Assistant Secretary
for Civil Rights
Office for Civil Rights
Department of Education
Switzer Building, Room 5000
330 C Street, SW
Washington, DC 20202

Re: Title IX Religious Tenet Exemption Request
Pursuant to 12 C.F.R § 106.12(b)

Dear Ms. Coro:

I am writing to request that Columbia Bible College and Columbia Graduate School of Bible and Missions ("CBC/CGS") be granted a religious tenet exemption from certain provisions of the Department of Education's Title IX regulation (34 C.F.R. Part 106).

CBC/CGS is a private coeducational institution offering programs of professional training for Christian service, and thus is a "school of divinity" under the Office for Civil Rights' ("OCR") definition of that term.*/ CBC/CGS and its programs are described more fully in our academic catalogs, copies of which are enclosed. The religious principles to which we adhere are set forth in a Doctrinal Statement, which appears at page 6 of the College catalog and page 120 of the Graduate School catalog. CBC/CGS is controlled by a Board of Trustees which, in directing the institution's affairs, is guided by religious purposes set forth in our Articles of Incorporation. For these reasons, CBC/CGS is an "educational institution which is controlled by a religious organization" within the meaning of 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12.

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*/ OCR has defined a "school of divinity" as an institution "whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects." Explanation of HEW Form 639 A (3/77).

CBC/CGS supports the aims of Title IX and in good conscience seeks to eliminate all unwarranted distinctions between the sexes. Nevertheless, as a professional training institution for Christian ministries, we are committed to the biblical ethic which makes a clear differentiation in the roles of the sexes. In addition, although we apply the moral standards of the scripture without discrimination on the basis of sex, some of our regulations (which apply such standards to those of both sexes equally) conflict with certain provisions of the Title IX regulation. Accordingly, CBC/CGS claims an exemption from the following provisions of the Title IX regulation, which are inconsistent with our religious tenets:

§ 106.21(c) - Admission; § 106.40 - Marital and Parental Status; § 106.51(b)(6) - Employment; § 106.57 - Marital or Parental Status; and § 106.60(a) - Pre-employment

Our request for exemption is made on the basis of our commitment to what we interpret to be the biblical standard of Christian living and morality. The Bible forbids sexual relations outside the marriage relationship for men and women equally; the Bible is clear in its teachings on the sanctity of human life and that human intervention to terminate life after its conception is to be opposed; and the Bible is clear in its commitment to the sanctity of marriage and the inappropriateness of divorce and remarriage in certain circumstances. We would not permit an applicant to enroll who is pregnant or who has recently given birth to a child and who is not married. The father of such a child would not be permitted to enroll either. Married applicants who are pregnant are welcome. We would not admit an applicant who recently has terminated a pregnancy. Comparable policies are applied to students and employees. In addition, our regulations and policies impose limitation on the admission and employment, and treat differently, applicants, students, and employees who are divorced.

§ 106.31(b)(4) - Education programs and activities

We believe that the Bible differentiates between men and women as to appearance. This differentiation is reflected in certain regulations governing proper decorum in grooming or dress. However, the principles underlying these rules of decency and modesty apply equally to both sexes.

CBC/CGS believes that the constitution prohibits any government interference in the teaching and practice of religion. In submitting this statement, we do not waive any right to the protection of the constitution in this or any other matter, nor do we waive any statutory or other limitation on the jurisdiction or authority of the Office for Civil Rights or any other governmental entity. Further, we reserve the right in the future to claim exemption under 20 U.S.C. § 1681(a)(3) from Title IX generally or from specific provisions not identified in this letter.

We thank you for your consideration of this request. Please contact us if you need any additional information.

Sincerely yours,

J. Robertson McQuilkin
President

JRM;m

Columbia Union College

OFFICE OF THE PRESIDENT

TAKOMA PARK, MARYLAND 20012
AREA CODE 301, TELEPHONE 270-9200

April 28, 1980

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Madison:

Dr. Standish the previous President of Columbia Union College has moved on to another office in another state, and I'm answering the letter of a year ago with regard to information on Title IX for Columbia Union College. We have had a comedy of errors take place here in which I drafted a letter to you March 29, 1979, and never sent it, and then when we finally got a letter ready, we sent it to the wrong office. I have learned recently that you have never been in receipt of it and I send my deepest apologies and I hope that the following information will be helpful to you in assessing our compliance. As far as I can tell, the material which I am writing to you in this letter gives a fairly complete picture of the operation of this college. We have not varied the operation in years, and I think that given the projection for the future, the same will hold. We have appreciated the help from your office, and if you have any questions or comments, we would be appreciative of receiving them.

Columbia Union College has requested that it be granted an exemption, as provided for in 45 CFR 86.11, from certain provisions of Title IX regulations because they conflict with the religious teachings of the Seventh-day Adventist Church, of which Columbia Union College is an integral part. Specifically, Columbia Union College requests exemptions from the following regulations on the following grounds:

45 CFR 86.21, 86.40, and 86.57, which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall Be Disciplined," Church Manual 247). The Church Manual comments: "The Church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievious sins" (p. 249).

45 CFR 86.31, which deals with appearance: The Seventh-day Adventist church adheres to basic Biblical techings that wearing apparel should be modest, jewelry should not be worn, and that there should be distinctions between men's and women's clothing. 1 Tim. 2:9, and Deut. 22:5. For more than one hundred years, the writings of Ellen G. White, considered inspired by God, have guided the Church in interpreting the above mentioned Biblical principles ("Clothing" and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the HOly Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Columbia Union College, as a Church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Columbia Union College believes it complies with the requirements of Title IX because it applies its religious principles and standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it questior how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Columbia Union College.

Background information demonstrating that Columbia Union College is religious controlled: The Seventh-day Adventist Church in the United States operates a number of universities and senior colleges, to provide for its youth the opportunity to do advanced study within the context of the Church's world view and sense of mission. Columbia Union College is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The College is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501(c)(3) tax exemption. In addition, its board of directos is totally Seventh-day Adventist, as are its faculty and full-time staff.

Very truly yours,

William Loveless
President

cc: Mr. Robert Harvey, Director
Elder W. Coe, Chairman of Board
Mr. L. Show, Business Manager
Mr. L. Clarambeau, Student Finance

Alaska Bible College

Box 289, Glennallen, Alaska 99588
Telephone Area Code 907-822-3201

Partners

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cy: AS
OASP (LEWIS)

September 27, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Alaska Bible College 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).

Alaska Bible College is a nationally accredited Bible college, offering courses of instruction in Bible, General Education, and Christian Ministry. The college is controlled by SEND International of Alaska (formerly Central Alaskan Missions, Inc.) a non-profit religious corporation originally incorporated in 1936 and incorporated in the State of Alaska in 1956. SEND is under the control of a board of directors and is exempt from federal income taxation as a not-for-profit religious institution under Section 501 (c) (3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. 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. Faculty members at the college are missionaries under and members of SEND International, a religious order, and have raised their support from interested churches and individuals. 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 Romans 13: 8-10, 13-14; Ephesians 5:1-13.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Hebrews 13:4, I Corinthians 6: 9-10, 18.

The college hereby requests 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: 34 C.F.R Sections 106.21 (c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tents to students of one gender) and section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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 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 tenets 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 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 Gary J. Ridley, Sr. who is President of the college, at 907-822-3201.

Very truly yours,

Gary J. Ridley
President

GJR/sln

AMERICAN INDIAN BIBLE COLLEGE

10020 North Fifteenth Avenue
Phoenix, Arizona 85021-2199

Telephone: (602) 944-3335
Office of the President

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cy: AS
DAS (Lewis)

October 11, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of the American Indian Bible College (the "College"), to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R., section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is controlled by the Arizona, Arkansas, New Mexico, North Texas, Northern California-Nevada, Oklahoma, Rocky Mountain, South Texas, Southern California, and West Texas District Councils of the Assemblies of God ("District Councils"). The District Councils are associations of churches in the states of Arizona, Arkansas, California, Colorado, Nevada, New Mexico, Oklahoma, Texas, and Utah. The Districts are members of The General Council of the Assemblies of God ("General Council") -- an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c) (3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District councils are religious organizations.

Further, the Constitution and Bylaws (enclosure 4) of the College demonstrate that the College is controlled by a religious organization (the District Councils). Article II, Section 1 of the College's constitution and bylaws provides in relevant part, that:

> The American Indian Bible College of the Assemblies of God, Inc. shall be sponsored by the following entities which shall exercise complete control of the Corporation through a Board of Directors:

a. The General Council of the Assemblies of God through its Division of Home Missions

b. The six founding District Councils: Arizona, West Texas, New Mexico, Rocky Mountain, Northern California-Nevada, and Southern California . . . .

c. Other District Councils, concerned with American Indian missions, which may become members in the future.

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths" -- a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R., sections 106.20(c), 106.40(b), and 106.57, would conflict

106.21(c)

with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) an unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

David J. Moore

David J. Moore
President

DM:jo

Enclosures

cc: Ms. Maye Miller-Bozeman
Richard R. Hammar, Esq.

Andrews University Berrien Springs, Michigan 49104 (616) 471-7771

President

July 15, 1976

Dr. F. David Mathews, Secretary
Department of Health, Education, and Welfare
330 Independence Avenue, N.W.
Washington, D. C. 20201

Dear Dr. Mathews:

I am sending you a statement concerning the relationship of Andrews University to Title IX. We published a year ago the following statement in the local publications such as The Herald Palladium, Saturday, October 18, 1975; The Journal Era, Wednesday, October 15, 1975; The Student Movement, Tuesday, October 21, 1975; the Weekly Announcement Sheet, Thursday, October 16, 1975; Andrews University Focus, November 1975; and included it as an insert with the faculty and staff payroll checks of Thursday, October 16, 1975.

> Andrews University has reviewed its relationship with Title IX and asserts that it does not discriminate on the basis of race, color, national origin or sex in admission, employment, or educational programs and activities, except where provisions of the law conflict with the Ten Commandments and with the moral teachings of Scripture as understood by the Seventh-day Adventist Church. Inquiries may be directed to the President of the University.

The following statement now requests exemptions from specific provisions of Title IX.

> Andrews University is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.
>
> Andrews University is committed to equal educational and employment opportunities among its students or employees or among applicants for admission or employment. The University is in substantial compliance with the requirements issued by the United States Department of Health, Education, and Welfare under Title IX of the Educational Amendments Act of 1972.
>
> Andrews University believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Andrews University is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Chruch. It also is obligated to apply church standards with respect to appearance, including those differentiating between men and women.

Andrews University claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(b), and 86.31, insofar as they conflict with church teachings and practices on morality, deportment, and appearance.

We appreciate the provisions to allow specific exemptions in Title IX.

Very sincerely yours,

Joseph G. Smoot
President

r

APPALACHIAN BIBLE INSTITUTE

BRADLEY, WEST VIRGINIA

25818

OFFICE OF THE PRESIDENT

November 30, 1976

Director: Office for Civil Rights

The Appalachian Bible Institute, Incorporated, is a professional Christian educational institution which has as its sole objective the providing of a Biblical educational environment in which Christian men and women may prepare themselves for Christian service in church-related ministries.

The Appalachian Bible Institute holds that the Bible teaches that the pastoral office and preaching are reserved for men (I Timothy 2:12; 3:1-8). Those courses specifically designed for pastoral preparation, such as Homiletics and Pastoral Theology, are not required of females. Women may elect courses in the Bible-Pastoral Studies program but they may not graduate from it.

Inasmuch as sexual intercourse apart from marriage is forbidden in the Bible (I Corinthians 4:3; Hebrews 13:4), the Appalachian Bible Institute disciplines both a man and a woman student who are involved in a violation of this standard.

We, therefore, request exemption from compliance in these areas under Title IX, 86:10 and 86:12.

Lester E. Pipkin

Lester E. Pipkin
President

no tenet cited; unsigned statement

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Asbury College – Kentucky
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

21001952

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

HEW—639 (7/76)

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[x] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Dr. J. Paul Ray
(name of employee)

CPO Box 632, Asbury College, Wilmore, KY 40390
(office address)

606-858-3511, Ext. 233
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[x] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ .
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 30, 1976

Asbury College
(Insert name of Applicant)

By Dennis F. Kinlaw
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

GPO 906-517

Asbury College
Wilmore, Kentucky 40390
606/858-3511
Dennis F. Kinlaw, president

Asbury College is an undergraduate institution of higher education, controlled by an independent board of trustees, and bound by Articles of Incorporation that commit it to the fundamental doctrines of the Protestant Christian faith as found in the Bible. Its faculty and staff are required to believe in those doctrines and are charged with operating an educational program consistent with those doctrines. As such an institution it finds itself concerned with 45 C.F. R. Part 86 at four points:

1) The sanctity and the permanently binding character of marriage vows,
2) the legitimacy of sexual relations only within marriage,
3) the sanctity of human life, including fetal life,
4) and the divinely established differences between the sexes.

We therefore reserve the right to make inquiry about marital status (86.21 (c) (4), 86.60 (a) in order to present proper models to our academic institutional community. This right has not and will not be used to discriminate against one sex or for one sex.

We reserve the right, if future interpretation of Sections 86.21 C, 86.40 (a), (b) (1) (5), and 86.57 make it necessary, to continue to treat pregnancy and abortion as moral/ethical matters.

We reserve the right to differentiate in our community life on occasion between the male and the female (Sections 86.31 (b) (4), (5) (d), 86.34 (f). This is not to discriminate or to perpetuate any stereotyped characterizations of one or the other sex. It is to acknowledge the divinely established difference between a man and a woman and that a true self-understandin is an appropriate goal in human education.

Dennis F. Kinlaw
President

FRANK BATEMAN STANGER
PRESIDENT

ASBURY THEOLOGICAL SEMINARY
WILMORE, KENTUCKY 40390 (606) 858-3581

OFFICE OF THE PRESIDENT

June 2, 1977

"Attachment"

Claim for Exemption
Under Section 86.12

Asbury Theological Seminary is a graduate professional school of theology, organized for the purpose of training men and women for Christian ministry. The Seminary is a confessional institution, adhering to certain religious persuasions as set forth in its Articles of Incorporation. No person may be elected to the Board of Trustees, to an official position in the corporation, or employed as an administrator or faculty member unless that person fully subscribes to the theological tenets upon which the Seminary was founded.

Sections D, E and G of Article IV of the Seminary's Articles of Incorporation are reproduced below. These paragraphs have likewise been printed in the Seminary's 1976-1977 catalog.

ARTICLE IV (Purpose and Doctrinal Standards)

Section D

To maintain the corporation as a Theological Seminary for the promotion of Theological Education. It will be the OBJECT of this Seminary to prepare and send forth a well-trained, sanctified, Spirit-filled, evangelistic ministry. This Seminary will emphasize in its teaching the divine inspiration and infallibility of the Holy Scriptures, the Virgin Birth, Godhead, Vicarious Sufferings, and bodily resurrection of our Lord Jesus Christ. The instruction of this Seminary will fully recognize the fallen estate of mankind, the necessity of individual regeneration, the witness of the Spirit, the remains of the carnal nature, and entire sanctification as a second work of grace subsequent to regeneration. The instruction in this Seminary will conform fully to the Wesleyan interpretation of the Scripture. The instructors in this institution will guard with jealous care against any sort of teaching in sympathy with modern liberalism.

Section E

No person shall be elected to the Board of Trustees, or to an official position, in this corporation, nor shall any person be employed as an instructor, in its corps of teachers who is not in full sympathy with the Wesleyan interpretation of the Scriptures on Entire Sanctification, and who does not in humble faith trust in Christ for full deliverance from all sin.

Section G

It is the FULL PURPOSE of the incorporation of this institution, and it must be the FULL PURPOSE of the Trustees, Administrators and Faculty, of the incorporation as well as all donors, givers, bestowers, and contributors to the corporation, by the use of all proper means to spread Scriptural Holiness over all these lands.

The Seminary contends that Sections 86.21 (c), 86.40 and 86.57 of Title IX are in conflict with the theological position stated in Article IV, Sections D, E and G of the Articles of Incorporation of Asbury Theological Seminary. Those portions of Title IX prohibit the Seminary from making any differentiation between a person who is pregnant within the confines of marriage and one who is pregnant outside the marital state. Asbury Theological Seminary's theology of the Christian life, as expressed in the Articles of Incorporation, affirms that pregnancy is a privilege of the marriage relationship solely.

On these grounds, applicant respectfully requests the granting of an exemption from those parts of Title IX which are inconsistent with the religious tenets of Asbury Theological Seminary.

Asbury Theological Seminary

By: _____

President

Telephone FYI
Kim

Assemblies of God Theological Seminary

1445 BOONVILLE AVENUE SPRINGFIELD, MISSOURI 65802 TELEPHONE (417) 862-3344

H. GLYNN HALL, Ed.D.
President

KANSAS R. VII
11/23
prepare for A.S. Sec.
cy: OASP-LETTER
VPES - ENTIRE PACKAGE

October 4, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Assemblies of God Theological Seminary (the "Seminary") to claim exemption for the Seminary from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

ASSEMBLIES OF GOD THEOLOGICAL SEMINARY INCORPORATED 1972 SPRINGFIELD MO.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The Seminary is controlled by a religious organization

The Seminary is a graduate-level educational institution that is owned and controlled by The General Council of the Assemblies of God ("General Council"). The General Council is an association of some 11,000 Assemblies of God churches in the United States, and it has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). I am enclosing the General Council's charter (enclosure 2) as well as a copy of its Constitution and Bylaws (enclosure 3), which will demonstrate conclusively that the General Council is a religious organization.

Article V, Section 1, of the articles of incorporation of the Seminary (enclosure 4) specifies that the Seminary "is and shall be at all controlled by The General Council of the Assemblies of God, a religious corporation organized and existing under the laws of the State of Missouri. The execution of policy and administration may be delegated, but The General Council of the Assemblies of God shall have control over all phases of the institution." Similarly, Article IV, Section 1, of the Seminary's Constitution and Bylaws (enclosure 5) specifies that the Seminary "is and shall be at all times controlled by The General Council of the Assemblies of God."

The above-quoted provision clearly demonstrate that the Seminary is owned and controlled by a religious organization (the General Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the Seminary with Title IX would conflict with specific tenets of the controlling religious organizations (the General Council).

Article VI, Section 1, of the Seminary's articles of incorporation and Article V, Section 1, of the Seminary's Constitution and Bylaws, specify that the Seminary " is bound to the Statement of Fundamental Truths and to the policies and standards as set forth in the Constitution and Bylaws of The General Council of the Assemblies of God." The General Council's Statement of Fundamental Truths (Constitution Article V) contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the Seminary with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the Seminary and its controlling religious organization. These provisions prohibit discrimination based

on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following. (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the Seminary that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the Seminary.

In summary, compliance with the anti-discrimination provisions referenced above would force the Seminary to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the Seminary with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

H. Glynn Hall

President H. Glynn Hall

HGH:je

Enclosures

cc: Richard R. Hammar

The Archdiocese of Cincinnati • 29 East Eighth St., Cincinnati, Ohio 45202

Office of the Archbishop

July 23, 1976

Dear Sir:

As Chairman of the Board of Trustees of The Athenaeum of Ohio, I hereby apply on behalf of The Athenaeum for exemption to Part 86, under Title IX of the Education Amendments of 1972, on the grounds that The Athenaeum of Ohio is controlled and operated by the Roman Catholic Archdiocese of Cincinnati.

Both divisions of The Athenaeum of Ohio - St. Gregory's College Seminary and Mt. St. Mary's School of Theology - are operated to prepare men for the Priesthood in the service of the Roman Catholic Church. Since the teaching and discipline of the Roman Catholic Church do not permit the ordination of women to the Priesthood, I feel the exemption is justified.

I state further that we require faculty and students to espouse the personal belief in the Catholic Religion, that our Board of Trustees is appointed by the Roman Catholic Archdiocese of Cincinnati and that The Athenaeum receives a significant amount of financial support from the Roman Catholic Archdiocese of Cincinnati.

Sincerely yours,

Joseph L. Bernardin

Archbishop of Cincinnati
Chairman of the Board of Trustees
of The Athenaeum of Ohio

Director of Civil Rights
Office for Civil Rights
Department of Health, Education and Welfare
Office of the Secretary
Washington, D.C. 20001

01 00 0-923

Atlantic Christian College
Wilson, N. C. 27893

August 29, 1984

Mr. William Thomas
50 Seventh Street, N.E.
Room 404
Atlanta, Georgia 30323

Dear Mr. Thomas:

I am writing to request the allowable exemption to the application of Title IX: Prohibition of Sex Discrimination. The requested exemption is provided for under Part 86: Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities, Subpart B: Coverage, Item 86.12 A and B. Based on this allowance, I respectfully request that Atlantic Christian College be allowed to prohibit unmarried pregnant females from maintaining residence in our College dormitories.

Atlantic Christian College was founded and continues to be sponsored by the Christian Church (Disciples of Christ) whose moral and ethical principles do not condone sexual relationships out of wedlock. Because one of the important ways by which the College attempts to develop the moral character of its students is role modeling, the presence of unmarried pregnant women in our dormitories clearly contradicts our efforts. The Christian Church expects the College to demonstrate through teaching, rules, and action those moral and ethical values which represent the highest achievements of mankind. Atlantic Christian College believes that the presence of unmarried pregnant females in our dormitories defines for the other women living in those dormitories undesirable moral and ethical principles. Therefore, we are requesting that you grant to us exemption from the application of this portion of Title IX. It is very important that we have your decision at the earliest possible time.

Thank you for your consideration of this request. I look forward to hearing from you very soon.

Sincerely,

James B. Hemby, Jr.
President

jbh:ls

cc Mr. Gordon Joyner
V.P. for Student Affairs

OFFICE FOR CIVIL RIGHTS
REGION IV
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AYELET HASHACHAR

teacher's seminary
for women and
institute for jewish studies

OFFICE: 707 BOLTON ROAD, FAR ROCKAWAY, N.Y. 11961

MRS. SARAH FREIFELD
DEAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Mrs. Sarah Freifeld

538 VENARD ROAD • CLARKS SUMMIT, PENNSYLVANIA 18411 • TELEPHONE (717) 587-1172

DR. MILO THOMPSON, PRESIDENT

Baptist Bible College & Seminary

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DAS (LEWIS)

October 17, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Baptist Bible College of Pennsylvania
Clarks Summit, Pennsylvania
Title IX Exemption

Dear Sir:

Baptist Bible College of Pennsylvania hereby claims 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).

Baptist Bible College of Pennsylvania is a regionally accredited Bible College, offering courses of instruction in theology, religion, Old and New Testament and also the humanities, arts and sciences. The College is a non-profit corporation incorporated under the laws of the Commonwealth of Pennsylvania and is approved by the General Association of Regular Baptist Churches,, Schaumburg, Illinois, as a Christian institution of higher education. It is exempt from federal income taxation as a not-for-profit religious educational institution under Section 501(c)(3) of the Internal Revenue Code. Its property, business and affairs are controlled by a Board of Trustees all of whom must be members of local, autonomous Baptist churches which adhere to and practice the historic religious doctrines and tenets of the Christian faith. Each Trustee and each member of the College's faculty, staff of employees and its student body are required to espouse a personal belief in the religious tenets of the Christian faith. The catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion and maintains its religious tradition, standards and beliefs in accordance with Baptist distinctives.

The College adheres to biblical tenets for matters of faith and practice, following its religious tradition and Baptist distinctives. 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 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, Romans 1:18-32; Galatians 5:16-24 and Ephesians 4:17-5:6.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Matthew 18: 15-20 and I Corinthians 5:1-13.

The College has previously communicated with the Department of Education concerning a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the college, this additional exemption notice is being submitted at this time in order to clarify the scope of the exemption claimed by the College.

The College hereby claims 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions limited by religious tenets to one gender, such as, chaplains), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.55 (job classification and structure) or 106.59 (advertising) that relates to employment opportunities that are limited to one gender by the religious beliefs of the College.

There are a 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 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 tenets 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the College and the General Association of Regular Baptist Churches.

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 claim 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 the undersigned at the College.

Very truly yours,

Milo E. Thompson, Jr.

Milo E.Thompson, Jr.
President

MET:bw

PENN

P Smith

538 Venard Road · Clarks Summit, Pennsylvania 18411 · Telephone: 717 | 587-1172 · ANCHORED IN THE WORD

Harris PA

Baptist Bible College & School of Theology of Pennsylvania

TO: The Director, Office for Civil Rights

FROM: Baptist Bible College and School of Theology of PA

RE: Identification of the specific provisions of 45 C.F.R. part 86 which conflict with the specific religious tenets of Baptist Bible College and School of Theology of PA.

86.15 Admissions

(1) Baptist Bible College - admissions policies of private undergraduate institutions are exempt.

(2) School of Theology (Grad School) - 86.15 is inconsistent with the religious tenets of this institution. We believe that, by divine appointment, there are some ministries in the church which are prohibited to women. Such prohibitions do not imply any mental or spiritual inferiority on the part of women, but are simply part of God's wise arrangements for His people. Women cannot serve as preachers or pastors, and in areas of theological instruction are to remain subordinate to men (I Timothy 2:11-15; Titus 1;5-9, Bible references). There is no instance of a woman preacher or pastor in the New Testament. For these reasons, since its beginning in 1932, Baptist Bible College and School of Theology does not admit women as students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

With respect to the above ministries in the church which are prohibited to women, the college and School of Theology adhere to the position of the General Association of Regular Baptist Churches, by which we are approved.

86.21 Admission,

86.22 Preference in Admissions,

86.23 Recruitment: Students -- same as exemption request in 86.15

86.31 Education Programs and Activities

Baptist Bible College and School of Theology find 86.31(a) inconsistent with its religious tenets regarding the participation of women in academic programs designed to train preachers, pastors, or theological teachers.

86.34 Access to Course Offerings

Baptist Bible College and School of Theology find 86.34 inconsistent with its religious tenets regarding the participation of women in classes designed to train preachers, pastors, or theological teachers.

86.51 Employment

Baptist Bible College and School of Theology find 86.51 inconsistent with its religious tenets regarding the employment of women in areas of theological instruction.

86.55 Job Classification and Structure

Baptist Bible College and School of Theology find 86.55 inconsistent with its religious tenets regarding the classification of women in areas of theological instruction.

Date December 9, 1976

By Ernest Pickering

Dr. Ernest Pickering
President

Baptist Bible College
628 E. Kearney
Springfield, Missouri 65803
(417) 869-9811

LELAND R. KENNEDY, PRESIDENT

1988 SEP 27 AM 11:32
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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OASP

September 5, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Title IX Exemption Application

Dear Sir:

Baptist Bible College 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) and 908 of Title IX and 34 C.F.R. Section 106.12(b).

Baptist Bible College is a nationally accredited school by the American Association of Bible Colleges offering courses in Bible and Theology as well as necessary courses in humanities, arts and sciences in order to prepare its graduates for Christian ministries. The college is controlled by Baptist Bible Fellowship International, a non-profit religious corporation which was incorporated in the State of Missouri in 1950 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation. (Please find a copy of the B.B.F.I. Constitituion enclosed.)

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 resolutions and disciplinary matters, as well as in the performance of any religious role or office in which gender distinctions may be required.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 taught by the Holy Bible and accepted by the college.

The college hereby requests exemption from the application of the following provisions of the Title IX regulations, to the extent that they conflict with the college's religious tenents and the Word of God and traditions as described above: 34 C.F.R. Sections 106.21 (c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministrerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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.

The college 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 tenets as taught by the Holy Bible and accepted by the college. 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.

The college reserves its right to apply for further amendments in accord with its religious belief. 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 Mr. Gary Grey, who is the Executive Vice President of the college, at 628 East Kearney, Springfield, Missouri 65803.

Very truly yours,

BAPTIST BIBLE COLLEGE

Leland R. Kennedy

Dr. Leland R. Kennedy
President

Baptist Bible College
628 E. Kearney
Springfield, Missouri 65803
(417) 869-9811

LELAND R. KENNEDY, PRESIDENT

1988 OCT 13 AM 11:06

October 10, 1988

Judith E. Banks
Acting Regional Civil
Rights Director
Office of Civil Rights
Department of Education - Region 7
Executive Hills MO
10220 North Executive Hills Boulevard
8th Floor
P. O. Box 901381
Kansas City, MO 64190-1381

Dear Ms. Banks:

Pursuant to my conversation with Patricia Boyd, we are hereby submitting further clarification as to the nature of our appeal for religious exemption. I will attempt to address the issues as they are stipulated in the document of Title IX.

1. Section 106.21c states that there shall be no exclusion of unmarried women due to pregnancy. Unmarried pregnant women are excluded from admission to Baptist Bible College as well as men whose lifestyle is immoral.

BASIS FOR EXEMPTION: It is the religious conviction of the Baptist Bible Fellowship International (hereinafter called BBFI) that the act of marriage is reserved for those who are married. Unwed pregnancy or evidence of sexual involvement prior to marriage is in violation of this religious conviction. Please see:

Genesis 2:24 - "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

Hebrews 13:4 - "Marriage is honorable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

2. Section 106.40 states that an unmarried female shall not be terminated from attendance of college if she becomes pregnant while in attendance.

BASIS FOR EXEMPTION: It is the religious conviction of the BBFI that the act of marriage is reserved for those who are married. Unmarried students, both male or female, who are proven to have engaged in sexual activity are dismissed from college.

Genesis 2:24 - "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

Hebrews 13:4 - "Marriage is honorable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

Romans 13:9 - "For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself."

I Corinthians 6:9 - "Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind."

Leviticus 20:10 - "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbor's wife, the adulterer and the adulteress shall surely be put to death."

Deuteronomy 5:18 - "Neither shalt thou commit adultery."

Matthew 5:27 - Ye have heard that it was said by them of old time, Thou shalt not commit adultery."

3. Section 106.57 states that a single woman who becomes pregnant will not be terminated from employment.

BASIS FOR EXEMPTION: It is the religious conviction of the BBFI that the act of marriage is reserved for those who are married. Those unmarried employees (male or female) who are proven to have engaged in sexual activity will be terminated in their employment because of their violation of the above-stated religious conviction. Please see:

Genesis 2:24 - "Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh."

Hebrews 13:4 - "Marriage is honorable in all, and the bed undefiled: but whoremongers and adulterers God will judge."

Romans 13:9 - "For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there by any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself."

I Corinthians 6:9 - "Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind."

Leviticus 20:10 - "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbor's wife, the adulterer and the adulteress shall surely be put to death."

Exodus 20:14 - "Thou shalt not commit adultery."

Deuteronomy 5:18 - "Neither shalt thou commit adultery."

Matthew 5:27 - "Ye have heard that it was said by them of old time, Thou shalt not commit adultery."

4. Section 106.60 states that there will be no inquiry as to marital status in the pre-employment application process.

BASIS FOR EXEMPTION: Many of the employment positions require a particular gender. It is the religious conviction of the BBFI that nouns and pronouns referring to the minister in I Timothy 3:1-7 and Titus 1:6-9 are consistently masculine gender. It is further recognized that the woman is not to usurp the authority over the male in spiritual matters, therefore it is necessary to have male faculty members teaching the ministerial courses. Please see:

I Corinthians 11:3 - "But I would have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God."

I Timothy 2:12 - "But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."

It is also necessary for women to teach some courses to women who are training for support positions to those in the ministry. Please see:

Titus 2:2-5 - "The aged women likewise, that they be in behavior as becometh holiness, not false accusers, not given to much wine, teachers of good things; that they may teach the young women to be sober, to love their husbands, to love their children, to be discreet, chaste, keepers at home, good, obedient to their own husbands, that the word of God be not blasphemed."

5. Section 106.34 states that there is to be no discrimination in academic programs. Basis for exemption: Our pastoral ministries program is limited to male students only. It is the religious conviction of the BBFI that the minister of the gospel is to be a male. Please see:

> I Timothy 3:1-7 - "This is a true saying, If a man desire the office of a bishop, he desireth a good work. A bishop then must be blameless, the husband of one wife, vigilant, sober, of good behavior, given to hospitality, apt to teach; not given to wine, no striker, not greedy of filthy lucre; but patient, not a brawler, not covetous; one that ruleth well his own house, having his children in subjection with all gravity; (for if a man know not how to rule his own house, how shall he take care of the church of God?) Not a novice, lest being lifted up with pride he fall into the condemnation of the devil. Moreover he must have a good report of them which are without; lest he fall into reproach and the snare of the devil."
>
> Titus 1:6-9 - "If any be blameless, the husband of one wife, having faithful children not accused of riot or unruly. For a bishop must be blameless, as the steward of God; not self-willed, not soon angry, not given to wine, no striker, not given to filthy lucre; but a lover of hospitality, a lover of good men, sober, just, holy, temperate; holding fast the faithful word as he hath been taught, that he may be able by sound doctrine both to exhort and to convince the gainsayers."
>
> Therefore, only men are permitted to enter into the program.

6. Section 106.51 states that there shall be no exclusion in training for the chaplaincy.

> BASIS FOR EXEMPTION: The chaplaincy is a position that is filled by an ordained minister of the gospel which as a matter of conviction by the BBFI must be a man. Reasons for the exemption are identical to those listed in Section 106.34 above.

7. Section 106.38 states that no distinctions of gender will be made in the employment of students.

> BASIS FOR EXEMPTION: In keeping with the moral standards of this institution, single men and women have separate residence halls. Employment for supervision, janitorial, etc., necessitates that men be hired in areas used exclusively by men and women be hired in areas used exclusively by women.

8. Section 106.53 states that recruitment of employees will not ask questions as to religious beliefs.

BASIS FOR EXEMPTION: The existence of this institution is dependent upon its ability to produce graduates who believe the doctrines held by the BBFI. Doctrinal beliefs of the BBFI necessitate particular adherence to such by its prospective employees in order for Baptist Bible College to maintain its distinctive beliefs.

9. Section 106.55 states that gender distinctions cannot be made for jobs on campus.

BASIS FOR EXEMPTION: Certain jobs require gender distinctions. Based upon a religious conviction that the female is not to usurp authority over the male in spiritual matters, there is a necessity for male employees to teach pastoral and theological courses. It is also necessary for ladies to teach some courses that are uniquely germain to ladies' academic programs. Please see:

I Timothy 2:11-12 - "Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."

Titus 2:3-5 - "The aged women likewise, that they be in behavior as becometh holiness, not false accusers, not given to much wine, teachers of good things; that they may teach the young women to be sober, to love their husbands, to love their children, to be discreet, chaste, keepers at home, good, obedient to their own husbands, that the word of God be not blasphemed."

10. Section 106.59 states that male gender is not to receive preference in employment opportunities.

BASIS FOR EXEMPTION: Based on the rationale stated above in Section 106.55, it is necessary for exemption so males can be exclusively used in teaching Bible, theology and ministerial training courses.

Thank you for your consideration of these exemptions. If you have any questions or require any further information, please contact Mr. Gary Grey, who is the Executive Vice-President of the college, at 628 East Kearney, Springfield, MO 65803.

Sincerely,

Russell Dell

Russell Dell, Th.D.
Academic Dean

Kreps
8/13

Bartlesville Wesleyan College

Office of the President

July 16, 1976

Mr. Peter E. Holmes
Director of the Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Holmes:

Bartlesville Wesleyan College has reviewed its current policies and practices in regard to full compliance with the provisions of Title IX. Action has been taken to fully comply with the requirements of Title IX including steps to modify any practice or action required to bring the institution into full compliance in all parts of the act not covered by exemption.

Pursuant to the provision of section 86:12 of Title IX I request exemption of Bartlesville Wesleyan College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the act are inconsistent with the special directions and the general rules of The Wesleyan Church the controlling agency of Bartlesville Wesleyan College.

The special directions of The Wesleyan Church for its members published in the 1972 Discipline of The Wesleyan Church require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it (see the Discipline p. 51 paragraph 187 (5). Further the general rules of the church require (1) the preservation of the sanctity of the home (see the Discipline p. 36 paragraph 131 (11) and (2) the high regard of marriage vows (see the Discipline p. 36 paragraph 131 (14). The Discipline also requires appropriate corrective actions for violators (see Discipline p. 37 paragraph 132).

Bartlesville, Oklahoma 74003

Phone 918-333-6161

While it is the expectation of Bartlesville Wesleyan College to apply college rules and regulations equally to men and women there may be occasions in the instance of pregnancy out of wedlock where the evidence against the father may be insufficient to meet due process requirements whereas such would not be the case with the woman. To deal with neither party because we could not deal with both would be tantamount to sanction of a moral situation which violates a tenet of our church.

Further, I request exemption of Bartlesville Wesleyan College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. The specific tenet of the church with which the requirements of Title IX may be insistent is found in the church's general rules on dress (see Discipline paragraph 131 (8). The application of this tenet does require some differences in the dress code in specific circumstances; for example, the acceptable style of swim suits for men would be different than the acceptable style of swim suits for women.

It is our understanding that Title IX permits separation of housing by sex (86:32 (b), separation of restroom facilities (86:33), and special requirements for employment such as a woman to be resident director in a women's dormitory (86:61). If our understanding of these sections should be in error or at anytime these sections should be interpreted as prohibiting administration based on sex Bartlesville Wesleyan College would desire the opportunity to request specific exemption in these areas, also.

The provision of Title IX for the request of specific exemptions based on religious tenets is appreciated, as is your favorable consideration of these requests.

Sincerely,

John M. Snook

John M. Snook
President

JMS:kew

BAYLOR UNIVERSITY
Abner V. McCall • President
Waco, Texas 76703

McK
1/14

January 12, 1976

Director of the Office for Civil Rights
U. S. Department of Health, Education
and Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Sec. 86.12(b) of "Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise that Baylor University of Waco, Texas, is an educational institution which is controlled by the Baptist General Convention of Texas and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization.

1. Premarital unchastity whether on the part of a man or woman is contrary to the tenets of the Southern Baptists. Insofar as these regulations require Baylor University to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability such regulations conflict with the tenets of Southern Baptists. Such regulations pertaining to unmarried women whether students or prospective students or employees or prospective employees are inconsistent with the policies of the university and Southern Baptists. These inconsistent regulations include Sec. 86.21(c), 86.39, 86.40, 86.51(b)(6), 86.57(a)(1), (b), (c), 86.60(a).

2. It is the tenet and practice of practically all Southern Baptist churches that only men should be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Baylor University. Baylor University matches this partial scholarship. Section 86.37(a)(b) of such regulations is inconsistent with this Southern Baptist tenet. Educational programs

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designed for ministerial students and campus clubs and programs primarily for ministerial students will reflect this tenet. The following regulations may be inconsistent therewith: Sec. 86.6(c), 86.11, 86.31, 86.34, 86.36(c), 86.38(a)(1)(2).

Licensed and ordained Baptist ministers are given preference in employment in certain offices, e.g. chaplain and certain academic departments, e.g. Department of Religion. Since women are not licensed or ordained as ministers, such tenet is inconsistent with Sec. 86.51, 86.53, 86.55(a).

Sincerely,

Abner V. McCall

Abner V. McCall
President

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FEB 22

BELMONT COLLEGE
NASHVILLE, TENNESSEE 37203

EXECUTIVE VICE PRESIDENT
AND
ACADEMIC DEAN

February 16, 1979

Mr. Waite H. Madison, Jr., Acting Director
Divison of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

In response to your letter dated January 26, 1979, I am pleased to re spond to your inquiry regarding 45 CFR Section 86.4 under Title IX of the Education Amendments of 1972.

You asked for clarification in two areas:

First, regarding religious tenets and provisions of the regulation which the college believes to be in conflict. Belmont College is owned by the Tennessee Baptist Convention. The Baptist denomination is not a creedal faith nor does it have stated dogmas. It does very clearly emphasize certain practices and beliefs.

The Baptist Faith and Message was adopted by the denomination in its annual convention in 1963 and reaffirmed in 1969. There are 17 sections of this statement growing out of Biblical truth. The Baptist Faith and Message statements are a part of our Faculty Handbook and, therefore, a part of our contracts. It stresses that every Christian is under obligation to follow the teachings of Exodus 20:3-17 and other Biblical truths stated elsewhere. Exodus 20:14 (one of the Ten Commandments) states: "Thou shalt not commit adultery." Our denomination believes that pregnancy and childbirth out of wedlock are wrong and, therefore, reserves the right to act accordingly. This teaching also permeates the denominational educational literature used in the churches. The college does not discriminate in its action regarding sex in these matters.

Second, Belmont College belongs to the Tennessee Baptist Convention having been established in 1951. Its trustees are elected by the convention in its annual session and the denomination significantly funds the college with operational and capital funds. The college is responsible to the convention in fiscal, academic and spiritual matters, even though the convention leaves wide discretionary power with the college.

Sincerely,

BELMONT COLLEGE

Glen E. Kelley
Executive Vice President
and Academic Dean

Rabbinical Seminary of Belz

4814 16th Avenue
Brooklyn, N.Y. 11204
(212) 435-9633

RD 1907-85
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September 9, 1985

RECEIVED
SEP 13 1985
O C R
REGION II

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights
Department of Education, Region II
26 Federal Plaza, Rm. 33-130
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59.

Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rosach Ringel
President

BEREA
COLLEGE
Berea, Kentucky 40403
Office of the President, Willis D. Weatherford

September 28, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

I enclose the Assurance of Compliance under Title IX of the Education Amendments of 1972, as required.

Berea College claims a religious exemption as permitted by law, and this statement is included in its self-evaluation.

Berea College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adhered throughout its history, however, and because it is controlled by its Articles of Incorporation, Berea College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Christian religion.

In particular, Berea College asserts its exemption from those provisions of Section 86.40 which would appear to require Berea College not to exclude any unmarried student from its education program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Berea College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Berea College claims exemption from those provisions of Section 86.51 that would appear to require the College to grant leaves for pregnancy, childbirth, false pregnancy and termination of pregnancy of an unmarried employee.

Berea College claims exemption from those provisions of Section 86.57 which appear to prevent the College from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy and termination of pregnancy and appears to require the College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

Berea College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss" or "Mrs."

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the faculty and staff of Berea College are expected to constitute role models for the students and in such roles, stable, moral family relationships are extremely important in adhering to Christianity's principles. It is, therefore, essential that Berea College may inquire in advance of employment whether prospective faculty members have a healthful moral family relationship or whether, at the other extreme, such prospects participate in extramarital sexual relationships.

Yours sincerely,

Willis D. Weatherford

Willis D. Weatherford

Enclosure

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

file 6/11/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

BETHANY LUTHERAN COLLEGE
(Name of Applicant or recipient

734 Marsh Street
(address)

Mankato, Minnesota 56001
(city, state, zip code)

OE - 002337
(identifying code-FICE, OE, or IRS)
27002337

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Calvin K. Johnson
(name of employee)

3. 734 Marsh Street
(office address)

4. (507) 625-2977
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (x) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by July 1, 1977 (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 24, 1977

BETHANY LUTHERAN COLLEGE
(Insert name of Applicant)

By Raymond M Brantad
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

BETHANY LUTHERAN
COLLEGE

ARTICLE I, B.

The Applicant claims exemption from paragraph 86.55/a insofar as it pertains to those who preach and officiate in the religious exercises of the institution. It is a religious tenet of the Evangelical Lutheran Synod which owns and operates the institution that such positions be restricted to qualified males who are in religious fellowship with the Evangelical Lutheran Synod.

Raymond M Baustad
President

BETHEL COLLEGE
MISHAWAKA, INDIANA 46544
PHONE (219) 259-8511

June 1, 1977

Mr. Albert T. Hamlin
Acting Director
Office of Civil Rights
Dept. of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Hamlin:

Bethel College has reviewed its current policies and practices in regard to full compliance with the provisions of Title IX.

Pursuant to the provisions of section 86:12 of Title IX, I request exemption of Bethel College from the provisions of section 86:21 c; 86:40 (a) and (b) and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the act are inconsistent with the general practice of The Missionary Church with which Bethel College is affiliated.

The Constitution of The Missionary Church as published in its 1973 edition requires practices and conduct in social relationships that reflect the spiritual ideals of Christianity. (See the Constitution of The Missionary Church, p. 12.) Further, the church takes a position that the sanctity of marriage and the home should be taught to all believers (ibid., page 11.)

While it is the expectation of Bethel College to apply college rules and regulations equally to men and women there may be occasions in the instance of pregnancy out of wedlock where the evidence regarding the father may be insufficient to meet due process requirements whereas such would not be the case with the woman. To deal with neither party because we could not deal with both would be tantamount to sanctioning of a moral situation which violates a position of the church.

Further, I request exemption of Bethel College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. The application of the standards of practice and conduct of the church requires differences in dress code in specific circumstances. The acceptable style of swim suit for a swimming class would be different for the men than for the women.

Your favorable consideration of our request for specific exemption will be appreciated.

Sincerely,

Albert J. Beutler
President

AJB:cc
Enclosure

212-
TEL. 854-2290-2

ישיבה שערי ישר

מיסודו של הרב יצחק דב קפלמן שליט"א

BETH HAMEDRASH SHAAREI YOSHER

4102 16TH AVENUE

BROOKLYN, N. Y.

בס"ד

RABBINICAL ADVISORY BOARD

RABBI ABRAHAM JOFEN
RABBI ELIEZER Z. PORTUGAL

BOARD OF GOVERNORS

RABBI CHAIM BERKOWITZ
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JAKOB PARNES
RABBI ZEV PARNES
RABBI SHEA PARNES
RABBI MORDCHA RUBIN
RABBI AKIWA SENDROWITZ
CHAIM SRULEWITZ
MEIR STEFANSKY
SAM TISSER
ISRAEL ZUPNIK

ROSHEI HAYESHIVA

RABBI YOSEF ROSENBLUM
RABBI SHLOMA FIGA

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Shloma Figa

RD 1906 85
SS

TEL. 854-2290-2

ישיבה שערי ישר

מיסודו של הרב יצחק רב קפלמן שליט"א

BETH HAMEDRASH SHAAREI YOSHER

4102 16TH AVENUE

BROOKLYN, N. Y.

בס"ד

RABBINICAL ADVISORY BOARD

RABBI ABRAHAM JOFEN
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IRVING OCHS
RABBI ISRAEL ORLANSKI
ISSACHER PARNES
JAKOB PARNES
RABBI ZEV PARNES
RABBI SHEA PARNES
RABBI MORDCHA RUBIN
RABBI AKIWA SENDROWITZ
CHAIM SRULEWITZ
MEIR STEFANSKY
SAM TISSER
ISRAEL ZUPNIK

ROSHEI HAYESHIVA

RABBI YOSEF ROSENBLUM
RABBI SHLOMA FIGA

September 10, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office of Civil Rights, Region 11
Department of Education
26 Federal Plaza
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter dated July 11, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding on 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I hope that the above information satisfies the necessary requirements regarding our request for religious exemption from Title IX of the Education Amendments of 1972.

Sincerely yours,

RYM/ma

Rabbi Yosef Mayer
President

BETH HATALMUD
INSTITUTE FOR ADVANCED TALMUDIC STUDIES

בית התלמוד

P.O. BOX 85 • 2127 - 82nd STREET • BROOKLYN, NEW YORK 11214
(718) 259-2525

September 1, 1985

Department of Education
Office for Civil Rights
Federal Building
26 Federal Plaza
New York, N.Y. 10278

Att: Mr. Stanley Seidenfeld

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with thost tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I hope this letter will clarify all matters. If you have any questions, please feel free to contact me.

Sincerely,

Rabbi Abba Osina
Executive Administrator

BETH HATALMUD
INSTITUTE FOR ADVANCED TALMUDIC STUDIES

בית התלמוד
בית שמגדלים בו תורה ויראה

2127 - 82nd STREET • BROOKLYN 14, NEW YORK
CLoverdale 9-2525

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title 1X of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Chaim Wysokier

4419 - 18th AVENUE / BROOKLYN, N. Y. 11204 / (212) 435-8478

Beth Jacob Hebrew Teachers College

RG

Office of the Dean

בס"ד

August 17, 1977

OS-OCR
CORRESPONDENCE
BRANCH
AUG 23 5 52 PM '77

TO WHOM IT MAY CONCERN:

This is to certify that we are claiming a religious exemption from those parts of 45 C.F.R. part 86, which conflicts with the religious beliefs of our organization. As an orthodox Jewish school, we cannot have classes with men and women together. All our religious classes are for women only. Our students and staff must be orthodox Jews.

Sincerely yours,

Shlomo M. Teichman

Rabbi Shlomo M. Teichman,
Executive Vice President

smt;gg

Received 8-28-77

תיכון בית יעקב למורות

Beth Jacob Hebrew Teachers College
Bais Yaakov Academy

RD 2128-85

SAM

ב"ה

RECEIVED
OCT 10 1985
OCR
REGION II

October 9, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region 11
Department of Education
Federal Building Room 33-130
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of September 20, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only female students. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: Section 106.21, 106.22, and 106.23. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes.

Sincerely,

DR. SHLOMO M. TEICHMAN
President

SMT/re

1213 Elm Avenue / Brooklyn, New York 11230 / 339-4747

Tel.: 232-1600

YESHIVA EMEK HALACHA ישיבת עמק הלכה

1763-63RD STREET • BROOKLYN N.Y 11204

RABBI TUVIA GOLDSTEIN
Dean
HYMAN M. BOOKSON
GERALD SCHWEBEL
President
MICHAEL RATNER
Vice-President
ALAN L. FELD
Secretary
MARTIN C. KOFMAN
Treasurer
HARRY FEINSTEIN
DR. PAUL FENSTER
ICEK LITWIN
Executive Committee

Board of Governors

LEO BOOKSON
HON. PAUL E. BOOKSON
State Senator, N.Y.
MORRIS FEINSTEIN
NATHAN FENSTER
MORRIS J. GREENBERG
BERNARD GROSS
RABBI DR. PINCHAS KAHN
PINCUS KAHN
NISSEN KRAKINOWSKI
RABBI DR. JULIUS G. NEUMAN
WILLIAM SAPERSTEIN

May 3, 1977 הרב טוביה גולדשטיין
ראש הישיבה

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Beth Rivkah Schools

בית רבקה

310 CROWN STREET • BROOKLYN, N.Y. 11225 • (212) 735-0400

Founded by
The Late Lubavitcher Rebbe
Rabbi Joseph I. Schneerson

Under the Auspices of
Merkos L'Inyonei Chinuch, Inc.
RABBI M. HODAKOV
National Director
DR. NISSEN MINDEL
Secretary

RECEIVED

SEP 23 1985

O C R
REGION II

September 5, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education
Federal Building Room 33-130
26 Federal Plaza
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only female students. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, and 106.23. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes.

Sincerely,

Leima Minkowitz

LM:sa

05 005 051

ANDERSON C. HILL, II, J.D., M.B.A.

ATTORNEY AT LAW

368 SECOND AVENUE, DAYTONA BEACH, FL 32014
904/252-4150

July 22, 1985

RECEIVED
1985 AUG -5 AM 11:19
U.S. DEPT OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. William H. Thomas
Regional Civil Rights Director
U.S. Department of Education
101 Marietta Tower
Atlanta, GA 30323

RE: Exemption from Title IX
Bethune-Cookman College
Daytona Beach, FL

Dear Mr. Thomas:

President Bronson asked that I thank you for your letter of July 3, 1985. The College is still interested in obtaining the requested exemption in Dr. Bronson's letter of May 30, 1977. He has asked my office, as internal attorney, to respond to the three questions posed in your March 25, 1985 letter to the institution. I will track each of your questions with my responses as follows:

1. The United Methodist Church controls the college by and through its Board of Trustees. On page three of the manual for the Board it states that "through an amendment to the Corporate Charter in 1931, the management of the college through the Board of Trustees became subject to the rules and regulations of the Methodist (now the United Methodist) Church, a Tennessee Corporation, or its successors and subject to the Discipline of the Methodist Church.

2. The religious tenets of the United Methodist Church, expounded in The Book of Discipline of the United Methodist Church published in 1984, which the institution accepts and complys are:

   (A) Of Faith in the Holy Trinity,
   (B) Of the Word, or Son of God, who was made very man,
   (C) Of the Resurrection of Christ,
   (D) Of the Holy Ghost,
   (E) Of the Sufficiency of the Holy Scriptures for Salvation,
   (F) Of the Old Testament,
   (G) Of Original or Birth Sin,
   (H) Of Free Will,
   (I) Of the Justification of Man,
   (J) Of Good Works,
   (K) Of Works of Supererogation,
   (L) Of Sin after Justification,
   (M) Of the Church,
   (N) Of Purgatory,

(O) Of Speaking in the Congregation in such a tongue as the People understand,
(P) Of the Sacraments,
(Q) Of Baptism,
(R) Of the Lord's Supper,
(S) Of Both Kinds,
(T) Of the One Oblation of Christ, Finished upon the Cross,
(U) Of the Marriage of Ministers,
(V) Of the Rites and Ceremonies of Churches,
(W) Of the Rulers of the United States of America,
(X) Of Christian Men's Goods,
(Z) Of Santification,
(AA) Of the Duty of Christians to the Civil Authority.

3. The college, given the aforementioned religious tenets, request exemption from section 106.40(a) and (b)(1) of Title IX. All students residing in college residence halls are unmarried. If a student becomes pregnant, then that student must move from therein immediately upon receipt of evidence by the college. This is not the same college policy for other temporary disabilities, unless that disability is medically known as contagious. The two noted subparts of 106.40 expose the institution to potential charges of discrimination. Methodism social principles found under the nuturing community in the aforementioned text references states the following:

"Although men and women are sexual beings whether or not they are married, sex between a man and a woman is only to be clearly affirmed in the marriage bond. Sex may become exploitative within as well as outside marriage. We reject all sexual expressions which damage or destroy the humanity God has given us as birthright, and we affirm only that sexual expression which enhances that same humanity, in the midst of diverse opinions as to what constitutes that enhancement."

To allow a pregnant student campus residence may imply college approval of pre-martial sex. The Church and the College cannot allow this impingement to happen.

In conclusion, I do hope this information is sufficient to accomodate your determination about the college's exemption. If you need further information, please contact me and I will respond directly.

Thank you for your consideration.

Sincerely,

A. C. Hill, II

Anderson C. Hill, II

ACH:acf
CC: Dr. Oswald P. Bronson, Sr.

BIOLA UNIVERSITY

RECEIVED
AUG 02 1985
POST SECONDARY EDUCATION DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX

RECEIVED
AUG 02 1985
PROGRAM REVIEW & MANAGEMENT
SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/SF

July 30, 1985

Mr. John E. Palomino
Acting Regional Civil Rights Director
Office for Civil Rights, Region IX
221 Main Street, 10th Floor
San Francisco, CA 94105

Re: Request for Religious Exemption from Title IX

Dear Mr. Palomino:

The following information is submitted in response to your letter of April 29, 1985, and subsequent undated letter received July 3, 1985, requesting further information on Biola's original request for religious exemption from Title IX of the Education Amendments of 1972.

The original request by Biola College, Inc., now Biola University, Inc., for a religious exemption from Title IX filed with the office for civil rights of the Department of Education, 1976, specifically referenced exemption on behalf of Talbot Theological Seminary. Subsequent to this exemption request, Biola University has experienced institutional restructuring which has resulted in the establishment of a single University consisting of four schools (Talbot School of Theology, Rosemead School of Psychology, School of Intercultural Studies and School of Arts and Sciences). Inasmuch as the integration of Christian faith and learning is an essential part of all of Biola's educational programs, Biola's request for religious exemption from the sections of Title IX regulations stated herein is made on behalf of Biola University in its entirety, unless otherwise specifically stated.

Biola University, Inc., is a private Christian evangelical institution governed by its Board of Trustees pursuant to the statement of purpose and mission and Articles of Faith contained within its Articles of Incorporation, By-laws and rules and regulations from time to time promulgated by its Board of Trustees. The Federal tax-exempt status of Biola University, Inc. is designated by the Internal Revenue Service to be both religious and educational in nature.

A copy of the religious tenets and Articles of Faith of Biola University as set forth in its Articles of Incorporation and followed by Biola University, Inc. is attached hereto.

Biola wholeheartedly supports the goals and spirit of Title IX legislation in seeking to eliminate all unwarranted distinctions between the sexes. At the same time Biola is committed to the Biblical ethic which makes a differentiation in roles between the sexes and espouses moral standards applicable to both sexes equally. Therefore, Biola University requests exemption from the following Title IX regulations which are in conflict with its religious tenets as indicated:

1. Section 106.21(c) insofar as it prohibits discrimination in admission of students on the basis of parental or marital status, pregnancy, childbirth, termination of pregnancy, etc. is in conflict with the religious tenets of this institution in that the Bible condemns sexual relations outside of marriage; that the Bible is clear in its teachings on the sanctity of human life and that human intervention to terminate life after its conception is to be opposed vigorously; and that the Bible is clear in its committment to the sanctity of marriage and the inappropriateness of divorce or re-marriage in certain circumstances.

2. Section 106.31(b)(4) insofar as this section would prohibit or impinge upon establishment of differing standards of appearance, grooming or dress based on sex, is in conflict with this institution's religious tenets in that the Bible differentiates between men and women as to appearance. This differentiation is reflected in certain regulations governing proper decorum in dress. However, the principles underlying these rules of decency and modesty apply equally to both sexes.

3. Section 106.40 insofar as it prohibits differentiation and discrimination on the basis of parental or marital status, pregnancy, childbirth, termination of pregnancy, etc., of students in relation to educational programs or activities is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

4. Section 106.51(a) as it relates to Section 106.51(b)(6) insofar as these sections prohibit discrimination in employment in granting leaves for pregnancy, childbirth, termination of pregnancy, etc., is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

5. Section 106.57 insofar as it prohibits differentiation or discrimination in employment practices based on marital or parental status, pregnancy, childbirth, termination of pregnancy, etc., including temporary disability, leave and reinstatement policies, is in conflict with this institution's religious tenets as set forth in paragraph 1 above.

6. Section 106.60(a) insofar as it prohibits pre-employment inquiry as to the marital status of an applicant for employment is in conflict with this institution's religious tenets in that the Bible is clear in its committment to the sanctity of marriage and the inappropriateness of divorce and re-marriage in certain circumstances.

So far as we have been able to determine, these are the only provisions of the Title IX regulation which are in conflict with the religious tenets of Biola University, Inc.

Thank you for your cooperation in this matter. Should you have any further questions, please feel free to contact me at your convenience.

Sincerely,

Clyde Cook

Clyde Cook
President

JDM:lml
Enclosure
LT158.JDM

Fed Aid
1111 55 IV
V
no statement

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4 Blue Mountain College – Mississippi
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

28 00 2398

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

_____
(name of employee)

_____
(office address)

_____
(telephone number)

Participates in FOE program

[x] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[x] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: February 9, 1977

Blue Mountain College
(Insert name of Applicant)

By E. Harold Fisher
E. Harold Fisher
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

RABBI LEIB PINTER
President
RABBI ZEV HOBERMAN
Dean of Faculty
RABBI SHIYA RUBNITZ
Dean of Admissions
RABBI MICHEL SHURKIN
Dean of Students
RABBI DOVID MYKOFF
Registrar
RABBI AVROHOM DONNER
Executive Vice President
RABBI SCHMELKE PINTER
Comptroller
RABBI DOV GEWIRTZMAN
Director, Student Aid

מוסד בני תורה
B'nai Torah Institute
1705 FORTY-NINTH STREET/BROOKLYN, N.Y. 11204/PHONE (212) 871-6000

ב"ה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

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(DASP S/O ON YELLOW)
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DASP

Thursday, August 4, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, Southwest
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Boise Bible College, Inc., 8695 Marigold Street, Boise, Idaho 83714, Employer I.D. Number 82-0309302, hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 (hereinafter "Title IX") as herein specified, pursuant to Sections 901(a)(3) and 908 of Title IX and 34 C.F.R., §106.12(b). Boise Bible 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 vs. Bell*, 465 U.S. 555 (1984) and under the Civil Rights Restoration Act of 1987.

Boise Bible College, Inc. is an accredited bible college and undergraduate seminary, with emphasis of preparation for church workers, offering courses of instruction in appropriate bible studies and related subjects. The corporation is non-profit and has been granted §501(c)(3) status by the Internal Revenue Service on February 18, 1975, as shown by the attached IRS ruling. The corporation is an Idaho corporation, and was first incorporated in 1974. The actual college was established in 1945 by the First Church of Christ of Boise, Idaho, and the religious tenets of the college are based on the religious tenets of the Church of Christ, an internationally recognized major Christian denomination. The corporation is under the control of a board of directors. The directors 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, and in particular, the religious tenets set forth in the Articles and Bylaws of the corporation. The said Articles, Bylaws, catalogues,a nd other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian faith, and more particularly to the particular tenets set forth in said documents. THe college is completely governed by, and receives its financial support from religious organizations and individuals related to such religion. The college maintains its religious traditions, 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, but representative passages can be found in Proverbs, the Gospels, I and II Timothy, I and II Thessalonians, and in many other places in the Old and New Testaments.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 traditions 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 teachings about moral behavior. The Gospels and the Pauline epistles contain many such teachings, as do certain books of the Old Testament, including Genesis and Exodus.

The college and corporation hereby request 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: 34 C.F.R. §§106.21(c), 106.40, 106.57, 106.60, 106.34, 106.51, 106.38, 106.53, 106.55, 106.59 and any other sections which may in the future be held to apply to the college and/or corporation and the practices described herein. Said foregoing sections relate primarily to gender based differences or religious preference based differences. As noted above, each section cited would be in conflict with the tenets and traditions of the college and corporation.

There are a 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 or corporation 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. §106.15(d), the provisions of Sections 106.16 through 106.23, inclusive, do not apply to the college and corporation because it is a private institution of undergraduate 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 tenets and traditions. The college specifically claims its right to exercise a religious preference in its employment decisions, pursuant to §702 of Title VII of the Civil Rights Act of 1964 and the decision of the United States Supreme Court in *Corporation of the Presiding Bishop vs. 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 and practices 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 additional exemption in order to fully protect the religious tenets, practices, and traditions of the college and corporation.

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 J. Richard Ewing, who is the President of the college and corporation, at 8695 Marigold, Boise, Idaho 83714, (208) 376-7731, or Robert L. Aldridge, Chartered, Attorney at Law, 1209 North Eighth Street, Boise, Idaho 83702-4297, (208) 336-9880, who is the attorney for the college and corporation in regard to this matter.

Very truly yours,

J. Richard Ewing

J. Richard Ewing
President
Boise Bible College, Inc.

FEB 22 1979

Brescia College

120 WEST SEVENTH STREET / OWENSBORO, KENTUCKY 42301 / TELEPHONE: (502) 685-3131

February 15, 1979

Office of the President

Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Dr. Madison:

I am writing in response to your letter dated January 26, 1979.

Enclosed is a copy of a letter sent to the Director of the Office for Civil Rights on June 29, 1976, which cites the provisions of the Title IX Regulation which are not consistent with the religious tenets of a Catholic educational institution.

Information which demonstrates that Brescia College falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form is as follows:

1. Brescia College was founded in 1950 by the Ursuline Sisters of Mount Saint Joseph, Maple Mount, Kentucky. As stated in the most recent issue of the College bulletin (enclosed), "Brescia College is committed to the concept of value-centered education, including stress on religious values. As such, the mission of Brescia College can be summarized in four key concepts: Catholic, liberal arts, career-oriented, and community service."

2. In 1964 the Ursuline Sisters reorganized their governing board to include a number of lay Trustees.

3. The Ursuline Sisters contribute over a quarter of a million dollars annually to Brescia College by way of contributed services.

If further information is needed, please feel free to contact me.

Sincerely yours,

Sister George Ann

Sister George Ann Cecil
President

Enclosures

85-004-721

Brescia College

120 West Seventh Street
Owensboro, Kentucky 42301
(502) 685-3131

OFFICE OF THE PRESIDENT

May 7, 1985

Mr. William H. Thomas
Region IV Director
U. S. Department of Education
101 Marietta Tower
Atlanta, Georgia 30323

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1985 MAY -9 AM 8:
U.S. DEPT. OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION IV

Dear Mr. Thomas:

I am writing in response to a recent letter from your office regarding our request made in 1976 and again in 1979 for religious exemption from certain provisions of Title IX of the Education Amendments of 1972. Brescia College is a Catholic institution of higher education and as such strives in all areas of its service to uphold the religious tenets of the Catholic Church. We would like to request exemption from the following Title IX regulations which we believe are in conflict with some of those tenets:

1. Marital Status. The Catholic Church is by its very nature committed to the importance and stability of the family. Divorce is permitted under certain circumstances, but remarriage is recognized only if an annulment of the previous marriage is granted by the Church. As a Catholic College, we seek to employ persons whose lifestyle seems consistent with the tenets of the Church. We request exemption from the part of Section 106.60 which denies us the right to make pre-employment inquiry as to the marital status of an applicant for employment.

2. Pregnancy. Sections 106.51 and 106.57 require that we treat pregnancy and childbirth and recovery therefrom as any other temporary disability for all job related purposes. We request exemption from this requirement where it applies to an unmarried employee, since we consider pregnancy outside marriage a moral issue.

3. Abortion. Sections 106.51 and 106.57 require that we treat termination of pregnancy and recovery therefrom as any other temporary disability for all job related purposes. According to the tenets of the Catholic Church, abortion is a question of grave moral significance. We request exemption from this requirement for all of our employees, married and unmarried.

We will be most grateful for your immediate attention to this important concern.

Sincerely,

Sister George Ann

Sister George Ann Cecil
President

SGAC/lb

BRESCIA COLLEGE

OWENSBORO, KENTUCKY 42301

TELEPHONE: 685-3131
AREA CODE 502

June 29, 1976

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Director of the Office for Civil Rights
U.S. Department of Health, Education
and Welfare
Washington, D.C. 20201

Dear Sir or Madam:

In accordance with Section 86.12 (b) of "Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education," I am writing to inform you that Brescia College, Owensboro, Kentucky, is a Catholic educational institution and that the following provisions are not consistent with the religious tenets of such an organization:

Section 86.21 (c)	Section 86.51 (b) (6)
Section 86.39	Section 86.57 (a) (1), (b),(c),(d)
Section 86.40	Section 86.60 (a)

Thank you for giving your attention to this matter.

Sincerely,

Sister George Ann

Sister George Ann Cecil
President

President
Alton L. Wade

Brigham Young University
Hawaii Campus

March 21, 1989

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryloan Avenue S.W.
Washington, D.C. 20202

RE: Notification of Brigham Young University-Hawaii Exemption from Certain Title IX Regulations

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University-Hawaii, located in Laie, Hawaii (hereinafter referred to as "BYU-Hawaii") considers itself exempt from the application of 34 CFR Sections 106.21(c), 106.40, 106.57(b), 106.31, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence and not already exempted by previous Department of Education actions, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statue prohibiting sex discrimination in educational programs. BYU-Hawaii expressly requests the Department to formally recognize that BYU-Hawaii is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU-Hawaii.

As noted, BYU-Hawaii, a Utah non-profit corporation, is owned, operated and controlled by the Church of Jesus Christ of Latter-day Saints and is eligible for exemption from the regulations pursuant to 34 CFR Section 106.12. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created BYU-Hawaii on March 11, 1970 and has since been continuously and ultimately responsible for its operation. The BYU-Hawaii Board of Trustees consists of persons appointed by the governing board of the LDS Church and over two-thirds of the BYU-Hawaii operating budget is derived directly from appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church.

In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behaviour; to respect the personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relaitons outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU-Hawaii students and employees are members of the Church.

The controlling organization of BYU-Hawaii, the Church of Jesus Christ of Latter-day Saints, is a major international Christian religion having a fully developed theology, a well known history spanning two centuries and a world-wide membership presently numbering over six million. Its members believe the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the biblical sense in 1820. The governing board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the biblical sense. While accepting the Bible as holy scripture, the Church regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives and children are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the economic, political and social life of the communities in which they live.

The mission of BYU-Hawaii is essentially spiritual and educational. The University would not exist if it were not for the opportunity to fully and freely blend the teachings and influence of the Church within both the curriculum and the extracurricular environment on the campus.

Below described are the Title IX regulatory provisions for which BYU-Hawaii has identified a recognized exemption together with an explanation of the religious tenets upon which the exemption is based. For purposes of making these requests, BYU-Hawaii is proceeding on the basis (1) that these requests for religious exemption do not limit BYU-Hawaii'is rights subsequently to claim additional religious exemptions as these come to light and subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authority; (3) that BYU-Hawaii's good faith claims about the existence and meaning of religious doctrine are entitled to a presumption of validty; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines. (See generally United States Department of Education Memorandum dated February 19, 1985 regarding "Policy Guidance for Resolving Religious Exemption Requests," to Regional Civil Rights Directors by Harry M. Singleton, Assistant Secretary for Civil Rights, Department of Education, and United States vs. Ballard, 322 U.S. 78 (1944).

1. Sections 106.21(c), 106.40 and 106.57(b) - BYU-Hawaii claims exemption from these regulations to the extent that they prohibit certain inquiries into or actions based upon the marital or parental status of the pregnancy or termination of pregnancy or present or prospective students of employees. The Church which sponsors BYU-Hawaii teaches strict adherence to the highest Christian standards of sexual morality on the same basis for both sexes, as indicated above.

2. Section 106.31 - BYU-Hawaii claims exemption from this section to the extent that it interferes with the operation of extracurricular student activities in organizations sponsored by the Church. Specifically, there exist on campus numerous student congregations (called "Wards" according to the Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

3. Section 106.32 - BYU-Hawaii claims exemption from this regulation to the extent that it interferes with the University's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house BYU-Hawaii students. The regulations allows sex-segregated housing when provided by the recipient, but it appears to prohibit such segregation in off-campus housing. The teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities. For this same reason, the University claims the right under its religious exemption to separate students in BYU-Hawaii-approved housing on the basis of sex and to regulate this separation by designating separate buildings or wings of buildings (and not merely separate apartments), as exclusive to one sex, both on and off campus.

4. Section 106.36 - BYU-Hawaii claims exemption from this regulation to the extent it may inhibit its teachers or counselors from discussing and advising students concerning the ways in which marriage may be compared to career choices or with respect to other questions arising concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some difference between counseling for men and counseling for women.

5. 34 CFR Section 106.39 and Section 106.40(b)(4) - The Office for Civil Rights (OCR), U.S. Department of Education has interpreted these regulations to require the University to offer, if offered at all, student health insurance policies which treat pregnancy the same as any other temporary disability in order to be in compliance with the regulations. By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU-Hawaii's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare cases, must not participate in nor obtain an abortion.

With respect to pregnancy related conditions of married women, the application of the regulations as to BYU-Hawaii is not abortion neutral, but rather has the practical impact on application to encourage abortion and to financially discriminate against those institutions, such as BYU-Hawaii, which promote the religious belief that in most cases full term delivery is the only morally acceptable resolution of pregnancy. For example, insurance premiums paid by other colleges and universities not sharing the LDS beliefs on abortion will probably not increase substantially upon the extension of disability coverage to pregnancy because students at these universities may elect to terminate the pregnancy through an abortion (costing several hundred dollars) while students at BYU-Hawaii will be required, according to LDS religious tenets, to deliver the baby full term costing several thousand dollars. As a result, the impact of the law is not abortion neutral because the Act provides a practical incentive to perform abortion and a concomitant financial penalty for those institutions promoting religious tenets which prohibit abortion. BYU-Hawaii is unwilling to accept abortion as a cheap, simple and facile mechanism to keep insurance costs within reasonable financial limits.

In addition, as the regulations now stand, married or single students who become pregnant in violation of the doctrine of chastity through extramarital means would be afforded maternity benefits. This would also be in violation of the fundamental Church doctrine requiring chastity and forbearance of premarital or extramarital sexual relations.

BYU-Hawaii is a church-related institution of higher learning with a serious religious commitment at the heart of its educational mission. With the enactment of the Civil Rights Restoration Act of 1988, the University began a careful and deliberative process to assess the possible adverse impact of the Act on the University. Because it is possible that there may be carying interpretations of Title IX and its regulations yet to be resolved, the University determined to protect its vital interests against the possibiliyt of any future adverse determinations as to the meaning of these regulations with this Notice of Exemption. The University, however, fully supports the goal of equal opportunity and non-discrimination on the basis of gender while at the same time preserving its Constitutional Rights of free exercise of religion. Your prompt attention in evaluating this Notice would be greatly appreciated. If I can be of any assistance to you in completing this task or if you require additional information, please do not hesitate to contact me.

Sincerely,

Alton L. Wade

ALW:jt

President
Alton L. Wade

Brigham Young University
Hawaii Campus

March 28, 1989

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryloan Avenue S.W.
Washington, D.C. 20202

RE: Notification of Brigham Young University-Hawaii Exemption from Certain Title IX Regulations (Revised from March 21, 1989 letter).

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University-Hawaii, located in Laie, Hawaii (hereinafter referred to as "BYU-Hawaii") considers itself exempt from the application of 34 CFR Sections 106.21(c), 106.40, 106.57(b), 106.31, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence and not already exempted by previous Department of Education actions, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statue prohibiting sex discrimination in educational programs. BYU-Hawaii expressly requests the Department to formally recognize that BYU-Hawaii is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU-Hawaii.

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In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behaviour; to respect the personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relaitons outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU-Hawaii students and employees are members of the Church.

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1. Sections 106.21(c), 106.40 and 106.57(b) - BYU-Hawaii claims exemption from these regulations to the extent that they prohibit certain inquiries into or actions based upon the marital or parental status of the pregnancy or termination of pregnancy or present or prospective students of employees. The Church which sponsors BYU-Hawaii teaches strict adherence to the highest Christian standards of sexual morality on the same basis for both sexes, as indicated above.

2. Section 106.31 - BYU-Hawaii claims exemption from this section to the extent that it interferes with the operation of extracurricular student activities in organizations sponsored by the Church. Specifically, there exist on campus numerous student congregations (called "Wards" according to the Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

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4. 34 CFR Section 106.39 and Section 106.40(b)(4) - The Office for Civil Rights (OCR), U.S. Department of Education has interpreted these regulations to require the University to offer, if offered at all, student health insurance policies which treat pregnancy the same as any other temporary disability in order to be in compliance with the regulations. By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU-Hawaii's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations outside of marriage and, except in rare cases, must not participate in nor obtain an abortion.

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result, the impact of the law is not abortion neutral because the Act provides a practical incentive to perform abortion and a concomitant financial penalty for those institutions promoting religious tenets which prohibit abortion. BYU-Hawaii is unwilling to accept abortion as a cheap, simple and facile mechanism to keep insurance costs within reasonable financial limits.

In addition, as the regulations now stand, married or single students who become pregnant in violation of the doctrine of chastity through extramarital means would be afforded maternity benefits. This would also be in violation of the fundamental Church doctrine requiring chastity and forbearance of premarital or extramarital sexual relations.

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Sincerely,

Alton L. Wade

ALW:jt

Brigham Young University - Hawaii Campus

Office of the President

April 14, 1998

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Cantu:

Subject: Request for Religious Exemption from Title IX Regulation: 34 CFR 106.21 (Admissions) and 34 CFR 106.23 (Recruitment)

The purpose of this letter is to provide the United States Department of Education with official notification that Brigham Young University, located in Laie, Hawaii, (hereinafter referred to as BYUH or the "University" considers itself exempt from the application of 34 CFR § 106.21 and 34 CFR § 106.23, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC § 1981 et. Seq., a federal statute prohibiting sex discrimination in educational programs. BYUH expressly requests the Department to recognize formally that BYUH is exempt from the application of these sections because their provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as the "church" or the LDS Church"), a religious organization which sponsors and controls BYUH.

In 1985 your office granted other requests for exemption to our sister institution, Ricks College. These exemptions were from other sections of 34 CFR. Specifically, the University was ". . . exempted from the requirements of the following sections of the Title IX regulations: 34 CFR §§ 106.21, 106.31, 106.32, 106.36, 106.39, 106.40, and 106.57." (The exemption with reference to 106.21 concerned prohibitions relating to marital or parental status.) The basis for these exemptions was ". . . that Ricks College is controlled by The Church of Jesus Christ of Latter-day Saints in that Ricks College practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that BYUH,

55-220 Kulanui Street, P.O. Box 1971, Laie, Hawaii 96762 Phone: (808) 293-3700 • Fax: (808) 293-3329

like Ricks, is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulations."

The Church originally created the University in 1955and since that time the Church has been continuously and ultimately responsible for the University's operation. The University's Board of Trustees consists of persons appointed by the governing board of the Church. The majority of the University's operating budget is derived from appropriations from the Church.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain the fullness of the gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets. While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that marriage between a man and a woman and the family unit are of basic theological significance. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit A is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation of the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain beliefs concerning marriage and the family to be principles of Church doctrine, which are binding on the Church, its controlled organizations, like BUYH, and the Church membership.

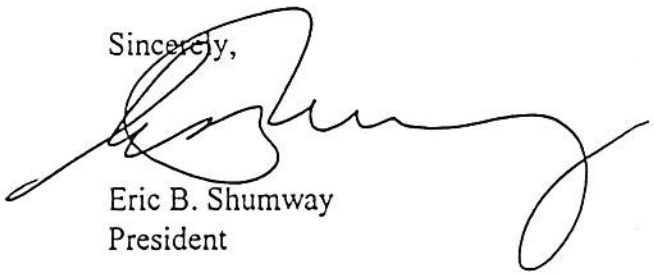
In order to promote marriage and family as religious values, BYUH seeks to maintain an appropriate balance of males and females in its student body. It is believed that a more gender balanced and proportional student body is critical to allow for healthy social interaction between males and females, which is conducive to marriage and family, and to promote a healthy balance between the genders in the composition of University ecclesiastical units and congregations. Accordingly, BYUH seeks to prefer males over females or females over males in both recruitment and admissions ,as circumstances

dictate in an attempt to achieve enhanced gender equity and the optimal environment for the promotion of the religious values of marriage and family at the University.

University efforts to reach an appropriate gender balance, however, may come into conflict with the gender neutral provisions of Sections § 106.21 and 106. 23. Accordingly, BYUH requests that an exemption be granted to it from § 106.21 and 106.23 of the Title IX regulations to allow it to give preferential treatment on the basis of gender in admissions and recruitment to support its religious value of promotion marriage and family.

The University is a distinctive, religiously based institution with a serious commitment to the values, doctrines, and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluation this notice will be greatly appreciated. If I, or any members of the University administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Sincerely,



Eric B. Shumway
President

EBS:ds

Brigham Young University - Hawaii Campus

Office of the President

September 11, 1997

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, D. C. 20202

RE: Request for Religious Exemption from Title IX regulation: 34 CFR § 106.60

Dear Secretary Cantu:

The purpose of this letter is to provide the United States Department of Education with official notification that Brigham Young University—Hawaii Campus, located in Laie, Hawaii (hereinafter referred to as "BYUH" or "the University") considers itself exempt from the application of 34 CFR § 106.60, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC § 1681 et. seq., a federal statute prohibiting sex discrimination in educational programs. BYUH expressly requests the Department to recognize formally that BYUH is exempt from the application of this Section because its provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as 'the Church" or "the LDS Church"), a religious organization which sponsors and controls BYUH.

In 1989, your office granted other BYUH requests for exemption from other sections of 34 CFR. Specifically, the University was ". . . exempted from the requirements of the following sections of the Title IX regulation: 34 CFR §§ 106.21(c), 106.31, 106.36, 106.39, 106.40, and 106.57." The basis for this exemption was ". . . that BYUH . . . is controlled by the Church of Jesus Christ of Latter-day Saints (Church), and that BYUH practices the tenets of the Church and is owned and operated by the Church . . . This relationship between the Church and BYUH adequately establishes that BYUH is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation." (OCR letter, May 18, 1989 to Dr. Alton L. Wade)

The LDS Church founded BYUH on February 12, 1955 and since that time the Church has been continuously and ultimately responsible for BYUH's operation. Until June 1974, BYUH was known as the Church College of Hawaii. The University's Board of Trustees consists of persons appointed by the governing board of the LDS church, and all of the Trustees are General Officers of the Church. Two-thirds of BYUH's operating budget is derived directly from appropriations from the Church. Additionally, the Board of Trustees not only sets hiring policy for the University but General Officers of the Church are directly involved in the hiring process for every full-time permanent faculty at the University.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain he fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church

55-220 Kulanui Street, P.O. Box 1971, Laie, Hawaii 96762 Phone: (808) 293-3700 • Fax: (808) 293-3329

Membership as Apostles and Prophets.[1] While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that the family unit is of basic theological significance and that the often independent roles of husbands and wives are fundamental elements of Church doctrine. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit "A" is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation on the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain family values and principles as Church doctrine, which is binding on the Church, its controlled organizations, like BYUH, and the Church membership. Please note the significant emphasis on the importance of family and the differing roles of men and women in the family.

It is for this reason that the University may from time to time make a pre-employment inquiry as to the marital and family status of an applicant for a teaching position at the University. The Church teaches and we believe that such information about marital and family status is relevant, combined with other factors, in assessing the extent of an applicant's religious conviction and commitment to Church doctrine and practice as we attempt to identify those most qualified to teach at BYUH. Naturally, questions about religious conviction will be wide-ranging and will include areas of inquiry about the support of Church leaders, morality, family life, and basic Church doctrine. The result of this broad inquiry will be that the University will have a better view as to whether the applicant has the necessary religious conviction and devotion to teach at BYUH. We emphasize that answers to questions about family are not, by themselves, dispositive in the employment decision. Rather, they are considered, together with the answers to other religiously oriented questions, in measuring the religious strength and commitment of the applicant to Church doctrine and practice.

While this application deals with an exemption for faculty who teach, it is also true that the General Officer interview is required for all new permanent faculty, even those without fixed teaching assignments. Accordingly, we request that an exemption be granted from § 106.60 of the Title IX regulation which extends to all new faculty hires at the University. Of course, at the heart of this analysis is the holding in Corporation of the Presiding Bishop vs Amos, 483 U.S. 327 (1987), which held that the religious exemptions of Title VII to the Civil Rights Act do not violate the establishment clause of the first amendment. Simply stated, Amos allows an institution like BYUH, one which is owned or controlled by a Church, to exercise a religious hiring preference. That principle, in turn, permits the University to employ Church members who meet certain minimum standards of faithfulness and wholehearted commitment to Church teachings.[2]

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[1] The First Presidency, as well as members of the Quorum of the Twelve Apostles, among others, make up the University's Board of Trustees.

[2] Lawson v Kirkham, 499 F.Supp. 960, 965 (D. Utah 1980) establishes that the right of religiously affiliated institutions to prefer their own in hiring matters necessarily involves the right "to employ those who best promote [their] religious mission . . .."

The University is a distinctive, religiously based institution with a serious commitment to the values, doctrines and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluating this Notice will be greatly appreciated. If I, or any members of the University administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Most sincerely,

Eric B. Shumway
President

EBS:jt
Encl:

OFFICE OF THE GENERAL COUNSEL

EUGENE H. BRAMHALL
ant to the President
l Counsel

H. HAL VISICK
Associate General Counsel

MICHAEL R. ORME
Associate General Counsel

DAVID B. THOMAS
Assistant General Counsel

BRIGHAM YOUNG UNIVERSITY
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PROVO, UTAH 84602-1333
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FAX NO. (801) 378-7521

August 25, 1997

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

RE: Request for Religious Exemption from
Title IX Regulation: 34 CFR § 106.60

Dear Secretary Cantu

The purpose of this letter is to provide the United States Department of Education with official notification that Brigham Young University, located in Provo, Utah (hereinafter referred to as "BYU" or "the University") considers itself exempt from the application of 34 CFR § 106.60, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC §1681 et. seq., a federal statute prohibiting sex discrimination in educational programs. BYU expressly requests the Department to recognize formally that BYU is exempt from the application of this Section because its provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as "the Church" or "the LDS Church"), a religious organization which sponsors and controls BYU.

In 1989, your office granted other BYU requests for exemption from other sections of 34 CFR. Specifically, the University was ". . . exempted from the requirements of the following sections of the Title IX regulation: 34 CFR §§ 106.31, 106.32, 106.36, 106.39, and 106.40". The basis for this exemption was ". . . that BYU is controlled by The Church of Jesus Christ of Latter-day Saints (Church) and that

BYU practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the University adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.2 of the Title IX regulation." (OCR letter, January 6, 1989 to President Jeffrey R. Holland)

In our application letter of November 17, 1988, we noted, in part, that Brigham Young, President of the LDS Church, founded BYU in 1875 and since that time the Church has been continuously and ultimately responsible for the University's operation. The University's Board of Trustees consists of persons appointed by the presiding officers of the LDS Church, and all of the Trustees are General Officers of the Church, as is the University's President. The majority of the University's operating budget is derived from appropriations from the Church. Finally, the Board of Trustees not only sets hiring policy for the University but General Officers of the Church are directly involved in the hiring process for every full-time permanent faculty at the University.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church Membership as Apostles and Prophets.[1] While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that the family unit is of basic theological

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[1]The First Presidency, as well as members of the Quorum of the Twelve Apostles, among others, make up the University's Board of Trustees.

significance and that the often independent roles of husbands and wives are fundamental elements of Church doctrine. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit "A" is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation on the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain family values and principles as Church doctrine, which is binding on the Church, its controlled organizations, like BYU, and the Church membership. Please note the significant emphasis on the importance of family and the differing roles of men and women in the family.

It is for this reason that the University may from time to time make a pre-employment inquiry as to the marital and family status of an applicant for a teaching position at the University. The Church teaches and we believe that such information about marital and family status is relevant, combined with other factors, in assessing the extent of an applicant's religious conviction and commitment to Church doctrine and practice as we attempt to identify those most qualified to teach at BYU. Naturally, questions about religious conviction will be wide-ranging and will include areas of inquiry about the support of Church leaders, morality, family life, and basic Church doctrine. The result of this broad inquiry will be that the University will have a better view as to whether the applicant has the necessary religious conviction and devotion to teach at BYU. We emphasize that answers to questions about family are not, by themselves, dispositive in the employment decision. Rather, they are considered, together with the answers to other religiously oriented questions, in measuring the religious strength and commitment of the applicant to Church doctrine and practice.

While this application deals with an exemption for faculty who teach, it is also true that the General Officer interview is required for all new permanent faculty, even

those without fixed teaching assignments. Accordingly, we request that an exemption be granted from § 106.60 of the Title IX regulation which extends to all new faculty hires at the University. Of course, at the heart of this analysis is the holding in Corporation of the Presiding Bishop vs. Amos, 483 U.S. 327 (1987), which held that the religious exemptions of Title VII to the Civil Rights Act do not violate the establishment clause of the first amendment. Simply stated, Amos allows an institution like BYU, one which is owned or controlled by a Church, to exercise a religious hiring preference. That principle, in turn, permits the University to employ Church members who meet certain minimum standards of faithfulness and wholehearted commitment to Church teachings.[2]

The University is a distinctive, religiously based institution with a serious commitment to the values, doctrines and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluating this Notice will be greatly appreciated. If I, or any members of the University administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Sincerely,

Merrill J. Bateman
President

kk
Enc.
cc: Ginger Yee, OCR

---

[2]Lawson v. Kirkham, 499 F.Supp. 960, 965 (D. Utah 1980) establishes that the right of religiously affiliated institutions to prefer their own in hiring matters necessarily involves the right "to employ those who best promote [their] religious mission. . . ."

November 17, 1988

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue S.W.
Washington, D. C. 20202

Re: Notification of Brigham Young University Exemption from Certain Title IX Regulations

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University located in Provo, Utah (hereinafter referred to as "BYU") considers itself exempt from the application of 34 CFR Sections 106.31, 106.32, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statute prohibiting sex discrimination in educational programs. BYU expressly requests the Department to formally recognize that BYU is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU.

As noted, BYU is owned, operated and controlled by the Church of Jesus Christ of Latter-day Saints and is eligible for exemption from the regulations pursuant to 34 CFR Section 106.12. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created BYU in 1875 and has since been continuously and ultimately responsible for its operation. The BYU Board of Trustees consists of persons appointed by the governing board of the LDS Church and over two-thirds of the BYU operating budget is derived directly from appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church.

In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behavior; to respect the

personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relations outside marriage; and to observe high standards of taste and decency. A copy of the BYU Code of Honor which identifies the code of conduct expected of the BYU institutional family is attached as Exhibit "A" and by reference incorporated into this Notice of Exemption. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU students and employees are members of the Church.

The controlling organization of BYU, the Church of Jesus Christ of Latter-day Saints, is a major international Christian religion having a fully developed theology, a well known history spanning two centuries and a world-wide membership presently numbering over six million. Its members believe the Church and its doctrine contain the fullness of the Gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the biblical sense in 1820. The governing board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the biblical sense. While accepting the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives and children are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the economic, political and social life of the communities in which they live.

The mission and purpose of Brigham Young University has been officially articulated in its Mission Statement of November 4, 1981, a copy of which is attached as Exhibit "B" to this correspondence and specifically incorporated by reference. The mission of BYU is essentially spiritual and educational. The University would not exist if it were not for the opportunity to fully and freely blend the teachings and influence of the Church within both the curriculum and the extra-curricular environment on the campus.

Below described are the Title IX regulatory provisions for which BYU has identified a recognized exemption together with an explanation of the religious tenets upon which the exemption is based. For purposes of making these requests, BYU is proceeding on the basis (1) that these requests for religious exemption do not limit

BYU's rights subsequently to claim additional religious exemptions as these come to light and subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authority; (3) that BYU's good faith claims about the existence and meaning of religious doctrine are entitled to a presumption of validity; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines. (See generally United States Department of Education Memorandum dated February 19, 1985 regarding "Policy Guidance for Resolving Religious Exemption Requests," to Regional Civil Rights Directors by Harry M. Singleton, Assistant Secretary for Civil Rights, Department of Education, and United States v. Ballard, 322 U.S. 78 (1944)).

1. Section 106.31 - BYU claims exemption from this section to the extent that it interferes with the operation of extra-curricular student activities in organizations sponsored by the Church. Specifically, there exist on campus numerous student congregations (called "Wards" according to Church nomenclature) organized and maintained through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

2. Section 106.32 - BYU claims exemption from this regulation to the extent it interferes with the University's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house BYU students. The regulation allows sex-segregated housing when provided by the recipient, but it appears to prohibit such segregation in off-campus housing. The teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities. For this same reason, the University claims the right under its religious exemption to separate students in BYU-approved housing on the basis of sex and to regulate this separation by designating separate buildings or wings of buildings (and not merely separate apartments), as exclusive to one sex, both on and off campus.

3. Section 106.36 - BYU claims exemption from this regulation to the extent it may inhibit its teachers or counselors from discussing and advising students concerning the ways in which marriage may be compared to career choices or with respect to other questions arising concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childbearing are significant religious obligations and that mothers naturally have greater involvement, especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and counseling for women.

4. 34 CFR Section 106.39 and Section 106.40(b)(4) - The Office for Civil Rights (OCR), U.S. Department of Education has interpreted these regulations to require the University to offer, if offered at all, student health insurance policies which treat pregnancy the same as any other temporary disability in order to be in compliance with the regulations. By requiring the University to treat pregnancy as any other temporary disability with respect to single students would compel BYU's direct and/or indirect approval and support of premarital sex and abortion. The Church teaches as fundamental doctrine that righteous individuals must abstain from sexual relations

outside of marriage and, except in rare cases, must not participate in nor obtain an abortion.

With respect to pregnancy related conditions of married women, the application of the regulation as to BYU is not abortion neutral, but rather has the practical impact on application to encourage abortion and to financially discriminate against those institutions, such as BYU, which promote the religious belief that in most cases full-term delivery is the only morally acceptable resolution of pregnancy. For example, insurance premiums paid by other colleges and universities not sharing the LDS beliefs on abortion will probably not increase substantially upon the extension of disability coverage to pregnancy because students at these universities may elect to terminate the pregnancy through an abortion (costing several hundred dollars) while students at BYU will be required, according to LDS religious tenets, to deliver the baby full term costing several thousand dollars. As a result, the impact of the law is not abortion neutral because the Act provides a practical incentive to perform abortion and a concomitant financial penalty for those institutions promoting religious tenets which prohibit abortion. BYU is unwilling to accept abortion as a cheap, simple and facile mechanism to keep insurance costs within reasonable financial limits.

In addition, as the regulations now stand, married students who become pregnant in violation of the doctrine of chastity through extra-marital means would be afforded maternity benefits. This would also be in violation of the fundamental Church doctrine of chastity in marriage.

Brigham Young University is a church-related college with a serious religious commitment at the heart of its educational mission. With the enactment of the Civil Rights Restoration Act of 1988, the University began a careful and deliberative process to assess the possible adverse impact of the Act on the University. Because it is possible that there may be varying interpretations of Title IX and its regulations yet to be resolved, the University determined to protect its vital interests against the possibility of any future adverse determinations as to the meaning of these regulations with this Notice of Exemption. The University, however, fully supports the goal of equal opportunity and non-discrimination on the basis of gender while at the same time preserving its Constitutional Rights of free exercise of religion. Your prompt attention in evaluating this Notice would be greatly appreciated. If I can be of any assistance to you in completing this task or if you require additional information, please do not hesitate to contact me.

Sincerely,

Jeffrey R. Holland

ישיבת בריסק דשיקאגו

YESHIVAS BRISK OF CHICAGO
6043 N. CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60659
(312) 764-5083

RABBI AARON SOLOVEICHIK
ROSH HAYESHIVA

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Aaron Soloveichik

ישיבת בריסק דשיקאגו

YESHIVAS BRISK OF CHICAGO
BRISK RABBINICAL COLLEGE
6043 N. CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60659
(312) 764-5083

RABBI AARON SOLOVEICHIK
PRESIDENT

June 6, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21 (a)
(b) Section 86.31 (a)
(C) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Aaron Soloveichik

Rabbi Aaron Soloveichik

ישיבת בריסק YESHIVAS BRISK

BRISK RABBINICAL COLLEGE 2965 W. Peterson Ave. • Chicago, Ill. 60659 • (312) 275-5166

Rabbi Aaron Soloveichik
Rosh HaYeshiva

Rabbi Erwin Giffin
Dean of Administration

September 11, 1985

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
United States Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern:

In response to your letter of July 11, 1985, supplementary to the exemption information that we filed with the U. S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation; sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Erwin Giffin

Rabbi Erwin Giffin

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4 California Lutheran College
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

06001133

does not claim a religious exemption per Mr. Don Harrison, Personnel Director 3/2/79 BCL

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[X] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II--PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III--TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Mr. Donald E. Garrison
(name of employee)

60 Olsen Road
(office address)

492-2411, Ext. 211
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: January 31, 1977

California Lutheran College
(Insert name of Applicant)

By Mark Matthews

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Mark A. Mathews

CALVARY BIBLE COLLEGE
15800 CALVARY ROAD • KANSAS CITY, MISSOURI 64147-1341 • (816)322-0110

December 13, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S. W.
Washington, D. C. 20202

RE: Title IX Exemption Application

Dear Sir:

Calvary Bible College and Graduate School of Theology hereby claim 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).

Calvary Bible College is a regionally accredited Bible college, offering courses of instruction in theology, Bible, biblical languages, arts and sciences. The College is controlled by the Calvary Bible College Board of Trustees (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Missouri in 1961 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. 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. The Charter of the Corporation and the catalogs 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 major financial support from the religious organization defined herein as the Corporation. 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. At its spring board meeting, each member of the Board of Trustees is required to sign a statement that he is in full agreement with the articles of faith. Furthermore, a sizable amount of our support comes from churches who adhere to a similar doctrinal statement. However, our strongest argument for exemption stems from the fact that Calvary Bible College is an institutional member of a religious denomination, the Independent Fundamental Churches of America. For confirmation of our membership, see page 33 of the current directory or contact the home office of the Independent Fundamental Churches of America, P. O. Box 810, Grandville, Michigan 49468, or call 616/531-1840. The College 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 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, Exodus 20:1-17; Matthew 5:1-16, 6:19-33; Ephesians 4:30-32; and Colossians 3:1-17.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, I Corinthians 6:13-20; Proverbs 6:24-35; Matthew 5:27,28; and Romans 7:2,13.

The College hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, the following provisions of the Title IX regulations) to the extent that they conflict with the College's religious enets and traditions as described above: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 nd 106.60 (treatment based on marital and parental status--see further explanation below), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentent in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., 1 Corinthians 5-7; Colossians 3:5; 2 Corinthians 6:14ff; Malachi 2:14b-16a; Matthew 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

There are a 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 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 tenets 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 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 claim 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 Mr. Francis Hanna, who is the attorney for the College, at the University of Missouri--Kansas City School of Law, 5100 Rockhill Road, Kansas City, Missouri 64110.

Very truly yours,

Leslie Madison

Leslie Madison, Th.D.
President

LM/ss

calvin theological seminary

OFFICE OF THE PRESIDENT

3233 BURTON STREET, S.E., GRAND RAPIDS, MICHIGAN 49506

July 23, 1976

Mr. Henry De Wit
Calvin College

Dear Mr. De Wit:

I am complying herewith with your request for a review of the policies of Calvin Theological Seminary with respect to sex discrimination.

Access to courses: all degree programs offered by the seminary are open to women and men alike. None of the criteria for admission to courses is related to sexual discrimination.

The supervising Board of Trustees does not license women to conduct religious services. In this respect the Board is administering the policy of the Christian Reformed Church not to admit women to ecclesiastical office. This policy has been recently reviewed with the result that no change was made. This is, however, no barrier to women in gaining the M. Div. (Master of Divinity) degree.

Financial assistance: all students, regardless of sex, pay the same tuition rates. These rates cover approximately 20% of the per-student cost of education. All seminary-administered financial aid is open to women on an equal basis with men.

Counseling: all counseling services are provided on a non-discriminatory basis.

There is no seminary-administered program of housing, physical education, or athletics. Student employment is minimal; what exists is offered without discrimination.

Sincerely yours,

J. H. Kromminga
President

CAMPBELL UNIVERSITY 1887-1987

"A Century of Vision and Service"
Celebrating the Past and Anticipating the Future!

OFFICE OF THE PRESIDENT
Dr. Norman Adrian Wiggins
(919) 893-4111

RECEIVED
1985 JUL 22 PM 2 28
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

July 15, 1985

Mr. William H. Thomas
Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

I am in receipt of your letters of 25 March 1985, and July 3, 1985, replying to my letter of February 25, 1979, in which you replied to Mister Madison's letter of January 26, 1979. In my letter to Mr. Madison, we set forth information we believed would establish Campbell as a church-related university and "controlled" by the Baptist State Convention of North Carolina to be an "exempt institution" within the meaning of the law. Also, we tried in good faith to identify those areas of our program based upon our religious tenets that we thought were in conflict with the regulations.

It is my understanding that you have conceded that Campbell is a "controlled" institution of Christian Higher Education and further information is not needed at this point. Thus, we will confine our efforts to illustrating possible conflicts between the regulations and our tenets of faith.

At the outset, let me emphasize that Campbell has always been deeply committed to principles of nondiscrimination and equality as required by Federal law. From its beginning, the university was a proponent of equal educational opportunities for women and early opened its doors to minorities. Thus, our conflicts stem out of our Christian beliefs, some of which are set forth in the Baptist Faith and Message Statement, a copy of which is enclosed.

Also, let me apologize for our belated reply to your earlier letter. It came at a time when we were deeply involved in matters of our sponsoring church. Furthermore, your request is of such importance that we wanted to give it careful research and due deliberation. Campbell University is an institution of Christian higher education. Our educational program rests upon our religious commitment. In requesting the present exemptions, we in no way want to compromise our right to claim additional exemptions at a later time. From the outset

of the adoption of Title IX, we have been unable to find a reasonably clear definition of the phrase "religious tenets." If there has been a clarification of that phrase, it has escaped our attention. We need to know if a claim made in good faith as to a particular religious tenet would be acceptable or would that be subject to the determination of the appropriate governmental agency? There are other questions which we would like to address to you or your representative, but we will defer them for now in the hope that more definitive explanations will be forthcoming upon the determination of the proposed legislation now before the Congress.

Now, let me turn to the questions set forth in your letter. We are requested to provide:

> 2. "A brief description of the religious tenets of the controlling organization that are followed by the institution."

The Baptists of North Carolina are a people

> "who profess a living faith. This faith is rooted and grounded in Jesus Christ who is the 'same yesterday, and today, and for ever.' Therefore, the sole authority for faith and practice among Baptists is Jesus Christ whose will is revealed in the Holy Scriptures."
>
> "Baptists emphasize the soul's competency before God, freedom in religion, and the priesthood of the believer. However, this emphasis should not be interpreted to mean that there is an absence of certain definite doctrines that Baptists believe, cherish and with which they have been and are now closely identified."

In addition to the statements quoted from the Report of Committee on Baptist Faith and Message, Baptists fully accept without question the Statements of Jesus Christ when He said:

> "I am the resurrection, and the life: he that believeth in me, though he were dead, yet shall he live: and whosoever liveth and believeth in me shall never die..." (John 11:25, 26).
>
> "Because I live, ye shall live also." (John 14:19).
>
> "In my Father's house are many mansions: if it were not so, I would have told you. I go to prepare a place for you." (John 14:2).

Our belief in Eternal Life is matched by our unyielding faith in the Ten Commandments and the Sermon on the Mount and the principles set forth therein. Therefore, we believe in the sanctity of the home, family and the marriage relationship. In stating that we believe the original purpose of Title IX was to follow the Constitution and not allow any agency to question the truth of these

sacred principles or our belief in them, we are not trying to make your task more difficult. As stated earlier, we are committed to the goals of equal opportunity.

You requested that we state those provisions of Title IX from which exemption is requested. Although we might wish, upon further study, to claim additional exemptions, the following are, for now, specifically noted:

1. Sections 106.21 (c), 106.40 and 106.57 (b). Campbell University claims an exemption from these paragraphs of Title IX regulations insofar as they would require us to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a normal illness and a temporary disability. As noted above, Baptists believe the family is ordained of God and that we are required by our faith to inquire into and take action where necessary in regard to marital or parental status or the pregnancy or termination of pregnancy of students and those seeking employment with the institution.

2. Section 106.14. Campbell University does not have the Greek letter fraternities and sororities. It does have social service fraternities, honor societies and associations. Campbell claims exemption from this and all other regulations to the extent that the practices of such groups would interfere with student organizations sponsored by our Baptist Church. For example, such organizations as the Baptist Student Union and the Baptist Young Women's Association and similar organizations should, in our opinion, be clearly exempt from the regulations inasmuch as the membership of some may be limited to one sex only.

3. Section 106.31. Campbell's claim to exemption rests upon its belief that the Church should be free to adopt rules of dress which may differ for men and women. There are differences between the sexes, and it is believed that these are and should be expressed in their dress and grooming habits.

4. Section 106.32. Campbell University has uniformly followed a policy of sex-segregated housing for all of its unmarried students both in on-campus and off-campus housing. The present problems of abortion and divorce, should, standing alone, be sufficient evidence of the need for sex segregated housing for unmarried students. Our rules, however, are based upon the belief of our Baptist church that marriage and the family are sacred and can only be protected when we follow the teachings regarding sexual morality.

5. Section 106.36. Campbell requests an exemption from this regulation inasmuch as the Church of which it is a part believes that the needs of men and women are sufficiently different as to require substantially different kinds of counseling as it relates to career planning, marriage and the building of homes. It is generally believed that mothers play a central role in rearing children and stabilizing the home. Thus, freedom to consider the God-given roles of mothers and fathers must be preserved if we are to make the will of Christ supreme in the family and in the Church.

In closing, let me once again express our intention to insure that equal educational opportunities are provided to all students. We believe our rules and regulations are based upon the teachings of our Church and sound Biblical principles. If there should be any questions, however, we hope you will let us know.

We appreciate your help and understanding in this matter.

Sincerely,

Norman Adrian Wiggins
President

NAW:kaj

85-005-356

CAMPBELL UNIVERSITY 1887-1987

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Celebrating the Past and Anticipating the Future!

OFFICE OF THE PRESIDENT
Dr. Norman Adrian Wiggins
(919) 893-4111

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Regional Director
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We appreciate your help and understanding in this matter.

Sincerely,

Norman Adrian Wiggins
President

NAW:kaj

HEW - 639

ATTACHMENT #1

CAMPBELLSVILLE COLLEGE
Campbellsville, Kentucky

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

ARTICLE I - Paragraph 2 - RELIGIOUS EXEMPTION

Section 86.12 (a) provides that the Rules and Regulations adopted pursuant to Title IX shall not apply . . . to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

Campbellsville College was founded in 1906 and as stated in its Articles of Incorporation was established to "maintain a four-year coeducational liberal arts college emphasizing and recognizing the teachings and doctrines of Jesus Christ as contained in His Holy Word and shall offer such curriculum as may be determined by the administration and faculty, and approved by the Board of Trustees of this corporation..." One of the great commitments of Campbellsville College has been to stimulate understanding of the Christian ethic and the motive of service to mankind.

Campbellsville College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adherred throughout its history, however, and because it is controlled by its Articles of Incorporation, Campbellsville College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Christian religion. In particular Campbellsville College asserts its exemption from those provisions of 86.40 which would require Campbellsville College not to exclude any unmarried student from its educational program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Campbellsville College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Campbellsville College claims exemption from those provisions of Section 86.57 which appear to prevent the college from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, and termination of pregnancy and appears to require the College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

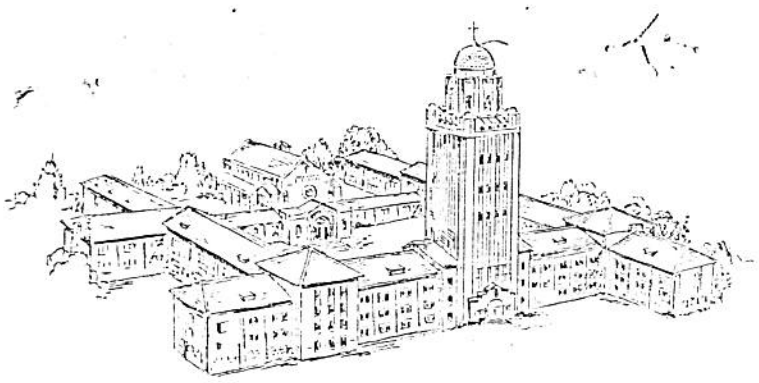
Campbellsville College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is married or unmarried.

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the faculty of Campbellsville College are expected to constitute role models for the students and in such roles - stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is, therefore, essential that Campbellsville College knows in advance of employment whether prospective faculty members have a good family relationship or whether, at the other extreme, such prospects indulge in acts which would be detrimental to good family relationships.

CAMPBELLSVILLE COLLEGE

By W R Davenport
W. R. Davenport Ed.D.
President

September 30, 1976



CARDINAL GLENNON COLLEGE
5200 GLENNON DRIVE
ST. LOUIS, MO. 63119

May 23, 1977

Office of the President

OFFICE FOR CIVIL RIGHTS
Department of Health, Education and Welfare
Post Office Box 8214
Washington, D.C. 20024

Dear Director:

Cardinal Glennon College is a Liberal Arts College but it is also a seminary for candidates for the Roman Catholic Priesthood. It therefore limits its enrollment to students who profess the Roman Catholic Faith, and it also limits its students to males. No student is admitted unless he has a desire to study for the Roman Catholic priesthood. The Roman Catholic Church does not ordain women to the priesthood.

I trust that this will sufficiently indicate our special situation.

Sincerely yours,

Francis A. Gaydos, C.M.

Francis A. Gaydos, C.M.
President

Carson-Newman College

Jefferson City, Tennessee 37760 / 615 / 475-9061

September 27, 1976

Dr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Dr. Gerry:

Attached herewith is the completed Form 639 for Carson-Newman College assuring compliance with Title IX of the Education Amendments of 1972 and the regulations issued by the Department of Health, Education, and Welfare in implementation thereof.

As noted under Article I the college is requesting religious exemption under 45 C. F. R., Section 86.12 (b) of the Rules and Regulations implementing Title IX of the Education Amendments of 1972. I am herewith identifying some sections of the regulations, parts of which are not consistent with the tenets of the Southern Baptist Convention in general and particularly the Tennessee Baptist Convention, Inc. which owns and operates Carson-Newman College.

I am asking for exemption of Carson-Newman College from the following sections:

Section 86.14	Membership Practices of Certain Organizations
86.21 (c)	Admissions
86.31 (b), (6), (8)	Educational Programs and Activities
86.37 (c), (1), (2)	Athletic Scholarships
86.40 (b)	Marital and Parental Status
86.51 (b), (6)	Employment
86.52	Employment Criteria
86.53 (a)	Recruitment
86.55 (c)	Job Classification and Structure
86.57 (b), (c), (d)	Marital or Parental Status
86.59	Advertising

I shall appreciation your consideration of this request provided by the regulations.

Sincerely yours,

John A. Fincher

John A. Fincher, President

JAF:psf
Enclosure
cc: Dr. David Mathews

Cathedral College of the Immaculate Conception
7200 DOUGLASTON PARKWAY DOUGLASTON, N. Y. 11362
(212) 631-4600

Office of the President

September 29, 1976

Cathedral College of the Immaculate Conception is a college-seminary providing college level education for young men preparing for the Catholic diocesan priesthood. At present, the Roman Catholic Church does not admit women to priestly ordination. Seminaries, therefore, do not admit women to educational programs designed specifically for candidates to the priesthood.

Cathedral College does not receive federal financial assistance.

Reverend Monsignor Thomas J. Gradilone
President

CEDARVILLE COLLEGE
A Baptist College of Arts and Sciences

CEDARVILLE, OHIO 45314

June 4, 1976

MCK 7/2

Martin H. Gerry
Acting Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Ave., S.W.
Washington, D.C. 20201

Re: 86.12 (a), (b) of Final Title IX Implementing Regulations

Dear Mr. Gerry:

On behalf of the Administration and Board of Trustees of Cedarville College, we respectfully submit the accompanying claim for exemptions as provided under Section 86.12 (a) and (b) of the Final Title IX Implementing Regulations.

We believe it would be beneficial to your understanding of our position if we were to give you some specific information about our college. Therefore, we present the following for your consideration;

I. A Description of Cedarville College -

Cedarville College is a Baptist college of arts and sciences presenting a balanced liberal arts program coupled with an evangelical, conservative theological position in regard to doctrine and patterns of conduct.

II. The Bible as our Basis for Faith and Practice -

Cedarville College was founded upon and continues to present a curriculum based upon a doctrinal position that the Bible is our sole basis for faith and practice.

6/17/76 mbw

RECEIVED SEP 14 1976 (-9)

COMMIT THOU TO FAITHFUL MEN 2 TIM. 2:2

PASSING THE TORCH

III. Approval by the General Association of Regular Baptist Churches -

Cedarville College is subject to annual approval by the General Association of Regular Baptist Churches (GARBC) to assure the continuity of the educational program in conformity with the Scriptural position of the majority of the GARBC.

Cedarville College wholeheartedly supports the principle of cooperation with governmental authority as admonished by the Bible (Romans 13). However, we also firmly believe that we have the right to take exception to governmental actions which would interfere with faith and practice that is based on Biblical teaching.

We present the following claims for exemption from certain requirements of the Final Title IX Implementing Regulations:

86.21 (c) (1) (2) (4) Admissions -

These subparts (1) prevent a recipient institution from applying any rule concerning the actual or potential parental, family, or marital status of an applicant which treats persons differently on the basis of sex; (2) prohibit an institution from discriminating against or excluding any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, and (3) prevents a recipient institution from making pre-admission inquiry as to the marital status of an applicant.

College Policy - Cedarville College does exclude from its program unmarried, pregnant women.

Rationale - In order to maintain the distinctive character of the College as a Christian institution with Biblical moral standards, Cedarville College must reserve the right to exclude from its programs, male or female applicants who violate the moral standards contained in the Bible.

Scripture References - I Cor. 5; I Cor. 6:15-20; I Thess. 4:3-7.

86.31 (b) (5) Educational Programs and Activities - A recipient shall not, on the basis of sex, "discriminate against any person in the application of any rules of appearance."

College Policy - Cedarville College does maintain a policy limiting the length of men's hair.

Rationale - The policy reflects a sensitivity to the relationship of Cedarville College to its constituency and the institution's responsibility to those whom we serve, together with the School's desire to maintain a testimony to our churches and to society.

Scripture Reference - I Cor. 10:32

It is the institution's intent and practice to maintain the Biblical identity of the sexes while upholding their equality of person.

Scripture References - I Cor. 11:14, 15.

86.40 (a) (b) (1) (4) (5) Marital or Parental Status -

These subparts (1) prevent a recipient institution from applying any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex; (2) prohibit an institution from discriminating against, or excluding any student from its education program or activity on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom; (3) require that a recipient institution treat pregnancy, termination of pregnancy and recovery therefrom as any other temporary disability; and (4) require that a recipient institution shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

College Policy - Cedarville College does exclude from its educational program and activities, unmarried women students experiencing pregnancy, childbirth, or termination of pregnancy.

Rationale - In order to maintain the distinctive character of the College as a Christian institution with Biblical moral standards, Cedarville College must reserve the right to suspend from its program and activities, male or female students who violate institutional standards that have as their basis the moral standards contained in the Bible.

Scripture References - I Cor. 5; I Cor. 6:15-20; I Thess. 4:3-7.

86.57 (a) (1), (b), (c) Marital or Parental Status -

These subparts provide that a recipient institution shall not apply any policy or take any employment action concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex. A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, and the recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any other temporary disability resulting therefrom as any other temporary disability for all job related purposes.

College Policy - Cedarville College does exclude unmarried pregnant women applying for employment and also excludes from employment male or female employees who violate the moral standards contained in the Bible.

Rationale - In order to maintain the distinctive character of the College as a Christian institution with Biblical moral standards, Cedarville College must reserve the right to exclude unmarried pregnant women applying for employment and to also exclude from employment male or female employees who violate the moral standards contained in the Bible.

Scripture References - I Cor. 5: I Cor. 6:15-20; I Thess. 4:3-7.

The above exemption statements have been reviewed and approved by the Cedarville College administration and the Board of Trustees. While it is the intent of Cedarville College to continue to provide equal opportunity to members of both sexes in compliance with the provisions of Title IX regulations, continuation of policies relating to the above exemption statements are considered essential to the purpose and programs of the institution.

James T. Jeremiah
Chief Administrative Officer

George Engelmann
Chairman, Board of Trustees

CEDARVILLE COLLEGE

Chicago
7/26
Prepare for AS Sig.
cy: PES

June 26, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

RE: Title IX Religious Exemption

Dear Sir:

The Cedarville College hereby claims 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 its understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

The Cedarville College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College is subject to annual approval by the General Association of Regular Baptist Churches (GARBC), 1300 N. Meacham Road, Schaumburg, Illinois 60195, a non-profit religious corporation which was incorporated under the laws of the State of Illinois under the control of a board of trustees (The Council of Eighteen), and is exempt from federal income taxation as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue Code.

The Cedarville College was incorporated in the State of Ohio as a Christian institution of higher education under the control of a board of trustees and is also exempt from federal income taxation as a not-for-profit institution under Section (c)(3) of the Internal Revenue Code. The trustees of the College 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. The Charter of the College and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the General Association of Regular Baptist Churches aforementioned.

The College educates in the broad range of liberal arts, in which it 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 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. Romans 12:1 "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS)

2. Romans 6:13 "And do not go on presenting the members of your body to sin as instruments of unrighteousness; but present yourselves to God as those alive from the dead, and your members as instruments of righteousness to God." (NAS)

3. Cedarville College Doctrinal Statement 11: "We believe in personal separation from all practices and influences of the world which hinder a spirit-filled life." Cedarville College Doctrinal Statement, page 174, Cedarville College Catalog 1987-1988.

4. The Cedarville College Student Handbook. "IV Community Discipline...[T]he College believes that redemptive discipline should be:

   I. A meaningful learning experience and should encourage responsible behavior;

   II. Based on a Scriptural balance of love and justice and educational principles;

   III. Consistent with the best interest of both the individual and the total College community in mind." Cedarville College Student Handbook at p. 23.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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:

I. I Corinthians 5.
II. I Corinthians 6:15-20.
III. I Thessalonians 4:3-7.

In it's letter of June 4, 1976 to the Department of Education, the College claimed religious exemption from certain of the provisions of Title IX which have since been renumbered. In it's letter of September 13, 1985 the Department granted such claim. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this exemption notice is being submitted at this time in order to clarify and extend the scope of the exemption previously received from the Department and presently claimed by the College.

Accordingly, the College hereby claims 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: C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), together with any application of Sections 106.38 (employment assistance to students); Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender); 106.53 (recruitment); 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, promiscuous conduct outside of wedlock, homosexual behavior, or divorce, [see, e.g., I Cor. 6:12-20; Gal. 5:19-21; Romans 1:24-27; I Cor. 7:10,11]) the college reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices.

There are a 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 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 tenets 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 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 claim 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 Donald W. Rickard, Vice-President of Cedarville College for Student Services at (513) 766-2211 extension 220.

Very truly yours,

Paul H. Dixon

Dr. Paul H. Dixon,
President

CENTRAL BIBLE COLLEGE
3000 NORTH GRANT AVENUE
SPRINGFIELD, MISSOURI
65803

H. MAURICE LEDNICKY
PRESIDENT

TELEPHONE
(417) 833-2551

May 27, 1988

PCS
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AS Reg
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file

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Central Bible College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. §106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious orgranization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by The General Council of the Assemblies of God ("General Council"). The General Council is an association of some 11,000 Assemblies of God churches in the United States, and it has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure A). I am enclosing the General Council's charter (enclosure B) as well as a copy of its Constitution and Bylaws (enclosure C), which will demonstrate conclusively that the General Council is a religious organization.

Article V of the articles of incorporation (enclosure D) of the College specifies:

> This Association is formed for the purpose of,
>
> To provide and maintain an Educational Institution for advanced education in Theological and other courses of study upon a Collegiate level.
>
> To stimulate missionary and evangelistic interest and zeal, foster and nourish the Spiritual life of its students.
>
> To provide Bible centered courses of training to prepare Christian workers for effectual service at home and abroad.
>
> To serve as an instrument to perpetuate and strengthen the distinctive testimony and ministry of the Assemblies of God.

Article IV of the College Bylaws (enclosure E) further provides:

> Central Bible College, a non-profit organization, is and shall be at all times controlled by the General council of the Assemblies of God. The execution of policy and administration may be delegated, but the General Council of the Assemblies of God shall have control over all phases of the institution.
>
> The General Council of the Assemblies of God has charged its board of directors to be guardian of this institution, to see that it promotes forever the ideals and purposes for which it was founded,

> and to take whatever steps are necessary to insure purity of doctrine and excellence of scholarship.

The above-quoted provisions clearly demonstrate that the College is owned and controlled by a religious organization (the General Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organization (the General Council). Article V of the College bylaws (enclosure C) specifies that "Central Bible College is forever bound to give Christ the preeminence is all things and is bound to the statement of Fundamental Truths and to the policies and standards as set forth in the constitution and bylaws of the General Council of the Assemblies of God." The General Council's Statement of Fundamental Truths (constitution, article V) contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the relevation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. §§106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following. (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that

she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College. The only possible exception would be in the case of forcible rape.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from the provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Sincerely yours,

H. Maurice Lednicky

Rev. H. Maurice Lednicky

HML:je

Enclosures

cc: Ms. Maye Miller-Bozeman

Central Christian College of the Bible
911 Urbandale Drive East
Moberly, Missouri 65270
Phone: (816) 263 - 3900

1988 JUL 28 PM 12:59
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 26, 1988

RECEIVED
1988 JUL 28 PM 1:22

Ms. Judith E. Banks
Acting Regional Civil Rights Director
Office for Civil Rights, Region VII
Department of Education
Post Office Box 901381
Kansas City, Missouri 64190-1381

Re: Letter of Title IX Exemption Application

Dear Ms. Banks:

Our Application Letter is enclosed. We understand that you will determine whether the Letter contains sufficient information and then forward our request to the Assistant Secretary.

Please inform us what is needed if the Application Letter is deficient.

Thank you for giving this matter your attention.

Sincerely,

Lloyd M. Pelfrey
President

Enclosure

Central Christian College of the Bible
911 Urbandale Drive East
Moberly, Missouri 65270

Phone: (816) 263 - 3900

July 26, 1988

Assistant Secretary for Civil Rights
United State Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Central Christian College of the Bible hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, purusant 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).

Central Christian College of the Bible is a professionally accredited Bible college, offering courses of instruction in Christian ministry, Christian education, missions, church music, English Bible, and youth ministry. Central Christian College of the Bible (the "Coporation") is a non-profit educational corporation which was incorporated in the State of Missouri in 1957 as an institution of higher education. The College is exempt from federal income tax as a not-for-profit educational institution under Section 501(c)(3) of the Internal Revenue Code. Contributions which are a major portion of the revenue of the College are derived, for the most part, from New Testament churches and individuals who are members of such churches. The Corporation is governed by and operates the College under the control of a board of directors. Each director must be a member in good standing of a New Testament church, and be approved as a director by his presbytery, the highest ecclesiastical authority (Titus 1:5, 9; Acts 14:23; 20:17, 28; 21:18; I Tim. 5:17; James 5:14 and I Pet. 5:1-3).

The directors of the Corporation and the faculty, students and employees of the College are all required to espouse a personal belief in and committment to the object of the Corporation including a continuing belief that Jesus is the Christ, the Son of the Living God in the unique sense without reservation and an acceptance of the Bible as the Divinely inspired truth. The Bylaws of the Corporation contain explicit statements that the College is committed to providing religious, moral, and theological education and the training of leadership for the Church according to New Testament teachings.

The College adheres to biblical tenets in 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 biblical beliefs, values and purposes that are central and essential to the educational mission of the College. Accordingly, the personnel of the College accept biblical 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 Bible sets forth the standards for Christian morality and practice in many places and forms; see the following for examples but not a comprehensive listing. Matthew 18:15-18; Romans 13:1-9; 16:17; I Corinthians 5:1 - 6:3; 11:2, 3; 14:33-37; Galatians 6:1, 2; Ephesians 5:22; II Thessalonians 3:13, 14; I Timothy 2:11-14; 3:1, 2; Titus 2:5; 3:10; James 5:19, 20 and I Peter 3:1.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, marriage, and residential living environments and standards. It holds biblical 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, Romans 1:24-32; I Corinthians 5:1-5; 6:9-11, 15-20; II Corinthians 12:21; Ephesians 5:3; Colossians 3:5; I Thessalonians 4:3-8 and Hebrews 13:4.

The College hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to sudents of one gender) and Section 106.51 (employment opportunities for religious offices or positions limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.55 (job classification and structure) or 106.59 (advertising) that relates to such employment oportunities that are limited to one gender by the religious beliefs of the College.

There are a 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 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 doctrinal tenets 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 requirement of hiring only persons whose beliefs and practice are consistent with the Christian tenets, principles and traditions accepted by the Corporation and are in harmony with its purposes and policies.

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 Lloyd M. Pelfrey or Gerald L. Browning, who are respectively President and Business Manager of the College.

Very truly yours,

Lloyd M. Pelfrey
President

Central Wesleyan College
CENTRAL, SOUTH CAROLINA 29630 PHONE: 639-2453

OFFICE OF THE PRESIDENT
CLAUDE R. RICKMAN

April 26, 1977

Director of the Office for Civil Rights
Department of Health, Education and
Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Sir:

Central Wesleyan College has checked its policies for compliance with the provisions of Title IX. Steps have been planned to modify any practice or action necessary for compliance in all areas not covered by exemption.

Pursuant to the provision of section 86.12 of Title IX, it is requested that exemption be granted Central Wesleyan College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. It is believed that these sections of the act are inconsistent with the special directions and the general rules of the Wesleyan Church by which Central Wesleyan College is controlled.

The special directions of The Wesleyan Church for its members, published in the 1972 Discipline and the 1976 Discipline of The Wesleyan Church, require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it. (See The Wesleyan Discipline, p. 51, Paragraph 187 (5).)

Further, the general rules of the Church require (1). the preservation of the sanctity of the home (See The Wesleyan Discipline, p. 36, Paragraph 131 (11)) and (2). the high regard of marriage vows (See The Wesleyan Discipline, p. 36, Paragraph 131 (14)). The Church also requires appropriate discipline for violators (See Discipline, p. 37, paragraph 132).

It is the expectation of Central Wesleyan College to apply College rules and regulations equally to men and women. There may be occasions in the instance of pregnancy out of wedlock

where the evidence against the father may be insufficient to meet due process requirements. To deal with neither party because we could not deal with both would be tantamount to sanction of a moral which violates a standard of the Church.

I also request exemption of Central Wesleyan College from the provision of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. This tenet is found in the Discipline on general rules on dress (See Discipline, paragraph 131 (8)). The application of this tenet can be illustrated by the acceptable difference in style of swim suits for women and men.

We believe that Title IX permits separation of housing by sex (86:32 (b)), separation of restroom facilities (86:33), and special requirements for employment such as a woman to be resident director in a women's dormitory (86:61). If our understanding of these sections is in error or at any time these sections should be interpreted as prohibiting administration based on sex, Central Wesleyan College would desire the opportunity to request specific exemptions in these areas, also.

The provision of Title IX for the request of specific exemptions for religious beliefs is appreciated. Your favorable consideration of these beliefs and requests will be appreciated.

Sincerely yours,

Claude R. Rickman

Claude R. Rickman
President

CRR:fe

בעז"ה

הישיבה המרכזית „בית יוסף" ביאליסטאק

Central Yeshiva Beth Joseph Rabbinical Seminary

נוסדה בטוברדק בשנת תרנ"א

1427 - 49TH STREET

BROOKLYN, N. Y. 11219

PHONES GEDNEY 6-7591

GEDNEY 6-5146

הרב הגאון ר' יעקב חיים יפה'ן
ראש הישיבה

הרב הגאון ר' יהודה לייב נעקריץ
ראש הישיבה

מיסדו של מרן הגאון ר' אברהם יפה'ן זצלה"ה

הרב ר' קהת בארצק
הרב ר' אברהם יצחק לינזבערג
חברי הנחלה

May 3, 1977

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MEIR STEFANSKY

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Jacob Joseph

All Contributions To Our Yeshiva Are Tax-Exempt

KD 1790-85
55

בעז"ה

הישיבה המרכזית „בית יוסף" ביאליסטאק

Central Yeshiva Beth Joseph Rabbinical Seminary

נוסדה בניוארק בשנת תרנ"א

1427 - 49TH STREET
BROOKLYN, N. Y. 11219

PHONES GEDNEY 6-7591

GEDNEY 6-5146

מיסדו של מרן הגאון ר' אברהם יפה'ן וצלה"ה

RABBI JACOB JOFEN
Rosh Yeshiva
RABBI LEIB NEKRITZ
Rosh Yeshiva

OFFICERS
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Honorary President
Ber Mandel
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Rubin Markowitz
Rabbi Avrohom C. Nussbaum
Rabbi Jacob Pasternak
Rabbi Samuel Rimpler
Rabbi Akiva Senderowitz
Meir Stefansky

August 26, 1985

RECEIVED
AUG 28 1985
OCR
REGION II

Department of Education
Office for Civil Rights
Region 11
Federal Building Room 33-130
26 Federal Plaza
New York, NY 10278

Dear Sir:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Educaiton in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely,

Rabbi Jacob Jofen

Rabbi Jacob Jofen
Dean

TEL. 434-0784

ב"ה

CENTRAL YESHIVA
TOMCHEI TMIMIM LUBAVITZ
OF THE UNITED STATES OF AMERICA

(RABBINICAL SEMINARY)

הישיבה ומתיבתא המרכזית
תומכי תמימים ליובאוויטש
ברוקלין, נ. י.

841-853 OCEAN PARKWAY • BROOKLYN, NEW YORK 11230

April 15,1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the chief administrative officer of this institution.

2) Central Yeshiva Tomchei Tmimim Lubavitz was charted and is maintained as an Orthodox Jewish Seminary. Its Trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenents. The institution today continues to operate under, and adhere to, these policies.

3) The following provisions of part 86 conflict with specific tenents of the Orthodox Jewish Religion governing our institution:

a) Section 86.21(a)
b) Section 86.31(a)
c) Section 86.32(a)
d) Section 86.34
e) Section 86.51
f) Section 86.52
g) Section 86.55(a)
h) Section 86.7
i) Section 86.22
j) Section 86.23(a)
k) Section 86.23(a)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Rabbi Chaim Stern
Administrator

CS/mr

RD 2149-85
55
Kab

TEL. 434-0784

CENTRAL YESHIVA
TOMCHEI TMIMIM LUBAVITZ
OF THE UNITED STATES OF AMERICA

(RABBINICAL SEMINARY)

ב"ה

הישיבה ומתיבתא המרכזית
תומכי תמימים ליובאוויטש
ברוקלין, נ. י.

841-853 OCEAN PARKWAY • BROOKLYN, NEW YORK 11230

October 11, 1985

RECEIVED
OCT 15 1985
O C R
REGION II

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights Region 11
Department of Education
Federal Building
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rabbi Moshe Bogomilsky
Administrator

CHOWAN COLLEGE
MURFREESBORO, NORTH CAROLINA 27855

OFFICE OF THE PRESIDENT

July 26, 1976

Mr. Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Mr. Gerry:

Per your memorandum of July 1976, enclosed you will find for Chowan College the completed Assurance of Compliance with Title IX of the Education Amendments of 1972.

Should you have questions concerning the compliance of Chowan College with respect to Title IX, you may contact either me or Dr. B. Franklin Lowe, Jr., Dean of the College, whom I have appointed as Coordinator of Title IX.

Very sincerely yours,

Bruce E. Whitaker

Bruce E. Whitaker
President

ml

Enclosures

CHOWAN COLLEGE
MURFREESBORO, NORTH CAROLINA 27855

OFFICE OF THE PRESIDENT

July 26, 1976

CLAIM FOR RELIGIOUS EXEMPTION

Chowan College is a church-related institution, owned by the Baptist State Convention of North Carolina. As such, it unapologetically includes the following statement in its college catalog under Requirements for Admission: " Chowan College desires to enroll only those persons who are trustworthy and studious and who possess those qualities that make for a congenial adjustment to college life. Evidence of good moral character, seriousness of purpose, and desirable personal traits will be considered of first importance."

Consequently, Chowan College has grave misgivings with respect to those requirements as set forth in the various paragraphs of Section 86.40 of the Title IX Regulation Implementing Education Amendments of 1972, insofar as these regulations require Chowan College to treat pregnancy, childbirth, fase pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability. The college is also concerned with similar requirements as included in paragraph 86.21 (c), 86.39, 86.51 (b) (6), 86.57 (a) (1), 86.57 (b), 86.57 (c), and 86.60 (a), whether with respect to unmarried students or employees.

As a church-related institution, Chowan College does not condone premarital unchastity on the part of male or female students or employees. Further, the college shall continue to carry in its catalog the following statement: "The College reserves the right at all times to exclude students whose conduct or academic standing it regards as undesirable..."

With reference to section 86.40 and those other paragraphs listed above, Chowan College reserves the right, pursuant to paragraph 86.12 (b) of the Title IX regulations, to claim exemption from requirements as set forth in the enumerated paragraphs, insofar as it may adjudge any portion or all of these to be contrary to the basic religious stance of Southern Baptists.

Respectfully submitted,

CHOWAN COLLEGE

Bruce E. Whitaker

President of the College

CHRISTIAN HERITAGE COLLEGE
2100 Greenfield Drive, El Cajon, CA 92021

March 28, 1979

Mr. Benjamin Saunders
Office of Civil Rights
Office of Compliance and Enforcement
Division of Post-secondary Education
Department of Health, Education & Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Mr. Saunders:

Enclosed is the statement as per 45CFR 86.12(b), which you requested by letter dated March 1, 1979.

Thank you for your cooperation and assistance. We trust this statement adequately expresses our position and satisfies governmental requirements. If there are any further questions, please let me know.

Sincerely,

Henry M. Morris

Henry M. Morris
President

HMM:lr

Enclosure

DIRECTOR, OFFICE OF CIVIL RIGHTS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

March 28, 1979

Dear Sir or Madam,

The following statement has been prepared to satisfy the requirements of 45CFR Part 86, Section 86.12(b). The statement contains two portions, the first of which demonstrates that Christian Heritage College is controlled by a religious organization. The second specifically identifies the provisions of Part 86 which are in conflict with our religious tenets.

A copy of the 1978-'79 Christian Heritage College catalog is enclosed as a supporting document.

A. Control.

Christian Heritage College was founded by Scott Memorial Baptist Church of San Diego and El Cajon, California. This church continues to exercise control over the College through the College Board of Trustees, which is comprised of the President of the College, the Pastor and Senior Pastor of the Church, the Director of Christian Unified Schools, and six members elected by the membership of the Church. The College corporation membership is identical with the Church membership. Annual business meetings are held at Scott Memorial Baptist Church, at which church members may propose policy or budgetary changes and vote on such issues.

Both the Church and the College are committed to faithful obedience in all things to the principles of Christianity as revealed in God's Word, the Bible. The educational philosophy of the College, as stated on pp. 15-16 of the catalog, is based on the "Biblical framework of history and philosophy," and the College attempts to "develop a thoroughly Biblical and Christian world-view in each discipline." Each member of the faculty and administration is required to adhere to the doctrinal position given on pp. 17-20 of the catalog, the first paragraph of which stresses the integrity, inspiration, inerrancy, authority, and completeness of the Holy Scriptures, both the Old and New Testaments.

Prior to admission to Christian Heritage College, each prospective student is required to submit a statement of personal faith in the Person and work of the Lord Jesus Christ. The applicant must also produce a letter of recommendation from a Pastor, and "agree to abide by the doctrinal position and the standards of conduct of the College," as indicated on p. 32 of the catalog.

B. Specific Areas of Conflict.

On the basis of both the Church's and College's expressed faith in the Bible, we take exception to the following Sections of 45CFR Part 86. Brief explanations of the religious tenets at issue are provided for each section from which exemption is claimed.

1. Section 86.21, paragraphs (a) and (b).

While the College does not restrict its enrollment on the basis of

sex for the majority of its programs, the Ministerial Training program is restricted to men only. Although all students are required to take certain Bible courses, and may take any course as an elective, no woman student would be permitted to receive the degree in Ministerial Training. This restriction is based on the Biblical position that church pastors and teachers should be men (1 Timothy 3:2; Titus 1:6; 1 Timothy 2:11-13; 1 Corinthians 14:34).

In addition, the Scriptures teach that the primary responsibility for the operation of the household in a marriage relationship is given to the woman. The Home Economics program has therefore been designed to teach women the qualities exemplified in Proverbs 31, Titus 2:3-5, and elsewhere. On this basis, enrollment in the Home Economics program is restricted to women only.

2. Section 86.21, subparagraphs (c)(2) and (c)(3).

Since pregnancy out of wedlock, or abortion, or illegitimate childbirth would be indications of immorality, as defined in the Bible, the College requests exemption from these regulations and the right to make an admissions decision against an applicant on this basis (Galatians 5:19-21, Ephesians 5:3, Colossians 3:5, 1 Thessalonians 4:3).

3. Section 86.23, paragraph (a).

In accordance with the discussion of Section 86.21 (a) and (b) above, the College will only recruit male students for the Ministerial Training program and female students for the Home Economics program. In other areas, recruiting will be non-discriminatory.

4. Section 86.31, paragraph (a).

The College takes exception to the broad coverage cited in this paragraph of the regulations. Though the College does not discriminate in the majority of its educational programs and activities and makes a conscientious effort to respect and assist all students regardless of sex, there are certain areas in which we may make policy and take action on the basis of sex. The College will always attempt to make these decisions in a manner consistent with Biblical principles. The College requests exemption from this regulation on the basis of the Biblical teaching that there is a difference between males and females in their roles in society (Proverbs 31, Titus 2:3-5; 1 Timothy 2, etc.). Other principles, such as the commandment to "abstain from all appearance of evil" (1 Thessalonians 5:22) and the commandment to not "put a stumblingblock or an occasion to fall in his brother's way," (Romans 14:13) could require in some situations a decision or policy that necessitated different treatment based upon sex.

5. Section 86.31, paragraph (b).

For the same reasons listed immediately above in the discussion of paragraph 86.31(a), the College requests exemption from the specific prohibitions listed under paragraph (b), especially the following subparagraphs:

a. 86.31(b)(5).

The Scriptures clearly teach that men and women are to have different standards of appearance. For example, Deuteronomy 22:5

states that "the woman shall not wear that which pertaineth to a man, neither shall a man put on a woman's garment, for all that do so are an abomination to the Lord." Also, 1 Corinthians 11:14-15: "Doth not even nature itself teach you, that, if a man have long hair, it is a shame unto him? But if a woman have long hair, it is a glory to her."

b. 86.31(b)(7).

The College feels that assisting such organizations that are in agreement with our doctrinal position, regardless of discriminatory practices, is a Biblical practice that should be followed when necessary. There are many Scriptural examples of this, notably Acts 11:27-30; Philippians 4:14-17; and Hebrews 13:16.

6. Section 86.31, paragraph (d).

The College requests exemption from this paragraph, since it is possible that an organization which is in agreement with the doctrinal position of the College may be considered discriminatory. The students and faculty are required to participate in local churches and other Christian organizations of like faith on the basis of such commandments as Hebrews 10:24-25; 1 Timothy 3:15; and others.

7. Section 86.32.

Since the College expects all its students, male or female, married or unmarried, to "abstain from all appearance of evil" (1 Thessalonians 5:22), to "live soberly, righteously, and godly in this present world" (Titus 2:12), and that they "should abstain from fornication"

(1 Thessalonians 4:3), the College has accordingly established rules governing housing for all students, on and off campus. These rules are not intended to be discriminatory, but rather to take a clear stand against immorality and to prevent situations which might appear to be immoral. The College therefore requests exemption from this entire section on housing.

8. Section 86.34.

For the reasons given under Sections 86.21(a) and (b) certain College programs are restricted by sex. In addition, in order to be consistent with the Biblical principles as given in the discussion of 86.31(a) above and in the discussion of 86.51(a) which follows, future programs at Christian Heritage College may be developed which would have to be segregated by sex. The College therefore asks exemption from this section.

9. Section 86.34, paragraph (f).

The College requests exemption on the basis that there are many Scriptural examples of singing groups organized on the basis of sex (Ecclesiastes 2:8; II Samuel 19:35, II Chronicles 35:25, Ezra 2:65).

10. Section 86.36.

The College requests exemption to this section since, while counseling students for program selection, it will be necessary to treat students differently on the basis of sex to be consistent with the principles cited above in the discussions of Sections 86.21 and 86.31.

11. Section 86.38, paragraph (a).

The College believes that the Scriptures teach that certain jobs in the church are reserved for men (I Timothy 2:12; 3:2; 3:12) whereas others, especially as concerns childraising, are more appropriate for women (Proverbs 31:10-31; Titus 2:4, I Timothy 5:14). The College, therefore, requests exemption from this regulation and will permit other agencies, organizations, or persons who wish to make employment available to our students to specify the sex when such designation is in accordance with the Biblical principles.

12. Section 86.38, paragraph (b).

The College requests exemption to this section. Student employees will be treated on the same basis as other employees. The discussion which follows for Sections 86.51 through 86.61 (subpart E) applies to students employees as well as other employees of the College.

13. Section 86.40.

As discussed above under 86.21 (c)(2) and (c)(3), the College requests exemption from this section since pregnancy, abortion, or childbirth is evidence of immorality in unmarried students. The College will exercise sanctions against such students. However, the College's policies against immorality and fornication apply equally to male and female students (Galatians 5:19-21; Ephesians 5:3; Colossians 3:5; I Thessalonians 4:3).

14. Section 86.51, paragraph (a).

The College requests exemption from all four subparagraphs of this paragraph (a) on the basis that certain jobs within the organizational structure of the College must be limited to men in order to be consistent with the Biblical teaching of the line of authority (I Timothy 2:12; Ephesians 5:23) and the principle that only men should be Pastor-teachers in the work of the church (I Timothy 3:2; Titus 1:6).

15. Section 86.51, paragraph (b).

While the College does not generally discriminate against female employees in any of the specific areas listed under 86.51(b), it does ask exemption from this section to the extent necessary under the policy expressed above under the discussion of 86.51(a).

16. Section 86.53.

The College also needs exemption from this section in order to be consistent with the policy stated under the discussion of 86.51(a) above, for the reasons stated.

17. Section 86.55.

The College requests exemption from this section on the same basis as discussed under 86.51(a) above.

18. Section 86.57, paragraph (b).

For the reasons discussed previously under 86.21 (c)(2) and (c)(3), the College asks exemption from this paragraph. Sanctions would be

exercised against any employee or prospective employee who evidenced immorality. Obviously, pregnancy or childbirth in an unmarried woman is normally an evidence of an immoral lifestyle, which is condemned in the Scriptures (Galatians 5:19; Ephesians 5:3, Colossians 3:5; I Thessalonians 4:3).

19. Section 86.59.

The College requests exemption to this section in order to be consistent with the policy stated in the discussion of 86.51(a) above, for the reasons given.

20. Section 86.60, paragraph (a).

The College requests exemption from this paragraph in that marital status could indeed be a factor in job suitability in certain instances. Since the Scriptures teach that the husband is the head of the wife (Ephesians 5:22-24; Colossians 3:18; I Peter 3:1), a woman whose employment came in conflict with her marriage obligations would be expected to be in submission to her husband. On this basis, the College may find it necessary to make an employment decision based upon marital status.

C. Conclusion.

Christian Heritage College and its controlling organization, Scott Memorial Baptist Church, are firmly committed to the principle that the Bible, the Word of God, is the inspired and infallible source for all rules of faith and practice. This principle and commitment is the sole reason for the exemptions claimed herewith.

Thank you for your consideration.

CHRIST THE KING SEMINARY
711 KNOX ROAD
EAST AURORA, NEW YORK 14052

Office of the Rector
(716) 652-8900

Folks ✓
Herd
N.Y.

April 22, 1977

Mr. Albert T. Hamlin
Acting Director, Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Sir:

We have received your MEMORANDUM FOR PRESIDENTS OF COLLEGES AND UNIVERSITIES of April 4, 1977, as well as the document concerning NONDISCRIMINATION ON BASIS OF SEX.

First of all, Christ the King Seminary does not receive Federal funds. Secondly, the primary purpose of Christ the King Seminary is the preparation of priests for Roman Catholic dioceses, mainly in the United States. The present policy of the Roman Catholic Church allows for the Ordination of men, exclusively, to its priesthood. Therefore, in this regard, Christ the King Seminary claims religious exemption.

However, as a matter of principle, Christ the King Seminary has conducted, and has on file, a self-study dealing with policies of employment, of admission of non-seminarian students into its graduate program leading to a Master of Arts in Theology degree, and of the availability of physical facilities for its female clientele. You should be interested to know that the study revealed only one area of need relative to females. This was in terms of the restroom facilities and the matter has been remedied.

For the purposes of the Department of Health, Education, and Welfare, the document of ASSURANCE OF COMPLIANCE WITH TITLE IX is enclosed.

With every good wish, I am

Sincerely yours,

Daniel Lanahan, O.F.M.

Reverend Daniel Lanahan, O.F.M.
President-Rector

DL:NN

Christ the King Seminary

711 KNOX ROAD • P.O. BOX 607
EAST AURORA, NEW YORK 14052-0607

OFFICE OF THE
PRESIDENT-RECTOR

(716) 652-8900

August 2, 1985

Mr. Stanley Seidenfeld
Deputy Director, Office for Civil Rights, Region II
Federal Building
26 Federal Plaza
New York, New York 10278

RECEIVED
AUG 7 1985
O C R
REGION II

Dear Mr. Seidenfeld:

Thank you for your letter of July 11, 1985 concerning a request for religious exemption from Title IX of the Education Amendments of 1972.

Christ the King Seminary is an institution serving the Roman Catholic Church located in the Town of Aurora, Erie County, incorporated under the laws of the State of New York as a nonprofit tax exempt institution operating exclusively for religious educational purposes.

The Minister Provincial and the members of his Council of the Province of the Most Holy Name of Jesus of the Order of Friars Minor constitute the Board of Directors of this Corporation.

Christ the King Seminary does not receive Federal funds. The goals of Christ the King Seminary are: -- primarily to educate and prepare men for priesthood in the Roman Catholic Church; --to offer graduate programs in theological studies to men and women who wish to pursue an advanced degree and/or prepare for special ministries.

The Seminary has four programs of study: The Master of Divinity Program for seminarians; The Master of Divinity Program for commuters; The Master of Arts in Theology; and the Master of Arts in Pastoral Ministry.

The Roman Catholic Church only allows for the Ordination of men to the priesthood. Therefore, the Seminary claims a religious exemption from Title IX of the Education Amendments of 1972 (#86.21 in the Federal Register, Vol 40, No. 108-Wednesday, June 4, 1975) with regard to the Master of Divinity Program for seminarians.

With best wishes,

Sincerely yours,

Kevin E. Mackin

Reverend Kevin E. Mackin, O.F.M.
President-Rector

KEM:NN

the cincinnati bible seminary

2700 Glenway Avenue/Cincinnati, Ohio 45204 (513) 471-4800

cincinnati bible college

cincinnati christian seminary

President
Harvey C. Bream, Jr.

August 11, 1977

Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Re: HEW Form 639 A(3/77), Article I.B., Claiming a Religious Exemption under 45 CFR 86.12(b).

Section 86.21 (c)(1)(2)(3)(4) Pre-admission Marital or Parental Status.

Section 86.40 (a)(b)(1)(2)(3)(4)(5) Marital or Parental Status of Students.

Section 86.57 (a)(b)(c)(d) Marital or Parental Status of Employees.

Section 86.60 (a)(b) Pre-employee Inquiries of Marital Status.

Article III of the Constitution of The Cincinnati Bible Seminary stipulates that we accept ". . . the full and final inspiration of the Bible to the extent that it is . . . the infallible Word of God, and, therefore, the all-sufficient rule of faith and life . . . ."

This being the case, we claim an exemption from those sections cited above based on the religious tenet against sexual immorality as based in such scriptures as: Matthew 15:19, 20; Romans 1:26-32; I Corinthians 5:1-13; Galatians 5:19, Ephesians 5:3-12; Hebrews 13:4; Jude 7; Revelation 21:8.

There is no discrimination against married pregnant applicants, students, or employees.

Section 86.31 (a)(d)(1)(2)(i)(ii) Programs Not Operated by Recipients.

Section 86.34 Access to course offerings.

The undenominational Christian churches and churches of Christ in the main restrict leadership roles such as the preaching ministry and elders and

deacons to men basing this religious tenet on such scriptures as I Timothy 2:12-3:13; Titus 1:5-9; 2:3-5.

The aforementioned being the case, several courses such as Speech from the Pulpit and Practical Ministries are not offered to women.

Also since student summer internship programs are operated by independent, local, undenominational Christian churches and churches of Christ whose religious tenet as cited above restricts most such internship programs to male preaching students, we claim exemption from the above cited sections.

The sections cited above may not necessarily be exhaustive. The continuing self-evaluation process, as provided for in Article III.4 of HEW Form 639 A(3/77), may reveal some other conflicts between our religious tenets and Title IX regulations. In such an event, we reserve the right to claim other exemptions.

We do not concede that 20 U.S.C.A. 1681 and subsequent sections related by implication therein are applicable to The Cincinnati Bible Seminary generally, even though the above cited claims for exemption imply our acceptance of the jurisdiction of all involved in Title IX. We reserve the right to claim exemption under 1681 (a)(3).

Sincerely yours,

THE CINCINNATI BIBLE SEMINARY

Harvey C. Bream

Harvey C. Bream, Jr., President

HCBJr:lm

Circleville Bible College
Office of the President

May 31, 1985

Ms. Linda A. Cornelius
Acting Regional Civil Rights Director
Region V
300 South Wacker Drive - 8th Floor
Chicago, ILL 60606

Dear Ms. Cornelius:

Your letter of May 10 is most genuinely appreciated.

Circleville Bible College is owned and operated by the Churches of Christ in Christian Union. The General Superintendent of the Churches of Christ in Christian Union always serves, by virtue of office, as chairperson of the college's Board of Trustees. All members of the college Board are elected by local church delegates who meet in district councils (assemblies) annually.

The Constitution and Bylaws of the denomination read as follows:

"Any and all actions of the college Board may be appealed to the General Board of Trustees of the Churches of Christ in Christian Union who hold the right to uphold or set aside their actions". (Page 115, para. 3a(7).

It is the historic position of our denomination to affirm equal opportunity for all people. However, certain sections of Title IX could be interpreted in a way which would conflict with our Wesleyan-Arminian theological position and life-style, in particular our views on human sexuality and personal morality. Therefore, based on paragraph 86.12, we respectfully request exemption from the following paragraphs:

106.21 (c) 1-2.
106.40 (b) 1.
106.57 (a) 1.
106.57 (b)
106.60 (a)

Article II of the Statement of Doctrine of the Churches of Christ in Christian Union states, "We believe in the Bible, God's infallible Word, fully inspired by the Holy Spirit, the supreme authority for faith and practice" (Page 12, Constitution and Bylaws, 1978 Edition). It is our belief that the Bible clearly teaches against sexual relations outside of matrimony, homosexuality and artificial termination of pregnancy. Further-

more, it is the stated purpose of our institution to prepare students for "church-related careers" (page 117, Constitution and Bylaws). Such preparation demands that Biblical principles be modeled by our employees and inculcated in our students.

The wording of the above mentioned paragraphs of Title IX could, in our opinion, be interpreted in a way which would compel us to admit, retain and employ persons whose lifestyle would limit the ability of our college to carry out our duties as stated in the Constitution and Bylaws of our parent denomination. Therefore, we request exemption.

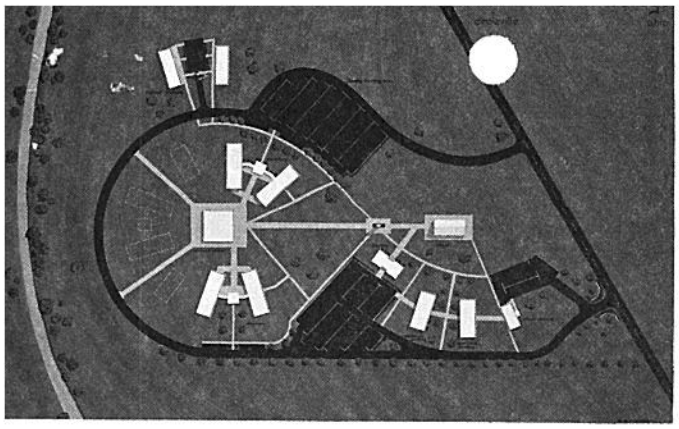
We are indeed grateful for your assistance and shall await further word.

Sincerely,

Doug Carter

Doug Carter
President

DC:rm



New Campus Development

Circleville Bible College

P. O. Box 458

Route 22, East, Circleville, Ohio 43113

Area Code 614 — Phone: 474-8896

MELVIN MAXWELL, President

September 8, 1977

OFFICE FOR CIVIL RIGHTS
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

ATTENTION: David S. Tatel

Dear Mr. Tatel

I must apologize to you for failure to reply to your letter dated August 1, 1977. Material from my office could have gone to the Director of Student Finances, and for some reason, we failed to recognise the past due date. We sincerely regret this and do hope you will accept our apology.

I have gone over the material and the explanation folder along with the HEW form #639A. It is very possible in filling out these materials that I have still failed to comprehend all you may desire. Since we are a church related college, or professional school owned by the Churches of Christ in Christian Union, I am also sending you some material:

(1) From the Constitution and By Laws of our Church, a fotostatic copy that relates to Circleville Bible College.

(2) A current catalog - on page five I have marked a paragraph in red which indicates the history of our institution and it's relationship to the church. On page thirteen of the catalog, under Admissions policies, I have circled our policies in red.

We are well aware of the importance of non-discrimination of race, color and sex. In speaking of the spirit and of the letter, we practice equality in every aspect of our institution.

I am fully aware of your responsibility to see that all institutions are fair in their practices. If further information is yet needed, we will be happy to comply with your requests.

Thank you for your past information and consideration.

Cordially

Melvin Maxwell

Melvin Maxwell
President

Enclosure

rdc

Circleville Bible College
"Different by Design"

November 17, 1988

Chi
12/12
AS sig
cy AS
DAS (Lewis)
FB

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

RE: Title IX Religious Exemption
MFC File No. 88-0616

Dear Sir:

The Circleville Bible College hereby claims 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).

The Circleville Bible College is an accredited Bible college, offering courses of instruction in the Bible in conjunction with various humanities, arts and sciences. The College is controlled by the Churches of Christ in Christian Union (the "Corporation"), a non-profit religious corporation. Both the Corporation and the College are exempt from federal income taxation as not-for-profit organizations under Section 501(c)(3) of the Internal Revenue Code. 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. The Charter of the Corporation and the catalogs 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 a significant amount of its financial support from the religious organization defined herein as the Corporation. 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 of the Wesleyan-Arminian theological position and lifestyle. It specifically utilizes a religious

'476 Lancaster Pike ● P.O. Box 458 ● Circleville, OH 43113-0458 ● Phone: (614) 474-8894

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. Article II of the Statement of Doctrine of the Churches of Christ in Christian Union which sets forth as follows: "We believe in the Bible, God's infallible Word, fully inspired by the Holy Spirit, the supreme authority for faith and practice" (Page 12, Constitution and By-laws, 1978 Edition).

2. I Timothy 4:16 "Take heed unto thyself, and unto the doctrine; continue in them: for in doing this thou shalt both save thyself and them that hear thee." (KJV)

3. Romans 12:1 "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS)

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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:

1. See article II of the Statement of Doctrine of Churches of

Christ in Christian Union set forth above.

2. I Corinthians 6:18 "Flee immorality. Every other sin that a man commits is outside the body, but the immoral man sins against his own body." (NAS)

(The College has previously communicated with the Department of Education concerning a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the College's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this additional exemption notice is being submitted at this time in order to clarify the scope of the exemption claimed by the College.)

The College hereby claims 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: C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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 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 opposed 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 tenets 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 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 claim 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. David A. Case, who is the Academic Dean of the College, at (614)474-8896.

Very truly yours,

Douglas Carter

Douglas Carter,
President

CC: Attorney David A. Haffey

COLLEGE OF MOUNT ST. JOSEPH ON THE OHIO

OFFICE OF THE PRESIDENT

July 21, 1976

Mr. Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

Enclosed are the "Assurance of Compliance with Title IX" forms, as requested in your July, 1976 memorandum.

In addition to the fact that the College has always been, and still is, a women's, undergraduate college, it also can claim the religious exemption. That claim rests upon the conditions spelled out in item (3) on page 6 of your memorandum. The College is owned by the Sisters of Charity of Cincinnati, which body approves policies and procedures of the College, and gives each year to the College support amounting to $500,000. - $1,000,000. through gifts and loans.

The College does have, however, the necessary documents to keep us in compliance with the several federal requirements.

Sincerely yours,

Robert E. Wolverton

Robert E. Wolverton
President

REW/sae

MOUNT ST. JOSEPH, OHIO 45051 TELEPHONE (513) 244-4232

MAR 28 1979

COLLEGE OF MOUNT ST. JOSEPH ON THE OHIO

OFFICE OF THE PRESIDENT

March 22, 1979

Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance & Enforcement
Office for Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

Dear Mr. Waite:

In response to your letter to Mr. Robert E. Wolverton, former President of the College of Mount St. Joseph on the Ohio, I am submitting the following documents.

The enclosed documents demonstrate that the institution falls within the definition of a religiously controlled institution as set forth in the Title IX Assurance of Compliance Form.

The Code of Regulations for the College of Mount St. Joseph, Section 2.2a indicates that the trustees of the college are elected by the members of the corporation who are members of the Governing Board of the Sisters of Charity. The fixed assets of the college are owned by the Sisters of Charity and are merely leased to the Board of Trustees for an annual rental fee of $1 per year. The Sisters of Charity make an annual contribution of $100,000 to the college as well as maintaining an open line of credit in order to assure a cash flow for the operating budget.

I trust that the enclosed documentation will provide the necessary information. Should you need additional information, please do not hesitate to call (513) 244-4232.

Sincerely yours,

S. Jean Patrice Harrington

S. Jean Patrice Harrington
President

enc.

MOUNT ST. JOSEPH, OHIO 45051 TELEPHONE (513) 244-4232

Office of the President
(612) 363-5505

March 27, 1979

Mr. Waite H. Madison, Jr.
The Department of Health,
Education and Welfare
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Office of the Secretary
Washington, D.C. 20201

Gentlemen:

Title 45 CFR Section 86.12 allows educational institutions controlled by religious organizations to apply for an exemption from the application of 45 CFR Part 86 under Section 86.12(b). Your letter of inquiry dated February 19, 1979, requests:

1. An indication of the institution's control by a religious organization and the particular section of CFR Title 45 Part 86 which could be in conflict with a specific tenant of the religious organization.

Enclosed please find photocopies of Articles of Incorporation and By-Laws of the institution which clearly indicate that the College of St. Benedict is operated and controlled by the Sisters of the Order of St. Benedict, which is a canonically established religious community of women under the pontifical directorates of the Roman Catholic Church and the papacy itself. Enclosed also please find a policy statement which indicates the desire on the part of the College of St. Benedict to engage in its employ, members of the Sisters of the Order of St. Benedict when possible.

That policy could conflict with 45 CFR 86.51 in so far as the members of the Sisters of the Order of St. Benedict are all members of one sex, female.

We trust that this meets your demand in your inquiry dated 1 day of March, 1979, for a substantiation of the College's position.

COLLEGE OF ST. BENEDICT

By _____
Beverly W. Miller, Ph.D., President

WESTERN BIBLE COLLEGE
MAILING ADDRESS: P.O.BOX 9332 DENVER, COLORADO 80209 CAMPUS LOCATION: MORRISON, COLORADO
TELEPHONE: 303 697-8135

Hend - NA
Folg
Denver

June 2, 1977

Mr. Albert T. Hamlin
Acting Director
Office for Civil Rights
Department of Health, Education & Welfare
Washington, D. C. 20201

Dear Mr. Hamlin:

The purpose of this letter is to apply for exemption of assurance of compliance with Title IX of the Education Amendments of 1972 (HEW Form 639) as described in Section 86.12 of 45 CFR 86.

The Mandate of Western Bible College as stated in the charter and catalog is:

> Western Bible College is an undergraduate institution specializing in Biblical studies and dedicated to the preparation of purposeful believers--foremost those who anticipate career ministries and also select ministry--motivated lay persons---for fruitful Christian service in the modern world.

As stated in the Mandate, the foremost purpose of Western Bible College is to prepare individuals who anticipate career ministries. These career ministries include pastorate positions within the church today which we believe is a spiritual organism made up of all born-again persons of the present age. (Item 12 of Doctrinal Statement.)

We further believe that the function of pastor within today's church is for men only. This is based on the Scripture verses of I Timothy 2:12-13 which states, "But I do not allow a woman to teach or exercise authority over a man, but to remain quiet. For it was Adam who was first created, and then Eve." This belief is reflected in our Admissions, Recruiting and Education Policies.

Consequently, Western Bible College would like to be exempt from the following sections:

Admissions	86.15
Admissions	86.21
Recruitment: Students	86.23
Education Programs & Activities	86.31 (a) and (b)
Access to Course Offerings	86.34

Thank you for your consideration.

Sincerely,

Gerald R. Stafford
Chairman of the Board of Trustees

GRS/sw

Enclosure

September 18, 1985

Dr. Gilbert D. Roman
Regional Director
Office for Civil Rights
Department of Education
1961 Stout Street
Denver, CO 80294

Dear Dr. Roman:

In response to your letter of August 23, 1985, please be advised that Colorado Christian College wishes to proceed with the previously-filed religious exemption request filed by its predecessor, Western Bible College.

What follows is the information you requested.

Item 1: The name of the religious organization that controls the institution and how the organization controls the institution:

Item 1 is inapplicable in the case of Colorado Christian College, which acquired the assets of Western Bible College in July of 1985. Please be advised that Colorado Christian College is an independent, non-sectarian evangelical Christian College. It is not sponsored by any specific religious organization, denomination, or sect.

Item 2: A brief description of the religious tenets of the controlling organization which are followed by the institution:

Item 2 is inapplicable to Colorado Christian College for the same reason Item 1 is inapplicable: CCC is an independent institution.

Item 3: The Section numbers and paragraphs of Title IX from which exemption is requested, and the conflicting tenet of the organization: Colorado Christian College, as an independent evangelical Christian institution, is dedicated to preparing individuals who anticipate career ministries.

The position of CCC is that the function of the pastor within today's church is for men only. This is based on the Scripture verses of I Timothy 2:12-13 which state, "But I do not allow a woman to teach or exercise authority over a man, but to remain quiet. For it was Adam who was first created, and then Eve." This Scripture is reflected in the College's Admissions, Recruiting and Education policies.

Accordingly, CCC hereby seeks exemption from the following Sections of Title IX of the Education Amendments of 1972:

Admissions	Sub Sec. 106.15
Admissions	Sub Sec. 106.21
Recruitment: Students	Sub Sec. 106.23
Education Programs & Activities	Sub Sec. 106.31(a),(b)
Access to Course Offerings	Sub Sec. 106.34

I trust that the information in this letter has been sufficient. Please do not hesitate to contact me if I may provide further information.

Sincerely,
COLORADO CHRISTIAN COLLEGE

By: _____
Dr. Joe L. Wall, President

COLUMBIA

GRADUATE SCHOOL OF BIBLE & MISSIONS
BIBLE COLLEGE
SCHOOL OF BIBLICAL EDUCATION
WMHK-FM

October 15, 1986

Ms. Alicia Coro
Assistant Secretary
for Civil Rights
Office for Civil Rights
Department of Education
Switzer Building, Room 5000
330 C Street, SW
Washington, DC 20202

Re: Title IX Religious Tenet Exemption Request
Pursuant to 12 C.F.R § 106.12(b)

Dear Ms. Coro:

I am writing to request that Columbia Bible College and Columbia Graduate School of Bible and Missions ("CBC/CGS") be granted a religious tenet exemption from certain provisions of the Department of Education's Title IX regulation (34 C.F.R. Part 106).

CBC/CGS is a private coeducational institution offering programs of professional training for Christian service, and thus is a "school of divinity" under the Office for Civil Rights' ("OCR") definition of that term.*/ CBC/CGS and its programs are described more fully in our academic catalogs, copies of which are enclosed. The religious principles to which we adhere are set forth in a Doctrinal Statement, which appears at page 6 of the College catalog and page 120 of the Graduate School catalog. CBC/CGS is controlled by a Board of Trustees which, in directing the institution's affairs, is guided by religious purposes set forth in our Articles of Incorporation. For these reasons, CBC/CGS is an "educational institution which is controlled by a religious organization" within the meaning of 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12.

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*/ OCR has defined a "school of divinity" as an institution "whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects." Explanation of HEW Form 639 A (3/77).

CBC/CGS supports the aims of Title IX and in good conscience seeks to eliminate all unwarranted distinctions between the sexes. Nevertheless, as a professional training institution for Christian ministries, we are committed to the biblical ethic which makes a clear differentiation in the roles of the sexes. In addition, although we apply the moral standards of the scripture without discrimination on the basis of sex, some of our regulations (which apply such standards to those of both sexes equally) conflict with certain provisions of the Title IX regulation. Accordingly, CBC/CGS claims an exemption from the following provisions of the Title IX regulation, which are inconsistent with our religious tenets:

§ 106.21(c) - Admission; § 106.40 - Marital and Parental Status; § 106.51(b)(6) - Employment; § 106.57 - Marital or Parental Status; and § 106.60(a) - Pre-employment

Our request for exemption is made on the basis of our commitment to what we interpret to be the biblical standard of Christian living and morality. The Bible forbids sexual relations outside the marriage relationship for men and women equally; the Bible is clear in its teachings on the sanctity of human life and that human intervention to terminate life after its conception is to be opposed; and the Bible is clear in its commitment to the sanctity of marriage and the inappropriateness of divorce and remarriage in certain circumstances. We would not permit an applicant to enroll who is pregnant or who has recently given birth to a child and who is not married. The father of such a child would not be permitted to enroll either. Married applicants who are pregnant are welcome. We would not admit an applicant who recently has terminated a pregnancy. Comparable policies are applied to students and employees. In addition, our regulations and policies impose limitation on the admission and employment, and treat differently, applicants, students, and employees who are divorced.

§ 106.31(b)(4) - Education programs and activities

We believe that the Bible differentiates between men and women as to appearance. This differentiation is reflected in certain regulations governing proper decorum in grooming or dress. However, the principles underlying these rules of decency and modesty apply equally to both sexes.

CBC/CGS believes that the constitution prohibits any government interference in the teaching and practice of religion. In submitting this statement, we do not waive any right to the protection of the constitution in this or any other matter, nor do we waive any statutory or other limitation on the jurisdiction or authority of the Office for Civil Rights or any other governmental entity. Further, we reserve the right in the future to claim exemption under 20 U.S.C. § 1681(a)(3) from Title IX generally or from specific provisions not identified in this letter.

We thank you for your consideration of this request. Please contact us if you need any additional information.

Sincerely yours,

J. Robertson McQuilkin
President

JRM;m

Columbia Union College

OFFICE OF THE PRESIDENT

TAKOMA PARK, MARYLAND 20012
AREA CODE 301, TELEPHONE 270-9200

April 28, 1980

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Madison:

Dr. Standish the previous President of Columbia Union College has moved on to another office in another state, and I'm answering the letter of a year ago with regard to information on Title IX for Columbia Union College. We have had a comedy of errors take place here in which I drafted a letter to you March 29, 1979, and never sent it, and then when we finally got a letter ready, we sent it to the wrong office. I have learned recently that you have never been in receipt of it and I send my deepest apologies and I hope that the following information will be helpful to you in assessing our compliance. As far as I can tell, the material which I am writing to you in this letter gives a fairly complete picture of the operation of this college. We have not varied the operation in years, and I think that given the projection for the future, the same will hold. We have appreciated the help from your office, and if you have any questions or comments, we would be appreciative of receiving them.

Columbia Union College has requested that it be granted an exemption, as provided for in 45 CFR 86.11, from certain provisions of Title IX regulations because they conflict with the religious teachings of the Seventh-day Adventist Church, of which Columbia Union College is an integral part. Specifically, Columbia Union College requests exemptions from the following regulations on the following grounds:

45 CFR 86.21, 86.40, and 86.57, which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall Be Disciplined," Church Manual 247). The Church Manual comments: "The Church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievious sins" (p. 249).

45 CFR 86.31, which deals with appearance: The Seventh-day Adventist church adheres to basic Biblical techings that wearing apparel should be modest, jewelry should not be worn, and that there should be distinctions between men's and women's clothing. 1 Tim. 2:9, and Deut. 22:5. For more than one hundred years, the writings of Ellen G. White, considered inspired by God, have guided the Church in interpreting the above mentioned Biblical principles ("Clothing" and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the HOly Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Columbia Union College, as a Church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Columbia Union College believes it complies with the requirements of Title IX because it applies its religious principles and standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it questior how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Columbia Union College.

Background information demonstrating that Columbia Union College is religious controlled: The Seventh-day Adventist Church in the United States operates a number of universities and senior colleges, to provide for its youth the opportunity to do advanced study within the context of the Church's world view and sense of mission. Columbia Union College is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The College is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501(c)(3) tax exemption. In addition, its board of directos is totally Seventh-day Adventist, as are its faculty and full-time staff.

Very truly yours,

William Loveless
President

cc: Mr. Robert Harvey, Director
Elder W. Coe, Chairman of Board
Mr. L. Show, Business Manager
Mr. L. Clarambeau, Student Finance

CSP CONCORDIA COLLEGE
HAMLINE AND MARSHALL, ST. PAUL, MN 55104 (612) 641-8211

OFFICE OF THE PRESIDENT

Celebrating Our 85th School Year

15 March 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, DC 20201

Dear Mr. Madison:

This is in reply to your 1 March 1979 letter concerning our earlier request for a religious exemption from certain provisions of the Title IX regulations.

As a result of a review which has just been completed, we believe we no longer have a requirement for an exemption, and I hereby withdraw that request.

Sincerely,

Gerhardt W. Hyatt
President

GWH:sh

CONCORDIA
COLLEGE in SEWARD
800 North Columbia Avenue Seward, Nebraska 68434 (402) 643-3651
Office Of The
President

REGION VII
1985 JUL 15 PM 2:04

July 11, 1985

Jesse L. High, Regional Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Mr. High:

This letter is in response to your letter of 27 June 1985, which is a response to the request we filed with your office on 28 September 1976 that we be exempted from certain provisions of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86). According to a phone conversation I had subsequent to your letter with Cynthia A. Einhelling, Acting Director, Postsecondary Education Division, of your office, I believe I am being asked to note specifically what are the sections or items of the material in question from which we wish to claim an exemption.

In the material Concordia College sent to your office on 28 September 1976, the president of the college at that time noted that

> This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.
>
> This institution claims a religious exemption. . .to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

I reaffirm what Dr. Janzow wrote in 1976. Furthermore, I want you to understand that the doctrine of ministry to which our church body subscribes and which, consequently, we at the college affirm and implement differentiates between men as ministers or pastors and other ministers in the church: while women may serve in various capacities within the church, they cannot serve as pastors nor can they exercise spiritual authority over men. In that context, then, we request that we be exempted from the following sections and parts of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86):

106.3	106.15	106.32	106.40
106.4	106.17	106.34	106.51
106.6	106.21	106.36	106.52
106.7	106.22	106.37	106.53
106.9	106.23	106.38	106.55
106.11	106.31	106.39	106.59

We at Concordia want to treat everyone, regardless of sex, equally. But exceptions may have to be made from time to time on the basis of our understanding of ministry. Insofar as any of the provisions listed above might tend to place us in a position where lack of an exemption would lead us to violate our principles, we claim an exemption.

If my understanding of what you are requesting is in error, please inform me quickly so that I can provide what is lacking.

Sincerely,

James H. Pragman
Interim President

JHP:ems

CONCORDIA
COLLEGE in SEWARD
800 North Columbia Avenue Seward, Nebraska 68434 (402) 643-3651
Office Of The
President

July 12, 1985

Jesse L. High, Regional Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Mr. High:

On 11 July 1985 I sent you a letter detailing the specific provisions of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86) to which Concordia College in Seward, Nebraska, was claiming an exemption. I herewith formally withdraw that letter and rescind any and all efforts to gain exemption(s) from Title IX of the Educational Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86).

I regret any inconvenience my withdrawal may cause your office. Legal counsel for The Lutheran Church-Missouri Synod, the church body which owns and operates our college, has advised us to withdraw our request because 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application. . .would not be consistent with the religious tenets of such organization."

I would appreciate it very much if you would return to me any and all materials we have submitted to your office on this matter so that we can be assured that our request is now null and void.

Sincerely,

James H. Pragman
Interim President

JHP:ems

THE LUTHERAN CHURCH - MISSOURI SYNOD
BOARD FOR HIGHER EDUCATION
500 NORTH BROADWAY SAINT LOUIS, MISSOURI 63102
TELEPHONE 314-231-6969

THIS IS THE REQUIRED STATEMENT BY HIGHEST RANKING OFFICIAL OF APPLICANT IDENTIFYING THE SPECIFIC PROVISIONS OF 45 C.F.R. PART 86 WHICH CONFLICT WITH A SPECIFIC RELIGIOUS TENET OF THE CONTROLLING RELIGIOUS ORGANIZATION.

September 22, 1976

CONCORDIA COLLEGE, ANN ARBOR, MICHIGAN

MEMO TO: College and Seminary Presidents

FROM: Arthur M. Ahlschwede

SUBJECT: Assurance of Compliance with Title IX

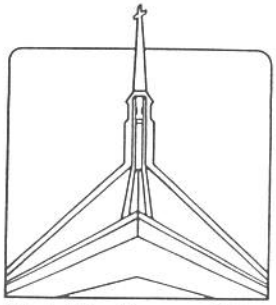
Mr. Philip Draheim, the Synod's legal counsel, has conveyed to us the following paragraph which needs to be attached to the assurance which you file with the Department of Health, Education and Welfare. This paragraph applies to claiming religious exemption. (The appropriate box to the left should be checked.)

> This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.
>
> This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

It is the responsibility of individual institutions to be sure they comply with all other aspects of Title IX.

Arthur M. Ahlschwede

AMA:lmw



Christ first in everything

Concordia College
4090 Geddes Road
Ann Arbor, Michigan 48105
(313) 665-3691

July 8, 1985

Ms. Linda A. Cornelius,
Acting Regional Civil Rights Director
Office for Civil Rights-Region V
United States Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

RE: Concordia College, Ann Arbor, Michigan

Dear Ms. Cornelius:

This is in response to your letter of May 10, 1985, in which you point out that Concordia College, Ann Arbor, had some years ago filed a request for religious exemption from Title IX of the Education Amendments of 1972. You noted that there is no record that the OCR had ever adequately acknowledged that request. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681 (a) (3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application... would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681 (a) (3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks

to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a) (3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Very truly yours,

David G. Schmiel

David G. Schmiel
President

DGS/cgc

cc: Dr. Michael J. Stelmachowicz

CONCORDIA COLLEGE
BRONXVILLE, NEW YORK 10708
914·337·9300

September 23, 1976

I respectfully request that a religious exemption to paragraph 86.51,a.1. be granted to Concordia College in order that it may continue to conform to the religious tenets of its sponsoring church body. These tenets require that those who are involved in the public teaching of religion be male. This would apply at this college to those faculty members who are involved in certain teaching areas in the religion curriculum.

Ralph C. Schultz
Acting President

RD 1541-85
SS
MR

CONCORDIA COLLEGE

BRONXVILLE, NEW YORK 10708 • 914·337·9300

Office of the President

July 22, 1985

RECEIVED

JUL 25 1985

O C R
REGION II

Mr. Stanley Seidenfeld
Deputy Director
Office for Civil Rights, Region II
Department of Education
Federal Building
26 Federal Plaza
New York, New York 10278

Re: Concordia College, Bronxville, New York

Dear Mr. Seidenfeld:

This letter is in response to letters received from the Office for Civil Rights on May 14 and July 11, 1985 with respect to a request that had been filed on behalf of Concordia College that it was exempt from the application of Title IX. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681 (a) (3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application ... would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681 (a) (3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a) (3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Sincerely,

Ralph C. Schultz

Ralph C. Schultz
President

RCS/ewf

xc: Mr. Philip E. Draheim
Mr. Louis T. Fischer

CONCORDIA
COLLEGE
2811 N. E. HOLMAN ST.
PORTLAND,
OREGON 97211
PHONE 503 288-9371

September 29, 1976

Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

The following statement has been adopted by the Board of Higher Education of The Lutheran Church - Missouri Synod, for its institutions of higher education, pertaining to Title IX religious exemption. Concordia College, which is one of these institutions, claims this exemption with the other schools of the Lutheran Church - Missouri Synod.

> This institution is owned, operated, and significantly supported financially by The Lutheran Church - Missouri Synod, the second largest Lutheran convention or association of churches in North America.
>
> This institution claims a religious exemption under 45 C.F.R.S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church - Missouri Synod.

Very sincerely yours,

E. P. Weber
President

EPW:vk

DRAHEIM & PRANSCHKE
ATTORNEYS AT LAW
1633 DES PERES ROAD - SUITE 302
ST LOUIS, MISSOURI 63131

PHILIP E. DRAHEIM
LEONARD J. PRANSCHKE
FRED L. VILBIG
KARL E. HOLDERLE, III
KEVIN S. PARKER

OF COUNSEL
KARL E. HOLDERLE, JR

(314) 965-6455

May 24, 1985

Mr. Gary Jackson
Regional Director
Office for Civil Rights
U.S. Department of Education
2901 Third Avenue
Mail Stop 106
Seattle, Washington 98121

Re: Concordia College, Portland, Oregon

Dear Mr. Jackson:

This letter will confirm telephone discussions with Mr. Stefan Macosta with respect to a request that had been filed on behalf of Concordia College that it was exempt from the application of Title IX. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application... would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681(a)(3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

Felix
Fritz

5/20/85

We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681(a)(3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Very truly yours,

DRAHEIM & PRANSCHKE

By _____
Philip E. Draheim

PED/skh

cc-Dr. Charles Schlimpert

IV
inadequate
see below

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, CONCORDIA COLLEGE - St. Paul, MN 55104
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[XX] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

27002341

[XX] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, the specific provisions of the controlling religious

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

heck where applicable):

cluding junior and
s)
hnical

ided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Earl Breuer, non-academic
Erlo H. Warnke, academic
Walter G. Sohn, students

(name of employee)

Hamline & Marshall Avenues
(office address)

(612) 646-6157
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[XX] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

CONCORDIA COLLEGE
(Insert name of Applicant)

Date: October 12, 1976

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

An applicant or recipient which has submitted an HEW Form 639 to the Director need not submit a separate form with each grant application but may, if the information contained therein remains accurate, simply incorporate by reference the HEW Form 639 already submitted, giving the date it was submitted. On the other hand, a revised HEW Form 639 must be submitted within 30 days after information contained in the submitted form becomes inaccurate, even if no additional financial assistance is being sought.

OBLIGATION OF RECIPIENT TO OBTAIN ASSURANCES FROM OTHERS

If a recipient subgrants, contracts, subcontracts, or otherwise utilizes an individual, organization, or group to assist in the conduct of an education program or activity receiving Federal financial assistance from the Department or to provide services in connection with such a program or activity, the recipient continues to have an obligation to insure that the education program or activity is being administered in a nondiscriminatory manner. Accordingly, the recipient must make sure that the individual, organization, or group in question is complying with Title IX and Part 86 and must secure a properly executed HEW Form 639 to that effect. Similarly, if the recipient leases to another person or organization a facility which was provided or improved with the aid of Federal financial assistance awarded by the Department, and the recipient is still using the facility as part of an education program or activity, it has an obligation to make sure the lessee is complying with Title IX and Part 86 and must secure a properly executed HEW Form 639 from the lessee. For example, if a university owns a gymnasium constructed with the aid of Federal financial assistance from HEW and leases the facility to a private entrepreneur for use in conducting drama classes open to the general public, then the university must secure a properly executed HEW Form 639 from the entrepreneur sponsoring the classes.

ADMINISTRATIVELY SEPARATE UNITS

If an educational institution is composed of more than one administratively separate unit, a separate HEW Form 639 may be submitted for each unit or one may be submitted for the entire institution. If separate forms are submitted, the administratively separate unit for which the form is submitted should be clearly identified in the first line of HEW Form 639. An "administratively separate unit" is defined as a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution. See 45 C.F.R. §86.2(o).

STATE EDUCATION AGENCIES

State education agencies are generally not responsible for running pre-school, kindergarten, elementary, or secondary programs. Such responsibility is generally left to local education agencies although some supervisory authority may be vested with the state education agency. Consequently, most state agencies should not check the boxes for "Pre-school," "Kindergarten," or "Elementary or Secondary" in Article I of HEW Form 639. If the state agency runs special programs for the handicapped, including those on the pre-school, kindergarten, elementary, or secondary level, the box marked "Other" should be checked and the appropriate description inserted in the space provided.

Under Article III, paragraph 5, of HEW Form 639, a state education agency may be called upon from time to time to submit reports necessary to determine Title IX compliance by local education agencies within its jurisdiction. The form and content of such reports will be specified by the Director at the time the request is made.

CONCORDIA
COLLEGE
3400 North Interregional
Austin, Texas 78705

ASSURANCE OF COMPLIANCE WITH TITLE IX

This institution is owned, operated, and significantly supported financially by the Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within the Lutheran Church-Missouri Synod.

October 11, 1976

W. F. Meyer,
Dean of Administration

CONCORDIA LUTHERAN COLLEGE
3400 Interstate 35 North • (512) 452-7661 • Austin, Texas 78705

July 22, 1985

Mr. Taylor D. August
Director, Region VI
United States Department of Education
1200 Main Tower Building
Dallas, Texas 75202

Dear Mr. August:

It has come to may attention through your letter of July 18, and through correspondence somewhat earlier from our church's national headquarters in St. Louis, that Dr. William F. Meyer, our former Dean of Administration, had filed a request some years ago that Concordia Lutheran College be exempt from the application of Title IX. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia Lutheran College is controlled by The Lutheran Church -Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application . . . would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681(a)(3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

We believe that the request which has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice our college if it, subsequent to such withdrawal, seeks to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a)(3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia Lutheran College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Yours cordially,

Ray F. Martens

Ray F. Martens
President

Concordia Seminary

801 DE MUN AVENUE SAINT LOUIS, MISSOURI 63105
TELEPHONE: (314) 721-5934

September 24, 1976

This institution is owned, operated, and significantly supported financially by The Lutheran Church--Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church--Missouri Synod.

Ralph A. Bohlmann

Ralph A. Bohlmann
President

Concordia Seminary

801 DE MUN AVENUE SAINT LOUIS, MISSOURI 63105
TELEPHONE: (314) 721-5934

OFFICE OF THE PRESIDENT

RECEIVED
REGION VII
1985 AUG -6 PM 2:17

August 1, 1985

Mr. Jesse L. High
Regional Director
Office for Civil Rights
Department of Education,
Region VII
324 East Eleventh St.
Kansas City, MO 64106

Dear Mr. High:

RE: Concordia Seminary, St. Louis

This letter is in response to your letter of June 27 and is supplemental to the material previously filed on behalf of Concordia Seminary in September, 1976.

Concordia Seminary, a theological seminary owned and controlled by The Lutheran Church-Missouri Synod, claims an exemption from the provisions of Title IX based upon Statues Section 1681 (1) (3) and Regulations Section 86.12* which specify that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application . . . would not be consistent with the religious tenets of such organization." Specifically a determination of exemption is requested with respect to the activities subject to Regulations 86.21 Admissions, 86.22 Preference in Admission, 86.23 Recruitment, 86.31 Education Programs and Activities, 86.32 Housing, 86.34 Access to Course Offerings, 86.37 Financial Assistance, 86.38 Employment Assistance to Students, and 86.51 Employment.

*All citations to Regulations are to those as amended and revised as of October 1, 1984.

...../.....

In each case the tenet of the religious organization which controls Concordia Seminary is the one which prohibits the ordination of women as pastors of the Lutheran Church-Missouri Synod. Since Concordia Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod, it directs its recruitment efforts to those who will qualify for such ministry, and will give preference as to admissions, education programs and activities, housing, course offerings, financial assistance, employment assistance and otherwise to men. Although Concordia Seminary does not automatically refuse admission or access to course offerings or other programs of the Seminary to women, it does reserve the right to exclude them if circumstances warrant that, and in any event makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod.

In addition, since the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod, the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors.

If additional detail is required in order for you to process the Seminary's application for exemption, please contact the undersigned.

Very truly yours,

Karl L. Barth
President

KLB:pjd

cc: Mr. Philip E. Draheim
Draheim & Pranschke
Attorneys at Law

Concordia Senior College 6600 N. CLINTON ST. FORT WAYNE, INDIANA 46825 / 219-748-7105

Office of the President

HAMLIC 11/15

10/4/76

Department of Health, Education, and Welfare
Education Division
Washington, D.C. 20202

Gentlemen:

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C F.R. S86.12 (b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

Cordially yours,

Herbert G. Bredemeier

Herbert G. Bredemeier
President

HGB/ek

Concordia Theological Seminary

6600 N. Clinton St. / Fort Wayne, Indiana 46825-4996 / (219) 482-9611

Office of the President

July 30, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region V
300 South Wacker Drive - 8th Floor
Chicago, ILL 60606

Re: Concordia Theological Seminary, Ft. Wayne, Indiana

This letter is in response to your letter of July 18.

Perhaps the reason your prior request was not answered is that the institution which requested the exemption in 1976, Concordia Senior College, is not the same as Concordia Theological Seminary. The Senior College was closed several years ago and the Seminary, formerly located in Springfield, Illinois, was moved to the campus in Ft. Wayne.

However, we wish at this time to claim an exemption from Title IX for the Seminary.

Concordia Theological Seminary, a theological seminary owned and controlled by The Lutheran Church-Missouri Synod, claims an exemption from the provisions of Title IX based upon Statues Section 1681(a)(3) and Regulations Section 86.12* which specify that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application . . . would not be consistent with the religious tenets of such organization." Specifically a determination of exemption is requested with respect to the activities subject to Regulations §86.21 Admissions, §86.22 Preference in Admission, §86.23 Recruitment, §86.31 Education Programs and Activities, §86.32 Housing, §86.34 Access to Course Offerings, §86.37 Financial Assistance, §86.38 Employment Assistance to Students, and §86.51 Employment.

*All citations to Regulations are to those as amended and revised as of October 1, 1984.

In each case the tenet of the religious organization which controls Concordia Theological Seminary is the one which prohibits the ordination of women as pastors of The Lutheran Church-Missouri Synod. Since Concordia Theological Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod, it directs its recruitment efforts to those who will qualify for such ministry, and will give preference as to admissions, education programs and activities, housing, course offerings, financial assistance, employment assistance and otherwise to men. Although Concordia Theological Seminary does not automatically refuse admission or access to course offerings or other programs of the Seminary to women, it does reserve the right to exclude them if circumstances warrant that, and in any event makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod.

In addition, since the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod, the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors.

If additional detail is required in order for you to process the Seminary's application for exemption, please contact the undersigned.

Very truly yours,

ROBERT PREUS
PRESIDENT

RP:dm

Concordia Theological Seminary

6600 N. Clinton St. / Fort Wayne, Indiana 46825-4996 / (219) 482-9611

Office of the President

July 30, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region V
300 South Wacker Drive - 8th Floor
Chicago, ILL 60606

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If additional detail is required in order for you to process the Seminary's application for exemption, please contact the undersigned.

Very truly yours,

ROBERT PREUS
PRESIDENT

RP:dm

December 5, 1988

"In All Things... Christ Pre-eminent"

COVENANT COLLEGE
Lookout Mountain, Tennessee 37350
Telephone 404-820-1560

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Sir:

Covenant College hereby claims 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).

Covenant College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is controlled by the Presbyterian Church in America (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Georgia in 1985 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit institution under Section 501 (c) (3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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 a significant amount of its financial support from individual churches within the Corporation. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The college educates in the broad range of liberal arts, in which it adheres to the 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 Duet. 5:1 - 21; Matthew 5:1-Matthew 7:28.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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, 1 Corinthians 5:9 - 11; 1 Corinthians 6:12 -20.

The college hereby claims 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: 34 C.F.R. Sections 106.21 (c), 106.40, 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.59 (advertising) that relates to such employment opportunities that are limited to one gender by the religious beliefs of the college.

There are a 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 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 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 tenets 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 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 on such statute and regulations on the college's ability to pursue its religious mission, the college reserves its right to claim 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 Marie Henning who is the Director of Human Resources at (404) 820-1560.

Very truly yours,

Frank A. Brock

Frank A. Brock
President

COVENANT
THEOLOGICAL
SEMINARY

Office of the President

12330 Conway Road
St. Louis, Missouri 63141
314-434-4044

February 23, 1983

Mr. Harry Singleton
Assistant Secretary for Civil Rights
Department of Education
400 Maryland Avenue S.W.
Switzer Building
Washington, D.C. 20202

Dear Mr. Singleton:

The purpose of this letter is to claim a Title IX exemption in accordance with 34 C.F.R. Section 106.12(a) and (b).

Covenant Theological Seminary is, within the meaning of Part 106, an institution of graduate higher education and of professional education. It is the official seminary of the Presbyterian Church in America, a nationwide denomination which is a religious organization within the meaning of Part 106. The Presbyterian Church in America controls Covenant Theological Seminary.

There are specific religious tenets of the Presbyterian Church in America with which various provisions of Part 106 conflict. The conflict arises because of those provisions in Part 106 which require equal treatment of women with regard to admission to those programs that are designed for the profession of the ordained ministry, and with regard to appointment of faculty members.

The controlling organization, the Presbyterian Church in America, holds the office of the ordained ministry open only to men. The relevant parts of its Constitution include the following:

> The ordinary and perpetual classes of office in the Church are Elders and Deacons. Within the class of Elder are the two orders of Teaching Elders (ministers) and Ruling Elders. . . . In accord with Scripture, these offices are open to men only.

<u>The Book of Church Order of the Presbyterian Church in America</u>, Par. 7-2. Covenant Theological Seminary does admit women to

programs that are designed for service not requiring ordination to the gospel ministry.

With regard to hiring, Covenant Theological Seminary does not discriminate in staff positions. Appointment of faculty is done in consistency with the Constitution and policies of the Presbyterian Church in America, indicated above, which do not recognize the ordination of women as in accord with its religious tenets. Because Covenant Theological Seminary's primary purpose is the training of men for the ordained ministry, the faculty is composed primarily of men who themselves have received such professional training as well as experience in the ordained ministry, plus further academic qualifications.

With that background, I identity the provisions of Part 106 which conflict with the specific religious tenets referred to above:

106.9 Dissemination of policy. (We cannot disseminate a policy that we do not discriminate on the basis of sex if in fact we do.)

106.21 Admission. (We are required by the religious tenets of our controlling religious organization to admit only men to certain programs.)

106.23(a) Recruitment. (Because we can admit only men to certain programs, it follows that we will recruit only men for those programs.)

106.31 Education programs and activities. (Because we can admit only men to certain programs, it follows that only men will participate in those programs and derivative activities.)

106.36 Counseling and use of appraisal and counseling materials. (Because we can admit only men to certain programs, it follows that we will not counsel women who are either students or applicants to participate in those programs or in the profession for which they are designed.)

106.37(a) and (b) Financial assistance. (No person is denied equal treatment with regard to financial assistance; obviously, however, because we can admit only men to certain programs, only men will receive financial assistance to pursue those programs.)

106.38(a) Employment assistance to students. (Because the religious tenets of our controlling religious organization forbid women to preach, Covenant Theological Seminary cannot provide such employment opportunities to women, either directly or in assistance to any other agency, organization or person.)

106.51 Employment. (As demonstrated above, Covenant Theological Seminary is required by the religious tenets of its controlling religious organization to have a faculty which is composed primarily of men.)

106.53 Recruitment. (Because Covenant Theological Seminary is required by the religious tenets of its controlling religious organization to have a faculty which is composed primarily of men, it follows that the seminary will recruit and hire primarily men for those positions.)

106.55 Job classification and structure. (As demonstrated above, Covenant Theological Seminary is required to have a faculty which is composed primarily of men.)

106.59 Advertising. (To an extent consistent with the actual composition of the faculty, as required by the religious tenets of its controlling religious organization, Covenant Theological Seminary would of course advertise faculty positions accordingly.)

106.60 Pre-employment inquiries. (To an extent consistent with the actual composition of the faculty, as required by the religious tenets of its controlling religious organization, Covenant Theological Seminary would of course make pre-employment inquiries accordingly.)

In all other respects, Covenant Theological Seminary is in compliance with Part 106. If you should have any questions, or if you desire further clarification, I would be pleased to talk with you.

Sincerely yours,

William S. Barker
President

CROSIER SEMINARY ONAMIA, MINNESOTA 56359

under the direction of the Crosier Fathers

Telephone: 532-3103, Area Code 612

July 1, 1976

To Whom It May Concern:

Crosier Seminary is an educational institution comprising high school and junior college years, incorporated in the State of Minnesota as a nonprofit corporation.

As stated in its Articles of Incorporation, the purposes of the corporation include the following as central to its organization: "To further the education of young men for the Catholic priesthood." The statement of purpose for the Seminary is refined in official policy statements elsewhere to read:

> Crosier Seminary is an institution that provides, according to its Crosier tradition, a school of Christian brotherhood and life in Christ, in which under the guidance of the Crosier community, young men considering the Catholic priesthood may explore this vocation through personal, social, academic and spiritual growth. (Emphasis mine).

Because of this essential underlying purpose, Crosier Seminary may not, under present legislation of the Roman Catholic Church, with which it is strictly affiliated through religious and administrative ties, admit students of female sex to programs whose purpose is to strengthen and encourage a calling to the priesthood, since that office is presently restricted in the Roman Catholic Church to males.

Although the integral Seminary program is closed to admission of female students, certain courses and activities are sponsored or conducted by Crosier Seminary which are open to the general public. Neither in this nor in the employment of personnel, does Crosier Seminary wish to be considered exempt from the provisions of Title IX of the Educational Amendments of 1972 and the Regulation issued by the Department of Health, Education, and Welfare in implementation thereof.

For admission into the Seminary program at the high school and junior college levels, Crosier Seminary requests exempt status with respect to the provisions of said Title and regulations, due to a conflict with existing law in the Roman Catholic Church. The term used in the document explaining HEW Form 639 is "school of divinity."

Daniel R. Davidson, O.S.C.

(V. Rev.) Daniel R. Davidson, O.S.C.
Chancellor

SI.

CROWLEY'S RIDGE ACADEMY
EXCELLENCE IN EDUCATION

February 12, 1979

MAR 7 1979

Waite H. Madison, Jr.
Acting Director, Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

As the official representative of Crowley's Ridge Academy and in accordance with section 86.12, the Board of Trustees has authorized me to submit the following requests for exemption from Title IX because of the religious tenets held by the aforesaid institution:

1. Exemption of females from leadership roles in religiously-oriented assemblies - Because of our religious belief that females should not take leadership roles, with males present, in worship periods, we request exemption from females being allowed to lead in our daily devotionals and other assemblies with religious connotations.

2. Exemption of females from activities requiring immodest dress - Because our religious beliefs, we request that we not be required to allow our female students to participate in any activity which the administration of this school deems inappropriate because of the apparel involved.

Your attention to these requests is appreciated.

Sincerely,

Harrell Austin

Harrell Austin
Superintendent

HA/sw

PHONE 236-6908 / 626 ACADEMY DRIVE / PARAGOULD, ARKANSAS 72450

CROWLEY'S RIDGE COLLEGE

A Christian Junior College

August 5, 1977

Mr. David S. Tatel, Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Tatel:

Enclosed is HEW Form 639 A which, I think, has been properly executed. Let me hasten to state that Crowley's Ridge College will comply with the regulations of Part 86 of Title IX in spirit as well as to the letter. In our self-evaluation we almost decided to fill in Part A of Article V of Form 639 A and then found a very few areas that we felt should be corrected to abide by the letter as well as the spirit of the law.

Allow me, too, an explanation for our tardy action in getting this done. After your form letter came a few days ago, my staff and I made a thorough search and were unable to find any earlier communication from your office in any way relating to Title IX. I hurriedly borrowed copies of the Regulations from a neighbor institution and we immediately began our self-evaluation. We have completed this evaluation, named our two staff members to be responsible for implementation and a grievance procedure is operable. In this latter area, we may need to visit with our neighbors and as time passes streamline our grievance procedure.

There are a few areas in which we, as a Christian college, will need to be granted exemptions(maybe fewer than we think as we more fully understand the Title IX Regulations). This letter may serve as our statement required by Part 86.12(b).

> First, churches of Christ generally hold to Biblical teaching that women do not teach or usurp authority over men(I Tim. 2:12). So, we could not employ a woman to teach Bible in a class to which male students are assigned.(86.51) Of course, we know that this would not exempt us from all of this part...only to that part which would violate our religious tenets.
>
> Second is Part 86.41 regarding athletics. At present we have no intercollegiate athletic programs. We do have intramural and physical education programs. Practically all of these are co-educational. Due to our strict religious feelings as to modest dress we do not mix men and women in swimming and other physical activities that require scant attire. This, too, could have a bearing on faculty(86.51)

Third is Part 86.34 regarding course offerings. Since men only preach, there are one or two offerings in our curriculum designed solely for preachers.

Fourth is Part 86.37 regarding financial assistance. Nearly all aids are given without regard to sex, however there are a very few preacher scholarships offered that would, of course, be limited to men.

Fifth is Part 86.40 the application of which is unclear to us. However, our religious standards so strongly condemn sexual activities outside of marriage that we must reserve to ourselves the handling of Sacred Scripture violations on the part of students and staff. For instance, if a woman student is found to be pregnant she could no longer be allowed to remain with other unmarried women in the dorm. Of course, if a male student is known to be involved, he would receive similar treatment, so there would be no sex descrimination.

Sixth is Part 86.32 regarding housing. We know that separate housing is allowed on the basis of sex. We feel that we must be left free to choose the sex or the sex-mix of those who are in charge of our dorms....ages of supervisors according to sex can be important. It is likely that no exemption is required in this part, but we do not want to be misleading or to be misunderstood.

Form 639 A, Article III, Part 4 requires us to notify your office of any inaccurate information that we may discover. This we will gladly do. However, I wonder if we may request and receive additional or altered exemptions as we come more fully to understand the regulations and their ramifications for us as to possible conflicts with our religious tenets.

We have already set in motion compliance with Part 86.9 to the fullest extent possible within our very limited financial means. All future printing and publicity materials will be used to noise abroad our policy. It has never been our intention to discriminate in any way, racially, sexually, or otherwise...except that we must adhere to our purpose for existence. This purpose necessitates our employment of persons who share our religious convictions and tenets.

If anyone can help us to acheive our goals and to harmonize them with any law, old or new, we welcome his or her assistance.

Very sincerely yours,

Emmett Smith, Chancellor

CUMBERLAND COLLEGE

Statement of Position of Title IX
and Policies of Moral Requirements

45 C.F.R. Section 86.12 (a) provides, that the Rules and Regulations adopted pursuant to Title IX shall "not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization."

Cumberland College was founded in 1889 by the Baptist of Southeast Kentucky and has held to a commitment of providing "Quality education at a reasonable cost in a Christian atmosphere." The college draws most of its students from the Appalachian section of Kentucky and Tennessee. The majority of students are of Baptist background and its supporting constituency. As stated in the college's Articles of Incorporation, Cumberland College is an institution "under the control of the trustees, who shall be controlled in their action by the principles and doctrines of the denomination known "as" the Kentucky Baptist Convention.

Cumberland College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adherred throughout its history, however, and because it is controlled by its commitment to a Christian interpretation of morality, Cumberland College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Baptist who founded and continue to support this college. In particular Cumberland College asserts its exemption from those provisions of 86.40 which would require Cumberland College not to exclude any unmarried student from its educational program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Cumberland College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Cumberland College claims exemption from those provisions of Section 86.57 which appear to prevent the college from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

Cumberland College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as to the martial status of an applicant for employment, including whether such applicant is married or unmarried.

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the

faculty of Cumberland College are expected to constitute role models for the students and in such roles--stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is, therefore, essential that Cumberland College knows in advance of employment whether prospective faculty members have a good family relationship or whether, at the other extreme, such prospects indulge in acts which would be detrimental to good family relationships.

The above statement identifies provisions of 45 C.F.R. Part 86 which conflict with religious tenets of Cumberland College and its supporting constitutency. Therefore, the college claims a religious exemption from these provisions as permitted by 86.12.

J. M. Boswell

President, Cumberland College

Dated, September 28, 1976

CUMBERLAND COLLEGE

Statement of Position on Title IX
and Regulations for Women's Housing

45 C.F.R. Section 86.12 (a) provides, that the Rules and Regulations adopted pursuant to Title IX shall "not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization."

Cumberland College was founded in 1889 by the Baptists of Southeast Kentucky and has held to a commitment of providing "quality education at a reasonable cost in a Christian atmosphere." The college draws most of its students from the Appalachian section of Kentucky and Tennessee. The majority of students are of Baptist background and its supporting constituency. As stated in the college's Articles of Incorporation, Cumberland College is an institution "under the control of the trustees, who shall be controlled in their action by the principles and doctrines of the denomination known "as" the Kentucky Baptist Convention.

Cumberland College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adherred throughout its history, however, and because it is controlled by its commitment to a Christian interpretation of morality, Cumberland College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Baptists who founded and continue to support this college. In particular Cumberland College asserts its exemption from those provisions of 86.32 (a) which appear to require Cumberland College to remove all curfews and controls in student women's housing.

Cumberland College is dedicated to the commitment of providing a Christian atmosphere for its students. Beyond the classroom the college provides a disciplined environment that demonstrates a concern for people by maintaining a life-style similar to that of the region. The majority of Cumberland College students come from homes in which the family has a strong sense of protection for the daughter. This has been the life style for many families for generations. An abrupt change to new cultural mores and living patterns as outlined in the Title IX regulations would be traumatic and could result in many young women being deprived of higher educations. This protective concern is demonstrated through rules and regulations for the women's residence halls. The continued use of regulated women's housing on campus is appreciated by the parents of our students and desired in many cases by the students.

Believing in the Biblical interpretation which stresses the sanctity of marriage and sex within marriage, Cumberland College is committed to providing an environment by which its students may live consistently with this Biblical interpretation. The resident hall regulations for women are consistent with the religious teachings of the Baptists of our region.

In addition Cumberland College believes that this control is required for the safety and security of the women residents. For example, crime statistics reflect a greater risk for attack upon a young women than upon a young man.

The above statement identifies provisions of 45 C.F.R. Part 86 which conflict with religious tenets of Cumberland College and its supporting constitutency. Therefore, the college claims a religious exemption from these provisions as permitted by 86.12.

J. M. Boswell

President, Cumberland College

Dated, September 28, 1976

DallasBaptist
UNIVERSITY

Dr. Gary R. Cook
PRESIDENT

7777 West Kiest Boulevard
Dallas, Texas 75211-9000
(214) 333-5130

May 27, 1992

U. S. Department of Education
Office of the Assistant Secretary for Civil Rights
400 Maryland Avenue, Southwest
Washington, D. C. 20202

Dear Sir:

This letter shall constitute Dallas Baptist University's request for religious exemption from Title IX of the Education Amendments of 1972. The exemption is requested pursuant to section 106.12 of the Title IX regulations at 34 C.F.R. Part 106. The request for exemption is to the extent the policies practiced by the University because of its commitment to its religious tenets would be interpreted to violate certain sections of the regulations implementing Title IX absent a religious exemption.

This institution is a University of the Baptist General Convention of Texas. The Baptist General Convention of Texas is composed of messengers from cooperating Baptist churches within the state of Texas. The Convention fosters this institution and substantially supports it financially. The University is controlled by the Baptist General Convention of Texas. All members of the Board of Trustees of this institution are elected by the Convention and they must be resident members of Baptist churches affiliated with the Convention. I am satisfied that the nature of the Baptist General Convention of Texas and the relationship between Dallas Baptist University and the Baptist General Convention of Texas establishes that Dallas Baptist University is "controlled by a religious organization" as is required for exemption under Section 106.12 of the Title IX regulations.

The University adheres to biblical tenets as its standard of faith and practice. The tenets require the University to act in ways which may conflict with specific Section IX regulations. The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, Christian sexual conduct on the part of its employees and student body. The University's religious tenets, for instance, would not permit the University to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability. The University expects its personnel to be Christian role models and an employee or student living with a member of the opposite sex out of wedlock would be considered morally delinquent. The University has religious tenets regarding human sexuality, proper living environments, respect for the institution of marriage, language, and modest attire.

Scholarship funds, and career offerings related to ministerial training students may be provided differently on the basis of sex. The University also offers sex separate organizations to students. The University deems it necessary to minister in unique ways to men as compared to women in preparing students to fulfill their roles as mothers and fathers in the context of religious belief in the sanctity of the home.

Therefore, this University requests an exemption from 34 C.F.R. section 106.21(C) (Marital or parental status of applicants for admission); 106.40 (Marital or parental status of students); 106.51(b)(6) (Granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy, child care); 106.57 (Marital or parental status of employees); and 106.60(a) (Preemployment inquiries as to marital status).

Further this institution requests an exemption to 106.31 for membership practices in student organizations which are required by religious tenets to be limited on the basis of sex. We request exemption to 106.36 regarding counseling and use of appraisal and counseling materials to the extent the University's religious tenets will require differentiating counseling between sexes. We request an exemption for 106.39 (Student health and insurance benefits and services).

For those employment positions which are restricted on the basis of sex in accordance with the University's religious tenets we request an exemption to 105.1 (Employment); 106.52 (Employment criteria); 106.53 (Recruitment of employees); 106.55 (Job classification and structure); and 106.59 (Advertising).

To the extent that counseling, scholarship funds and career fundings related to ministerial training students are provided differently on the basis of sex and the requirement that certain sex separate clubs and organizations exist, the University requests an exemption from 106.31 (Education programs and activities); 106.34 (Access to course offerings); 106.36 (Counseling and use of appraisal in counseling materials); 106.37 (Financial assistance); 106.38 (Employment assistance to students); and 106.14 regarding membership practices of certain organizations.

Sincerely,

Gary Cook
President

GC/mb

Dallas Christian College

January 4, 1989

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building - Room 2260
Dallas, Texas 75202

Re: Request for religious exemption from Title IX on behalf of Dallas Christian College

Dear Mr. August,

I am in receipt of your letter of December 23, 1988, requesting more information regarding our request for a religious exemption from the requirements of Title IX of the Education Amendments of 1972. I believe that the following will set out in more detail the information requested dealing with certain sections which may be in conflict with the religious tenets of DCC.

Section 106.31. The institution has a group that travels around to the area churches and preaches. The institution would not let a female join that group due to both its position and the position of the churches that the Bible speaks against women teaching and preaching in a public assembly. (See 1 Timothy 2: 10-11 and 1 Corinthians 14: 34)

Section 106.31(c). The institution is the recipient of a Foundation grant specifically established to help men prepare for the ministry. This institution screens applicants and makes awards in a total amount approximating $50,000 per year. The institution is working with ladies groups to increase another similar fund exclusively for women. However, current funding levels are between $5,000 and $10,000 per year.

Section 106.36(c). Some courses at the institution are not taken by women because they do not intend to pursue certain pastoral ministries. The institution has no problem with women taking these courses but the stand taken by the institution and its churches in regards to its belief that the Bible teaches against women pastors contributes to the resulting disproportion.

Section 106.37(b). Same answer as Section 106.31(c).

Section 106.38. The institution helps all students find internships. However, churches where the interns are placed rarely want a female intern in certain pastoral ministry positions. Again this is because of the Bible's teaching against women assuming these roles.

Section 106.51. The institution would not hire a New Testament or Homiletics professor. The reason is that they would have had no pulpit experience within our churches. The reason for that again being that our churches adhere to the Biblical teachings against women in these kinds of positions.

Section 106.55(a). While the institution does not actually classify "a job as being for males or for females," it cannot guarantee that certain jobs wouldn't always be filled with males. The reason is the same as stated under my explanation for 106.51 above.

I hope this answers your questions. If you need any additional information please do not hesitate to call me or our attorney, Jack Straus. I can be reached at (214) 241-3371 and Mr. Straus can be reached at (214) 241-6457.

Sincerely,

Gene Shepherd

Gene Shepherd
President

Dallas Christian College

June 29, 1988

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building - Room 2260
Dallas, Texas 75202

Re: Title IX Exemption Application

Dear Mr. August,

Dallas Christian College 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).

Dallas Christian College is accredited by the American Association of Bible Colleges and offers courses of instruction in Bible, religion, education, music, business, missions, and various church ministries. The college was incorporated as Dallas Christian College as a non-profit corporation in the state of Texas on February 16, 1950. The college is a Christian institution of higher education under the control of a Board of Regents and is exempt from federal income taxation as a not-for-profit institution under the Internal Revenue Code. The Regents, Trustees, faculty, students and employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the corporation, its Constitution, catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion.

Ultimate authority for the college is vested in the Regents. Every Independent Christian Church/Church of Christ congregation that consistently and regularly supports the College selects one to three representatives to serve as Regents. Individuals who are members of such churches may be Regents but they are not to exceed 15% of the total number of Regents. The corporation through these Regents controls the institution.

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: Matthew 5: 27-32; 1 Timothy 2: 9-15; Romans 1: 26-29; 1 Corinthians 5: 1-5; Proverbs 5: 3-4; Matthew 19: 9; Acts 15: 20; 1 Corinthians 6: 18; Galatians 5: 19.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 misuse of human sexuality, in accordance with Scriptural teaching about moral behavior. See, for example the above mentioned Scriptural references.

The college hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57, and 106.60(a) (treatment based on marital and parental status is determined by religious tenets), 106.31 (access to educational programs, extracurricular activities, and occupational training limited by religious tenets to students of one gender), 106.31(c) and 106.37(b) (financial assistance established by certain legal instruments), 106.36(c) (effect of course offerings in ministerial programs determined by religious tenets), 106.38, (employment assistance to students is limited in specific situations by religious tenets), 106.51 (employment opportunities for certain postions determined by religious tenets), and 106.55(a) (job classification and structure determined by religious beliefs).

There are a 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 Dallas

do they mean (e.g. from the context of the

Christian College because it is a private institution of undergraduate 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 tenets 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 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 regualtions 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 Jack Straus, who is the attorney of the college at 214-241-6457.

Sincerely,

Gene Shepherd
President

Dallas

Office of the President

TO: Department of Health, Education and Welfare

RE: 45 C.F.R. Part 86

Dallas Theological Seminary claims a religious exemption under 45 C.F.R. 86.12(a) because of the following:

Subpart C, 86.21(a) is in conflict with the religious tenets of the Seminary which, on the basis of the teaching of the New Testament as to leadership in the body of Christ, is "to educate men for an effective Christian ministry in the exposition of the Scripture."

John F. Walvoord

Dr. John F. Walvoord
President
May 27, 1977

DALLAS THEOLOGICAL SEMINARY 3909 SWISS AVENUE DALLAS, TEXAS 75204 PHONE (214) 824-3094

DALLAS THEOLOGICAL SEMINARY

Office of the President

July 25, 1985

Mr. Taylor D. August
Director, Region VI
United States Department
of Education
1200 Main Tower Building
Dallas, TX 75202

Dear Mr. August:

In reply to your letters received on June 4 and June 18, 1985, copies of which are enclosed, I am pleased to inform you that since our request, the school has become co-educational with several hundred women enrolled and a number of them graduated. Accordingly, as far as I can understand the regulations, we no longer need an exemption on the basis of our previous request.

Sincerely yours,

John F. Walvoord
President

JFW:cf
Enclosures

3909 SWISS AVENUE • DALLAS, TEXAS 75204 • PHONE (214) 824 3094

WALLER LANSDEN DORTCH & DAVIS

2100 ONE COMMERCE PLACE

NASHVILLE, TENNESSEE 37239

TELEPHONE NO. (615) 244-6380 TELEX NO. 786535 RAPICOM NO. (615) 244-5686

WILLIAM WALLER *
D. L. LANSDEN *
LAWRENCE DORTCH *
WILLIAM WALLER, JR.
MACLIN P. DAVIS, JR.
ROBERT C. HENDON, JR.
CHARLES A. TROST
JAMES R. CHESHIRE, III
WILLIAM P. JOHNSTON
AMES DAVIS
THEODORE W. LENZ
JUSTIN P. WILSON
WILLIAM L. BROOKS
WALTER H. CROUCH
GEORGE W. BISHOP, III
RANDOLPH B. JONES
PATRICIA K. GANIER
J. LEIGH GRIFFITH
WILLIAM E. SHOFNER
ALEXANDER B. BUCHANAN
MICHAEL E. MOORE
J. CHASE COLE

* OF COUNSEL

DENNIS J MEAKER
G. SCOTT RAYSON
ROBERT E. BOSTON
GEORGE E. COPPLE, JR.
JOSEPH A. SOWELL, III
KEVIN D. NORWOOD
J. REGINALD HILL
DONALD I. N. MCKENZIE
ANNE SUMPTER ARNEY
R. E. LEE DAVIES
WILLIAM F. CARPENTER, III
HOWARD T. WALL, III
KIMBERLEY A. WILLIAMS
N. CAROLYN FOREHAND
WILLIAM H. NEELY
WILLIAM GREG CONWAY
JANET B. ANDERSON
HUGH F. SHARBER
LISA E. UNDERWOOD

April 18, 1985

WHT
WLC
LOB
BRS 2 (Ken Ross)
WMS
ABM
WMM

RECEIVED
1985 APR 23 AM 10:53
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. William H. Thomas
Regional Civil Rights Director
United States Dept. of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Re: David Lipscomb College

Gentlemen:

This will acknowledge receipt of your letter dated March 25, 1985 to David Lipscomb College ("the College"), relating to its claim for exemption from certain regulations promulgated pursuant to Title IX of the Educational Amendments of 1972, to the extent such regulations may be otherwise applicable, in so far as such regulations may be inconsistent with the tenets of religious belief of New Testament Christianity.

The College hereby advises you that it is an educational institution of higher learning controlled by New Testament Christianity, as interpreted by its Board of Directors, all of whom are, and must be, members of a Church of Christ. The principles of New Testament Christianity are those commonly understood and interpreted by the various Churches of Christ. The tenets of those religious beliefs upon which exemption is based relate to a prohibition on sexual relations between persons who are not married to each other, the obtaining, or causing another to obtain, an abortion, and certain restrictions on females instructing males on religious matters. These certain restrictions on religious instruction are limited to Chapel services and clearly defined Bible classes.

The College is furnishing you the above information voluntarily and it reserves all its rights under applicable laws. Accordingly, this furnishing of information should not be construed as an admission of any obligation to furnish such information in order to obtain the exemption or otherwise. Notwithstanding any implication in your letter to the contrary, the submission of the claim for exemption with the appropriate governmental official in 1976, signed by the highest ranking official of

the College, in accordance with Section 86.12(b) of the Regulations, was self-enacting, the exemption became effective upon submission, and the exemption does not require, either under the statute or the regulations, a "grant" by the Office of Civil Rights. We advise you that the College reserves its rights to assert that under the Establishment Clause of the First Amendment of the Constitution of the United States, under the principles of separation of church and state, and pursuant to the protections granted for freedom of religious belief and expression, the College is not obligated to explain, and you may not examine, any religious tenet held by New Testament Christianity nor inquire into the relationship between the College and New Testament Christianity. We further advise you that the College reserves the right to assert that your failure to question the exemption over the past eight years constitutes a waiver of any right you may have otherwise had to review the exemption, and that you are estopped, or otherwise prohibited, from challenging the exemption at this time.

Finally, we advise you that the College respectfully reserves the right to assert (1) that its prohibition on sexual relations between non-married adults and on the obtaining (or causing another to obtain) an abortion does not discriminate on the basis of sex, as its policy is non-discriminatory, and (2) a governmental agency may not constitutionally withhold federal assistance to which an institution would otherwise be entitled solely because only males teach religious instruction otherwise permitted.

Please advise us if you request any further information.

Yours very truly,

Justin P. Wilson

JPW:be

I certify that I am the highest ranking official of David Lipscomb College and that the information contained in the second paragraph of this letter is correct.

Willard Collins

Willard Collins, President
David Lipscomb College

STATEMENT

David Lipscomb College is a private Christian College which does not discriminate in favor of either men or women. The College does, however, recognize that there are differences between man and woman. These differences are a part of our Christian faith and are within the framework of the teachings of the Bible, which are fundamental to the institution. Accordingly, pursuant to 45 C.F.R. §86.12, the College claims exemption from the following sections of 45 C.F.R., Part 86:

1. 86.40
2. 86.51(b)(6)
3. 86.55(a)
4. 86.57(b), (c), & (d)
5. 86.60(a)

The above exemptions are claimed based on the College's current interpretation of the Regulations and should not be deemed all inclusive. The College reserves the right to claim additional exemptions or to claim that the College is exempt from the Regulations in their entirety.

Athens Clay Pullias

Conservative Baptist Theological Seminary

OFFICE OF ADMINISTRATIVE VICE PRESIDENT
DOUGLAS V. BIRK

Kress 8/18

July 23, 1976

Mr. Martin H. Gerry
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

We are writing concerning the completion of HEW Form 639, Assurance of Compliance under Title IX of the Education Amendments of 1972. We are claiming a religious exemption under 45 C.F.R. 86:12 (b). According to your instructions on Religious Exemption "an applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:"

1. It is a school or department of divinity; or
2. It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
3. Its charter and catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

   The term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects. (This definition is adopted from section 1201 (1) of the Higher Education Act of 1965, P.L. 89-329).

We are covered by all three of the above conditions.

We do recognize, however, that: "even institutions whose admissions are exempt from coverage must treat all students nondiscriminatorily once they have admitted members of both sexes."

We agree with this above statement and practice it.

We shall await your reply.

Most gratefully yours,

Douglas V. Birk
Administrative Vice President

DVB:tt

DENVER SEMINARY

July 19, 1985

Gilbert D. Roman, Ed.D.
Department of Education
Region VIII
Federal Office Building
1961 Stout Street
Denver, CO 80294

Dear Dr. Roman:

Thank you for your letter of July 11, 1985 regarding our exemption from Title IX. The specific sections of Title IX from which we request exemption are as follows:

1. Subpart C, Section 106.21(c)(2) - "...shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes."

   Denver Conservative Baptist Seminary has strong moral and religious convictions regarding abortion. A student who receives an abortion may be subject to dismissal depending upon the circumstances surrounding the pregnancy.

2. Subpart D, Section 106.38 - "...assistance by recipient in making available outside employment. A recipient which assists any agency, organization or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination on the basis of sex."

   Students which attend the Seminary are required to complete a Field Education requirement. This Field Education requirement is often filled through local churches. Many of our affiliated churches have religious convictions that the ordination of women is not Biblical. Therefore certain positions in the local church are not available to women, such as the senior pastor position. Thus, certain employment possibilities are available to our male students which are not available to the female students.

As I mentioned in my letter of June 28, 1985, we do not discriminate in any way against women in our admissions and employment practices. However, we feel that these two items carry such strong convictions with us and/or our constituency, that we ask for exemption from Title IX of the Education Amendments of 1972. Thank you for your consideration.

Sincerely,

Evan C. Morgan
Vice President of Business Affairs

ECM:lr

ישיבה דרך איתן ע"ש מרן רבי אברהם יצחק זצ"ל
Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway
802 HICKSVILLE ROAD, FAR ROCKAWAY, NEW YORK 11691 • 718-327-7600

Rabbi Jechiel I. Perr
Rosh Yeshiva
Rabbi Aaron M. Brafman
Menahel
Dr. Morris J. Applbaum
General Studies Principal

RO 179885
ES

בס"ד

August 28, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Regent II
Department of Education
Federal Building
Room 33-130
26 Federal Plaza
New York, New York 10278

RECEIVED
AUG 29 1985
O C R
REGION II

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets.

Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: Sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemptions from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

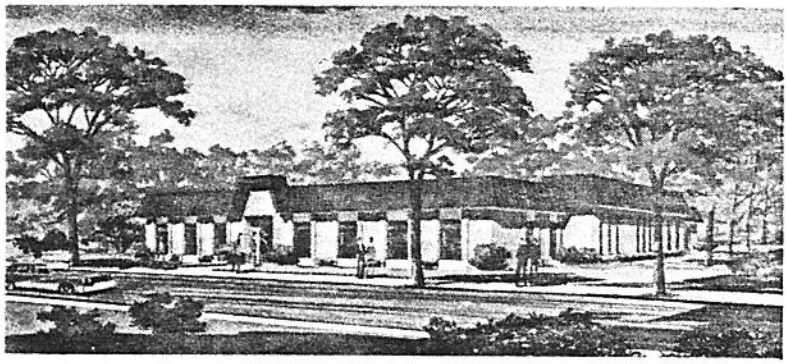
Very truly yours,

Jechiel I. Perr

Rabbi Jechiel I. Perr
President

RJIP/jp

17th ANNUAL DINNER JOURNAL
Honoring
Mr. & Mrs. Benjamin Brafman
Sunday, March 16, 1986
At Congregation Beth Sholom, Lawrence, N.Y.



Rabbi Jechiel I. Perr
Rosh Yeshiva
Rabbi Aaron M. Brafman
Menahel
Rabbi Mayer Weinberger
Executive Director

ישיבה דרך איתן ע"ש מרן רבי אברהם יפהן זצ"ל

Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway

בס"ד

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Jechiel I. Perr

1126 VIRGINIA STREET, FAR ROCKAWAY, NEW YORK 11691. 212·327-7600

DE SALES HALL
SCHOOL OF THEOLOGY
5001 EASTERN AVENUE
HYATTSVILLE, MARYLAND 20782
(301) 559-2480

May 5, 1977

Albert T. Hamlin
Acting Director
Office for Civil Rights

Dear Mr. Hamlin:

With reference to your memo of April 4, 1977 concerned with Institutions of Higher Learning who are recipients of Federal financial assistance and the necessity of their compliance with Title IX of the Education Amendments of 1972, I telephoned the Office of Dr. Lloyd Henderson, and spoke with Mr. Ken Haddock about our situation. I explained to him that we have only one student receiving VA payments, one Dr. Michael Peterson, a psychiatrist, who is studying for the priesthood for the Archdiocese of Washington. The Diocese pays his tuition, and he lives outside the school with the Benedictines. In short, De Sales Hall does not receive any of the money which Dr. Peterson receives. Accordingly, she does not feel that she has an obligation to fill out the forms enclosed in the April 4 letter: 45 CFR Part 86.

At a meeting of East Coast Deans of Roman Catholic seminaries in March, 1977, the opinion was proffered by a lawyer that compliance with Title IX was required only if the school received financial assistance.

Mr. Haddock requested that I set down in writing our reasons for feeling that we are exempt from the requirement of Title IX. If this letter satisfies your Office, I shall take no further action, and shall presume that our present action is legal. Thank you.

Yours Sincerely,

John F. Harvey OSF

John F. Harvey, O. S. F. S.
President

P. S. I have filled in certain sections of the enclosed form, just in case they were necessary.

JFH/pkm

DE SALES
SCHOOL OF THEOLOGY
721 LAWRENCE STREET, N. E.
WASHINGTON, D. C. 20017
(202) 269-9412

June 24, 1985

Mr. Dewey E. Dodds, Director
Office for Civil Rights, Region 3
3535 Market Street
P.O. Box 13716
Philadelphia, Pa. 19101

Dear Mr. Dodds,

In response to your letter of June 11, 1985, I wish to provide the following information:

1. The religious organization that is responsible for the De Sales School of Theology is the Oblates of St. Francis de Sales whose seat of operation is located in Wilmington, Delaware. This organization was incorporated in the state of Delaware in May 23, 1903. The Provincial Superior and his Counselors form the Board of Directors of the School of Theology. They bear the responsibility of seeing that the School is funded adequately; that the school meets the goals and objectives of the programs it sponsors; that the School does not incur debts beyond $10,000 without their approval; that the School is not permitted to sell real property belonging to the school without their consent. I am enclosing a copy of the School's Constitution for your perusal.

2. The School is a school for the training of ministers for the Roman Catholic Church, primarily for the Roman Catholic priesthood. The reason for the request of an exemption is the fact we do not and cannot train women for the Roman Catholic priesthood. We do train women for ministries that are open to them by the Catholic Church. Our position if not understood correctly, could be interpreted as a discrimination because of sex. I believe that we are addressing #106.9 (a) in light of #86.12 (a) and (b).

I am enclosing copies of our school's Constitution and present catalog.

Sincerely,

William J. Ruhl, O.S.F.S. (com.)

(Rev.) William J. Ruhl, O.S.F.S.
President

WJR/cam

Encl.

DIVINE WORD COLLEGE
Epworth, IA 52045

Office of the President
(319) 876-3354
(319) 876-3262

May 20, 1977

OFFICE FOR CIVIL RIGHTS
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Divine Word College, Epworth, Iowa, hereby claims exemption under 45 C.F.R. 86.12 (b) to Title IX requirements affecting admissions, education programs and activities, and employment practices inasmuch as such provisions of the law are incompatible with the religious tenets of the institution.

As President of Divine Word College, I wish to assure HEW that our institution intends to abide by those provisions of Title IX which are not in conflict with our religious tenets.

Our College gives its fullest support to the efforts of the U.S. Government to combat all forms of unjust discrimination to the extent the special nature of this institution allows. We are ready to provide further clarification and documentation, if so required by law.

Sincerely yours,

Louis J. Luzbetak, S.V.D.

Louis J. Luzbetak, S.V.D.
President

LJL/dp
Enclosures: Assurance of Compliance with
Title IX Forms

DIVINE WORD COLLEGE

Office of the Academic Dean—Telephone 319—876-3393
Epworth, IA 52045

July 24, 1985

1985 JUL 29 AM 10:
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
1985 JUL 29 PM 2:54

Society of the Divine Word
Serves
Throughout the World

Angola
Antigua
Argentina
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Bolivia
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Hungary
India
Indonesia
Ireland
Italy
Japan
Mexico
Nicaragua
Panama
Papua New Guinea
Paraguay
Philippines
Poland
Portugal
Scotland
Spain
Switzerland
Taiwan
Togo
United States
Yugoslavia
aire

Ms Cynthia A. Einhellig
Acting Director
Office of Civil Rights
Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Ms Einhellig,

In the absence of the President, Rev. John J. Donaghey, S.V.D., I am responding to your letter, dated June 27, 1985.

As mentioned in our telephone conversation of July 23, 1985, Divine Word College does continue to request exemption under 45 C.F.R. 86.12 (b) to Title IX requirements.

In response to the questions proposed in your letter mentioned above, the College presents the following:

1. Divine Word College is an undergraduate institution of higher learning, granting A.A. and B.A. degrees only.

2. The College is owned and operated by the Society of the Divine Word (Divine Word Missionaries), a Roman Catholic religious order of men.

3. Since the purpose of the College is to train young men for the missionary priesthood and brotherhood, and since the Catholic Church forbids the ordaining of women to the priesthood, to admit women to the academic program would be in violation of this restriction imposed by the Catholic Church.

4. The College therefore requests exemption from Paragraph 106.21, Sections (a) and (b) of Title IX.

The College wishes to reiterate the position stated by Rev. Luzbetak in his original letter, dated May 20, 1977:

"Our instituion intends to abide by those provisions of Title IX which are not in conflict with our religious tenets."

Sincerely,

Joseph D. Simon

Rev. Joseph D. Simon, S.V.D.
Acting President

WENDEL, LAWLOR, ROSEN & BLACK

DAVID I. WENDEL
VICTOR D. ROSEN
EUGENE K. LAWLOR
DONN L. BLACK
NEIL R. ANDERSON
MICHAEL A. DEAN
JACOB LEVITAN
DEANNA D. LYON
A. CHARLES DELL'ARIO
RAYMOND A. DIAZ
PATRICIA A. DURHAM
P. KURT PETERSON
CHARLES J. WISCH

ATTORNEYS AT LAW
1020 CENTRAL BUILDING
436 - 14TH STREET
OAKLAND, CALIFORNIA 94612

PLEASE REPLY TO
P. O. BOX 2047
OAKLAND, CALIFORNIA 94604

TELEPHONE
(415) 834-6600

June 2, 1977

OUR FILE NUMBER

Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Ladies and Gentlemen:

This office represents St. Albert's College of Berkeley. Enclosed please find an executed Health Education and Welfare form 639 A in compliance with Title IX of the Education Amendment of 1972 and 45 CFR Title 86.

You will observe that we marked Box B of Article 1 but have not enclosed the letter required by that part. We are presently in the process of preparing such a letter and will file it within 30 days of this date. Mr. Ken Haddock of your office advises us that this procedure is acceptable in lieu of filing the entire form late.

If there are any problems concerning this form and the forthcoming letter would you please direct your inquiries to the undersigned. Thank you for your courtesy and cooperation.

Very truly yours,

WENDEL, LAWLOR, ROSEN & BLACK

A. Charles Dell'Ario

ACD:ss
Encl.
cc: Patrick L. LaBelle, O.P.

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

SAINT ALBERT'S COLLEGE
(Name of Applicant or recipient

P. O. BOX 9126
(address)

Berkeley, CA. 94709
(city, state, zip code)

001296
(identifying code-FICE, OE, or IRS)
06001296CK

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Janko J. Zagar
(name of employee)

3. Box 9126 / Berkeley, CA 94709
(office address)

4. 415-849-2030
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: June 2, 1977

Saint Albert's College
(Insert name of Applicant)

By Patrick LaBelle, OP
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

DON BOSCO COLLEGE
NEWTON, N. J.
07860

OFFICE OF THE PRESIDENT

PHONE: AREA CODE 201
DUPONT 3-3900

August 16, 1976

Mr. Martin H. Gerry
Director
Office of Civil Rights
Dept. of Health, Education & Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

In response to your communication of July 1976 on the subject of Assurance of Compliance under Title IX of the Education Amendments of 1972, Don Bosco College claims religious exemption on the basis that it is an institution for the higher education of aspirants and members of religious communities and of candidates for the priesthood. The College is sponsored by the Salesian Society of Don Bosco, which leases the facilities and subsidizes it.

Sincerely yours,

Francis J. Klauder

FJK/tu

(Rev.) Francis J. Klauder, S.D.B., Ph.D.
President

DR. MARTIN LUTHER COLLEGE

NEW ULM, MINNESOTA 56073
TELEPHONE 507 / 354-8221

Office of the President

April 11, 1977

Mr. Albert T. Hamlin, Acting Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20024

Re: Religious Exemption under 45 C.F.R.

Dear Mr. Hamlin:

Enclosed for the second time is the "Assurance of Compliance under Title IX of the Education Amendments of 1972" and is completed to the extent that we feel it is applicable to a post-secondary, degree-granting four year college owned, controlled, supported, and maintained by a recognized church body, the Wisconsin Ev. Lutheran Synod, with national headquarters at 3512 W. North Avenue, Milwaukee, Wisconsin 53208.

On July 21, 1976, the president of the Wisconsin Ev. Lutheran Synod, Reverend Oscar J. Naumann, submitted to the Office for Civil Rights a five page letter with supporting data which fully documents the claims for religious exemption on the basis of Title IX provisions. Repeated contacts with our national headquarters indicate that no response has been made to the exemption claim.

I wish to point out that no educational program on this campus, as a matter of church policy, has ever received federal support and that there is not one penny of federal money in any of its physical facilities. Nearly 60% of the funds necessary for the college's annual operating budget is a direct subsidy of the sponsoring church body. About 40% of the operating budget is derived from student fees which are substantially lower than those of comparable private and public institutions since the sole purpose of this college is to educate young people for service as elementary teachers in the Christian day schools within the Wisconsin Ev. Lutheran Synod which operates elementary schools in 23 states. It bears repeating that every building on this campus was paid for solely and alone by the members of the maintaining church body and that there is no capital or operating indebtedness.

Because the government has chosen to get into the religious-moral field, there are provisions in Title IX which either militate against the purpose for the existence of this college or at complete variance with the religious convictions and practices of the sponsoring church body. Permit me to point to a few.

The present student body has nearly three times more women than men. In connection with regulation 86.15 it should be stated that we recruit on the basis of the needs within the Church and not on the basis of quotas.

Without violating what we strongly feel would violate Biblical injunctions, we cannot and will not accommodate ourselves to regulation 86.21, particularly the points under c. We would also have deep conscientious concerns about 86.40 b as we do with the previously mentioned 86.21 c. Depending upon its interpretation, regulation 86.32 could run counter to the Church's theological position.

The interpretation we see in 86.34 militates against the purpose of the college. We feel that we must reserve to ourselves the right to determine how student gifts can best be utilized and, therefore, as prescribed by the church body, we determine the course offerings a student is to pursue as we seek to meet the needs of the elementary school system within the Church. The students are very aware of this when they enroll.

Interwoven throughout several of the regulations is the whole matter of discipline, Christian discipline, which is a responsibility we cannot abrogate by any fiat of an external agency.

We would refer you to the file which contains the July 21, 1976, letter of the president of the Wisconsin Ev. Lutheran Synod which provides in greater detail the substantiation for claiming religious exemption.

Sincerely,

Conrad Frey, President

CF:dg

Enclosure:

DR. MARTIN LUTHER COLLEGE
NEW ULM, MINNESOTA 56073
TELEPHONE 507 / 354-8221

Office of the President

HAMelin
10/29

October 1, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry,

Enclosed is the "Assurance of Compliance under Title IX of the Education Amendments of 1972" and is completed to the extent that we feel it is applicable to an institution owned, controlled, supported, and maintained by a recognized church body, the Wisconsin Ev. Lutheran Synod with its national headquarters at 3512 W. North Avenue, Milwaukee, Wisconsin 53208.

On July 21, 1976, the synod's president, Rev. Oscar J. Naumann, submitted to you a five page letter with supporting data which fully documents the claim for religious exemption on the basis of Title IX provisions. Repeated contacts with our national headquarters reveal that no response has been given to the exemption claim.

I wish to point out that no educational program on this campus, as a matter of church policy, has ever received federal support and that there is not one penny of federal money in any of its facilities. Nearly 60% of the funds necessary for the annual operating budget is a direct gift of the sponsoring church body. About 40% of the operating budget comes from student fees which are considerably lower than at comparable private and public institutions since the purpose of this college is to educate young people for service as elementary teachers in the Christian day schools within the Wisconsin Ev. Lutheran Synod. Furthermore, all facilities on this campus were built and paid for by the synod.

There are provisions in Title IX which either militate against the purpose for the existence of this college or are at complete variance with the religious convictions and practices of the sponsoring church body. I'll point out a few.

The present student body has nearly three times more women than men. In connection with regulations 86.15 it should be stated that we recruit on the basis of the needs in the church and not on the basis of quotas.

Without violating what we feel strongly would violate Scriptural injunctions, we could not and will not accommodate ourselves to 86.21 - the points under c. We would also have conscientious concerns about 86.32,a. Regulation 86.40b falls into the same category as 86.21,c.

The interpretation we see in 86,34 militates against the purpose of the college. We feel that we must reserve to ourselves the right to determine how student gifts can be best utilized and, therefore, we determine the course offerings a student is to pursue as we seek to meet the needs of the church. The students know this when they enroll.

Interwoven throughout several of the regulations is the whole matter of discipline, Christian discipline, which is a responsibility we cannot abrogate by any fiat of an outside agency.

Although the letter you received from the synod's president, Rev. Oscar J. Naumann, included among its accompanying materials a catalog of this college, I am enclosing another. I would refer you particularly to pages 11, 12, 20, and 31.

Sincerely,

Conrad Frey

Conrad Frey, President

CF:hh

Religious Exempt.
Non Files
8/3/77
Processed
J. Welch
8/4/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Duns Scotus College
(Name of Applicant or recipient

20000 W. Nine Mile
(address)

Southfield, Michigan
(city, state, zip code)

26 002258
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Refv. Laurian Rausch, OFM
(name of employee)

3. 20000 W. Nine Mile Southfield, Mi 48075
(office address)

4. 313-357-3070
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: July 28, 1977

Duns Scotus College
(Insert name of Applicant)

By Fr James Van Hurst OFM
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

East Texas Baptist University

Dr. Bob E. Riley
President

Dal
AS sig.
2/18

January 5, 1993

U.S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Ladies and Gentlemen:

This letter shall constitute East Texas Baptist University's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. § 106.12. The University requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the University.

East Texas Baptist University is an institution of the Baptist General Convention of Texas. The Convention is composed of messengers from cooperating Baptist churches within the State of Texas. The University is controlled by the Baptist General Convention of Texas. All members of the Board of Trustees of East Texas Baptist University are elected by the Convention. The Convention fosters the University and provides it substantial financial support. I am satisfied that the nature of the Baptist General Convention of Texas and its relationship with the University establish that East Texas Baptist University is "controlled by a religious organization" as required for exemption under Section 106.12.

The University adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the University's Christian understanding of the Scriptures. The University is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the University is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances, the tenets require the University to act in ways which may conflict with specific regulations under Title IX.

The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be in violation of the University's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as

Rec'd-LSS

1209 North Grove Street, Marshall, Texas 75670-1498 (903) 935-7963 FAX (903) 938-1705

temporary disability, or to compel it to award certain benefits or privileges in spite of her condition as required by 34 C.F.R. §§ 106.40(b) and 106.51(b).

The University expects its students and employees to be Christian role models. For example, it is a violation of the University's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The University's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the University with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from §§ 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The University requests an exemption from sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquiries as to marital status and sex) insofar as these regulations prohibit the University from applying standards of Christian moral conduct in the selection and discipline of its employees.

The University provides an education to a significant number of students who are training for the gospel ministry. The University may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The University deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular significance is the University's role in preparing those who would become wives, mothers, husbands, and fathers and encouraging their adherence to the University's religious tenets regarding the family and the sanctity of marriage.

Therefore, this University requests an exemption from 34 C.F.R §§ 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This institution requests an exemption from 34 C.F.R. § 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex are required by religious tenets. The University requests exemptions from the following sections insofar as ministerial students are concerned: §§ 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from § 106.36 regarding counseling and use of appraisal and counseling materials is

requested to the extent the University's religious tenets require differentiating between counseling services on the basis of sex.

Finally, we request an exemption from § 106.39 regarding student health and insurance benefits and services to the extent this regulation would require the University to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,

Bob E. Riley
President

BER/bl

Sr. Mary Dooley, S.S.J., President
Elms College
291 Springfield Street
Chicopee, MA 01013

September 2, 1986

Alicia Coro
Acting Assistant Secretary
for Civil Rights
U.S. Department of Education
Room 5000
330 C Street, S.W.
Washington, D.C. 20202

Dear Ms. Coro:

The Elms College is a Roman Catholic institution. The religious tenants of the Roman Catholic Faith prohibit abortion or providing services or funds for the performance of abortions. For this reason, the Elms College seeks exemption from the coverage of 34 C.F.R. 106.39 and 34 C.F.R. 106.40(b)(4) or any other regulation to the extent to which it requires coverage for the termination of pregnancies.

Sister Mary Dooley (Sr. M. D.)

Sr. Mary Dooley, S.S.J., President
Elms College

EMMAUS
BIBLE COLLEGE • 2570 Asbury Road • Dubuque, Iowa 52001-3096 • (319) 588-8000

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August 25, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Emmaus Bible College hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") 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 be receiving, indirect federal aid within our understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555, 79 L.Ed.2d 516, 104 S. Ct. 1211 (1984).

Further, Emmaus Bible 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 United States Supreme Court in Corporation of the Presiding Bishop v. Ames, 483 U.S. ___, 97 L.Ed.2d 273, 107 S. Ct. 2862 (1987).

Emmaus Bible College is a not-for-profit religious institution exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. It was incorporated as a Christian institution of higher education in 1947 in the State of Illinois and is under the control of a board of trustees. The college is completely governed by and receives its entire financial support through such corporation. The corporation maintains the religious tradition, standards and beliefs of the college.

Emmaus Bible College offers courses of instruction in areas of Biblical studies, missions, and Christian education and music. It is accredited by the American Association of Bible Colleges and is a member of the Evangelical Teacher Training Association. The college does not offer liberal arts education, but students receive course credit toward Bachelor of Arts or Sciences degrees and may obtain such degrees by supplementing their education with appropriate courses offered at liberal arts colleges. Recently the college has supplemented its undergraduate level instruction with a graduate level course of study and degree.

Emmaus Bible College adheres to Biblical tenets for matters of faith and practice, following its religious tradition. The charter of the corporation and the catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion. 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: I Corinthians 5:1-13, 6:1-11; Ephesians 4:25-32; Romans 13:1-14; I Peter 2:1, 11-17; I Timothy 3:1-13; and Titus 1:6-9.

The trustees and officers of the corporation, and the faculty, administration, staff and students of the college are all required to espouse a personal belief in the religious tenets of the Christian faith.

The college specifically utilizes a religious preference in employment practices to assure that trustees, officers, faculty and staff adhere to a common religious understanding of the 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.

The college 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, I Thessalonians 4:1-8; I Corinthians 5:1-13; 6:1-20; and Hebrews 13:4.

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 tenets and traditions. Intentional or conscious gender distinctions are not made except where important to matters of moral behavior, marriage, and residential living environments and standards prescribed by the tenets and traditions of the Christian faith as understood and practiced by the college. 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 religious freedom to make employment decisions on the basis of religious tenets and tradition.

The college therefore requests exemption from the application of all provisions of Title IX and the Title IX regulations, to the extent that they conflict with the college's religious tenets and traditions as described above. Based upon our understanding of the regulations, we believe that this specifically includes, but may not be limited to, the following provisions of 34 C.F.R. Part 106:

> Section 106.40, insofar as the college maintains its religious freedom to adjudicate matters of moral behavior, the expression of human sexuality, living environments, respect for the institution of marriage, and attire with respect to its students.
>
> Sections 106.51, 106.53, 106.57 and 106.60, insofar as the college maintains its religious freedom to adjudicate matters of moral behavior, the expression of human sexuality, living environments, respect for the institution of marriage, and attire with respect to its employees. The college also maintains that it is necessary to the nature of the employment positions of dean of men and dean of women at the college that the dean of men is male and the dean of women is female, in order to perform successfully and completely the functions and duties of these positions without potential

compromise of the moral behavior expected of the employees of the college. The gender requirements for the positions of dean of men and dean of women may also qualify as bona fide occupational qualifications under Section 106.61.

As part of the financial assistance of students, the college assists students in finding local jobs. In promotion of religious as well as social good will between the college and the local community, the college attempts to satisfy the requests and desires of local employers. Such employers may or may not exercise gender-based preferences which the college does not fight or question. The college does not understand this to be a violation of Section 106.37, but if it does apply the college hereby requests exemption from that provision as well.

There are a 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 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.

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 protect the religious tenets, practices and traditions of the college.

This letter was prepared with the aid of the Center for Law & Religious Freedom and with the assistance of local counsel. If you have any questions or require any further information, please address your inquiries to either Attorney Allan J. Carew or Attorney Norman J. Wangberg, both of Fuerste, Carew, Coyle, Juergens & Sudmeier, P.C., 200 Security Building, Dubuque, Iowa, Ph.(319) 556-4011.

Thank you for your assistance and for your prompt consideration of this letter.

Very truly yours,

Daniel H. Smith

Daniel H. Smith, President
Emmaus Bible College

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BIBLE COLLEGE • 2570 Asbury Road • Dubuque, Iowa 52001-3096 • (319) 588-8000

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December 16, 1988

Safiyyah Muhammad
Department of Education, Office for Civil Rights, Region 7
10220 North Executive Hills Blvd.
8th Floor
P.O. Box 901381
Kansas City, Missouri 64190-1381

Re: Title IX Exemption Application

Dear Ms. Muhammad:

In response to your telephone call asking for more detailed information to supplement our application letter dated August 25, 1988, and our supplemental letter dated October 20, 1988, we have attempted to comply with your specific requests.

Please find enclosed the following items:

1. A description of the religious organization behind Emmaus Bible College from The Handbook of Denominations, Abingdon Press (1985), pages 201 through 203, the "Plymouth Brethren". Note the reference to Emmaus Bible College on page 202.

2. The Emmaus Bible College catalog for 1987 through 1989. We draw your attention to pages 14 and 15 which contain a doctrinal statement and page 16 which describes accreditation. On page 46 is a statement of spiritual requirements for admission. I am also sure that other areas of this catalog will be of interest to you.

3. A copy of a student handbook for 1988 through 1989. We draw your attention to page 12 regarding dating, engagements and marriages and to pages 14 and 16 regarding discipline and dress code.

4. A statement concerning student discipline procedure.

There is no statement of religious tenets which interpret or prescribe practice for application of Biblical teachings. Rather, the attempt is to put Scripture directly into practice.

Emmaus Bible College claims exemption from any requirement of Sections 106.40, 106.51, 106.53, 106.57, and 106.60 of 34 CFR insofar as it would require Emmaus to treat abortion in a similar manner to other temporary disabilities or medical situations, with respect to either employees or students. Biblical teaching against abortion is clear:

> "You shall not murder" (Exodus 20:13);
>
> "For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well." (Psalm 139:13,14);
>
> "Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations." (Jeremiah 1:15)
>
> "If men who are fighting hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman's husband demands and the court allows. But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise." (Exodus 21:22,23).

Note, however, that Emmaus Bible College does provide some medical insurance for students, which insurance complies with your regulations under Section 106.39. Nevertheless, Emmaus reserves the right to adjudicate such matters of moral behavior.

Emmaus claims exemption from Sections 106.40, 106.51, 106.53, 106.57, and 106.60 of 34 CFR insofar as those sections might require Emmaus to hire or keep employees or to admit or keep students who have violated Biblical morals concerning sex and marriage, because of what Scripture clearly teaches about the sanctity of marriage:

> "God blessed them and said to them, 'Be fruitful and increase in number; fill the earth and subdue it.'" (Genesis 1:28);
>
> "Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral." (Hebrews 13:4);
>
> "It is God's will that you should be sanctified; that you should avoid sexual immorality; that each of you should learn to control his own body in a way that is holy and honorable, not in a passionate lust like the heathen who do not know God." (I Thessalonians 4:3-5);

"It is actually reported that there is sexual immorality among you, and of a kind that does not occur even among pagans; A man has his father's wife." (I Corinthians 5:1);

"But since there is so much immorality, each man should have his own wife, and each woman her own husband." (I Corinthians 7:2);

"But if they cannot control themselves, they should marry, for it is better to marry than to burn with passion. To the married I give this command (not I, but the Lord): A wife must not separate from her husband. But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife." (I Corinthians 7:9,10,11).

Emmaus also claims exemption from the requirements of Sections 106.40, 106.51, 106.53, 106.57, and 106.60 of 34 CFR to the extent they would require Emmaus to employ employees or to admit or keep students who practice homosexuality or fornication, because of our strict adherence to Biblical teaching opposing such:

"Because of this, God gave them over to shameful lusts. Even their women exchange natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion...Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things but also approve of those who practice them." (Romans 1:26,27,32);

"For God did not call us to be impure, but to live a holy life. Therefore, he who rejects this instruction does not reject man but God, who gives you his Holy Spirit." (I Thessalonians 4:7,8);

"We also know that law is made not for the righteous but for law-breakers and rebels, the ungodly and sinful, the unholy and irreligious; for those who kill their fathers or mothers, for murders, for adulterers and perverts, for slave traders and liars and perjurers--and for whatever else is contrary to the sound doctrine." (I Timothy 1:9,10);

"I have written you in my letter not to associate with sexually immoral people...But now I am writing you that you must not associate with anyone who calls himself a brother but is sexually immoral or greedy, an idolater or a slanderer, drunkard or a swindler. With such a man do not even eat." (I Corinthians 5:9,11);

December 16, 1988

"Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders...The body is not meant for sexual immorality, but for the Lord, and the Lord for the body." (I Corinthians 6:9,13);

"Flee from sexual immorality. All other sins a man commits are outside his body, but he who sins sexually sins against his own body. Do you not know that your body is a temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought at a price. Therefore honor God with your body." (I Corinthians 6:18-20);

"If a man lies with a man as one lies with a woman, both of them have done what is detestable. They must be put to death; their blood will be on their own heads." (Leviticus 20:13).

We hope that this additional information gives you a better appreciation of the religious beliefs and practices of Emmaus Bible College and that you will find Emmaus' Application satisfactory and recognize the exemption claimed by Emmaus Bible College.

We look forward to hearing from you.

Very truly yours,

Daniel H. Smith

Daniel H. Smith, President
Emmaus Bible College

Mr. Swaggart

Evangel College
1111 North Glenstone
Springfield, Missouri 65802
(417) 865-2811

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OFFICE OF THE PRESIDENT

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U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 15, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Evangel College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by The General Council of the Assemblies of God ("General Council"). The General Council is an association of some 11,000 Assemblies of God churches in the United States, and it has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure A). I am enclosing the General Council's charter (enclosure B) as well as a copy of its Constitution and Bylaws (enclosure C), which will demonstrate conclusively that the General Council is a religious organization.

Article II of the articles of incorporation (enclosure D) of the College specifies that "this institution is and shall be at all times controlled by The General Council of the Assemblies of God, and operated by itself or its agents. Although the work of administration and policy may be delegated, The General Council of the Assemblies of God shall have ultimate control over all phases of this institution." Similarly, Article III of the College Constitution (enclosure E) specifies that the "College is and shall be at all times owned and controlled by The General Council of the Assemblies of God."

The above-quoted provisions clearly demonstrate that the College is owned and controlled by a religious organization (the General Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the General Council).

Article III, Section 1, of the College's articles of incorporation provides that "this institution is forever bound to give Christ the preeminence in all things and is bound to the Statement of Fundamental Truths as set forth in the Constitution and Bylaws of The General Council of the Assemblies of God." The General Council's Statement of Fundamental Truths (Constitution Article V) contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and

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employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following. (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

President Robert H. Spence

RHS:je

Enclosures

cc: Ms. Maye Miller--Bozeman

no text cited

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Faith Baptist Bible College — Iowa
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[XX] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Undergraduate (including junior and community colleges)
[XX] Vocational or Technical
[XX] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Thomas E. Gibson
(name of employee)

1900 N. W. 4th St., Ankeny, Iowa 50021
(office address)

515-964-0601
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 28, 1976

Faith Baptist Bible College
(Insert name of Applicant)

By David Nettleton David Nettleton
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

FAITH BAPTIST BIBLE COLLEGE

1900 NORTH FOURTH • ANKENY, IOWA 50021 • 515-964-0601

CONFLICTING PROVISIONS OF 45 C.F.R. Part 86

Subpart C - 86.21 (c) Admissions

Due to doctrinal position and religious conviction pre-admission inquiry is made of applicants to determine the marital status of prospective students. We do not admit students who are divorced or married to divorced persons.

Subpart D - 86.34 Access to Course Offerings

Homiletics, a course in training pastors, is limited to men only, since we do not believe in lady pastors in our association.

David Nettleton
President

4/5/78

File
6/11/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

17001680

FELICIAN COLLEGE
(Name of Applicant or recipient

3800 West Peterson Avenue
(address)

Chicago, Illinois 60659
(city, state, zip code)

FICE - 001680
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Sister Mary Bonita Willow
(name of employee)

3. Chicago, Illinois 60659
(office address)

4. (312) 539-1919
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (X) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by August 31, 1977 (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 27, 1977

FELICIAN COLLEGE
(Insert name of Applicant)

By

Sister Mary Bonita
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

FELICIAN COLLEGE

May 16, 1985

Ms. Linda A. Cornelius
Acting Director
Office for Civil Rights - Region V
United States Department of Education
300 S. Wacker Drive - 6th Floor
Chicago, Illinois 60606

Dear Ms. Cornelius:

I have received your letter of May 10 referring to a request for religious exemption from Title IX of the Education Amendments of 1972. This request, I note from our records, was made in 1977 by checking the box in Section "B" Article I of HEW Form 639 A, "Assurance of Compliance with Title IX of the Education Amendments of 1972 and the Regulation Issued by the Department of Health, Education, and Welfare in Implementation Thereof."

Upon further study of the Title IX regulations, we find no reason for Felician College to seek an exemption at this time. Therefore, please close our request file as indicated in your letter.

Sincerely,

Sister Mary Bonita Willow

Sister Mary Bonita Willow
President, Felician College

SMBW:mg

Freed-Hardeman College

Office of the President
Telephone 901 / 989-4611

Henderson, Tennessee 38340

August 11, 1976

Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Gentlemen:

Attached you will find a copy of our request for exemptions from Title IX under 45 C.F.R. Section 86.12 (c) which identify the specific provisions of 45 C.F.R. Part 86 which conflict with our religious tenets.

Sincerely,

E. Claude Gardner

E. Claude Gardner
President

ECG:nln

Enclosures

REQUEST FOR EXEMPTIONS FROM

TITLE IX

FREED-HARDEMAN COLLEGE

AUGUST 10, 1976

Religious Commitment of Freed-Hardeman College

Freed-Hardeman College is controlled and operated by members of Churches of Christ. These churches recognize the Bible as their rule of faith and practice. The college claims an exemption from the requirements of Title IX of the Education Amendments of 1972 on a limited number of points on which it understands the requirements of Title IX and the teaching and requirements of the Bible to be in conflict. These points relate to (1) the role of women in the church; (2) differences in appearance of men and women; (3) modesty; (4) sexual morality, and; (5) marriage, divorce, and remarriage.

Since its earliest predecessor, the Henderson Male and Female Institute, was founded in 1869 by a man and a woman, A. S. Sayle and Miss Helen Post, the college has been coeducational and has employed both men and women. The intent and goal of equal opportunity for men and women was stated in the 1891 catalog of West Tennessee Christian College: "This is a mixed school. Both sexes are admitted with equal rights and privileges in every respect." While this ideal may not always have been realized, the college continues to be committed to equal educational and employment opportunity.

Freed-Hardeman College has made a diligent effort to request an exemption from the Title IX regulations in each of those areas in which it appears that there is a conflict. However, Freed-Hardeman reserves the right to reexamine the effects of Title IX on the institution and to request other exemptions should there prove to be any conflict.

SPECIFIC EXEMPTIONS

REQUESTED

REQUEST FOR EXEMPTIONS FROM TITLE IX

1. Access to Course Offerings

Department of Bible

In the Department of Bible, there are two courses designed for men only. Thev are BIB 231 (Preparation and Deliverv of Sermons) and BIB 330 (Preacher and His Work). These courses are designed for the man who will serve as a preacher and include the principles and techniques of preparing and delivering sermons and the life and work of a preacher. It is one of our religious tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11-12). Therefore, women Bible majors are not required to take BIB 231 (Preparation and Delivery of Sermons) or BIB 330 (Preacher and His Work).

Department of Health, Physical Education, and Recreation

In the Department of Health, Physical Education, and Recreation, equal opportunities exist for men and women in course offerings. Three swimming courses, PEA 165 (Beginning Swimming), PEA 166 (Intermediate and Advanced Swimming), and PEA 167 (Water Safety) are separated by sex because we believe in the observance of high standards of modesty in apparel. (I Timothy 2:9).

2. Activities and Organizations

Club Membership

It is one of our religious tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11-12). Therefore, we have one club, Preachers Club, open to men only, and two clubs, Girls Religious Training Class and Preachers Wives Club, open to women only.

3. Athletics

Intramural and Intercollegiate

Differences in athletic attire for men and women are based upon a dress code in keeping with our philosophy of modesty (I Corinthians 11:14, I Timothy 2:9).

Freed-Hardeman College is committed to providing as many opportunities as possible for its women in the area of intramural and intercollegiate athletics. However, the college has strong beliefs concerning the teachings of the Bible on the subject of modesty. Freed-Hardeman College therefore, must review from time to time the dress of athletic teams that visit on our campus in order to ensure that our beliefs in this area are not compromised. Should such dress by opposing teams violate our beliefs in modesty the college would be bound to curtail such opportunities that it now affords it women in athletics. All dress code

provisions of the college are subject to such review and change by the board of directors as it sees fit in keeping with our basic and fundamental belief in the teaching of the Bible as it relates to modesty.

4. Employment

Freed-Hardeman College requests a religious exemption in the hiring of faculty members to teach in the Department of Bible. It is one of our religious tenets that women should not publicly teach mixed Bible classes which include adult males (I Timothy 2:11-12).

5. Employment Assistance

The placement office does not recommend females for preaching positions because it is one of Freed-Hardeman College's religious tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11-12).

6. Rules and Policies

Hair and Dress Code

The men have a hair code defining minimum standards of acceptability. The women have a dress code in keeping with our philosophy of modesty. Any differences in rules concerning appearance are based on biblical principles of modesty (I Corinthians 11:14, I Timothy 2:9).

College Closed

File 6/7/

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Friendship Junior College
(Name of Applicant or recipient

P.O. Box 10750
(address)

Rock Hill, South Carolina 29730
(city, state, zip code)

57-6000528
(identifying code-FICE, OE, or IRS)
450 3433

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Shepheard Johnson
(name of employee)

3. Academic Dean
(office address)

4. 327-1186
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

file
6/15/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Friendship Junior College
(Name of Applicant or recipient

P. O. Box 10750
(address)

Rock Hill, SC 29730
(city, state, zip code)

57-6000528
(identifying code-FICE, OE, or IRS)

45003433

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. ( ) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Shepheard Johnson
(name of employee)

3. P. O. Box 10750
(office address)

4. (803) 327-1186
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 18, 1977

S. L. Evans
(Insert name of Applicant)

By S. L. Evans
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Gardner Webb College, Inc. North Carolina
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

3700929

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) (See attached copy of position of Gardner Webb College)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Barry D. Hartis
(name of employee)

Webb Administrative Building, Gardner Webb Colle
(office address)

704/434-2361 Ext. 270
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by December 15, 1976 (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 30, 1976

Gardner Webb College
(Insert name of Applicant)

By James E. Williams
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

GPO 906-517

MAR 15 1979

Gardner-Webb College

March 9, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

Thank you for your letter noting that you are in receipt of our assurance form required under Title IX of the Education Amendments of 1972. I apologize for the response being past your request of a reply written 30 days of receipt of your letter. Your letter requested the following:

-- Information which cites the specific religious tenets and provisions of the regulations that you believe to be in conflict and

-- Background information which demonstrates the institution falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form.

The information below is supplied for your information:

1. Background

Gardner-Webb College is owned and operated by the Baptist State Convention of North Carolina. It is governed by a Board of Trustees elected by the Convention. To be eligible for membership on the Board, a person must be a member of a North Carolina church belonging to the Convention. Any major departure from the established programs of the College are reported to and ultimately approved by the Convention.

Article IX, Section B, 2. of the constitution of the Convention states that "the trustees and directors shall be responsible to the Convention for the operation of its institutions in accordance with Baptist principles."

Office of the President Boiling Springs, North Carolina 28017 Telephone 704-434-2361

2. Conflicts

Until such time as the Court has interpreted the provisions for Title IX and its supporting regulations, we have no certain way of knowing of the specific conflicts of our religious tenets and the regulation.

Although not any of the programs set forth below are federally funded, and although as the regulations are presently interpreted, we do not think any of the programs are in violation of the letter or spirit of Title IX, the following may be viewed as matters of concern:

a. Separate housing facilities for men and women.

b. Separate administrative divisions for governing the conduct of men and women students.

c. Designated institutional scholarships for both males and females based upon programs and denominational organizational structure.

As stated in our assurance statement filed previously with your office, except for the possibility of the conflicts set forth above, insofar as we know at this time, we are in compliance with Title IX.

If there are further questions, please feel free to call us.

Sincerely,

Craven Williams

Dr. Craven E. Williams
President

jr

Geneva College

Office of the President

October 7, 1988

Mrs. LeGree S. Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Mrs. Daniels,

Geneva College hereby claims 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).

Geneva College is accredited by the Middle States Association of Schools and Colleges as a liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College is controlled by the Reformed Presbyterian Church of North America, which is a non-profit religious corporation which was incorporated in the State of Pennsylvania in 1872. Geneva College is controlled by a Board of Trustees elected by a Board of Corporators that is made up of members of the Reformed Presbyterian Church of North America. The College is exempt from federal income taxation as a not-for-profit institution under Section 501(c) (3) of the Internal Revenue Code. The Trustees of the College and the faculty, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs 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 has received and receives a significant amount of its financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The College educates in the broad range of liberal arts, in which it adheres to Biblical tenets for matters of faith and practice, following its religious tradition. It specifically

Beaver Falls, Pennsylvania 15010 412-846-5100

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 performance of any religious role or office in which gender distinctions may be required. We believe that the Holy Bible, the Reformed Presbyterian Testimony, "Geneva College Charter and Bylaws," and "Foundational Concepts of Christian Education" set forth the standards for Christian profession, morality and practice. Those documents are enclosed.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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 20:1-17, Romans 1:18-32, Galatians 5:19-21, Colossians 3:5-9.

The College hereby claims 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status); Section 106.14 (claims exemption from this and related sections regarding membership practices to the extent that it interferes with the operation of extracurricular student religious activities in organizations sponsored by the College. We believe that these exemptions should also extend to the membership activities and other practices of religious organizations for students.); Section 106.32 (we claim exemption from this regulation to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house students. The regulation allows sex-segregated housing when provided by the recipient, but appears to prohibit such segregation in off-campus housing. The College claims the right under the religious exemption to interpret "separate housing on the basis of sex," as allowed by the regulation for on-campus housing, to mean separate buildings and not merely separate apartments, in both on and off-campus housing.); and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 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.

There are a 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. 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 tenets 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 woman, the College shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs 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 claim 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. John H. White who is the Associate Vice President for Religious Services and Director of Church Relations of the College, at (412) 847-6556.

Very truly yours,

J. Joseph McFarland
President

Enclosures

November 15, 1988

Mr. Robert A. Smallwood
Regional Civil Rights Director
Region III
U. S. Department of Education
3535 Market Street, Room 6300
Philadelphia, PA 19104-3326

Dear Mr. Smallwood,

Thank you for your letter of November 4, 1988 and the notification that our requests for exemption from Title IX on matters of housing and employment are in order.

I apologize for the lack of clarity concerning marital and parental status and student membership practices.

More specific answers to your questions are that Title IX sections 106.21(c), 106.40, 106.57 and 106.60 may be interpreted to mean that any employment decision or disciplinary action taken based on our religious conviction, the heterosexual, monogamous, faithful marital relationship is the standard would be discriminating. Our conviction is based on: I Tim. 5:14,15; I Corin. 7:36; Matt. 19:5, I Corin. 7:12,13; Westminster Larger Catechism Question 139: "What are sins forbidden in Seventh Commandment?... having more wives or husbands than one at the same time, unjust divorce or desertion...". And The Testimony of the Reformed Presbyterian Church of North America, pp. 64-68, Chapter 24, "Of Marriage and Divorce."

Further the position of our doctrinal standards is that parents have the ultimate responsibility for the discipline of their young people. We often feel religiously obligated to involve the assistance of parents in discipline procedures. This is based on Matthew 15:4-6, Ephesians 6:1-7, Hebrews 12:9, Westminster Larger Catechism Questions 124-128, The Testimony of the Reformed Presbyterian Church of North America pp. 68-70, "Education of Children."

In reference to Section 106:14 we are concerned because of our conviction that, in order to have extra curricular Christian ministry student groups, we are obligated by the Scriptures and our doctrinal standards to ask for a Christian profession of faith on the part of the students participating in these kinds of

groups. Such a conviction is based on Matthew 10:32, II Corin. 6:14-18, The Testimony of the Reformed Presbyterian Church of North America, which was previously forwarded, pp. 73-74, "The Communion of Saints," p. 39, "Of Good Works" p. 40, sections 2 and 3.

Thank you for your prompt consideration of our previous correspondence. I trust the additional information provided in this letter will meet the concerns you have addressed. If you have further questions, or need further information, please let us know.

Sincerely yours,

W. Joseph McFarland
President

WJM/bm

Hamelin 10/15

#3

Office of the President

September 24, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry;

The College seeks exemptions from the following sections of the Final Title IX Regulations: 86.21(c); 86.40(b)(1) and (5); 86.57 (a)(1)(b)(c)(d); 86.60(a).

The substance of all of the above sections deals with items such as martial status, pregnancy, pregnancy as a temporary disability, pregnancy leave, etc. Normally, the College is not concerned with the marital status of either a prospective student or faculty member if the status is either that of single or married. Such persons are not discriminated against on the basis of sex. On the subject of divorce, however, the College takes a different stance.

Scripture teaches that a person is to be married to one partner for life barring certain circumstances. And when a person procures a divorce because of circumstances which are specifically contrary to Biblical teaching, the acceptance of such a person as a student or member of the faculty/staff can jeopardize the Biblecal stance/teaching/education process of this church-owned College. For example, assume two persons are married. Person one involves himself in all kinds of extramarital immoral sexual activity while married which leads to his partner's procural of a divorce. Since this College takes a very clear position on the high moral behavior of students and faculty, and since these expectations are based on clear Biblical teachings, the acceptance of such a student or employee (assuming the student or employee still practices the immoral behavior) will jeopardize the integrity of the College community and its religious teachings.

Under section 86.21(c), the College may make no pre-admission inquiries as to the martial status of the applicant. This same prohibition exists with regard to employees in 86.60(a). In sum, both of these prohibitions are contrary to religious tenets of the institution in that it prevents the College from seeking to select the kind of students and employees it desires for its student body. It should be noted here that both men and women divorcees are treated in identical manners so that in fact no sexual discrimination exists here.

OCT 6 1976

Assurance

With regard to the pregnancy sections (sections 86.40 and 86.57) the College is only concerned here with an out-of-wedlock pregnancy. : As long as the pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom occur in wedlock, the College is in compliance with sections 86.40 and 86.57. But where either a student or employee becomes pregnant out of wedlock, the College reserves the right to exclude such persons (bother mother and father) from any or all of its programs. To do otherwise would be to run counter to the College's position with regard to sexual morality, which position is based on a religious/Biblical tenet.

Further, consistent with the expectations of HEW Form 639, the College submits the following information:

(1) The name of the religious organization governing the College is the Northwest Yearly Meeting of Friends Church. The College is controlled by such organization.

(2) Implementing the sections of Title IX as hereinbefore noted without exemptions asked for would conflict with a specific religious tenet of religion as practiced by the Northwest Yearly Meeting of Friends Church.

I trust this is acceptable to you.

Cordially,

David C. Le Shana, President
GEORGE FOX COLLEGE
Newberg, OR 97132

DLS:gj

Enclosure

God's Bible School
College and Missionary Training Home

1810 Young St. • Cincinnati, Ohio 45210 • Phone (513) 721-7944

October 11, 1988

Office of the President

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 State Street, Room 700C, 05-0410
Chicago, IL 60605-1202

RE: Title IX Exemption Application

Dear Mr. Mines:

God's Bible School, College and Missionary Training Home hereby claims an exemption from the requirements of Title IX of the education amendments of 1972 as herein specified, pursuant to Sections 901 (a) (3) and 908 of Title IX and 34 C.R.F. Section 106.12 (b). The college believes that it may, in the past, have received and may currently be receiving, indirect Federal Aid with our understanding of the Supreme Court decision and Grove City College vs. Bell 465 U.S. 555 (1984).

God's Bible School, College and Missionary Training Home is an accredited Bible college offering courses of instruction in the Bible and various arts and sciences. The college is controlled by a Board of Trustees, a non-profit religious corporation which was incorporated in the State of Ohio as a Christian institution of higher education under the control of these 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. The Trustees of the corporation and the faculty, students and employees of the college are required to espouse a personal belief in the religious tenets of the Christian faith. The charter of the corporation and the catalogs 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 a corporation. The college maintains this 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 practice to insure 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 and matters of moral behavior, dispute and grievance resolution in 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 in forms to be identified comprehensively in this letter; however, see for example I Timothy 4:16 "Take heed unto thyself, and unto the doctrine; continue in them: for in doing this thou shalt both save thyself and them that hear thee."

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 traditions and tenets accepted by the college. Such standards include matters relation 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, I Corinthians 6:18 "Flee fornication. Every sin that a man doeth is without the body; but he that committeth fornication sinneth against his own body."

The college hereby claims an 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 so described above: 34 C.F.R. Sections 106.21 (c)1-2, 106.40, 106.57 and 106.60, Section 106.34, and Section 106.51, together with any application of Sections 106.38, 106.53, 106.55 or 106.59 that relates to such employment opportunities that are limited to one gender by religious beliefs of the college.

There are a 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 religious beliefs that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the college to violate our faith or any benefit of service, including the use of facilities related to an abortion.

God's Bible School

College and Missionary Training Home

1810 Young St. • Cincinnati, Ohio 45210 • Phone (513) 721-7944

Office of the President

November 28, 1989

12-22-89

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 State Street, Room 700C, 05-0410
Chicago, IL 60605-1202

RE: Title IX - Claim for Exemption - God's Bible School and College
Our file: 88-0190

Dear Mr. Mines:

I am writing in response to your letter of November 2, 1988 which in turn responded to my letter of October 11, 1988 in which I asserted claims from exemption of certain portions of Title IX of the Educational Amendments of 1972.

In the first paragraph of page two (2) of your letter, you advised that my earlier letter provided sufficient information concerning: (1) the name of the religious organization that controls the institution and; (2) the tenets that are followed by the institution. However, in accordance with your request, I advised below of the institutional tenets which conflict with Title IX and those sections of the regulations with which there is conflict.

Please be advised that exemptions from the following sections of Title IX are claimed by the institution; the religious tenets which conflict with such sections are also referenced below:

1. Sections 106.21(c) [admission]; 106.40 [marital or parental status]; 106.57 [employment]; 106.60 [pre-employment inquiries]; and, 106.51 [employment]. The institution is committed to the inspiration of the Holy Bible; that it is the "inerrant, infallible Word of God, which is the only and sufficient guide to life, belief, and conduct." Article IV of the Constitution of God's Bible School, College and Missionary Training Home, Inc.

See also pages 5 - 9 of 1981 - 91 Bulletin. Therefore, incorporated by reference, are portions of the Bible as some of the "tenets which support the claims from exemption from certain sections of Title IX. The School also believes that evidence of the Christian Life is an "inner witness that the heart has been purified from sin." Further that "this experience...can only be maintained by a walk of obedience and faith." Article IV Section 4. Constitution of God's Bible School, College and Missionary Training Home, Inc.

Consistent with biblical teachings, the institution believes that God's word forbids: (1) premarital and extramarital sexual relations and consequently, pregnancy and childbirth by an unmarried female; (2) divorce, except on biblicaly prescribed circumstances; and, (3) termination of pregnancy or the abortion of an unborn child. The foregoing would also, by definition, preclude the co-habitation of two (2) persons of the same or opposite sex without the benefit of marriage. The Scriptures are replete with passages upon which these religious tenets are based. In my letter of October 11, 1988, I referred to I Timothy 4:16 and I Corinthians 6:18. An additional reference would be found in Romans 12:1 where believers are told to "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS). Student Handbook, God's Bible School and College, pages 6, 7, and 8.

It seems clear that the above referenced passages from Scripture and the Constitution of the School would especially impact upon consideration of marital and/or parental status of a prospective student or employee. In addition, the religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor.

6:14ff; Mal. 2:14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the college reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religiious beliefs and practices, as described above.

There are a 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 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 tenets and traditions. The collge 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the college and the Corporation.

In the event of future amendments of 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 claim 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 consideration of this letter. Should you have further questions or require further information, please contact Attorney David A. Haffey, who represents the School in this matter, at 3836 Dayton-Xenia Road, Beavercreek, Ohio 45432; (513) 426-3310.

Very truly yours,

Bence C. Miller

Dr. Bence C. Miller,
President

BCM/vgw

Grace Bible College
1011 Aldon, S.W. • P.O. Box 910 • Grand Rapids, Michigan 49509 • 616/538-2330

August 6, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights - Region V
300 S. Wacker Drive - 8th Floor
Chicago, IL 60606

Dear Ms. McGovern:

I am responding to your letter of July 18, 1985.

1. Grace Bible College is controlled by an independent board which is affiliated with the Grace Gospel Fellowship Denomination. The Board of Grace Bible College is self-perpetuating and is re-elected each year. There is, at the present time, a proposal to the Board to limit the Board members' term of office to five years.

2. Enclosed you will find a copy of our doctrinal statement. In addition to our doctrinal statement, our denomination believes that the Bible teaches that the husband is the head of the wife and that men, not women, are called by God as ministers of the Gospel.

3. We request exemption from the following sections:
   106.21 Admission (c) (2) and (4)
   106.40 Marital or Parental Status (b)
   106.60 Pre-employment Inquiries (a)

   All of our requests for exemption are made on the basis of our commitment to what we interpret to be the biblical standard of Christian living and morality. We would not permit a student to enroll in School who is pregnant or who has recently given birth to a child if not married. If we knew the father of such a child, we would not permit him in School either.

   Since we believe that males are called of God to minister the Word of God, it is necessary for us to have males teaching such courses as Homiletics (how to develop and preach a sermon) and Pastoral Counseling, and, therefore, it would be necessary for us to ask applicants for such teaching positions if they were male or female.

With these slight exceptions, we agree with the spirit of Title IX. We do not grudgingly submit to this governmental regulation, but we do so happily since we believe there should be no discrimination between males and females and practice that here at Grace Bible College.

If I can be of further help to you, please advise.

Most cordially yours,

Jack T. Dean, Ph.D.
President

JTD/vlj

Grace Bible College

1011 W. ALDON ST. GRAND RAPIDS, MICH. 49509

FROM THE OFFICE OF THE PRESIDENT

October 18, 1976

Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Sir:

We of Grace Bible College would like to claim a religious exemption under 45 C.F.R. ¶86.12(b).

We of course will make every effort to comply, providing the regulations do not conflict with the basic biblical aims and objectives of the college. We do believe in the basic concepts of Title IX, and believe there should be no discrimination of person's rights.

Because of our biblical commitments concerning the headship of the husband in the family and the headship of the male in religious organizations, we do not require women to do preaching in their internship programs, although we do require them to speak in churches. We also feel we need to reserve the right for the President of the college and the Chaplain of the college to be males.

Because of our commitment to morality of living, we feel we need to reserve the right to require people who are living together and affiliated with our college to be married. We also require modest dress of our people in order that their appearance will be in conformity to biblical standards.

If I can be of further help in clarifying this to you, please advise.

Very cordially yours,

Jack T. Dean

Jack T. Dean, Ph.D.
President

JTD/lav

Members of the Board of Directors and Reference

PASTOR WAYNE WEBB, CHAIRMAN
DR. JACK DEAN, PRESIDENT

PASTOR CHARLES BAKER
MR. JOHN BULTEMA
MR. ERV CARLSON
PASTOR CARL CLUM
MR. EUGENE COLEMAN
MR. EINAR COMFIELD
MR. WESLEY EHRESMAN
MR. EDWARD ERICSON
PASTOR WM. GROENVELD
PASTOR GERALD HORGAN
PASTOR PAUL HUME
MR. CONRAD LENGER
MR. JOHN MARTINSON
MR. NORMAN MacDONALD
MR. WILLIAM MITCHELL
MR. CHARLES O'CONNOR
PASTOR STANLEY REED
MR. WILLIAM REIFF
MR. GEORGE REIHMER
MR. ALLEN RIEMERSMA
PASTOR VERNON SCHUTZ
PASTOR JOHN SHYNE
MR. C. SONNEVELDT
MR. ERICH STIER
MR. HERMAN TAPPERT
DR. VERN TERPSTRA
MR. WILLIAM VELTING
DR. PETER VELTMAN
MR. ALLAN WOLF
PASTOR R. YOUNGSTROM

M.E.

GRACE COLLEGE OF THE BIBLE

1515 SOUTH 10TH STREET • OMAHA, NEBRASKA 68108
PHONE 402 342-3377

May 23, 1977

Foley ✓
Hew
Kam

Mr. Albert T. Hamlin, Acting Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Sir:

Grace College of the Bible in accordance with Section 86.12 of Part 86, Title IX of the HEW Education Amendments of 1972 requests the following exemptions due to religious tenets:

1. Paragraph 86.21, C. 4
   Grace College of the Bible does not accept divorced persons or persons married to a divorced person. This policy is based upon the Biblical teaching that leaders in the church should lead exemplary lives and that an elder or deacon should be the husband of one wife. I Timothy 3:2. Board motion #24, December, 1974; and #16, May, 1975.

2. Paragraph 86.34
   Grace College of the Bible does not hold to the Ordination of women to the position of Pastor on the basis of the teaching of the Pastoral Epistles as well as Eph. 4:11. Because of this the following exemptions are requested:
   a. Homiletics classes are reserved for men only, women being offered an advanced course in Forms of Public Speaking.
   b. Two areas of study leading to possible ordination of graduates are restricted to men only
      (1) The Pastoral Ministries program
      (2) The Evangelism program.

Sincerely,

Robert W. Benton

Robert W. Benton, Th.D.
President

RB:rs

GRACE COLLEGE
GRACE THEOLOGICAL SEMINARY

Office of the President

STATEMENT OF EXEMPTIONS FROM TITLE IX

In accordance with provisions provided in part 86.12 of Title IX, Grace Schools are claiming three exemptions because of conflicts between specific tenets of our organization and subparts of Title IX. Grace College and Grace Theological Seminary are united under one administrative organization that is affiliated with the Fellowship of Grace Brethren Churches and committed to the doctrines of God as set forth in the Bible.

On the above grounds, the following exemptions are being claimed:

(1) Since Grace Theological Seminary is an institution whose program is specifically for the education of students to prepare them to become ministers or to prepare them to teach theological subjects, an exemption is being claimed in its admission procedure.

(2) An exemption is being claimed because of the requirement of male sex as a bona-fide occupational qualification for teaching Bible courses in the College and for professors in the Seminary. All other faculty positions in the College are non-discriminatory on the basis of sex.

(3) The final exemption is being claimed for the male sex as a bona-fide occupational qualification for appointment to membership on Advisory Committee to the President. The Advisory Committee to the President is composed of the six main administrative officers of the institution: The Vice President, the Dean of the Seminary, the Academic Dean of the College, the Dean of Students of the College, the Director of Business Affairs, and the Director of Development. All other positions under these main officials in the college are non-discriminatory on the basis of sex.

Date Sept. 30, 1976 (signed) Homer A. Kent, Jr.

Homer A. Kent, Jr., President

SELF-STUDY OF GRACE COLLEGE AND GRACE THEOLOGICAL SEMINARY

FOR TITLE IX

The following report is the self-study of Grace College and Grace Theological Seminary as mandated under Title IX, 45 C.F.R. 86.3.

The organization of this report adheres to the organization as set forth in part 86 of Title IX, C.F.R. 45., entitled, "Non-discrimination on the basis of sex in educational programs and activities receiving or benefiting from federal assistance."

As stated in part 86.3 paragraph (d) we shall "maintain on file for at least three years following completion of the evaluation required under paragraph (c) ". . . description of modifications made in review of requirements and remedial steps taken."

86.8

The Director of Business Affairs has been designated as the responsible employee to coordinate efforts of the institution under the provisions of Title IX.

Employees and students are being notified of the grievance procedures as specified in Title IX. These grievance procedures will also appear in the next version of the student, faculty, and staff handbooks.

86.9

The offices of Admissions, Registrar, and Academic Deans have been instructed to revise on applications for admissions, for employment applications for staff and for employment applications for faculty, to include a statement of the nature that Grace College does not discriminate in either admissions or employment regarding marital status of a candidate but does require the candidate's adherence to the moral laws of God as set forth in the Bible.

As required under part 86.9 (a) (2), notice - of the self-evaluation study has appeared in the campus bulletin.

86.12

Following the provisions as set forth in part 86.12 paragraphs (a) and (b), a claim requesting partial exemption is attached to this self-evaluation. As stated in part 86.12 paragraph (b) our claim for exemption will, "identify provisions of this part which conflict with specific tenets of the religious organization." It is also our understanding as stated in paragraph (b) of part 86.12 that this submitted request will be signed by the highest ranking official of the institution (the president).

86.15

Grace College has never and does not discriminate on the basis of sex in the admission of students. A statement of this nature is set forth in the catalog of the college.

An exemption as provided in part 86.12 paragraph (b) is being claimed by Grace Theological Seminary. The claim is based on the grounds that Grace Theological Seminary is an institution whose program is specifically for the education of students to prepare them to become ministers or to prepare them to teach theological subjects.

86.17

Grace College is implementing athletic program changes required to eliminate minor discrepancies that have existed in the past. For example, the athletic budget has only five $100 athletic scholarships available. The distribution proposal for the athletic budget next year will award two of these scholarships to women athletes and three to men athletes.

86.21

Grace College does not discriminate between men and women in applying its standard with respect to violation of the moral laws of God concerning premarital sex and the results thereof. Inquiry concerning marital status on the application form is made equally of men and women.

86.22 86.23

Grace College does not give preference for admission to the college on the basis of sex and has a nondiscriminatory recruitment policy.

Grace Theological Seminary claims an exemption as provided in part 86.12 paragraph (b) and stated partially in part 86.15 of this self-evaluation. A more complete report of the exemptions claimed under part 86.12 accompanies this self-evaluation and same is signed by the president of Grace Schools.

86.31 (1)

Grace College does not discriminate between men and women on the assignment of aid, benefit, or service relative to loans and scholarships except as shown in part 86.31 paragraph (2).

86.31 (2)

The proposed athletic budget including a readjustment of scholarship awards between men and women is discussed in part 86.17 paragraph 1, above.

86.32

Board charges in college owned and controlled housing are equal for men and women. The college controls standards of quality in all of its housing facilities. The college strictly enforces it housing policy that states that all students under twenty three years of age must live in campus owned housing. The few exceptions to this rule are clearly pointed out in the student handbook. Requests by students for non-campus housing, following the approved provisions as stated in the student handbook, are handled with equality.

86.33

Grace College does have separate locker room and shower facilities for men and women. The separate facilities are comparable in quality.

86.34

Catalog offerings are on a non-discriminatory basis. Physical Education classes allow for enrollment of both men and women in all areas, except contact sports.

86.36

All testing material used by Grace College for counseling purposes are identical for men and women.

86.37 (a) (b)

There are a few restricted scholarships for both men and women. However, with over two-thirds of the student body receiving some form of financial assistance the overall effect of financial assistance is non-discriminatory on the basis of sex. Loans and scholarships other than the restricted scholarships are dispersed on the basis of non-discriminatory criteria.

86.37 (c)

The transition plan as discussed in part 86.17 paragraph (a) will insure a reasonable balance between men and women especially considering the opportunities and number of men and women students participating in intercollegiate athletics.

86.38

Grace College does not discriminate in job opportunities made available to students on the basis of sex. Positions are open equally for men and women and remuneration for employment is according to the job.

86.39

Health insurance benefits and services are equally available to men and women students. Gynecological care is included in health insurance coverage for employees of Grace Schools.

86.40

The distinctions made clear by Scripture regarding the sexes are accepted by Grace College and Grace Theological Seminary. The application of Scriptural mandates is applied equally to both sexes. Scriptural principles of this nature are clearly set forth in the student handbook which each student receives before arriving on campus. Grace College and Grace Theological Seminary will take all appropriate measures to maintain and preserve these Scriptural distinctives.

86.41

Both men and women may serve on intercollegiate athletic teams, except in contact sports. Opportunities for intercollegiate and intramural sports are available for men and women. The opportunities available for intercollegiate athletic teams for women are largely based on interest. Where there is no team in a particular sport for women, except for contact sports, a woman may try out for the men's team. For example, this September several women wanted to try out for the men's tennis team. Since the women did not have an opportunity for a women's team and since tennis is a non-contact sport, the women were encouraged to try out for the men's tennis team.

Grace College has only one gym but the availability of equipment is equal between men and women. The scheduling of games and practices are determined by the number of men and women participating in inter-collegiate athletic teams and the number of games played by the men's and women's athletic teams. Coaches are available for all sports and compensation is assigned on the basis of the college's salary scale, which is non-discriminatory on the basis of sex. Health care and medical services are available to men and women. Men's and women's programs and schedules are covered in school publications and by the college newspaper services.

86.51

Employment opportunities in educational programs are available to either men or women. An exemption is claimed only in the Bible course offerings on the basis of part 86.12 paragraphs (a) and (b). The attached explanation of part 86.12 explains that the male sex is a bona-fide occupational qualification for this position according to a specific tenet of our religious organization. Rates of pay are non-discriminatory and advertising is by position which is open to either sex. Fringe benefits are equal for men and women and pregnancy is treated as a temporary disability following the provisions as set forth in the Faculty and Staff Handbooks.

86.54

Compensation is non-discriminatory on the basis of sex. Where there is equal work on jobs which require equal skill, effort, and responsibility and working conditions, there is equal compensation.

86.56

Fringe benefits are equal for men and women. Normal retirement for men and women is 65. Where there is need, and where the employee desires to continue the relationship, there is equal opportunity given to either sex after 65.

Grace College and Grace Theological Seminary have a consistent policy for both male and female employees and students that is governed by adherence to the moral laws of God as set forth in the Bible.

86.60

Grace College solicits information on marital status equally from both men and women.

86.61

There is no discrimination on the basis of sex in employment opportunities except for the exemptions claimed, following the provision as stated in part 86.12. According to our specific religious tenets of organization only a male with appropriate qualifications can be accepted for employment as either a professor in Grace Theological Seminary, a professor of Bible Courses, or for a position of the Advisory Committee. "The Advisory Committee to the President is composed of the six main administrative officers of the institution: The Vice-President, the Dean of the Seminary, the Academic Dean of the College, the Dean of Students of the College, the Director of Business Affairs, and the Director of Development."

DATE Sept. 30, 1976 (signed) Homer A. Kent, Jr.

Homer A. Kent, Jr., President

GRACE COLLEGE
GRACE THEOLOGICAL SEMINARY

Office of the President

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DATE Sept. 30, 1976 (signed) Homer A. Kent, Jr.

Homer A. Kent, Jr., President

Grand Canyon College

3300 WEST CAMELBACK ROAD • (602) 249-3300 • POST OFFICE BOX 11097 • PHOENIX, ARIZONA 85061

Dr. William R. Hintze, *President*

November 4, 1976

TO WHOM IT MAY CONCERN:

This is to certify that Grand Canyon College is a Christian liberal arts college owned and operated by Arizona Southern Baptists, founded in 1949.

The instructional staff is selected with the objectives of the college in mind, emphasis being placed upon character, academic competence, teaching ability, and personality. Evidences of character include dynamic Christian living, active participation in and financial support of church affairs.

The college is open to academically and morally qualified students regardless of national origin, race, creed, religious beliefs, or sex.

Signed: William R Hintze

William R. Hintze, President

WRH: c

Grand Rapids Baptist College Seminary

1001 EAST BELTLINE, N.E.
GRAND RAPIDS, MICH. 49505
(616) 949-5300

MCK 7/23

OFFICE OF THE PRESIDENT

July 1, 1976

Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Sir:

The attached material is a response for non-compliance to certain regulatory acts of Title IX pertaining to Sex Discrimination, Part 86, Sub-Title A, Title 45, of the code of Federal Regulations.

In the Annual Meeting of its controlling body held on May 7, 1976, nine provisions of the Act, which if implemented, were identified as being in violation of and inconsistent with the religious tenets of the governing body of the Grand Rapids Baptist College and Seminary.

Apart from these particular violations, the Grand Rapids Baptist College and Seminary has for years provided equal opportunity and equal pay without discrimination, and it shall be the intent of the administration to continue to both teach and demonstrate that equality.

Sincerely,

W. Wilbert Welch

W. Wilbert Welch, Ph.D.
President

WWW:blm
Enc.

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The Grand Rapids Baptist College and Seminary has reviewed carefully the federal government (H.E.W.) regulations concerning "Non-discrimination on the Basis of Sex under Federally Assisted Education Programs and Activities," effective July 21, 1975.

The Grand Rapids Baptist College and Seminary is a private, independent, religious liberal arts College and Seminary, responsible to an evangelical Baptist constituency, supported basically by that constituency and student fees. This school neither seeks nor receives direct financial assistance from the federal government in the areas of capital expansion, special grants, equipment or operations, nor does it intend to do so. In view of the above, while it is the full intent of the school and its supporting constituency to provide equal opportunities to members of both sexes in compliance with the provisions of Act 86, the following general exceptions to the Act are herewith noted:

One - The federal agency, H.E.W., has no constitution right to determine the validity or non-validity of the religious tenets of a religious body or its private religious educational institution. The establishment of such regulations by any government agency is an infringement upon and a direct violation of a constitutional provision for the exercise of religious freedom.

Two - The provision of Act 86 whereby an institution may apply for exemption from certain regulations of the Act when compliance would be in violation of certain specific religious tenets of the institution's controlling religious body. This is in direct violation of this institution on two counts:

(1) Such a provision if implemented by any private, religious, educational institution automatically recognizes and establishes H.E.W. as an agency properly authorized and capable of determining the validity of, the extent of, and the number of religious tenets in conflict with the regulations of the Act.

(2) Such a provision completely disregards the historic principle of many Baptist fellowships in which there are no hierarchal structure defining or establishing their religious tenets. In such Baptist fellowships each church is autonomous and has its relationship with other churches only in the recognition of a common faith and practice and in the voluntary association of such independent churches. The exemption provision as stated negates the possibility of many Baptist institutions formally applying for exemptions on the basis of conflict with the tenets of the denomination.

The following specific exceptions to the Act are likewise noted using the number and letter of Part 86, Sub-Title A, Title 45, of the Code of Federal Regulations, which appeared in the Federal Register, June 4, 1975.

One - 86.21 (c) (1)-(4). Specifically as it relates to Seminary admission practices, prohibiting any discrimination on marital or parental status of student applicants, or any pre-admission inquiry concerning marital status.

86.57. This prohibits discrimination in employment based upon pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. The regulation requires that the College and Seminary treat pregnancy as a temporary disability, and as sufficient justification for a leave of absence with guaranteed reinstatement privileges.

86.60. This prohibits any inquiry of prospective employees concerning marital status.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We firmly believe that Biblical principles governing the qualifications for Christian service include clear instructions regarding sexual morality, and that the Bible provides clear and essential guidelines concerning the marital status of those who would be Christian leaders.

Two - 86.23 (a). A regulation which indicates a school may be required to undertake additional recruitment efforts toward one sex in order to correct a sex enrollment imbalance existing prior to the adoption of the regulations.

86.34. This regulation denies the College and Seminary the option of providing any academic course to one sex only.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We believe the Bible excludes women from the ordained ministry. Since a primary purpose of the Seminary is to prepare ministers, the Seminary shall not engage in the recruitment of women for this purpose. On the same basis the College holds open the option to conduct certain classes applicable for those preparing for the ministry.

Three - 86.31 (b)(5). This clause requires that a college not discriminate against any person in the application of any rules of appearance.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulation as a violation of our religious convictions. We believe it is within the purview of a private College and Seminary to determine grooming guidelines on the basis of differing expectations of the sexes. It is the intent and practice to maintain the Biblical identity of the sexes while upholding their equality of person, intelligence, dignity and opportunity.

Four - 86.40 (b)(1),(4),(5). These regulations include (1) that the College and Seminary may not discriminate against nor exclude any student on the basis of pregnancy or abortion; (2) that pregnancies and related disabilities be treated as any other temporary disability with respect to student health insurance; and (3) that the College and Seminary treat pregnancy as justification for a leave of absence for as long as medically necessary, with the student reinstated to the status she held when the leave began.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We believe the College and Seminary have the right to suspend any student, male or female, whose sexual practices, whether culminating or not culminating in pregnancy, are defined by the Bible as in violation of its moral standards. We further believe that the school has the right to take other appropriate disciplinary actions, which may include the forfeiture of academic credit for a given semester in which such an infraction occurs.

Five - 86.51 (a)(1),(2). This regulation requires the College and Seminary to end discrimination between sexes in all hiring.

86.55 (a). Related to the above, this paragraph states that the College and Seminary cannot classify a job as being for males or females.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulation as a violation of our religious convictions. We believe under our Biblical guidelines that men should take the positions of leadership and teaching in the church. By extension it follows that, while not totally exclusive of female leadership, certain administrative and teaching positions are more appropriate for men.

The above exceptions to Act 86 have been reviewed and approved by the Grand Rapids Baptist College and Seminary administration and its supporting church constituency in the regular Advisory Council Annual Meeting, convened the seventh day of May, 1976.

Signed _____
W. Wilbert Welch, Ph.D.
Chief Administrative Officer

_____
Eugene Berends, Ph.D.
Chairman of the Executive Board and
Chairman of the Advisory Council

_____
Richard C. Annis, Jr., Attorney
Secretary of the Executive Board and
Clerk of the Advisory Council

Grand Rapids School Of The Bible & Music

1331 FRANKLIN S.E., GRAND RAPIDS, MICHIGAN 49506
PHONE (616) 452-9713

April 14, 1977

Dear Sir:

Careful examination of your materials and the form to be filled out indicated to us that article one, A, point 4 is our classification. However, we felt it wise to check point B under article one as well.

We do not believe in discrimination in any form. However, we are a religious school and we accept such biblical distinctions as God has indicated. We have deep convictions on moral, spiritual, and biblical principles.

These principles could enter in to interpreting some of the regulations that are stated. We have convictions such as: The pastoral ministry is for men only, distinct positions for each member of the family in the home and the church, exclusion for immorality, distinct dress and appearance codes.

We don't see ourselves in conflict with the spirit of the regulations nor do we anticipate violation in the future. However, if moral or biblical principles entered into any case we would have to act in keeping with our convictions on the Bible.

We are an institution that trains Christian workers, both men and women, for biblical positions. In keeping with that we seek to maintain high moral and biblical standards. All students or employees are subject to biblical as well as governmental standards.

Sincerely,

L. John Miles

L. John Miles
President

LJM/geg

Administrative Staff:
John L. Miles, President
Robert McIntyre, Director of academic affairs
David Huseby, Executive Director
Richard Larson, Director of student affairs
Richard Manion, Director of public relations
Cliff Hamil, Director of business
Clair McCombs, Director of aviation
Candace Walters, Registrar

Board of Directors:
Richard Becker
John Boers
Henry Broersma
Edward Ertner
Robert Graves
William Hentschel
Kenneth Hettinga
Milton Krugman
John Miles
Gene Pasma
Jerry Paulson
John W. Peterson
Peter Quist
George Rutenbar
Claude Spoelstra
George Tuinstra

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OASP(LEWIS)

Great Lakes Bible College

P.O. Box 40060 • Lansing, Michigan 48901-7260 • Phone: (517) 321-0242

December 21, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Religious Exemption

Dear Sir:

Great Lakes Bible College hereby claims an exemption from the requirements of Title IX of the Education Amendment 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).

Great Lakes Bible College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is controlled by its board of trustees, whose members represent various Churches of Christ and Christian Churches in the Michigan area. It is a non-profit educational corporation which was incorporated in the State of Michigan in 1972 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. The trustees of the corporation and faculty, students and employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Articles of Incorporation of the corporation and the catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion. The college is completely governed by its church representative board of trustees and receives its entire financial support from such churches and their members. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of Churches of Christ and Christian Churches.

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, Ephesians 4:11, I Timothy 2:9-15, I Timothy 3:2 and 5, and Titus 1:6.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Matthew 19:1-9, I Corinthians 5:9-13, I Corinthians 6:9-20, and II John 9 and 10.

The college hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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 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 tenets 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the college and its board of trustees.

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 claim 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 the undersigned at (517) 321-0242.

Very truly yours,

Philip H. Schlaegel

Philip H. Schlaegel, President
Great Lakes Bible College

PHS/gc

Harding Academy
1000 CHERRY ROAD
Memphis, Tenn. 38117
767-4400

DR. HAROLD BOWIE, SUPERINTENDENT

October 21, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Gerry:

Thank you for your recent letter concerning our application for exemption from certain of the requirements of Title IX. It is my understanding from your letter that we do have your permission to separate boys and girls at the high school level for Bible instruction in compliance with the religious tenets of the Church of Christ with which we are affiliated.

You asked for a clarification of our application concerning the requirements of Sec. 86.31 (a) (5). I am not certain whether or not we need to seek exemption from this requirement. We have a dress code with specific requirements for boys and specific requirements for girls. For instance, we have a hair length requirement for boys that does not apply to girls and we have a dress length for girls and do not permit girls to wear boys' blue jeans. We also require boys to wear socks and belts and require them to keep their shirt tails tucked in their pants. If these items are not in any way a conflict with this requirement, then we do not need to seek exemption from it.

In reference to our concern about Sec. 86.40 and Sec. 86.57, we have a policy not to admit students or employ teachers who have engaged in extramarital sex relations as evidenced by pregnancy. Such persons are also dismissed from the school should such happen after they are admitted or employed. This policy applies equally to men and women, boys and girls.

We also wish to retain the right to refuse employment to any applicant who is divorced for reasons other than those generally accepted by Churches of Christ as being compatible with the teaching of the Bible. This policy applies equally to both men and women. If Title IX would require us to alter the policies that have been stated, then we would seek exemption from that part of the Title IX requirements.

Thank you for your letter and the opportunity to clarify our request.

Sincerely yours,

Harold Bowie

Harold Bowie
Superintendent

HB:lw

Harding College
Searcy, Arkansas
72143

OFFICE OF THE PRESIDENT

July 21, 1976

Dr. David Matthews, Secretary
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Dr. Matthews:

I am writing to inform you that Harding College, the Harding Graduate School of Religion, and Harding Academy of Searcy (kindergarten through twelfth grade) all operated directly by the administration of the College, will comply with the regulations of Title IX insofar as they do not violate our religious principles upon which this institution was founded and has been operating during its 52 years as a senior institution. We have conducted our self-study, appointed our compliance officers, and established a grievance procedure. Now we are seeking exemption in those areas which we feel are incompatible with Biblical principles by which we are guided.

Harding College is a Christian institution, supported and operated by members of the church of Christ, who believe that one of its most important Biblical principles has been the proper role and function of men and women in society, the home, and the church. To abandon the roles delineated and defined by God is to reject His plan for mankind.

Harding College has been established upon the teachings of the Word of God. Thus our basic thrust, rules and regulations on campus and programs recognize that men and women are of equal personal worth in the sight of God but that the role and the function of men and women are quite different. Women must not usurp the place of man in society, in the church, and in the home and men must not abandon their position as head of the home and spiritual leader, which are responsibilities assigned by the Word of God.

In the sacred Scriptures women are not permitted to serve as preachers, deacons, or elders. Neither should they serve as a teacher of Bible in a classroom occupied by adult males.

The Scriptures also exhort and admonish Christian women toward the observance of modesty in apparel and activity. This would preclude their appearance in indecent or immodest attire, as well as participating with young men in activities which may lead to thoughts or practices contrary to Christian character and morality.

Although Harding College is controlled by the church of Christ, occasional differences of interpretation and belief may arise and the position of Harding may not be agreed upon by all members. These differences occur because the churches of Christ have no written creed other than the Bible, no earthly headquarters, and accept only Christ as the head of the church and recognize the sincerity of divergent views.

The revealed Will of God indicates only two sexes--male and female. Furthermore, the only sexual relationship approved by the Scriptures is that found to be between a male and female in wedlock. Therefore, all sexual relationships other than that one cannot be condoned. In substance, Harding College must always reserve the right to take action against persons involved in heterosexual relationships outside the holy union of wedlock and in homosexual relationships.

Exemptions sought:

1. Section 86.34 of Title IX provides that there shall be no discrimination in course offerings based upon sex. Ninety-nine percent of our courses are open to both sexes, but there are some exceptions.

   a. Because of our religious beliefs and the fact that women are not permitted to preach, there are three courses in the preaching division of the Bible Department labeled Bible 425x, 420Gx, and 421Gx which are open to men only.

   b. Because our religious conviction opposes mixed swimming, our swimming classes and programs are separated by sex.

   c. Because our religious convictions are opposed to compromising positions and situations that are immodest, our gymnastics and weight-lifting classes have separate sections for men and women.

2. Housing regulations. Section 86.32 of Title IX regulations reads, "A recipient shall not on the basis of sex apply different rules or regulations, etc." We believe that the Biblical teaching on the roles of men and women necessitates our being more protective of our women students. For this reason we have always required them to be in earlier in the evening and have always been more security conscious for their safety. Since it is so late in the year and our next semester is upon us, we are not planning to change the program drastically since it would not be fair to incoming students. However, we are in the process of modifying our regulations to avoid any unnecessary discrimination.

3. Intramural and intercollegiate athletics. Section 86.41 provides for equal opportunity for participation in athletics. Harding has long maintained an excellent intramural program for young men and young women. About seventy-five percent of our young men participate and about sixty-five percent of our young ladies are engaged in numerous sports activities. The program is about as equal as it can be insofar as the sexes are concerned.

   In intramural athletics we can control the dress of those who participate. We cannot control the dress of those who participate in intercollegiate athletics from other campuses. For this reason, we seek exemption on religious grounds from all women's sports which we deem to bring to our campus improper and suggestive attire. For many years we have forbidden bands, athletes and other groups from other institutions to come to the campus if they are accompanied by young ladies who are dressed in indecent uniforms, such as twirlers, majorettes, etc.

4. Rules and regulations. Section 86.31 of Title IX regulations relate to educational programs and activities. Harding's dress code pertaining to modest and decent attire is based upon religious tenet. We seek to continue our standards in this area. There are also separate clubs, social clubs and religious clubs, such as the Timothy Club for young preaching students open to men only and JOY, a Christian service organization for young ladies. Such organizations remain separate due to the Biblical delineation of Christian service of men and women.

   Young men have been permitted to smoke only in their rooms, but the young ladies have not been permitted to smoke at all. This year will be a transition in which we will phase out men's smoking so that no one will be permitted to smoke on the campus after this year.

   Harding College also operates a Christian Communication Program which is a preacher training program. In view of the fact that Biblical injunctions forbid women serving as ministers, men only are permitted to enter the program. The wives also are offered free classes designed specifically for the wives of ministers and they are permitted to audit courses and sit in on classes without charge. Funds are also raised from churches to support the men while they are studying to be ministers. Because of our religious tenet in this matter, we must still allow men only in the program.

5. Financial assistance. Section 86.37 pertains to nondiscrimination in financial assistance. At Harding we have several scholarship funds which have been provided by others. Two of them are for women only but the bulk of our funds have been given for ministerial students and for those who are majoring in Bible. In view of our religious tenet concerning the necessity of ministers being men, it is essential that the scholarships and loan funds continue to be provided for men only. Therefore, we seek an exemption in this area because of our religious tenet.

6. Parental status. Section 86.40 reads, "A recipient shall not apply any rule concerning a student's actual or potential parental, family or marital status which treats students differently on the basis of sex." Because our religious tenets strongly oppose extra-marital sexual and homosexual relationships, Harding must reserve the right to exclude students, faculty members, or staff members, male or female, who violate the Scriptures concerning such relationship. We, therefore, seek exemption from this section of Title IX.

Harding College is not seeking to discriminate against women, but being controlled by the church of Christ and its interpretation of the sacred Scriptures and being established upon Christian principles, it is imperative that we seek exemption in these areas which we feel would violate our conscience. We appreciate the recognition by our government of the conscience of religious people and the diversity of their religious tenets. We are grateful for the opportunity to secure exemption in these areas in which we feel the Scriptures would forbid us to participate.

Having exemption in these areas would permit us to develop a program of academic, social, athletic, and religious efforts which would be consistent with our understanding of the Word of God. If you have any questions or desire more information on our religious tenets, we will be happy to provide it for you.

Thanking you for your understanding and consideration in this matter, I remain

Sincerely yours,

Clifton L. Ganus, Jr.
President

CG:ep

Harding College
Searcy, Arkansas
72143

OFFICE OF THE PRESIDENT
AREA 501 / 268-8550

Hamlin
Jones
1/84

January 3, 1977

OFFICE OF THE GENERAL COUNSEL
CIVIL RIGHTS DIVISION
RECEIVED
JAN 10 1977
AM 5-35 PM
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Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

Thank you for your letter of October 14, 1976, which responded to my letter of July 21. In your letter, you asked that I complete HEW Form 639 and send it to you. I wrote you to the effect that this form had already been sent to you on September 30. As yet, I have not heard from you as to whether or not you have received this form. If not, then I will be happy to complete another copy for you. We appreciate the good spirit of your letter and the exemptions which you have already granted. We have no objection to having women in gymnastics and weight lifting and will provide sections for them as we do for the young men.

You asked when the phasing out of smoking for men will be completed. The answer is that it will be phased out at the end of this school year, in August of 1977. After that, the regulation will be the same for both men and women.

You asked for a description of our current policies concerning curfew and security rules as well as our proposed modifications and when these would be completed. Presently, our policy is that our women students must be in by 10:30 p.m. Sunday through Thursday and by midnight on Friday and Saturday. Freshmen and sophomore men must be in by 11:00 p.m. Sunday through Thursday and by midnight Friday and Saturday. Junior and senior men now are only encouraged to be in at the same hours and are admonished if they have a pattern of being out late.

In the 1977 school year, junior men will be under the same regulation as underclassmen and in 1978 all men will be so regulated. This gives the men time to get the young ladies to their dorms and to be in appropriately. Moreover, the girls are off campus before the young men are, which we deem to be safer for our young ladies.

JAN 1977
J-26

You state that we apparently do not need religious exemption in the area of intercollegiate sports for women because we could set standards of dress for visiting teams. I am afraid that this is impossible. No visiting team is going to have two sets of uniforms--one for the Harding campus and one for their other contests. Schools are already complaining about added expenses. We see no problem of dress in areas such as golf, bowling and archery for our young ladies but do in those sports that utilize brief shorts for women. For this reason we request a religious exemption in this area and would appreciate your reconsideration.

I am writing in behalf of the College, the Graduate School and the Academy in Searcy despite the fact that they operate at different levels. If you have any other questions, I shall be happy to answer them for you. Please let me know whether or not you have received the completed HEW Form 639.

Sincerely yours,

Clifton L. Ganus, Jr.
President

CG:ep

Harding College
Searcy, Arkansas
72143

OFFICE OF THE PRESIDENT
AREA 501 / 268-8550

September 29, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

Enclosed you will find our Assurance of Compliance with Title IX and our claim for religious exemption in certain areas that we feel to be contrary to religious tenets. You will note that this exemption was mailed July 21, 1976, to Dr. Mathews. At present, we have not heard anything from HEW concerning our application for exemption.

If there is any other information you need, I shall be happy to try to provide it for you.

Sincerely yours,

Clifton L. Ganus, Jr.
President

CG:ep
Encl.

6/7/77
Degree Ed

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Hardina College
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[✓] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

0501031

[✓] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[✓] Pre-school
[✓] Kindergarten
[✓] Elementary or Secondary
[✓] Graduate
[✓] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[✓] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Dr. Clifton GANUS Dr Billy Ray Cox
(name of employee)

Hardina College Hardina College
(office address)

268-8550 268-6161 Ext 241
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[✓] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices. (Subject to Exemption Letter)

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 29, 1976

Hardina College
(Insert name of Applicant)

By CLIFTON L. GANUS, JR.
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Hebrew Union College-Jewish Institute of Religion
(Name of Applicant or recipient

3101 Clifton Avenue
(address)

Cincinnati, Ohio 45220
(city, state, zip code)

(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: February 2, 1978

Hebrew Union College-
Jewish Institute of Religion
(Insert name of Applicant)

By Uri D Herscher

Uri D. Herscher, Rabbi
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Executive Vice President
(Insert title of authorized official.)

HEBREW UNION COLLEGE—JEWISH INSTITUTE OF RELIGION
Cincinnati • New York • Los Angeles • Jerusalem

3101 CLIFTON AVENUE • CINCINNATI, OHIO 45220
(513) 221-1875

June 26, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
U. S. Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Ill. 60606

Dear Ms. McGovern,

Please refer to your letter of May 10th addressed to Dr. Gottschalk, President, concerning our request of February 2, 1978 for religious exemption from title IX of the Education Amendments of 1972.

Please be advised that a religious exemption under 45 C. F. R. 86.12(b) is not required since the college does not discriminate on the basis of sex.

Yours very truly,

Aaron Levine
Senior Financial Officer

AL/sw

cc: Mr. Charles Tobias
Dr. Uri Herscher

Rec'd JAN 30 1978

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

FC 2-7-78

Holy Family College
(Name of Applicant or recipient

P.O. Box 3248
(address)

Fremont, CA 94538
(city, state, zip code)

(identifying code-FICE, OE, or IRS)
060123

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. *(X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. (X) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

Baccalaureate Degree

6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

This Institution does not receive any Federal Aid.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1685.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

*Holy Family College was founded for the purpose of educating its sisters. Many other Congregations and some lay persons find Holy Family College program beneficial and are welcome to attend.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. (X) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: January 23, 1978

Holy Family College
(Insert name of Applicant)

By
Sister M. Jeanette
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President, Holy Family College
(Insert title of authorized official.)

HOUSTON BAPTIST UNIVERSITY
7502 FONDREN ROAD • HOUSTON, TEXAS 77074 • PHONE 774-7661

Office of the President

September 15, 1988

Mr. Gilberto L. Herrera
Division Director
Elementary and Secondary Education
Division I
U. S. Department of Education
Office for Civil Rights
Regional Office
1200 Main Tower Building
Dallas, Texas 75202

Dear Mr. Herrera:

Thank you for your letter of September 2, 1988, (Ref. 06882097) that was received in this office on September 6, 1988, regarding the complaint received by OCR. The allegation is based on Title IX of the Education Amendments of 1972 and deals with the University's student health insurance plan. The University seeks exemption from certain provisions of Title IX that are inconsistent with the religious tenets of the University and the Baptist General Convention of Texas.

Houston Baptist University is a non-profit corporation organized under the laws of the State of Texas. The Charter of the Corporation as adopted on December 17, 1961, and as subsequently amended, provides that "the management of the affairs and property of the corporation shall be vested in a Board of Trustees to be composed of twenty-one (21) members." The Charter provides that all the members of the Board of Trustees shall be elected by the Baptist General Convention of Texas. Members of the Board of Trustees are each required "to be a member of a Baptist church affiliated with the Baptist General Convention of Texas." A further provision requires that at least seven members shall be ordained ministers of the Gospel.

For reasons stated below, Houston Baptist University seeks exemption from the following sections of Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57, and 106.60(a).

The relationship between Houston Baptist University and the Baptist General Convention of Texas adequately establishes that Houston Baptist University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Premarital unchastity is contrary to the religious tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Houston Baptist University requests exemption to: § 106.21(c) (marital or parental status of applicants for admissions), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), § 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees), and § 106.60(a) (pre-employment inquiries regarding marital status).

Almost all Southern Baptist churches allow only men to be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Houston Baptist University, and Houston Baptist University matches this partial scholarship. Also, some educational programs and campus organizations are designed specifically for ministerial students. Based on this principle, Houston Baptist University requests exemption to § 106.6(c) (effects of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance, and § 106.38(a) (employment assistance to students).

Licensed and ordained ministers are given preference in employment in certain offices, and women are not licensed or ordained as ministers. Based on this principle, Houston Baptist University requests exemption to (106.51 (employment), § 106..53 (recruitment of employees), and § 106.55(a) (job classification and structure).

For reasons listed above, Houston Baptist University requests exemption from the designated sections of Title IX. It is my understanding that this request, during its pendency, relieves the University of the necessity of completing the data request included in your letter of September 2, 1988.

Should you have any questions concerning this request, please contact me at (713)995-3450 or my counsel, Dr. Don R. Byrnes, at (713)995-3214.

Sincerely yours,

E. D. Hodo
President

EDH:pl
Certified Mail
Return Receipt Requested

Huntington College

Office of the President

April 18, 1988

Mr. Don R. Pollar
United States Department of Education
Office of Civil Rights - Region V
401 South State Street, 7th floor
Chicago, IL 60605

Dear Mr. Pollar:

Thank you for your recent phone call pertaining to our March 10, 1988 request for an exemption from particular sections of Title IX. I am now in receipt of a letter and an appropriate enclosure from Dr. Mary Frances O'Shea as a follow-up to our phone call.

The sections we requested exemption from were the following: 86.21(c); 86.30(b)(1) and (5); 86.57(a)(1)(b)(c)(d); 86.70(a). After looking at my notes, those sections should have read as follows: 86.21(c); 86.40(b)(1)and (5); 86.57(a)(1)(b)(c)(d); 86.60(a).

After review of the recodification sent to me (45 Fed. Reg. 30802), the requested exemption sections now read as follows: 106.21(c); 106.40(b)(1) and (5); 106.57(a)(1)(b)(c)(d); and 106.60(a).

Please let me know if I can provide anything further for you. Thank you for your assistance.

Sincerely,

Eugene B. Habecker
President

EBH:cg

2303 College Avenue
Huntington, IN 46750-1299
(219) 356-6000

IMMACULATA COLLEGE
IMMACULATA, PENNSYLVANIA 19345

Statement Identifying the Provisions of Part 86
Which Conflict with a Specific Tenet of Religious Doctrine
of the Roman Catholic Church

Sections 86.40(b) and 86.57(b)
"Termination of pregnancy" is
contrary to the religious teach-
ing of the Roman Catholic Church;
therefore, this institution could
not condone such action.

Immaculata College

November 8, 1976

Sister Marie Antoine, I.H.M.
President

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Immaculata College - Pennsylvania
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

Since Immaculata College is a private institution of undergraduate higher education, we believe that Title IX does not apply to admissions under 16.81(a)[1].

In addition, the college has traditionally and continually from its establishment admitted only women.

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

N/A[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

_____
(name of employee)

_____
(office address)

215-647-4400
(telephone number)

N/A[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

N/A [ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

N/A [ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

N/A [ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ (insert date).

N/A [ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: November 8, 1976

Immaculata College
(Insert name of Applicant)

By Sister Marie Antoinette I.H.M.
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

GPO 906-517

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

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HEW-391

U.S.MAIL

FIRST CLASS MAIL

ATTN PRESIDENT

IMMACULATA COLLEGE *

IMMACULATA PA 19345

ATTN PRESIDENT *1104

OFFICE OF THE PRESIDENT

MARION COLLEGE
4201 SO WASHINGTON STREET, MARION, INDIANA 46952, TELEPHONE (317) 674-6901

McKinney 7/22

June 28, 1976

Mr. Peter E. Holmes
Director of the Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Holmes:

Marion College has reviewed its current policies and practices in regard to full compliance with the provisions of Title IX. Action has been taken to fully comply with the requirements of Title IX including steps to modify any practice or action required to bring the institution into full compliance in all parts of the act not covered by exemption.

Pursuant to the provision of section 86:12 of Title IX I request exemption of Marion College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the act are inconsistent with the special directions and the general rules of The Wesleyan Church by which Marion College is controlled.

The special directions of The Wesleyan Church for its members published in the 1972 Discipline of The Wesleyan Church require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it (see the Discipline p. 51 paragraph 187 (5). Further the general rules of the church require (1) the preservation of the sanctity of the home (see the Discipline p. 36 paragraph 131(11) and (2) the high regard of marriage vows (see the Discipline p. 36 paragraph 131 (14). The Discipline also requires appropriate discipline for violators (see Discipline p. 37 paragraph 132).

While it is the expectation of Marion College to apply college rules and regulations equally to men and women there may be occasions in the instance of pregnancy out of wedlock where the evidence against the father may be insufficent to meet due process requirements whereas such would not be the case with the woman. To deal with neither party because we could not deal with both would be tantamount to sanction of a moral situation which violates a tenet of our church.

Received
SEP 14 1976
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Further, I request exemption of Marion College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. The specific tenet of the church with which the requirements of Title IX may be insistent is found in the church's general rules on dress (see Discipline paragraph 131 (8). The application of this tenet does require some differences in the dress code in specific circumstances for example the acceptable style of swim suits for men would be different than the acceptable style of swim suits for women.

It is our understanding that Title IX permits separation of housing by sex (86:32 (b), separation of restroom facilities (86:33), and special requirements for employment such as a women to be resident director in a women's dormitory (86:61). If our understanding of these sections should be in error or at anytime these sections should be interpreted as prohibiting administration based on sex Marion College would desire the opportunity to request specific exemption in these areas, also.

The provision of Title IX for the request of specific exemptions based on religious tenets is appreciated, as is your favorable consideration of these requests.

Sincerely,

Woodrow Goodman

Woodrow Goodman
President

INDIANA
WESLEYAN
university

February 16, 1993

Ms. Eleanor Baker
U. S. Department of Education
Office of Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Ms. Baker:

Thank you for your assistance today with reference to Title IX religious exemptions for Indiana Wesleyan University (Marion College).

Enclosed are copies of items relating to our change in name from Marion College to Indiana Wesleyan University which became effective July 1, 1988.

Again, thank you for your help in sending copy of the letter which granted the exemptions.

Sincerely,

Mary Ellen Martin

(Miss) Mary Ellen Martin
Secretary to President Barnes

Enclosures 3

Office of the President
4201 South Washington ▲ Marion, Indiana 46953-9980 ▲ (317) 677-2100

Recess: The Board recessed at 10:05 to 10:20.

Changing of College Name: A motion was made and supported to change the name of Marion College to Indiana Wesleyan University and submit the same for a vote at a special called full board meeting on Saturday, March 5, 1988.

Carried

Executive Session: The Board recessed for executive session.

Respectfully submitted,

Burdette Shattuck, Secretary

Recess: The Board recessed from 10:05 to 10:20.

Changing the Name of Marion College to Indiana Wesleyan University: Where as: 1) A new name will more accurately reflect our denominational and theological heritage; 2) This institution of higher learning is offering more graduate programs; 3) A name change will increase recognition and visibility; 4) Changing the name will help avoid confusion between Marion College and Marian College in Indianapolis; 5) The Executive Committee of Marion College, on January 30, 1988, supported the change of name of Marion College to Indiana Wesleyan University. Be it therefore recommended that the name of Marion College be changed to Indiana Wesleyan University.

Adopt New Name: A motion was made and supported to formally adopt the new name change as of July 1, 1988, to Indiana Wesleyan University.

Carried

One Year Grace Period: A motion was made and supported to give one year of grace which may be an advantage to the institution or its constituents concerning the name change usage.

Carried

Adjournment: The meeting adjourned at 11:00 a.m. with prayer by Dr. Lee Haines.

Respectfully submitted,

Burdette Shattuck, Secretary

THE JEWISH THEOLOGICAL SEMINARY OF AMERICA
3080 BROADWAY • NEW YORK, NEW YORK 10027
212 RIVERSIDE 9-8000

DEC 6 1977
Received & Logged
JL

November 29, 1977

Mr. Howard Bennett
Office of Civil Rights
Department of Health, Education and Welfare
P. O. Box 8214
Washington, D. C. 20024

Re: Title IX -
Assurance of Compliance

Dear Mr. Bennett:

On November 23, 1977, I wrote you as per copy enclosed and enclosed therewith a copy of the Assurance which I thought I had signed and sent you some time ago.

Since that date we received the blank form of Assurance which you sent to Rabbi Michael Greenbaum, who turned it over to me for further attention.

Accordingly, I enclose herewith the Assurance of Compliance which I have signed and with which there is enclosed a statement by Dr. Gerson D. Cohen, our Chancellor and the highest ranking official of the Seminary, with reference to Item B of Article I.

Please acknowledge receipt upon a copy hereof and return in the envelope enclosed.

Thanking you, I am,

Sincerely,

David S. Galton

David S. Galton
Assistant Secretary

dsg:mka
enc.

DEC 6 1977

Received & Logged

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

The Jewish Theological Seminary of America
(Name of Applicant or recipient

3080 Broadway
(address)

New York, New York 10027
(city, state, zip code)

13-0887640
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) This exemption is applicable to its Rabbinical and Cantorial Schools only.

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. (X) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional - Rabbinical; Cantorial

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1685.) This assurance does not apply as to the Seminary's Rabbinical and Cantorial Schools.

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity* are not discriminating on the basis of sex against these students or employees.

* Other than programs or activities involving the Seminary's Rabbinical and Cantorial Schools.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity* and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

* See footnote to Item 2 of Article III.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. (x) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

The only assistance received by the Seminary is that provided by the National Direct Student Loan program.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. (X) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976. It is our belief the assistance herein referred to does not refer to the National Direct Student Loan program.

Date: November 28, 1977

The Jewish Theological Seminary of America
(Insert name of Applicant)

By David S. Golston
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Assistant Secretary
(Insert title of authorized official.)

David L. Eubanks, President

Telephone (615) 573-4517

Johnson Bible College

Founded in 1893

KNOXVILLE, TENNESSEE 37998

April 12, 1985

RECEIVED
1985 APR 15 PM 2:47
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

William H. Thomas, Regional Director
United States Department of Education
101 Marietta Tower
Atlanta, GA 30323

Dear Mr. Thomas:

I appreciate your recent letter concerning our request for religious exemption from certain sections of Title IX of the Education Amendments of 1972. In it you indicated we had provided sufficient information regarding the religious tenets that are followed by our institution and the sections of the regulation from which we have requested exemption, but that we did not specify the religious organization that controls our institution. I called Mr. Ken Gross about this matter and he suggested that I write this letter to you.

Johnson Bible College is affiliated with the non-denominational fellowship of Christian Churches, also called in some parts of the country Churches of Christ (not to be confused with the Churches of Christ which refrain from the use of musical instruments in worship), but it is not controlled by any structure of that body of churches. Although these churches constitute collectively one of the larger church groups in the U.S.; cooperate voluntarily in many national and international endeavors; and meet annually in the North American Christian Convention, one of the largest church conventions held each year in the U.S.; we still do not have a structure that controls our churches or our institutions. These congregations are locally autonomous.

Most of our gift support, which is vital to the ongoing of the college, comes from these churches or members of them. The greater number of our students come from these churches, although membership in one of them is certainly not necessary to admission. All of the trustees who constitute the governing board of the college are members of these churches, and several of the board members are ministers of these churches.

Our church movement dates back to the early 19th century in America. If necessary, I can show nearly two centuries of church history as evidence of the conservative religious convictions that prompted our request for exemption from certain sections of Title IX. Although we are not controlled by a church organization beyond our board of trustees, we are so integrally tied to congregations of the Christian Churches/Churches of Christ, their members, and to our churches collectively that we must seek exemption from the sections of Title IX that infringe on our religious convictions.

Sincerely yours,

David L. Eubanks

sj

No 639 With this letter, file letter with Dean Gum.

DAVID L. EUBANKS, President

Johnson Bible College

KIMBERLIN HEIGHTS STATION ■ KNOXVILLE TENNESSEE 37920

JOHN M. LOWE
Dean of Students

Telephone (615) 573-4517

FOUNDED IN 1893 FOR THE PURPOSE OF EDUCATING FAITHFUL MINISTERS OF THE GOSPEL

Office for Civil Rights
Department of Health, Education, and Welfare
P.O. Box 8214
Washington, D.C. 20024

RE: HEW Form 639 A (3/77), Article I.B., Claiming a Religious Exemption under 45 CFR 86.12(b).

Section 86.21(c)(1)(2)(3)(4) Pre-Admission Marital or Parental Status. An unmarried, pregnant applicant would not be admitted as a student. If the father were known, he would not be admitted either. Married applicants who are pregnant are welcome.

Unmarried pregnancy is treated as a sin, not as a "temporary disability". Because of the seriousness of the consequences of sexual immorality, pre-admission inquiries as to the marital or parental status of applicants is vital to the faith and practice of our religious community.

Therefore, we request an exemption from Section 86.21(c)(1)(2)(3)(4), basing the request on the religious tenet of sexual immorality which is condemned by scriptures such as the following: Matthew 15:19-20; I Corinthians 5:9-13; Galatians 5:19; Ephesians 5:3-12; I Timothy 1:8-11; Hebrews 13:4; Jude 7: Revelation 2:14; 21:8; 22:15.

Section 86.40(a)(b)(1)(2)(3)(4)(5) Marital or Parental Status of Students. Disciplinary action is taken against unmarried pregnant students. If the father is known and he is a student, disciplinary action would be taken against him, too. No disciplinary action is taken against married pregnant students.

We request an exemption from Section 86.40(a)(b)(1)(2)(3)(4)(5), basing the request on the same religious tenet as given above for Section 86.21(c)(1)(2)(3)(4).

Section 86.57(a)(b)(c)(d) Marital or Parental Status of Employees. This area relates to the issue of sexual morality on the part of faculty, staff, and administration. The college treats unmarried pregnancy among its employees the same as it treats students or applicants who are unwed and sexually promiscuous.

We request an exemption from Section 86.57(a)(b)(c)(d), basing the request on the same religious tenet as given above for Section 86.21(c)(1)(2)(3)(4) and Section 86.40(a)(b)(1)(2)(3)(4)(5).

DAVID L. EUBANKS, President

Johnson Bible College

KIMBERLIN HEIGHTS STATION ■ KNOXVILLE TENNESSEE 37920

JOHN M. LOWE
Dean of Students

Telephone (615) 573-4517

FOUNDED IN 1893 FOR THE PURPOSE OF EDUCATING FAITHFUL MINISTERS OF THE GOSPEL

Section 86.60(a) Pre-employment Inquiries of Marital Status.
This section also relates to the issue of sexual morality on the part of faculty, staff, and administration.

We request an exemption from Section 86.60(a), basing the request on the same religious tenet as given above for Section 86.21(c)(1)(2)(3)(4), Section 86.40 (a)(b)(1)(2)(3)(4)(5), and Section 86.57(a)(b)(c)(d).

Section 86.31(d)(1)(2)(i)(ii) Programs Not Operated By Recipient.
Our preaching students are encouraged to participate in summer internships. The programs are operated by independent, locally autonomous Christian Churches and Churches of Christ which, for the most part, discriminate between the leadership roles of men and women in the church, basing their discrimination on scriptures such as the following: I Corinthians 14:34,35; I Timothy 2:11-3:13; Titus 1:5-9; 2:4,5.

Therefore, we request an exemption from Section 86.31(d)(1)(2)(i)(ii) in order that we may continue to encourage our preaching students to participate in summer internships, in spite of the fact that men will have more opportunities than women to participate.

The above problem areas are intended to be illustrative, but not necessarily exhaustive. If continuing self-evaluation, as allowed for by Article III.4 of HEW Form 639 A (3/77), reveals other areas of conflict between Title IX regulations and our religious tenets, we reserve the right to request other exemptions.

Although the above claims for exemption imply our acceptance of coming under the Title IX umbrella, we do not concede that 20 U.S.C.A. 1681 and subsequent sections related by implication therein are applicable to Johnson Bible College generally. We reserve the right to assert exception under 1681 (a)(3).

Sincerely yours,

David Eubanks

David L. Eubanks
President

DLE:sm

9-2-572

JOHN WESLEY COLLEGE

The World ...Our Parish

2314 North Centennial Street
High Point, North Carolina 27260
(919) 889-2262

May 5, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Exemption Application

Ladies and Gentlemen:

John Wesley College 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).

John Wesley College is established as a four year interdenominational, co-educational, evangelical, Bible college and accredited by the American Association of Bible Colleges. The College is controlled by John Wesley College Incorporated (the "Corporation"), a non-profit religious corporation which was incorporated in the State of North Carolina in 1932 as a Christian institution of higher education under the control of the Board of Trustees, is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c) (3) of the Internal Revenue Code. 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. The Charter of the Corporation and the catalogs 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 its Board of Trustees and receives financial support from religious organizations who espouse the same religious doctrine and faith as the Corporation. 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

aabc Accredited Member

morality and practice in far too many places and forms to be identified comprehensively in this letter; however, see for example, Exodus 20:6; John 14:15, 21, 23; Deuteronomy 10:12; Psalm 97:10; Genesis 6:2, 5; Deuteronomy 7:4; Matthew 19:9; Romans 7:2,3; I Corinthians 7:11.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationship and provide a moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interprets its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds (see, for example, I Cor. 5:7; Col. 3:5, II Cor. 6:14 ff; Malachi 2:14b-16a; Matthew 5:31) and offending person cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices as described above.

The College hereby requests 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: 34 C.F.R. (Sections 106.21(c), 106.40, 106.57 and 106.60.

There are a 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 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

APR 30 1979

kenrick
office of the rector

April 11, 1979

Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Madison:

Father Hugh O'Donnell is no longer the President-Rector of Kenrick Seminary. I am now the President.

The information you requested in your letter of March 1, 1979 is enclosed: A copy of the Kenrick Seminary catalog giving pertinent background information which demonstrates the institution falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form, particularly pages 6-8 and 15-16. The specific religious tenet and provision of the regulation that we believe we are in conflict with is: admission of women to our program since the Roman Catholic Church does not admit women as ordained ministers within the Church.

Sincerely,

(Rev.) A. L. Trapp, C.M.
President

ALT/mcw

enc.

7800 kenrick road st. louis, missouri 63119 (314) 961-4320

TITLE IX WAIVER STATEMENT

Kettering College of Medical Arts is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

Kettering College of Medical Arts is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United Stated Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

Kettering College of Medical Arts believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Kettering College of Medical Arts is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

Kettering College of Medical Arts claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57 (b), and 86.31, insofar as they conflict with Church teachings and practices on morality, deportment, and appearance.

Copy: W. H. Beaven, Ph.D.
M. H. Schaffner, M. D.

Mailed to: U.S. Dept. of Health, Education and Welfare
Office of Education
Washington, D. C. 20202

7/19/76

070054

OCR

KETTERING COLLEGE
OF MEDICAL ARTS

3737 SOUTHERN BOULEVARD KETTERING, OHIO 45429 513 294-1711

Kresy 8/27

TITLE IX WAIVER STATEMENT

Kettering College of Medical Arts is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

Kettering College of Medical Arts is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United Stated Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

Kettering College of Medical Arts believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Kettering College of Medical Arts is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

Kettering College of Medical Arts claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57 (b), and 86.31, insofar as they conflict with Church teachings and practices on morality, deportment, and appearance.

Smt 7/30

85-003-001

601 BROAD STREET
LAGRANGE, GEORGIA 30240-2999

(404) 882-2911

March 27, 1985

RECEIVED
1985 MAR 29 AM 11:56
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. William H. Thomas, Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

In reference to your letter of March 25, 1985, the regulations in Title IX for which LaGrange College requests exemption are paragraphs 106.21; 106.22; and 106.23, all of which regard admissions and recruitment; and paragraphs 106.32 and 106.33 which are paragraphs regarding housing and facilities; and paragraph 106.41 which is in regard to athletics.

Thank you for your kind attention to our request.

Cordially,

Walter Y. Murphy
President

vb

85 007-107

LaGrange College

601 BROAD STREET
LAGRANGE, GEORGIA 30240-2999

(404) 882-2911

April 17, 1985

Mr. William H. Thomas, Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

I am in error concerning our institution's request for exemption from Sections 106.32, 106.33 and 106.41. Please withdraw this paragraph from our request.

This leaves Sections 106.21, 106.22, 106.23, 106.32, 106.33, and 106.41.

Thank you.

RECEIVED
1985 APR 19 AM 10:30
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Sincerely,

Walter Y. Murphy

Walter Y. Murphy
President

vb

LANCASTER BIBLE COLLEGE

901 Eden Road, Lancaster, PA 17601 (717) 569-7071

Gilbert A. Peterson, Ed.D.
President

Ray A. Naugle, Ed.D.
Vice President

√ PES
10/26
AS sig
cy: AS
DASP (LEWIS)

September 28, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Exemption Application

Dear Sir:

Lancaster Bible College 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).

Lancaster Bible College is a regionally accredited Bible college, offering courses of instruction in the humanties, arts and sciences, and the Bible. The College is controlled by the Corporation and the Board of Trustees of Lancaster Bible College, a non-profit religious corporation which was incorporated in the State of Pennsylvania in 1933 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. The directors 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. The Charter of the Corporation and the catalogs 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. 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 Romans 1: 26-32, I Corinthians 6:9 and Galations 5: 19-21.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Leviticus 20: 10-24 and Matthew 5: 27-28.

The College hereby requests exemption from the application of the following provisions of Title IX regulations, to the extent that they conflict with the College's religious tenets and traditions as described above: 34 C.F.R. Sections 106.40, 106.57 and 106.60 (treatment based on marital and parental status).

There are a 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 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 tenets 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the College and the Corporation.

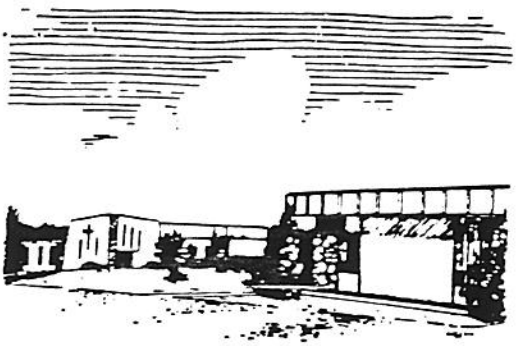
In the event of future amendments to Title IX or the regulations thereunder, or changes in the applicaiton thereof or the facts surrounding the operation of the College and the burden of such statute and regulations on the College's ability to pursue its religious mission, the College reserves its right to apply to the Department of Education for an amendment to its exemption or an addiitonal 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. Gilbert A. Peterson, who is the President of the College, at 901 Eden Road, Lancaster, PA 717-560-8278.

Very truly yours,

Gilbert A. Peterson
President

GAP:kb



Latin American Bible Institute

10822 FM Rd. 1560
SAN ANTONIO, TEXAS 78254
Phone: 512-688-3101

RECEIVED IN OCR
SEP 29 1988
REGIONAL DIRECTOR'S OFFICE

September 1, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of the Latin American Bible Institute (the "Institute") to claim exemption for the Institute from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The Institute is controlled by a religious organization

The Institute is a four-year educational institution that is controlled by the Gulf Latin American District Council of the Assemblies of God ("District Council"). The District Council is an association of churches in the States of Texas, Arkansas, Louisiana, and Oklahoma, and it is a member of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Council (enclosure 3), which will demonstrate conclusively that the District Council is a religious organization.

Further, the Constitution and Bylaws (enclosure 4) of the Institute demonstrate that the Institute is controlled by a religious organization (the District Council):

> The Latin American Bible Institute is administered by the Gulf Latin American District Council of the Assemblies of God, Inc. (Constitution, Article II)
>
> The Board of Directors shall consist of the president and vice-president of the Latin American Bible Institute and five executive

> members from the Gulf Latin American District of the Assemblies of God, Inc. (Constitution, Article IV)
>
> The Executive committee shall consist of the president and vice-president of the Latin American Bible Institute and the superintendent of the Gulf Latin American District Council. (Constitution Article IV)
>
> The Board of Directors is subject to and responsible to the Gulf Latin American District Council of the Assemblies of God, Inc., in all matters of transcendental importance . . . . (Bylaws, Article I)

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the Institute with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the Institute with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the Institute and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the Institute that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the Institute.

In summary, compliance with the anti-discrimination provisions referenced above would force the Institute to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the Institute with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

Manuel R. De La Cruz
President

MRD:je

Enclosures

cc: Ms. Maye Miller-Bozeman
Richard R. Hammar, Esq.

LDS
Business College

November 12, 1975

Hon. David Matthews
Secretary of Health,
Education and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Re: Notification that the LDS Business College is exempt from certain Title IX Regulations

Dear Mr. Secretary:

This letter will serve as official notification that the LDS Business College considers itself exempt from portions of the provisions of Sections 86.21(c), 86.40(b), 86.57(b) and 86.31(b)(5) of the regulations published under Title IX of the Education Amendments of 1972 because such sections conflict with the religious teachings of the Church of Jesus Christ of Latter-day Saints, which sponsors this institution.

For example, all students and employees at the LDS Business College, male and female, agree to abide by the moral teachings of the Church as embodied in the College's enclosed "Code of Honor." We object to portions of these regulations because they would prevent us from advocating and practicing this religious standard of morality, including sexual morality, among the employees and students of the College. Portions of these regulations would bar our taking notice of or acting upon flagrant violations of this moral code. We intend to continue to practice our moral code, which applies on the same basis to men and women.

So far as we know, the sections of the Title IX regulations referred to above are the only ones which conflict with the Church's religious teachings. However, if other regulations are later interpreted in such a way as to bring them into conflict with our religious beliefs, we will notify you of our objections to such sections.

We assure you that the LDS Business College does not claim the right to discriminate against members of either sex. None of our policies or activities has the purpose or effect of promoting greater opportunity for members of one sex than the other or implying in any way that either sex is inferior to the other.

7511170004

Enclosed is a copy of a notice entitled "Notification of Brigham Young University Policy of Nondiscrimination on the Basis of Sex;" which has been published in local newspapers as required by section 86.9 of the regulations. The notification states that this is also "the position of ... LDS Business College." You will note from this publication that the LDS Business College considers most, if not all, of the Title IX regulations to be unlawful as applied to its programs, most of which receive no direct federal funding. Nevertheless, this notice proclaims our determination to maintain policies which are consistent with the regulations, except for the instances noted in the publication.

We do not concede that the Department of Health, Education and Welfare has the power to review our claim of exemption on the ground of religion. Our rights to the free exercise of religion are granted and fully protected by the United States Constitution, which prohibits any government inquiry into the truth of our religious principles or the sincerity of our belief in them. Title IX also exempts religious institutions.

We do not wish to be seen as defying the authority given to the Department of Health, Education and Welfare under Title IX or other civil rights statutes. We fully support the goal of equal opportunity for all persons. I am certain that as you review the enclosed notice you will see that the LDS Business College does not discriminate unlawfully against members of either sex and that a reasonable interpretation of Title IX and the regulations would find us in compliance.

I would be happy to correspond further with you and to confer with members of your department concerning the information contained in this letter.

Very truly yours,

R. F. Kirkham
President

rr
Enclosures (2)

cc: Peter E. Holmes
Rulon Garfield
Joe Maldonado
Kenneth H. Beesley

OFFICE OF THE PRESIDENT

PEPS
2/27
Dear Director
AS

January 30, 1996

PLEASE CONTROL TO PEPS
B

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Norma V. Cantu'
Assistant Secretary for Civil Rights
U.S. Department of Education
330 C Street NW
Room 5000
Washington, D.C. 20202

RE: Lee College, Cleveland, Tennessee

Dear Ms. Cantu':

This letter is an official request for the exemption of Lee College, Cleveland, Tennessee from the requirements of 20 USC 1681 as allowed under Section (a) (3).

Lee College is a private, four-year liberal arts college, affiliated with the Church of God, Cleveland, Tennessee. Lee College has approximately 2,500 undergraduate students and has begun a graduate program in the field of music. Other graduate programs are being investigated and it is anticipated that other graduate programs will be implemented in the near future.

From the time it was founded in 1918, Lee College has been directly associated with the Church of God, Cleveland, Tennessee. A significant portion of its students are in training to become ministers in the Church of God and other denominations. The Church of God selects the college's Board of Directors.

The Church of God is a Protestant evangelical denomination whose basic tenets come directly from the Holy Bible, as interpreted generally by the Church of God. Included in these basic tenets are fundamental religious beliefs concerning morality and proper living. They encompass abstention from certain forms of immorality, including but not limited to pre-marital sex, adultery, homosexuality, and other practices which may fall within such definitions. Beyond teachings and doctrinal commitments propounded by the Church of God, the Church of God also encourages its members to follow certain practical commitments of spiritual disciplines, church commitment, stewardship, and moral purity.

CLEVELAND, TENN. 37311 (615) 472-2111

Within the broad concept of "moral purity", the Church of God and Lee College adhere to certain beliefs regarding conduct which may be acceptable to some members of society, but which are not so accepted by the Church of God or Lee College. A firm definition of "immorality" may be impossible, in light of changes in society and its patterns and habits. Therefore, while a strict definition of "immorality" or "moral purity" may not be easy to obtain, certain practices such as sexual involvement either before marriage or with someone other than the marriage partner after the marriage is strictly forbidden by the Church of God, as it interprets scripture. Also included in this definition would be a prohibition against adultery or homosexual behavior.

In light of the above and because of its close ties to the Church of God and in particular, its belief in the right of an institution connected with a religious body to adhere to any and all biblical tenets as interpreted by it and the Church of God, Lee College hereby requests official exemption from the above statutory provisions, and other rights to which it is entitled under applicable law to the extent these practices would be considered discriminatory.

If you require further information or assistance, please do not hesitate to contact me.

Cordially,

C. Paul Conn

Charles Paul Conn, President
Lee College
Cleveland, Tennessee

LEE COLLEGE

COPY

Office of the President

March 5, 1996

Honorable Norma V. Cantu'
Assistant Secretary for Civil Rights
U.S. Department of Education
330 C. Street NW - Room 5000
Washington, D.C. 20202

SUBJECT: Lee College, Cleveland, Tennessee

Dear Miss Cantu':

This letter is to serve as an amended official request for exemption of Lee College, Cleveland, Tennessee, under the provisions of 20 USC 1681 (a) (3).

Lee College is a private, four-year liberal arts college, affiliated with the Church of God, Cleveland, Tennessee. Lee College has approximately 2,500 students and also has begun a graduate program in the field of music. Other graduate programs are being investigated and planned.

From its original organization in 1918, Lee College has been directly associated with the Church of God, Cleveland, Tennessee. A significant portion of its students are in training as ministers in the Church of God and other denominations. The Church of God selects the college's Board of Directors.

The Church of God is a Protestant evangelical denomination basing its basic tenets directly from the Holy Bible, as interpreted generally by the Church of God. Included in these basic tenets are fundamental religious beliefs concerning morality and proper living. These basic tenets encompass such things as abstention from certain forms of immorality, including but not limited to pre-marital sex, adultery, homosexuality, and other practices which may fall within such definitions. Beyond teachings and doctrinal commitments propounded by the Church of God, the Church of God also encourages its members to follow certain practical commitments of spiritual disciplines, church commitment, stewardship, and moral purity.

Cleveland, Tennessee 37320-3450 • (423) 478-7027 Fax (423) 478-7041

The college adheres to biblical tenets as its standard of faith and practice. The tenets require the college to act in ways which may conflict with specific Section IX regulations. The faculty, employees, and students of the college are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The college requires, for instance, Christian sexual conduct on the part of its employees and student body. The college's religious tenets for instance, would not permit the college to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability. The college expects its personnel to be Christian role models and an employee or student living with a member of the opposite sex out of wedlock would be considered morally delinquent. The college has religious tenets regarding human sexuality, proper living environments, respect for the institution of marriage, language, and modest attire. Scholarship funds, and career offerings related to ministerial training students may be provided differently on the basis of sex. The college also offers sex-separate organizations to students. The college deems it necessary to minister in unique ways to men as compared to women in preparing students to fulfill their roles as mothers and fathers in the context of religious beliefs in the sanctity of the home.

Therefore, this college requests an exemption from 34C.F.R. section 106.21© (Marital or parental status of applicants for admission); 106.40 (Marital or parental status of students); 106.51 (b)(6) (Granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy, child care); 106.57 (Marital or parental status of employees); and 106.60(a) (Preemployment inquiries as to marital status).

Further, this institution requests an exemption to 106.31 for membership practices in student organizations which are required by religious tenets to be limited on the basis of sex. We request exemption to 106.36 regarding counseling and use of appraisal and counseling materials to the extent the college's religious tenets will require differentiating counseling between sexes. We request an exemption for 106.39 (Student health and insurance benefits and services).

For those employment positions which are restricted on the basis of sex in accordance with the college's religious tenets we request an exemption to 105.1 (Employment); 106.52 (Employment criteria); 106.53 (Recruitment of employees); 106.55 (Job classification and structure); and 106.59 (Advertising).

To the extent that counseling, scholarship funds and career funding related to ministerial training students are provided differently on the basis of sex and the requirement that certain sex-separate clubs and organizations exist, the college requests an exemption from 106.31 (Education programs and activities); 106.34 (Access to course offerings); 106.36 (Counseling and use of appraisal in counseling materials); 106.37 (Financial assistance); 106.38 (Employment assistance to students); and 106.14 regarding membership practices of certain organizations.

If you require further information or assistance, please do not hesitate to contact me.

Cordially,

Charles Paul Conn

Charles Paul Conn, President
Lee College
Cleveland, Tennessee

CPC:scg

RELIGIOUS EXEMPTION IN CONNECTION WITH TITLE IX COMPLIANCE

Lees Junior College was founded in 1883 as Jackson Academy, becoming S.P. Lees Collegiate Institute in 1892 and Lees Junior College in 1927. In 1906 Lees became and has continued to be related to the Synod of Kentucky, Presbyterian Church in the United States (now merged into the Synod of the Mid-South, PCUS, and the Synod of the Covenant, the United Presbyterian Church in the United States of America).

Lees Junior College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded however, Lees Junior College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Christian religion. In particular Lees Junior College asserts its exemption from those provisions of 86.40 which would require Lees Junior College not to exclude any unmarried student from its education program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Lees Junior College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Lees Junior College claims exemption from those provisions of Section 86.57 which appear to prevent the College from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy and termination of pregnancy and appears to require the College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

Lees Junior College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as

to the marital status of an applicant for employment, including whether such applicant is married or unmarried.

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the faculty of Lees Junior College are expected to constitute role models for the students and in such roles - stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is therefore, essential that Lees Junior College knows in advance of employment whether prospective faculty members have a good family relationship or whether, at the other extreme, such prospects indulge in acts which would be detrimental to good family relationships.

Troy R. Eslinger

Dr. Troy R. Eslinger, President

LEES JUNIOR COLLEGE

September 28, 1976

Loma Linda University

The President
Loma Linda, California 92350
714/824-4540

October 22, 1985

RECEIVED
OCT 25 1985
PROGRAM REVIEW & MANAGEMENT
SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/SF

Mr. Harry M. Singleton
Assistant Secretary for Civil Rights
U. S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Mr. Singleton:

Since assuming the presidency of Loma Linda University just over one year ago, I have discovered that this institution may not have applied for or received the exemptions available to educational institutions controlled by religious organizations as provided by 34 C.F.R. Section 106.12(b) of the regulations for Title IX of the Education Amendments of 1972.

Loma Linda University hereby makes a formal request for exemption from certain provisions of the Title IX regulations because they conflict with the religious tenets of the Seventh-day Adventist Church, controlling organization under which Loma Linda University operates.

Specifically, Loma Linda University requests exemption from the following regulations based on the religious tenets cited below:

Regulations - 34 C.F.R.

Section 106.21 - Admissions; Section 106.40 - Marital or parental status (students) and Section 106.57 - Marital or parental status (employees).

Explanation

The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the Ten Commandments points out sin" (S.D.A. Church Manual, page 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages (Reasons for Which Members Shall Be Disciplined," S.D.A. Church Manual, page 247). The S.D.A. Church Manual comments: "The Church cannot

afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indescretion and other grievous sins" (page 249).

It is our understanding that an exemption for appearance codes (formerly 45 C.F.R. Section 86.31) is unnecessary as that provision was deleted from the regulation in 1982.

Loma Linda University, as an institution of the Seventh-day Adventist Church, is obligated to uphold the above religious standards in its relationships with its students and employees. Loma Linda University believes it complies with the requirements of Title IX because it applies its religious principles and standards equally to students and employees of both sexes.

The Seventh-day Adventist Church operates a number of universities and senior colleges in the United States, to provide for its youth the opportunity to take advanced studies within the context of the Church's world view and sense of mission. Loma Linda University is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The University is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501 (c) (3) tax exemption. In addition, the Board of Directors for the University are members of the Seventh-day Adventist Church, as are its faculty and full-time staff.

Your prompt attention to this matter is greatly appreciated.

Sincerely,

Norman J. Woods
President

NJW:aj

✓xc: John E. Palomino,
Acting Director, Region IX

בע"ה

LONG ISLAND SEMINARY OF JEWISH STUDIES
FOR WOMEN

ADMINISTRATIVE OFFICES
444 BEACH 6th STREET
Far Rockaway, N. Y. 11691
GRanite 1-8444 – GR 1-5003

540 JARVIS AVENUE
FAR ROCKAWAY, N.Y. 11691

May 3, 1977

Director
Office of Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21 (a)
(b) Section 86.31 (a)
(c) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

PLACERITA CANYON ROAD • NEWHALL, CALIFORNIA 91321 • PHONE 805 259 3540

HAMLIN 10/86

LOS ANGELES BAPTIST COLLEGE
JOHN R. DUNKIN, TH.D. PRESIDENT
C. LLOYD BUTTON, PH.D. DEAN

September 30, 1976

Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Ave., S.W.
Washington, D.C. 20201

Dear Mr. Gerry,

On behalf of the Administration and Board of Trustees of Los Angeles Baptist College, we respectfully submit the accompanying claim for exemptions as provided under Section 86.12 (a) and (b) of Title IX of the Education Amendment of 1972.

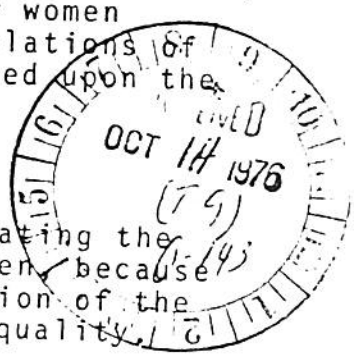
Los Angeles Baptist College is a Christian college of arts and sciences, offering majors in Bible, Christian Education, and eight liberal arts fields. The College was founded for the purpose of educating young people from evangelical and conservative churches in the fundamentals of Biblical Christianity and preparing them for places of leadership in the church and secular pursuits. It is therefore essential to the continuence of that purpose that the Bible continue to be the sole basis of our faith and patterns of conduct.

Los Angeles Baptist College is approved annually by the General Association of Regular Baptist Churches on the basis of its continuence of the program as stated above.

In view of these commitments we respectfully request exemption from the following requirements set forth in Title IX.

Admissions - 86.21 (c) 1,2,4. 86.40 (a) (b) 1,4,5. 86.57 (a)1. (b) (c)

Los Angeles Baptist College does exclude from its program, activities, or employment, unmarried, pregnant women. The College must reserve the right to suspend or exclude, men or women students or employees who violate the rules and regulations of the institution which the college believes to be based upon the moral standards contained in the Bible.



Educational Programs and Activities - 86.31 (b) 5.

Los Angeles Baptist College does have policies regulating the appearance and dress code separately for men and women because of Biblical injunctions relative to the differentiation of the sexes. This differentiation does not negate their equality.

Marital Status for Dormitory Residence - 86.21 (c) 1,4.
86.32 (a) (b) (c)

Los Angeles Baptist College does have a policy relative to dormitory residence which requires us to ask about the marital status of an applicant. Because of the Biblical injunction against divorce, L.A.B.C. does limit the dormitory to unmarried persons.

Access to course offerings - 86.34

L.A.B.C. does have certain courses relative to the preparation for the ministry which are designed and offered men students in view. Because only men are ordained in the ministry of the General Association of Regular Baptist Churches, the college reserves the right to structure its ministerial courses with men in view.

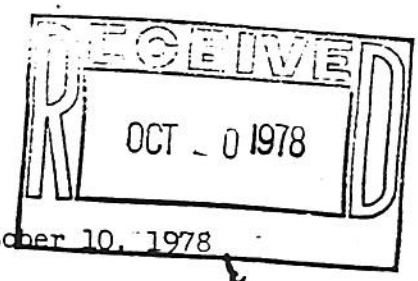
The above exemption statements have been reviewed and approved by Los Angeles Baptist College administration and the Board of Trustees. While it is the intent of Los Angeles Baptist College to continue to provide equal opportunity to members of both sexes in compliance with the provisions of Title IX regulations, continuation of policies relating to the above exemption statements are considered essential to the purpose and programs of the institution.

John R. Dunkin
Chief Administrative Officer

Jerry Smith
Chairman, Board of Trustees

LOUISIANA COLLEGE

Office of the President



October 10, 1978

Here 11/8 cy to Dallas

Director of Office for Civil Rights
U. S. Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) "Title IX of the Education Amendments of 1972 Prohibiting Sex Discrimination," this letter is to advise you that Louisiana College, Pineville, Louisiana, is a private institution of higher education which is owned by the Louisiana Baptist Convention and controlled by a Board of Trustees chosen by the Convention.

In accord with 86.12(b) of the Regulations Implementing the Education Amendments of 1972, I am claiming on behalf of Louisiana College the exemptions authorized in paragraph (b) of Section 86.12, and am hereby identifying the provisions of the regulations which are not consistent with the tenets of the Southern Baptist Convention generally, and, in particular, those that are not consistent with the tenets of the Louisiana Baptist Convention, the denominational agency which owns and operates Louisiana College.

Section 86.14 Membership Practices of Certain Organizations.
Sexual immorality, whether on the part of man or woman, is contrary to the tenets of Southern Baptists. Regulations requiring Louisiana College to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability are in conflict with the tenets of Southern Baptists. These inconsistent regulations include 86.21(c); 86.39; 86.40; 86.51(b)(6); 86.57(a)(1), (b), (c); 86.60(a).

Section 86.37(a), (b); 86.51; 86.53; 86.55(a).
Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches. The College requests that it be exempted from the regulations of equal number of male and female students selecting church-related vocations and receiving equal scholarship assistance for these church-related vocations.

Louisiana College has made a conscientious effort to comply with those parts of Title IX regulations which are not inconsistent with the religious tenets of the Louisiana Baptist Convention and will have on

record the results of our study, evidence of our modifications of policies and practices, and the proper grievance procedure for complainants.

Respectfully yours,

Robert L. Lynn

Robert L. Lynn
President

RLL/h

Lourdes College

6832 Convent Boulevard
Sylvania, Ohio 43560
Phone: 882-2016

Office of the President

August 3, 1977

Claiming Religious Exemption Under 45 C.F.R. 86.12

Lourdes College is a private two-year liberal arts college conducted by the Sisters of St. Francis of Sylvania, Ohio. Lourdes College receives a significant amount of financial support from the controlling religious organization. Members of the governing body of the college as well as the majority of the faculty are appointed by the religious organization. Since members of the religious community of women constitute the largest segment of the 'employees' we are seeking exemption in the area concerned with the hiring of employees.

Sister M. Rosaria Petra, President
Aug. 3, 1977

Sylvania, Ohio 43560-2898

Office of the President

LOURDES COLLEGE

419/885-3211

August 19, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
300 South Wacker Drive - 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern,

As requested by your office, I am formally withdrawing the request of a Lourdes College President in 1977 for religious exemption. I trust that the file will now be closed on this request.

Thank you.

Sincerely,

Sister Ann Francis

Sister Ann Francis
President

SMAF/kaw

LOYOLA MARYMOUNT UNIVERSITY

Office of the President

March 15, 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Madison,

In response to your letter of February 27, 1979, concerning Loyola Marymount's assurance of compliance with the provisions of Title IX, I am enclosing the attached copy of our original Statement Claiming Exemption under Title IX of the Education Amendments of 1972.

It should be noted that we claim an exemption for a very small part of our total operation, some few courses and programs designed by and administered by our three sponsoring religious communities, the Jesuits, Religious of the Sacred Heart of Mary, and Sisters of St. Joseph of Orange. Each group has young members of their order studying on campus and at off-campus centers and a few classes are given by an order member and restricted to students of that order.

So the "tenet" of Roman Catholicism that we believe is in conflict with <u>all</u> our classes and programs being open to students with regard to sex, is that the training of priests and Sisters is not in all aspects coeducational, at least in these college-level programs. These few programs constitute in effect a "school or department of divinity."

As to the second point you raise, the religious control, I believe that the reference under (1) at the end of the explanation of the Title IX Assurance of Compliance Form is sufficient. Some few programs are under the direct control of the religious orders, though accredited through the University, these, being "specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation," are exempted.

Sincerely,

Donald P. Merrifield, S.J.

Rev. Donald P. Merrifield, S.J.
President

Enclosure

LOYOLA MARYMOUNT UNIVERSITY

Office of the President

STATEMENT CLAIMING EXEMPTION UNDER TITLE IX OF
THE EDUCATION AMENDMENTS OF 1972

45 CFR - Part 86

Loyola Marymount University is claiming a religious exemption for the following reasons: Although we have a non-discriminatory policy with respect to admission and access to educational programs at this institution we are, however, affiliated with three religious organizations, the Society of Jesus which is limited or restricted in its membership to males only, the Religious of the Sacred Heart of Mary and the Sisters of St. Joseph of Orange which admit females only. This institution offers some programs and courses which are designed to further the education of members of these religious communities. These programs and courses are directed by the corresponding religious communities and participation may be restricted to members of these communities. Further, some of campus residences are restricted to members of these communities. Occasionally, the University may also offer or sponsor workshops or conferences for Catholic priests or for religious brothers or sisters. To the extent that any of this may be in conflict with 45 CFR 86.14 we claim the right to be considered exempt from the application of that section, since these particular programs constitute in effect a "school or department of divinity."

Donald P. Merrifield, S.J.

Rev. Donald P. Merrifield, S.J.
President

LOYOLA UNIVERSITY
NEW ORLEANS, LA. 70118
OFFICE OF THE PRESIDENT

April 8, 1986

JPES
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Ms. Alicia Coro
Acting Assistant Secretary
for Civil Rights
U. S. Department of Education
Washington, D. C. 20201

Dear Ms. Coro:

I am advised by the Vice President for Student Affairs of Loyola University that the Office of Civil Rights, U.S. Department of Education, is presently conducting a compliance review of various universities and colleges situated in Region VI in order to determine whether their policies and practices conform with the requirements of Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex. Specifically, I am informed that this review centers around the offering of student health insurance, and whether such insurance offered by the University complies with the provisions of Title IX and the regulations relating thereto.

Loyola University is desirous of complying with the provisions of Title IX in offering accident and health insurance for students and their dependents, and is willing to modify the coverage afforded thereby so as to provide maternity and pregnancy benefits as part of its basic plan of insurance to the extent that pregnancies and related conditions would be treated as any other temporary disability.

However, the language of Title IX and the implementing regulations, [45 C.F.R. 92], contain various references to benefits relating to "termination of pregnancy or recovery therefrom." To the extent that these provisions or their application are inconsistent with the religious tenets and beliefs and the policies of Loyola University, I hereby claim, on behalf of the University, an exemption from the applicability of the following provisions of the federal regulations which conflict with the policies of the University and which are premised upon specific teachings of the Roman Catholic Church. This claim is made pursuant to Section 86.12(b) or 45 C.F.R. 92.

Specifically, the provisions of the Regulations which we deem to be inconsistent with University policy regarding termination of pregnancy are as follows:

106.21(c)(2)(3); 106.39; 106.40(b)(1)(4); 106.57(b)(d)

The University's claim to exemption under Section 86.12 is based upon the fact that Loyola University is a non-profit corporation which is controlled and governed by a Board of Trustees of not less than twenty nor more than thirty-five members, the composition of which shall be comprised of not less than fifty per cent nor more than sixty per cent members in good standing of the Society of Jesus. The Articles further provide that the President of the institution must be a member of the Society of Jesus. The Society of Jesus is a religious order affiliated by virtue of such membership with the Roman Catholic Church throughout the world. I am enclosing a copy of the Articles of Incorporation and By-laws of the University, which set forth in greater detail the governing structure of the institution. To that extent, it is the position of the University that its governance meets the requirements of Section 86.12.

The specific religious belief or tenet which is being claimed as the basis for exemption from the above cited provisions of the Title IX regulations is found in the long-established teaching of the Catholic Church through its various Councils, Papal Encyclicals and other teaching authorities which define the intentional termination of pregnancy through means of abortion as the wrongful taking of human life contrary to the natural and moral law of the Church.

To that extent, the exception which is being claimed is limited to the provisions of Title IX and the regulations which would require the offering of counseling or the providing of medical or surgical benefits through a policy of student insurance for the purpose of reimbursing costs incurred in connection with the performance of an abortion. Likewise, those provisions of the regulations which would prevent the University from implementing policies with respect to admissions, disciplinary action, or termination of employment on the basis of student or personal conduct related to termination of pregnancy by abortion should also be considered as included in this claim of exemption.

Furthermore, the University would likewise claim exemption under the above referred to sections with respect to the providing of any benefits or the adoption of policies relating to non-therapeutic sterilization, which is likewise contrary to the established teachings and dogma of the Roman Catholic Church and the policies of Loyola University.

Assuring you of our cooperation with the government in the University's desire to comply with the provisions of Title IX in all other respects, I remain,

Very sincerely yours,

James C. Carter, S.J.
President

JCC/jbb

cc: Mr. Ted Crim

Enclosures

LUBBOCK CHRISTIAN COLLEGE

5601 WEST 19TH STREET / LUBBOCK, TEXAS 79407 / TELEPHONE 806/792-3221

W. JOE HACKER, JR., D.R.E.
PRESIDENT

September 24, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

Enclosed is Form 639, Compliance to Title IX, for Lubbock Christian College, Lubbock, Texas. We have completed our self-evaluation and have made proper corrections as directed by Title IX. Grievance procedures have been written and publicized for both students and staff.

As Title IX permits, we are filing with this form a list of exemption requests which violate our religious convictions. Lubbock Christian College is a church related institution, and, therefore, must reflect the convictions and doctrine of the churches of Christ throughout America. This Biblical doctrine is distinctive to our existence and is, therefore, important to our constituency and students.

Sincerely,

W. Joe Hacker, Jr.
President

pb

Enclosures

Lubbock Christian College is applying for exemption under the Title IX religious provision tenets section in the following areas for the reasons given in each case:

Areas relating to the Bible Department and to religious activities on the campus:

A. Lubbock Christian College states in its current catalog:

> Lubbock Christian College is a private senior Christian college emphasizing academic quality and Christian ideals.
>
> Persons of any race, color, national or ethnic origin, or economic status who are serious in purpose and in sympathy with the ideals and purposes of the college are encouraged to apply for admission to the college.

B. Lubbock Christian College is under a charter issued by the state of Texas which contains the following statements in Article II as a statement of the purposes of the college.

> . . .the establishment and maintenance of a private school offering instructions from the pre-school to senior college classes, both inclusive, or so many of such grades and/or classes as the Board of Trustees, shall from time to time, deem advisable, and in which the Holy Scripture shall always be taught, together with such other courses of instruction as shall, from time to time, be deemed advisable by the Board of Trustees, each of whom shall be a member, in good standing, of a congregation of the Church of Christ, which takes the New Testament as its only and sufficient rule of faith to worship and practice, as Churches of Christ are generally known in Texas as of the date of this charter.

C. The administration of the college is directed by the charter and by the Trustees to use only male teachers in the Bible classes. It is a violation of our conscience and in our judgment a violation of our rights of the first amendment of the Constitution for an agency of the federal government to require us to do otherwise.

1. The New Testament clearly expresses the dignity of women in many passages of scripture. This is not an issue with us.

2. Women in the New Testament church were equal to men in the essential purpose of Christianity--redemption. Paul said, "There can be no male or female in Christ."[1] This is not an issue with us. We agree with the contemporary historian Will Durant.

> Women were admitted to the congregations and rose to some prominence in minor roles; but the Church required them to shame the heathen by lives of modest submission and retiremnt.[2]

3. Durant, as well as scholars of the New Testament text and of New Testament church history agree that the church followed the instructions of Paul to the Corinthian church and to the preacher Timothy regarding the role of woman in teaching publicly.

   a. W. F. Adeney says,

   > There were no women apostles. The elders were all men, in accordance with the invariable custom of the synagogue. It is given as a sign of the 'contempt' into which religion had fallen in the 5th century that women were found to be acting as priests at the altars, a complaint implying that this was an innovation previously unheard of.[3]

   b. A. T. Robinson, commenting on Paul's injunction to the Corinthians that women keep silent in all the churches (I Corinthians 14:33-36) says,

   > Keep silence in the churches (en tais ekkesiais sigatosan). The same verb used about the disorders caused by speakers

---

[1]Galatians 3:28.

[2]Will Durant, The Story of Civilization, Vol. III (New York: Simon and Schuster, 1950), p. 596.

[3]W. F. Adeney, A Dictionary of the Bible, Vol. IV (New York: Charles Scribner's Sons, 1902), p. 936.

> in tongues (verse 28) and prophets (30). For some reason some of the women were creating disturbance in the public worship by their dress (11:2-16) and now by their speech. This is no doubt at Paul's meaning here. In the church the women were not allowed to speak (lalein) nor even ask questions.[4]

c. Paul further clarifies this point in a later work when he wrote to Timothy, "Now to teach I do not permit to woman, nor to exercise authority over a man, but to be in quietness."[5] R. C. H. Lenski has commented,

> . . .'but to be in quietness.' Those who are taught sit in quietness and learn; the one who teaches as the master who is to be heard, heeded, and obeyed. Because of its very nature his is the dominant position and function; the rest are there quietly to receive and to be directed. Nor is Paul speaking of ordinary schoolroom teaching, where secular knowledge is imparted by one who is in authority enough in some branch of learning to sit at the teacher's desk. A learned woman may discourse to a whole class of men.
>
> Paul refers to teaching SCRIPTURE and not to imparting intellectual secular information to the mind. . .[6]

4. Therefore we shall, because of religious conviction, continue to use male teachers in Bible classes and must request exemption. Female teachers may teach classes which have only female pupils. The Churches of Christ in Texas have never permitted the practice of females teaching coeducational Bible classes and will not do so now. The reasons given apply also to training courses for preacher training, or training for the ministry, specifically: Speech 336,

---

[4]A. T. Robinson, Word Pictures in the New Testament, Vol. IV (Nashville: Broadman Press, 1931), p. 185.

[5]I Timothy 2:12.

[6]R. C. H. Lenski, The Interpretation of St. Paul's Epistles to the Colossians, to the Thessalonians, to Timothy, to Titus and to Philemon (Minneapolis: Augusburg Publishing House, 1956), p. 563-564.

337; Bible 311, 411, 437, 468, 336, 432, 437; Home Economics 110. Therefore, the above courses are requested for an exemption.

5. We also ask exemption in order that women may not be permitted to preach and to have public roles in Bible lectureships and other religious activities on campus where Christian worship or devotion occurs.

President

cc

Needed
1. Data Ba
2. Reg Code S.
Cod
6/16/77

KP
file
6-16-77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Lutheran Bible Institute
(Name of Applicant or recipient

13016 Greenwood Ave N
(address)

Seattle, Wa. 98133
(city, state, zip code)

~~OE# 013525~~ 53029019
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. (x) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee: (see attached)

2. Lloyd R. Nelson
(name of employee)

3. Lutheran Bible Institute
13016 Greenwood N. Seattle, Wa. 98133
(office address)

4. (206) 364-0400
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: April 20,1977

Lutheran Bible Institute
(Insert name of Applicant)

By _____

Conrad E. Lund
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

LBI Seattle

25 July 1985

Mr. Gary Jackson
Regional Director
Office for Cival Rights - Region X
United States Department of Education
M/S 106 - Third & Broad Building
2901 Third Avenue
Seattle, WA 98121

RECEIVED
1985 JUL 26 AM 11:
DOE-OCR

Dear Mr. Jackson:

This letter is in reference to a request made by The Lutheran Bible Institute of Seattle in 1977 for "religious exemption" from Title IX of the Education Amendments of 1972 and specifically in response to your letter of March 22, 1985, in which you sought clarification about this request.

This request was made under a previous administration at this institution, namely that of the late Rev. Conrad E. Lund, who served as president from 1971-1981. Frankly, your letter to us, revealing such a request on the part of Seattle LBI, came as a surprise to our present administration. None of our current administrators were in office in 1977.

That fact is, that as a school affiliated with several syonds of the Lutheran church in this country---a church that has upheld and fought for cival rights, especially those of women and has pioneered in the ordination of women as pastors (not all synods), we cannot understand the motivation for requesting exemption from these statutes on the basis of our particular religious beliefs. It goes against all we stand for.

That is to say that The Lutheran Bible Institute of Seattle does not wish exemption from any portion of the Title IX regulations. Further, after examination of the past, it is clear we have always been in compliance.

Please forgive the great delay on our part in responding to your letter. I trust, however, that your receipt of this letter will resolve the matter. Thanks for your help and for your work.

Sincerely,

Joseph D. Bjordal
Executive Director for
Public Relations and Admissions

The Lutheran Bible Institute of Seattle
Providence Heights, Issaquah, Washington 98027
(206) 392-0400

4/5/78

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

6/8/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

McCormick Theological Seminary
(Name of Applicant or recipient

5555 South Woodlawn Avenue
(address)

Chicago, Illinois 60637
(city, state, zip code)

001721
(identifying code-FICE, OE, or IRS)
17001721

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Mr. Don S. Hasty, Vice President for Business Affairs
(name of employee)

McCormick Theological Seminary

3. 5555 S. Woodlawn Ave., Chicago, IL 60637
(office address)

4. (312) 241-7800
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (x) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by May 31, 1977 (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 18, 1977

McCormick Theological Seminary
(Insert name of Applicant)

By

Jack L. Stotts
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

MAR 13

McCORMICK THEOLOGICAL SEMINARY
5555 SOUTH WOODLAWN AVENUE
CHICAGO 60637
(312) 241-7800

OFFICE OF THE PRESIDENT

March 7, 1979

Mr. Benjamin Saunders
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Saunders:

In accordance with our telephone conversation of March 7, 1979, this is to confirm that McCormick Theological Seminary is not claiming a religious exemption under 45 C.F.R. Section 86.12(b) of the regulation issued under Title IX of the Education Amendments of 1972.

Very truly yours,

Barbara Prasse

The Reverend Mrs. Barbara Prasse
Director of Student Services

BP:mlp

cc: Dr. Jack L. Stotts
President, McCormick Seminary

McM

McMURRY COLLEGE

OFFICE OF THE PRESIDENT

August 24, 1988

Mr. George D. Cole
Division Director Elementary and Secondary
Education Division II
Department of Education
1200 Main Tower Building
Dallas, TX 75202

Reference: 06882135

Dear Mr. Cole:

I am happy to write this letter as a result of our telephone conversation of August 10, 1988, and your letter of August 11, 1988. I am also grateful for the extension of the deadline for this letter to about September 10, 1988.

McMurry College respectfully requests an exemption from the provision of a general health insurance coverage for pregnancy for the students of McMurry College. We seek this exemption based on religious grounds.

1. The Northwest Texas and the New Mexico Annual Conferences of the United Methodist Church control McMurry college. McMurry College operates within the basic religious tenets of the annual conferences and the document of basic beliefs of our denomination entitled The Book of Discipline, 1984. In The Book of Discipline, 1984, paragraph 71 (p. 90) under the family and marriage section, the position of the United Methodist Church is that we honor the institution of the family, and we do not condone sex outside of marriage. Given this position of the church, McMurry College does not wish to offer coverage for pregnancy in our health insurance program to unmarried students.

2. We request exemption from section 106.40 paragraph b, (4). Paraphrased, pregnancy is to be treated in the same manner and under the same policies as any other temporary disability. I understand the complaint your office received alleges that the student health insurance plan made available by McMurry College is in violation of section number 106.40 paragraph b, (4).

McMURRY STATION ABILENE, TEXAS 79697
915-691-6209

The student insurance is for full-time students, dependent coverage is not required and maternity coverage is optional. If maternity coverage were not optional, additional premiums would be required by unmarried males and females. The tenet from The Book of Discipline of the United Methodist Church that covers this request for exemption is "Although men and women are sexual beings whether or not they are married, sex between a man and a woman is only to be clearly affirmed in the marriage bond." This is found on page 90 of The Book of Discipline.

In summary, McMurry College requests exemption from section 106.40 paragraph b, (4) for the following reasons:

1. McMurry College is a United Methodist Church related institution.
2. The United Methodist Church does not condone sex outside the marriage bond.
3. The overwhelming majority of the students of McMurry College are unmarried.
4. If McMurry College were to issue maternity coverage in its student health insurance to all students routinely, we would be tacitly condoning sex outside marriage. Such a practice is against our religious belief.

Sincerely,

Thomas K. Kim

Thomas K. Kim
President

TKK:mb
Enclosure: Student health plan application

Not received

בית המדרש זכרון מלך

בה

Mesivta of Eastern Parkway Rabbinical Seminary

~~426 East 45th Street, Brooklyn, N.Y. 11203~~ ~~Telephone IN 9-7740~~

3121 Kings Highway, Brooklyn, N.Y. 11234 Tel:- 338-6100

DIRECTOR CORRESPONDENCE BRANCH
AUG 23 5 52 PM '77

August 18, 1977

3600963

Director
Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Samuel Teitelbaum

Rabbi Samuel Teitelbaum
Executive President

Rabbinical College of Sanz
1420 50th Street
Brooklyn, N.Y. 11219

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

RD 214-85
Lab

TEL. (201) 867-8690

ב"ה

מתיבתא צאנז אף האדסאן קאנטי

כנשיאות כ"ק אדמו"ר הרהנה"צ מרן יקותיאל יהודה הלברשטאם שליט"א אב"ד דק"ק צאנז (קלויזענבורג)

MESIVTA SANZ OF HUDSON COUNTY

UNDER THE DIRECTION OF GRAND RABBI S. L. HALBERSTAM, THE (SANZ) KLAUSENBERG RABBI

3400 NEW YORK AVENUE UNION CITY, N. J. 07087

BOARD OF DIRECTORS

Rabbi Shlomo Goldman
Juda Frankel
Sidney Greenwald
Solomon Katz
Mechel Lieber
Hershel Mashinsky
Leibish Morgenstern
Erno Nussenzweig
Benzion Reich
Moses Rosenberg
Aron S. Spitzer
Baruch Tessler
Sanel Waks

October 10, 1985

The Acting Regional Director
Office for Civil Rights
U.S. Dept. of Education; Region II
Federal Building
26 Federal Plaza
New York, NY 10278
Attention: Mr. Stanley Seidenfeld

RECEIVED
OCT 15 1985
O C R
REGION II

Dear Sir:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemptions from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely,

Rabbi Shlomo Goldman
Dean

SG/lg

ב"ה

Mesivta Yeshiva Rabbi Chaim Berlin

מתיבתא ישיבה רבי חיים ברלין

November 24, 1975 (copy)

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21 (a)
(b) Section 86.31 (a)
(c) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Bezalel Reifman
Executive Vice-President
For the President of the Faculty

ABRAHAM COHEN ז"ל
SOLOMON COOPER ז"ל
ALEX FRUCHTHANDLER ז"ל
ISAAC MEISLIN ז"ל
MORRIS MELTZER ז"ל
Past Presidents
HARRY HAMEL
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Hon. Presidents
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SAM FARBER
Hon. Board Chairmen
PINCUS ISESON
President
ABRAHAM H. FRUCHTHANDLER
Chairman of the Board
TUVIA M. OBERMEISTER
Chairman of Executive Board
ISRAEL M. KIRZNER
YISROEL MAYER LASKER
ELIMELECH PLOTSKER
YOSEPH SHAPIRO
Executive Board
BEZALEL REIFMAN
Executive Vice-President
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NATHAN TANNENBAUM
Second Vice-President
MENDEL FARBER
Vice-President, Israel
MOSHE ROSENBAUM
Vice-President, Kollel Gur Aryeh
GERSHON MARCUS
Vice-President, Yeshiva Ketana
CHAIM STEIN
Vice-President, Mesivta High School
MOSHE YANOFSKY
Vice-President, Camp Morris
YITZCHOK KATZENSTEIN
Vice-President, Gemilath Chesed
ALTER KEVELSON
Vice-President, Dinner
SHMUEL HOCH
MENDEL SCHECHTER
Co-Treasurer
SHMUEL WOLMAN
Secretary
YITZCHOK KREPEL
Executive Secretary

Yeshiva Elementary School
Mesivta High School
Rabbinical Academy
Gur Aryeh Institute for Advanced Jewish Scholarship
Prof. Nathan Isaacs Memorial Library
Camp Morris
Bais Hamedrash Ohr Eliyahu, Jerusalem
Gemilath Chesed
Gur Aryeh Publications

1593 Coney Island Avenue, Brooklyn, N.Y. 11230 • (212) 253-2660 (Kollel Offices)
Executive Offices: 1223 Elm Avenue, Brooklyn, N.Y. 11230 • (212) 336-8500

מתיבתא תפארת ירושלים
Mesivtha Tifereth Jerusalem of America
141-7 East Broadway / New York, N.Y. 10002
(212) 964-2830

Rabbi Yisrael H. Eidelman
Executive Director

Statement Attached to H.E.W. Form 639A,
Article 1B

TO WHOM IT MAY CONCERN:

The undersigned, being the chief administrative officer of Mesivtha Tifereth Jerusalem of America, maintained as an Orthodox Jewish Seminary with preparatory departments in accordance with the Jewish Orthodox faith with all its phases, facets, facilities and Governing Trustees in strict conformance with the tenets of the Orthodox Jewish Religious faith, respectively submits that the following provisions of Part 86 of the H.E.W. Regulations implementing Title IX of the Education Amendments Act of 1972 are in conflict with the specific tenets of the Orthodox Jewish Religion governing our institution:

a. Section 86.21(a)
b. Section 86.31(a)
c. Section 86.32(a)
d. Section 86.34
e. Section 86.51
f. Section 86.52
g. Section 86.55(a)
h. Section 86.7
i. Section 86.22
j. Section 86.23(a)
k. Section 86.23(b)
l Section 86.53
m. Section 86.59

Sincerely yours,

MESIVTHA TIFERETH JERUSALEM

Yisrael H. Eidelman

Rabbi Yisrael H. Eidelman
Executive Director

YHE:cf

Coded 2nd 6/15/77
6/14/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mesivtha Tifereth Jerusalem of
(Name of Applicant or recipient *America*

141-7 East Broadway
(address)

New York, N.Y. 10002
(city, state, zip code)

OE -003974
(identifying code-FICE, OE, or IRS)
36003974

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). *see attached sheet*
(If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. (x) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (*x*) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. *Rabbi Jerome Brick*
(name of employee)

3. *141-7 East Broadway, N.Y.C. 10002*
(office address)

4. *212-964-2830 ext. 15*
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: 6/2/77

Mesivtha Tifereth Jerusalem
(Insert name of Applicant)

By
Israel H. Lebman
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Executive Director
(Insert title of authorized official.)

Office of the President
Kenneth O. Gangel, Ph.D.
(305) 685-7991

FEB 9 1979

Miami Christian College

2300 N.W. 135th Street
Miami, Florida 33167

February 6, 1979

Mr. Waite H. Madison, Jr.
Acting Director, Div. of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of HEW
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Madison:

Enclosed please find a copy of the religious exemption form we filed May 1977. You will note it states that there are no specific areas of conflict at the present time. We did want to identify however that the college is committed to a basic doctrinal statement which is signed by all faculty and members of the Board of Trustees.

Also we have enclosed copies of pages from our catalog identifying our commitment to a specific religious position.

I hope this information meets with your approval.

Cordially,

Kenneth O. Gangel

KOG:mw

Michigan Christian College
(313) 651-5800
800 WEST AVON ROAD
ROCHESTER, MICHIGAN 48063

September 17, 1976

Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education and Welfare
Office of the Secretary
Washington, D.C. 20201

To Whom it May Concern

Michigan Christian Junior College would like to claim a religious exemption regarding compliance with Title IX.

Michigan Christian Junior College is fostered by members of the Churches of Christ and obtains the major portion of its financial support from them. The Articles of Incorporation of the College, Article II, number 5, states that the Board of Directors, administration and faculty shall be members, in good standing, of the Church of Christ. These limitations and their implications constitute the basis for a religious exemption.

Further, it is the doctrinal position of Churches of Christ that women may not preach at public meetings of the Church, nor serve as preachers of the Church. Accordingly, the college does employ only men to teach Bible or religion courses. Teachers are hired without discrimination in teaching other disciplines. A religious exemption, based on doctrinal grounds, is requested which will permit the policy described above to continue.

Cordially yours

Don Gardner

Don Gardner
President

kk

tenets not cite

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Michigan Christian Junior College (insert name of Applicant or Recipient) Michigan (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

26002288

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Cynthia Scharr
(name of employee)

800 W. Avon Road, Rochester, MI
(office address)

313-651-5800
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept 16, 1976

Michigan Christian Junior College
(Insert name of Applicant)

By Don Gardner
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

MID-AMERICA BIBLE COLLEGE
(formerly Gulf-Coast Bible College)
3500 S.W. 119th Street
Oklahoma City, OK
73170-9797

August 20, 1985

Mr. Taylor D. August, Director
Region VI
Office of Civil Rights
Department of Education
1200 Main Tower Building
Dallas, Texas 75202

Dear Mr. August:

In a further attempt to clarify our needs for exemptions, and since I have been assured that Title IX does not refer to sexual preference, I am now able to simplify.

We must ask for exemptions on Marital and Parental status areas, Abortion areas, and pre and extra sexual activity.

Both staff and students would be asked to leave if they engaged in pre-marital sex or extra marital sex. If either staff or student had an abortion without being married, they would be asked to leave.

The sections which we would ask for exemption from adherence would be Sections 106.21c; 106.40 and 106.57.

Sincerely,

Dr. John W. Conley
President

405/691-3881

Gulf·Coast Bible College

CHRISTIAN LEADERSHIP FOR TODAY'S WORLD

June 1, 1977

Mr. Albert T. Hamlin,
Acting Director
OFFICE FOR CIVIL RIGHTS
Department of Health, Education, and Welfare
P.O. Box 8214
Washington, D.C. 20024

Dear Mr. Hamlin:

Enclosed are two copies of the HEW form 639A assuring our compliance with Title IX, and also a letter from our president citing areas of exemption under provision section 86.12.

I would appreciate very much if you would keep us informed as to the development in the definitions and implications of the Title IX program. We have been watching very closely the effect of your program and find the interpretation of many of the sections as varied as those who wish to comment. There are certain basic underlying principles of conduct between people for which legislation cannot remedy. We trust your administration of this program will be considerate of these principles and would be cognizant of our moral responsibility to each other.

Should you have a service available that will provide us with up-to-date information as to the progress of the administration of this program, we would appreciate knowing of it so that we might keep current with our compliance.

Thanks for your patience,

Roy W. Cline
Vice President
for Financial Affairs

RWC/cls

911 WEST 11TH STREET / HOUSTON, TEXAS 77008 / 713-869-6689 869-5706

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mid-South Bible College
(Name of Applicant or recipient

2485 Union Avenue
(address)

Memphis, Tenn. 38112
(city, state, zip code)

62-6001209
(identifying code-FICE, OE, or IRS)
H70009982

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Dr. Roger Clapp
(name of employee)

3. 2485 Union Avenue
(office address)

4. (901) 458-7526
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: June 1, 1977

Mid-South Bible College
(Insert name of Applicant)

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

MID-SOUTH BIBLE COLLEGE

Attachment for HEW Form 639A

Mid-South Bible College Identifying Code No: 62-6001209

We claim a religious exemption under 45 C. F. R. 86.12(b) under the following subsections:

1. 86.51(b)(4) - Job Assignments

   Based on our religious tenets and that of the churches with which we are associated, our female faculty members do not have teaching assignments relating professionally to pastoral ministries. Female faculty members are assigned teaching resonsibilities for all other courses which we offer.

2. 86.34

   Female students are accepted for all academic courses offered by the school with the exception of those relating professionally to pastoral ministries.

Mid-South Bible College

By

Dr. James B. Crichton, President

85-805-452

Mid-South Bible College

Phone (901) 458-7526

ROBERT J. HILGENBERG, Th.D.
President

2485 UNION AVE. • P.O. BOX 12144 • MEMPHIS, TENN. 38182-0144

July 23, 1985

RECEIVED
1985 JUL 29 PM 1:01
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Dr. William H. Thomas
Regional Civil Rights Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

BOARD OF TRUSTEES
OFFICERS
ROBERT M. FARGARSON
Chairman
JERRY W. GRISE, M.D.
Vice-Chairman
DUDLEY SCHAEFER
Secretary
GEORGE B. JONES
Treasurer

Dear Dr. Thomas:

Thank you for your letter of July 3, 1985, concerning our request for an exemption under Title IX of the Educational Amendments of 1972.

Since our educational programs and policies have changed substantially over the past several years, we no longer desire an exemption from Title IX and wish to withdraw our request.

Sincerely,

Robert J. Hilgenberg

Robert J. Hilgenberg
President

RJH/pb

COUNCIL OF REFERENCE
DAVID H. CLARK, D.D.
CHARLES L. FEINBERG, Th.D., Ph.D.
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ADRIAN ROGERS, B.D., D.D.
HARLAN J. ROPER, D.D.
JOHN F. WALVOORD, M.A., Th.D.

THE ENTRANCE OF THY WORDS GIVETH LIGHT

Sarah Persky Rabbinical College

ב"ה

Mirrer Yeshiva

BETH MEDRASH
POST GRADUATE SCHOOL
KOLEL

Central Institute

HIGH SCHOOL
SEPHARDIC DIVISION
TEACHERS INSTITUTE

GEN. ADMINISTRATIVE OFFICE: 1791-5 OCEAN PARKWAY BROOKLYN, N. Y. 11223

RABBI SHRAGE MOSHE KALMANOWITZ
RABBI SHMUEL BERENBAUM
Roshei Yeshiva

NI 5-0536-7

מיסודו של
מרן הגאון
ר' אברהם קלמנוביץ זצ"ל

Founded by
RABBI ABRAHAM KALMANOWITZ זצ"ל

April 15, 1977

Director
Office of Civil Rights
Department of Health, Education and Welfare
330 Independence Ave S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our Institution.

1. I am the Chief Administrative Officer of this Institution.

2. Mirrer Yeshiva Central Institute was charted and in maintained as an Orthodox Jewish Seminary. Its trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. The Institution today continues to operate under, and adhere to, these policies.

3. The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our Institution:

   a. Section 86.21 (a)
   b. Section 86.31 (a)
   c. Section 86.32 (a)
   d. Section 86.34
   e. Section 86.51
   f. Section 86.52
   g. Section 86.55 (a)
   h. Section 86.7
   i. Section 86.22
   j. Section 86.23 (a)
   k. Section 86.23 (b)
   l. Section 86.53
   m. Section 86.59

Sincerely yours,

MIRRER YESHIVA CENTRAL INSTITUTE

Rabbi Chaim Stern

6/13/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mirrer Yeshiva Central Institute
(Name of Applicant or recipient

1791 Ocean Pkwy
(address)

Brooklyn, NY 11223
(city, state, zip code)

111-2225336
(identifying code-FICE, OE, or IRS)
36004798

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Rabbi Abraham Persky
(name of employee)

3. 1791 Ocean Parkway Bklyn, NY 11223
(office address)

4. 212-645-0536
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: April 15, 1977

Mirrer Yeshiva Central Institute
(Insert name of Applicant)

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rabbi Abraham Persky
(Insert title of authorized official.)
Financial Aid Administrator

Mississippi College
CLINTON, MISSISSIPPI 39058

Office of the President

Telephone (601) 925-3201

3/17
cy: PES
AS (Daniels)
OHSP (Lewis)

February 16, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Re: Title IX Religious Exemptions

Dear Sir:

At the outset, I would indicate to you that Mississippi College was established in the year 1826 and that the College has been owned by the Mississippi Baptist Convention since 1850. Thus, you may readily observe that Mississippi College is a "controlled" (and owned and supported) institution of the Mississippi Baptist Convention and has been for some 139 years. The tenets of the Baptist Faith and the Mississippi Baptist Convention, in particular, have played a vital part in the life of Mississippi College all of these years and we are committed to give careful attention to those expressions as we relate to the regulations of the law. Any different interpretation that might arise in consideration of the two arise out of our Christian beliefs, most, if not all of which are set forth in the Baptist Faith and Message Statement, a copy of which is enclosed. This same doctrinal statement had been adopted by the Southern Baptist Convention as early as 1925 with reaffirmation of the same being expressed by the Convention in 1963 and at other times during the 1970's and 1980's.

Within the context of the above, Mississippi College claims her exemptions 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).

Mississippi College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College was chartered by the State of Mississippi in 1826 and is owned by the

Mississippi Baptist Convention and is operated by a Board of Trustees elected by and from the membership of the Mississippi Baptist Convention. The College is exempt from federal income taxation as a not-for-profit institution under Section 501(c)(3) of the Internal Revenue Code. The Trustees of the College and the faculty, students and employees are all expected to espouse a personal belief in the religious tenets of the Christian faith as understood and practiced by the Mississippi Baptist Convention and her member churches. The catalog and other official publications of the College contain explicit statements of the fact that the College is committed to the doctrines of the Christian religion, and the college is completely governed by and receives a significant amount of its financial support from the religious organization of the Mississippi Baptist Convention and her member churches and the members of those churches. The College maintains its religious tradition, standards and beliefs in accordance with the teachings and tenets of those supporting bodies.

The College educates in the broad range of liberal arts, in which it 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, being the divinely inspired Word of God, sets forth the standards for Christian morality and practice in far too many places and forms to be identified or quoted comprehensively in this letter but Mississippi College is modeled after the teachings of the Bible and our Lord and adheres to the tenets of the Baptist Faith and Message as adopted by the Southern Baptist Convention referred to earlier.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, courtship, marriage and residential living environments and standards. It specifically holds religious standards for personnel and students in matters conducive to the fostering of proper and Christian 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 modest attire. Thus, Mississippi College takes particular exception to those paragraphs of Section 86.40 of the regulations, insofar as

it might be interpreted to require that pregnancy, childbirth, or the termination of pregnancy of an unmarried woman be all treated as normal illnesses or temporary disabilities. It is noted, specifically, that the Civil Rights Restoration Act makes express exceptions in reference to abortions, but within the spiritual convictions and religious tenets of the College, it is deemed worthy of particular mention here. Similar thoughts and concerns are to be found or may be said to arise out of Sections 86.21, 86.39, 86.51, 86.57, and 86.60 as they, and the same sections, under the new numbers, as listed elsewhere in this letter of claimed exemptions, express the same or similar thoughts relative to unmarried students or employees. Essentially, the College reserves the right at all times to exclude students whose conduct or academic standing it regards as undesirable or contrary to the tenets of the College and her owner-sponsor Denomination.

The college adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Holy Scripture and its teachings about moral behavior.

The College had previously communicated with the Department of Education (Department of Health, Education and Welfare) concerning her religious exemptions from certain of the provisions of Title IX and the Final Regulations issued in connection therewith. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX, as it may be effected by that Act, and the regulations thereunder that may be thought to be applicable to the college, this repeated, reaffirmed, and additional claim of her exemptions is being submitted at this time in order to solidify and to clarify the scope of the exemptions claimed by the college.

Thus, the college hereby claims and continues to claim, by way of affirmation, exemptions from the application of the following provisions of Title IX regulations, whether under the original Title IX or under that same Act as amended or as affected by later or more recent congressional enactments, inasmuch as they conflict with the college's religious tenets and traditions.

With express notice of the terms of Section 86.12 which declare that the provisions of this part of the regulations doe not apply to an educational institution which is controlled by a religious organization to the extent that application of this part would not be consistent with the religious tenets of that organization, and with the clear and long standing relationship that Mississippi College has with the Mississippi Baptist Convention, we do claim exemptions from the original Final Regulations under Title IX as follows:

Section 86.14
Section 86.15
Section 86.21
Section 86.22
Section 86.23
Section 86.31
Section 86.32
Section 86.34
Section 86.36
Section 86.37
Section 86.38
Section 86.39
Section 86.40
Section 86.51
Section 86.52
Section 86.53
Section 86.55
Section 86.57
Section 86.59

From the more recent Code of Federal Regulations - 34 CFR wherein, in Section 106.12 it continues to be declared that this part does not apply to an educational institution which is controlled by a religious organization to the extent that application of this part would not be consistent with the religious tenets of that organization, and with the clear and long standing relationship that Mississippi College has with the Mississippi Baptist Convention, we do claim exemptions from the revised or new regulations to Title IX as follows:

Section 106.14
Section 106.15
Section 106.21
Section 106.22
Section 106.23
Section 106.31
Section 106.32
Section 106.34
Section 106.36
Section 106.37
Section 106.38
Section 106.39
Section 106.40
Section 106.51
Section 106.52
Section 106.53
Section 106.55
Section 106.57
Section 106.59

The religious tenets relevant to marital and parental status are biblically derived. In order to live within

commonly perceived Christian meanings of human relationships and provide a moral and biblical ethos for the Mississippi College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practices of the Mississippi Baptist Convention as it, and we interpret its moral standards. Mississippi College maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others, including the larger family of the college itself. Where such conduct violates biblical norms (e. g. cohabitation without marriage, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical basis (see e. g. I. Cor. 5-7; Col 3:5; 2. Cor 6:14ff; Mal. 2: 14b-16a; Matt. 5:31)) and offending persons cannot be reconciled to biblical standards, the college reserves her right to exercise her discretion for the remedy appropriate to the circumstances consistent with her religious beliefs and practices.

There are a number of other 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 exemption is required. For example, the college understands that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not, by the dictates of Congress, be construed to require that the college provide or pay for any benefit or service, including the use of facilities, related to an abortion and such is certainly within the spirit and framework of the religious tenets and beliefs and traditions of the college. 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 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. In any event, if the college is mistaken in the understandings set forth above, then express exemptions are claimed in reference to each on behalf of the College as an arm of the Mississippi Baptist Convention and upon her own foundation as the religious college that she is.

The College specifically claims her right to exercise a religious preference in her employment practices and decisions, pursuant to Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the Unites States 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 and practices are consistent with the Christian tenets of the College and the Mississippi Baptist Convention, and the principles, traditions and tenets of either the College or the Baptist Convention.

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 her mission, the college expressly reserves her right to claim an amendment to her exemptions or her rights to claim any additional exemption in order to fully protect the First Amendment Religious Freedoms or religious tenets, practices and traditions of the College.

Thank you for your assistance and for your prompt consideration of this matter.

Sincerely,

Lewis Nobles

Lewis Nobles, President

MISSOURI
BAPTIST COLLEGE

PCPS
4/24
Awaiting
Sig

April 1, 1996

U. S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

This letter shall constitute Missouri Baptist College's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. Section 106.12. The College requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the College.

Missouri Baptist College is an institution of the Missouri Baptist Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Missouri. The College is controlled by the Missouri Baptist Convention. All members of the Board of Trustees of Missouri Baptist College are elected by the Convention. Trustees must be resident members of Baptist churches affiliated with the Convention. The Convention fosters the College and provides it substantial financial support. I am satisfied that the nature of the Missouri Baptist convention and its relationship with the College establish that Missouri Baptist College is "controlled by a religious organization" as required for exemption under Section 106.12.

The College adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the College's Christian understanding of the Scriptures. The College is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the College is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances, the tenets require the College to act in ways which may conflict with specific regulations under Title IX.

Office of the President
Missouri Baptist College • One College Park Drive • St. Louis, Missouri 63141-8698 • (314) 434-1115 • Fax 434-7596

The faculty, employees and students of the College are expected to conduct themselves in a matter consistent with the tenets of the Christian faith. The College required, for instance, that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be a violation of the College's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of her condition as required by 34 C.F.R. Sections 106.40(b) and 106.51 (b).

The College expects its students and employees to be Christian role models. For example, it is a violation of the College's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The College's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the College with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from Sections 106.51 (employment); 106.52 (employment criteria): 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The College requests an exemption from sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquires as to marital status and sex) insofar as these regulations prohibit the College from applying standards of Christian moral conduct in the selection and discipline of its employees.

The College provides an education to a significant number of students who are training for the gospel ministry. The College may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular significance is the College's role in preparing those who would become wives, mothers, husbands and fathers and encouraging their adherence to the College's religious tenets regarding the family and the sanctity of marriage.

Therefore, this College request an exemption from 34 C.F.R. Sections 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This institution requests an exemption from 34 C.F.R. Section 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex as required by religious tenets. The College requests exemptions from the following sections insofar as ministerial students are concerned: Sections 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from Section 106.36 regarding counseling and use of appraisal and counseling materials is requested to the extent the College's religious tenets require differentiating between counseling services on the basis of sex.

Finally, we request an exemption from Section 106.39 regarding student health and insurance benefits and services to the extent that regulation would require the College to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,

R. Alton Lacey, Ph.D
President

cc: Jason Rogers
Doug Copeland

MOUNT ANGEL SEMINARY
ST. BENEDICT, OREGON 97373
TELEPHONE: (503) 845-3030

Mount Angel Seminary is a private institution owned and operated by a religious organization for the training of students for the Catholic priesthood. Presently the Church does not allow the ordination of women and thus we may accept only males into our program for priestly training. We thus claim a religious exemption under 45 C.F.R. 86. 12(b). We comply with Title IX and all other requirements of part 86.

Date 4/6/79

Rev. James M. Ribble
President-Rector

7/20/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Rev. James Ribble
(Name of Applicant or recipient

Mt. Angel Seminary
(address)

St. Benedict, OR 97373
(city, state, zip code)

003-203
(identifying code-FICE, OE, or IRS)
41003203

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

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4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

James Ribble

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

COMPLETED

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. (x) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
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7. ( ) Vocational or Technical
8. (x) Professional

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2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee: NOT APPLICABLE

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated. NOT APPLICABLE

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86. NOT APPLICABLE

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices. NOT APPLICABLE

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
NOT APPLICABLE insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976. NOT APPLICABLE

Date: 4/6/79

Mt. Angel Seminary

St. Benedict, Oregon 97373

(Insert name of Applicant)

By James M. Ribble

Rev. James M. Ribble

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President-Rector

(Insert title of authorized official.)

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 3 1985

The Reverend J. Terrence Fitzgerald
President - Rector
Mt. Angel Seminary
St. Benedict, Oregon 97373

Dear Reverend Fitzgerald:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. We have reviewed your response to our letter of March 22, 1985, in which you describe a policy practiced at Mt. Angel Seminary as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain portions of the regulation implementing Title IX absent a religious exemption. You supplied information in your letter of April 12 that establishes that Mt. Angel Seminary is controlled by the Catholic Church and that tenets followed by the Church conflict with specific portions of the Title IX regulation. Therefore, I am granting Mt. Angel Seminary an exemption to the section of the Title IX regulation specified in your letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Mt. Angel Seminary. Mt. Angel Seminary is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.21.[1] The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Mt. Angel Seminary is owned and operated by the Catholic Church for the training of students for the Catholic priesthood. This relationship between the Catholic Church and Mt. Angel Seminary adequately establishes that Mt. Angel Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the Catholic Church does not allow the ordination of women or married men. Thus, only unmarried males are accepted into your program for priestly training. Based on this principle, Mt. Angel Seminary has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21 (Admissions).

---

1 The regulation implementing Title IX of the Education Amendments of 1972 was recodified with the establishment of the Department of Education in 1980. The regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

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 Mt. Angel Seminary, 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 Mt. Angel Seminary are not based on the religious tenets of the Catholic Church, OCR is obligated to contact the Catholic Church to verify those tenets. If the Church provides an interpretation of tenets that has a different practical impact than that described by Mt. Angel Seminary, or if the Church denies that it controls the institution, this exemption will be rescinded.

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

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

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

a)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mount Mercy College
(Name of Applicant or recipient

1330 Elmhurst Drive NE
(address)

Cedar Rapids, Iowa 52402
(city, state, zip code)

42-0681046
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Reverend Robert L. Ferring
(name of employee)

3. Mount Mercy College
(office address)

4. (319) 363-8213
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 8, 1979

Mount Mercy College
(Insert name of Applicant)

By Thomas R Reed
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

JOSEPH C. ALDRICH
PRESIDENT

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

MULTNOMAH
8435 NORTHEAST GLISAN STREET, PORTLAND, OREGON 97220 503-255-0332

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 ministration 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,

Joseph C. Aldrich

Joseph C. Aldrich
President

JCA:ek

Enclosures

ישיבת נר ישראל

NER ISRAEL RABBINICAL COLLEGE
MT. WILSON LANE / BALTIMORE, MARYLAND 21208 / 484-7200

May 27, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted, and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Herman N. Neuberger
Vice President

HNN:jsk

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

fee 6/11/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Ner Israel Rabbinical College
(Name of Applicant or recipient

400 Mt. Wilson Lane
(address)

Baltimore, Maryland 21208
(city, state, zip code)

002087 (OE)
(identifying code-FICE, OE, or IRS)
24002087

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

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4. (X) A privately controlled educational institution or organization.
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1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

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1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

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ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 27 - 77

NER ISRAEL RABBINICAL COLLEGE
(Insert name of Applicant)

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Vice President
(Insert title of authorized official.)

Reg'd Check with Mich

DON ARGUE
President

NORTH CENTRAL BIBLE COLLEGE 910 Elliot Ave So., Minneapolis, Minn. 55404 | 612-332-3491

December 6, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of North Central Bible College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by the Minnesota District Council of the Assemblies of God, the Wisconsin/Northern Michigan District Council of the Assemblies of God, the Northern Missouri District Council of the Assemblies of God, the Illinois District Council of the Assemblies of God, the Indiana District Council of the Assemblies of God, North Dakota District Council of the Assemblies of God, South Dakota District Council of the Assemblies of God, Nebraska District Council of the Assemblies of God, Iowa District Council of the Assemblies of God, and the Michigan District Council of the Assemblies of God, ("District Councils"). The District Councils are associations of churches in the States of Minnesota, Wisconsin, Michigan, Missouri, Illinois, North Dakota, South Dakota and Indiana, and they are members of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2 million members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District Councils are religious organizations.

Further, the articles of incorporation (enclosure 4) and

bylaws (enclosure 5) of the College demonstrate that the College is controlled by religious organizations (the District Councils) through a board of regents.

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

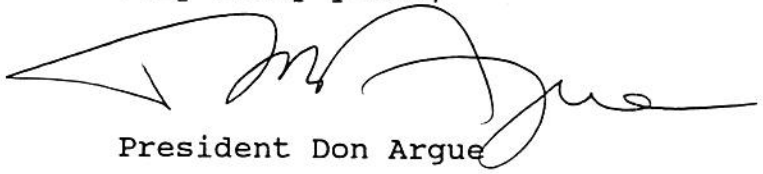
At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and

employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,



President Don Argue

DA:je

Enclosures

cc: Richard R. Hammar, Esq.

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Northeastern Christian Junior College (insert name of Applicant or Recipient) (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

42003307

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

John M. Barton, Vice President
(name of employee)

1860 Montgomery Avenue; Villanova, PA 19085
(office address)

525-6780
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by October 30, 1976 (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept. 30, 1976

Northeastern Christian Junior College
(Insert name of Applicant)

By John M. Barton
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Vice President
(Insert title of authorized official.)

GPO 906-517

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

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HEW–391

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U.S.MAIL

ATTN PRESIDENT

*1103
*
NORTHEASTERN CHRISTIAN JC* 791
1860 MONTGOMERY AVE
VILLANOVA PA 19085

ATTN PRESIDENT *1104

Northeastern Christian Junior College
1860 Montgomery Avenue • Villanova, Pa. 19085 • 215-525-6780
Office of the President

August 15, 1985

Mr. Dewey E. Dodds, Director
Office for Civil Rights
Region III
U.S. Department of Education
3535 Market Street, P.O. Box 13716
Philadelphia, PA 19101

Dear Mr. Dodds:

Thank you for your recent letter requesting documentation for the request filed by my predecessor for an exemption from certain requirements of the Title IX regulations.

Upon review of the relevant portions of the legislations, I have determined that Northeastern does not want at this time to request exemptions from Title IX.

Sincerely,

C. Larry Roberts

C. Larry Roberts
President

CLR/mf

RECEIVED
1985 AUG 19 PM 2:06

Religious Exempt
Code JS
CK CMJ
8/18/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Northwest Baptist Seminary
(Name of Applicant or recipient
4301 North Stevens
(address)
Tacoma Washington 98407
(city, state, zip code)
23-7395606 IRS
(identifying code-FICE, OE, or IRS)
53012601

YCP
4-3-78

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. ( ) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Thomas R. Sutton
(name of employee)

3. Assistant to the President
(office address)

4. 759-6104
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: 4 Aug 77

NORTHWEST BAPTIST SEMINARY
(Insert name of Applicant)

By Thomas K. Sutton
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Business Manager
(Insert title of authorized official.)

Northwest College
of the Assemblies of God

Dr. D.V. Hurst, President

RES
8/22
(OASP s/o on yellow)

AS sig
cy: AS
OASP ltr

July 29, 1988

Ms. LaGree Daniels
Assistant Secretary for Civil Rights
United States Department of Education
330 C Street, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application
Northwest College of the Assemblies of God,
a Washington non-profit corporation

Dear Ms. Daniels:

I am writing in my capacity as the highest ranking administrative official of Northwest College of the Assemblies of God, a Washington non-profit corporation.

Northwest College of the Assemblies of God (the "College") 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 is controlled by a religious organization. The College is a regionally accredited Christian college, endorsed by the American Association of Bible Colleges and the General Council of the Assemblies of God. The College offers degrees in Certificate in Christian Studies, Associate of Arts, Bible Diploma and Bachelor of Arts. The College is owned and controlled by the Northwest District Council of the Assemblies of God (Washington and Northern Idaho), the Montana District Council of the Assemblies of God, the Southern Idaho District Council of the Assemblies of God, and the Wyoming District Council of the Assemblies of God. The District Councils are associations of churches in these states, and they are members of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District councils, and 2 million members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code. The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches.

P.O. Box 579 Kirkland, Washington 98083-0579 Telephone: (206) 822-8266

The Directors of the College 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. The Articles of Incorporation and By-Laws [enclosure "A" & "B"], the catalog [enclosure "C"] and other official publications of the College contain explicit statements that the College is committed to the doctrines of the General Council, and the College is completely governed by the Assemblies of God. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the College and the General Council.

Compliance with Title IX would conflict with specific tenet(s) of the Assemblies of God. The College adheres to biblical tenets for matters of faith and practice, following its religious tradition and denomination. The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of 16 fundamental doctrinal precepts. The College's articles of incorporation and constitution and bylaws also adopt these doctrinal precepts. Accordingly, 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 Holy Bible and the "Statement of Fundamental Truths" sets forth the standards for Christian morality and practice in far too many places and forms to be identified comprehensively in this letter. However, two tenets that are especially pertinent are:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy." Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict directly with these tenets of the College and its controlling religious organization. These provisions of Title IX prohibit discrimination based on pregnancy or childbirth in student

recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and our church's view on sanctification. The conflict could occur in a number of ways. Consider the following:

1) an unmarried female student becomes pregnant;
2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or,
3) a married female student becomes pregnant because of an adulterous relationship with another student or third party.

In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In addition, the College, pursuant to its required tenets of faith, maintains its religious freedom to make certain gender distinctions in matters of moral behavior, pregnancy, marriage and residential living environments, and other moral standards. These religious standards are held for personnel and students and are matters conducive to the fostering of proper moral behavior and the discouragement of inappropriate behavior as required by the religious tradition, tenets of faith of its controlling religious organization and Biblical truth. Such standards also include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language and attire. At the College matters of moral behavior, including the misuse of human sexuality, is adjudicated in accordance with scriptural teaching about moral behavior.

The College requests exemption from the application of the Title IX regulations since such regulations specifically conflict with the tenets of our controlling religious organization.

The College also 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). The College shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs and practices are consistent with the Christian tenets, principles and traditions accepted by the College and our controlling religious organization.

In the event of any future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the College, the College reserves its right to apply to the Department of Education for an amendment to this exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the College and our controlling religious organization.

Thank you for your assistance and for your prompt confirmation of our exemption. If you have any questions or require any further information, please contact Dr. Randall K. Barton, Vice-President for Development, Northwest College of the Assemblies of God, (206) 822-8266.

Very truly yours,

Dr. D.V. Hurst, President
Northwest College
of the Assemblies of God

DVH:jw

Enclosures

Northwestern College

3003 North Snelling Avenue, St. Paul, Minnesota 55113 (612) 631-5100

March 16, 1989

Mr. Kenneth A. Mines
Regional Director
United States Department of Education
Office for Civil Rights
401 South State Street, 7th Floor
Chicago, IL 60605

Re: Title IX Exemption Application

Dear Mr. Mines:

In past correspondence with you seeking exemption from Title IX regulations, we were asked to provide further information on the religious tenets of our institution and which sections of the Title IX regulations conflict with those tenets.

As was mentioned in our letter to you dated June 23, 1988, Northwestern College is not affiliated with a particular denomination, but rather is controlled by Northwestern College, Incorporated, a non-profit religious corporation which was incorporated in the State of Minnesota in 1902 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code.

Enclosed please find a copy of Northwestern College's "Doctrinal Statement" which sets forth the religious tenets held by this institution.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest attire.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal,

on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentent in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor. 6:14ff; Mal. 2: 14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

Believing the Scriptures to be the infallible authority in all matters of faith and conduct, Northwestern College hereby requests exemption from the following provisions of the Title IX regulations to the extent that they conflict with Scriptural teaching:

Section 106.21 (c)(2) "Shall not discriminate against or exclude any person on the basis of...termination of pregnancy..."

Section 106.21 (c)(3) "Shall treat disabilities related to... termination of pregnancy...in the same manner and under the same policies as any other temporary disability or physical condition."

Section 106.40 (b)(1) "A recipient shall not discriminate against any student...on the basis of...termination of pregnancy..."

Section 106.40 (4) "A recipient shall treat...termination of pregnancy...in the same manner and under the same policies as any other temporary disability..."

Section 106.40 (5) "In the case of a recipient which does not maintain a leave policy for its students...a recipient shall treat...termination of pregnancy...as a justification for a leave of absence..."

Section 106.51 (a) "No person shall, on the basis of sex...be subjected to discrimination in employment, or recruitment, consideration or selection therefor...under any education program or activity operated by a recipient..."

Section 106.51 (b)(6) "Granting and return from leaves of absence... for...termination of pregnancy..."

Section 106.53 (a) "A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees..."

Section 106.55 (a) "A recipient shall not classify a job as being for males or for females;"

Section 106.57 (2)(b) "A recipient shall not discriminate against or exclude from employment...on the basis of...termination of pregnancy..."

Section 106.57 (2)(c) "A recipient shall treat...termination of pregnancy...as any other temporary disability..."

Section 106.57 (d) "In the case of a recipient which does not maintain a leave policy for its employees...a recipient shall treat...termination of pregnancy...as a justification for a leave of absence..."

Section 106.59 "A recipient shall not in any advertising related to employment indicate preference...based on sex"

Section 106.60 (b) "A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if...the results of such inquiry are not used in connection with discrimination..."

There are a 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 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 tenets 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 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 claim 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 my office at (612) 631-5249.

Sincerely,

Donald O. Ericksen
President

DE:gb
Enclosure: Doctrinal Statement

Northwestern College
3003 North Snelling Avenue, St. Paul, Minnesota 55113 (612) 631-5100

June 23, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Northwestern College hereby requests an exemption from the requi of Title IX of the Education Amendments of 1972 ("Title IX") as herein fied, pursuant to Sections 901(a)(3) and 908 of Title IX and 34 C.F.R. 106.12(b). The College believes that it has in the past received, and currently receiving, indirect federal aid within our understanding of t Supreme Court opinion in Grove City College v. Bell, 465 U.S. 555(1984)

Northwestern College is a regionally accredited liberal arts col offering courses of instruction in the humanities, arts and sciences. College is controlled by Northwestern College, Inc. (the "Corporation"), non-profit religious corporation which was incorporated in the State of Minnesota in 1902 as a Christian institution of higher education under t control of a board of directors, and is exempt from federal income taxat as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The directors of the Corporation, faculty, stude and employees of the College are all required to espouse a personal beli the religious tenets of the Christian faith. The Charter of the Corpora the catalogs and other official publications of the College contain expl statements that the College is committed to the doctrines of the Christi religion, and the College is completely governed by and receives its ent financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards ar 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 disciplin matters, as well as in the performance of any religious role or office in which gender distinctions may be required.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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. The College adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Scriptural teaching about sexual behavior. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, social behavior, language and attire.

The College hereby requests exemption from the application of the Title IX regulations, to the extent that they conflict with the College's religious tenets as described above. Please refer to the enclosed letter dated May 25, 1973, from the U.S. Department of Education.

Sincerely,

Donald Ericksen
President

DE:gb
Enclosure

(a)

No tenet cited

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Northwestern College, Orange City, Iowa 51041
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[x] Undergraduate (including junior and community colleges)
[x] Vocational or Technical
[x] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

Date 11-10

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Philip Patton
(name of employee)

Assistant Dean of Academic Affairs
(office address)

712-737-4821, Ext. 17 (8-12), Ext. 39 (1-5)
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[x] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 10, 1976

Northwestern College, Orange City, IA 51041
(Insert name of Applicant)

By H.V. Rowenhorst
H.V. Rowenhorst
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Notre Dame Seminary
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[✓] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

22002022

[ ] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[✓] Graduate
[ ] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[✓] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: April 11, 1977

Notre Dame Seminary
(Insert name of Applicant)

By (Rev.) J Edgar Bruns
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

85-105-003

OAKWOOD COLLEGE HUNTSVILLE, ALABAMA 35896 (205) 837-1630

ADMINISTRATION & DEVELOPMENT

RECEIVED
1985 AUG -7 AM 11:01
U.S. DEPT. OF ED
OFFICE FOR CIVIL RIGHTS
REGION IV

August 6, 1985

Mr. William H. Thomas, Regional Director
United States Dept. of Education
Region IV
101 Marietta Tower
Atlanta, GA 30323

Dear Mr. Thomas:

This is in reference to your letter of March 25, 1985 and our request for religious exemption from Title IX of the Education Ammendments of 1972. The following are the bases for our request:

The name of the religious organization that controls Oakwood College is the Seventh-day Adventist Church, incorporated as the General Conference of Seventh-day Adventists. The address of this organization is 6840 Eastern Avenue, Northwest, Washington, DC 20012.

As the College's parent body, the General Conference of Seventh-day Adventists owns all the buildings, property, deeds and titles. As an institution of higher education, Oakwood College is the educational arm of the church -- and is governed by the doctrines, policies, and practices of its religious organization --the Seventh-day Adventist Church.

The following is a brief description of the tenets of our faith. Seventh-day Adventists believe:

1. In the entire Bible as the inspired Word of God. II Tim. 3:16; II Peter 1:19-21.

2. In the Godhead as mentioned in Matt. 28:19, 20.

3. In Jesus Christ as the only Way of Salvation. John 3:16; 14:6; Acts 4:12; Rom. 3:20-26.

4. In the imminent, personal, visible, and soon return of Jesus in the clouds. Matt. 24; Luke 21; John 14:1-5.

5. In Salvation by grace through faith in Jesus Christ; not by our works in keeping the law of God. Eph. 2:8-10; I John 5:11, 12.

6. In obedience as the fruitage of faith. James 2:17-20; Gal. 5:22, 23.

7. In regeneration, the new birth, Bible conversion, true sanctification and holiness of life. John 3:1-6; Acts 3:19; II Cor. 5:17.

8. In the ten commandments, the Law of God, as the standard of the judgment of God and of the daily life. Ex. 20:1-7; Eccl. 12:13, 14.

9. In the original Seventh-day Sabbath, Saturday as the true Lord's Day. Gen. 2:1-3; Ex. 20:8-1; Isa. 58:13, 14.

10. In the followers of Christ shunning worldly pleasures and follies that unfit them for heaven. Abstaining from fornication. In Christian conduct that is manifested by modesty and simplicity in dress and appearance. I Thes. 4:3, 7; 5:23; I Peter 2:21; Isa. 3:16-24.

11. In the indwelling of the Holy Spirit in the body temple and that the Christian should not defile it with alcoholic beverages, tobacco in any form, narcotics or foods that are not in harmony with God's Word. I Cor. 6:18; 9:24-27; Rom. 12:1, 2; I Thes. 5:23; Lev. 11; Deut. 14.

12. In death as a sleep without consciousness and that the dead rest in their graves until the resurrection, for the dead know not anything. Eccl. 9:5, 6.

13. In the gifts of the Holy Spirit; in the presence of the gift of prophecy which is one of the identifying marks of the remnant church. I Cor. 1:5-7; 12:1-28; Amos 3:7; Rev. 12:17.

14. In Baptism by immersion. Matt. 28:18-20; Col. 2:12; 3:1-4.

15. In support of the gospel through tithes and offerings. Lev. 27:30; Mal. 3:7-12; Matt. 23:23.

Finally, we feel that Sections 106.21c-2, 106.40b-1, and 106.57-2-b are in conflict with our belief that fornication or sexual

relations before marriage is a sin. (See numbers 10 and 11). Therefore, if an unmarried employee or student were to become involved in such a relationship which resulted in pregnancy we could not permit the parties (male and female) to remain employed at or enrolled in our institution. These individuals are also disfellowshiped from the church body. When and if they re-enter the church through re-baptism, they can be readmitted to the institution, if they so desire.

It is our understanding that Section 106.31b-5 regarding appearance has been deleted from the Regulation and need not be addressed herein.

We believe that this letter clarifies our position relative to our Title IX Waiver request dated May 31, 1977. If you have further questions, please do not hesitate to contact us.

Sincerely,

Rosa T. Banks

Dr. Rosa T. Banks, Vice President
Administration & Development

RTB:lgw

cc: Ken Gross

"Sowing Seeds of Life"

Ohio Valley College
College Parkway
Parkersburg, West Virginia 26101
(304) 485-7384

HAMELIN 11/4

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

The purpose of this letter is to claim religious exemptions for certain provisions of Title IX of the Education Amendments of 1972. First, I wish to explain briefly the background for these claims.

Ohio Valley College is a liberal arts junior college operated as a Christian institution. It is independent of specific control by any church but is controlled and staffed by trustees and educators who are members of the churches of Christ. It is therefore very deliberately related to the churches of Christ and controlled by the tenets of that church insofar as religious matters are concerned.

The churches of Christ are a "fundamentlist" group which relies solely upon the Bible for its creed. Each congregation is fully autonomous under its own leadership and there is no central authority of any kind. Rather, the churches are bound by common respect for, and interpretation of, the Bible as well as mutual interest in missions activity. Other strong bonds include some widely circulated religious journals and support for several junior and senior colleges among this brotherhood. Financial support to this college, however, comes from individuals rather than congregations.

In view of the lack of central structure as cited above, there is to be found some variety in interpretations and opinions among churches of Christ. There is, however, strong agreement on basic principles of doctrine, including the respective roles of men and women.

Men and women are considered spiritual equals in the sight of God. Each has distinctive obligations in the home and church, and it is to honor our churches' concept of the Biblical sense of distinctiveness that I am submitting the following requests for religious exemption.

1. Section 86.51. There are many occasions for college personnel to speak in local congregations. Preaching and public teaching in churches of Christ are to be done by males. Our of respect for these beliefs, men must fill the following positions:

    a. College President
    b. Bible Department Chairman
    c. Bible faculty
    d. Majority of admissions counselors

2. Section 86.34. Courses specifically designed for preacher training are for men only for the same reasons as mentioned in Paragraph 1.

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3. Section 86.34. The college's course on marriage and family relations will be taught from the Biblical perspective emphasizing distinctive, complementary roles for men and women.

4. Section 86.31 (b) (5). We will maintain distinct dress codes for men and women, but the force and effect of the codes will be comparable. The codes stress modest dress and neat appearance.

5. Section 86.34. Swimming classes will be conducted separately in line with the requirement for modesty.

6. Section 86.31. Scholarship funds which have been designated for men in preacher training must be awarded as designated.

7. Section 86.21 (c) and 86.57. We must determine marital status and reserve the right for disciplinary measures for both men and women in cases of divorce and sexual immorality. Otherwise, we lose our force of example before our constituency.

8. Section 86.41. Because we are quite small (153 full time students in the Fall, 1976), we must yet give considerable evaluation to whether we can provide separate women's teams in contact sports or drop the program altogether. We must claim the right to demand modest athletic apparel relating to both Section 86.41 and 86.31.

We appreciate the fact that Title IX has provisions for latitude in regard to religious tehets. Once again, it must be stressed that our philosophy on these matters is to esteem and preserve the uniqueness of men and women. Our view is that practice of Christian principles and ethics is the highest-guarantee of just, equitable, and appreciative treatment of any person. With the explanations noted above, we have long maintained equal opportunity for achievement while affording a climate for men and women to reach a self-image that is emotionally healthy and conducive to harmonious social relationships.

Thank you for your consideration in these matters.

Sincerely,

Justin B. Roberts

Justin B. Roberts
President

JR/kj

Ohr Hameir Theological College

3 BOULEVARD, NEW ROCHELLE, NEW YORK 10801 · TELEPHONE NE 2-6192

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

PRESIDENT

Ohr Hameir Theological Seminary

TIFERETH ISRAEL HIGH SCHOOL OF OHR HAMEIR

914-632-6192 • 3 BOULEVARD, NEW ROCHELLE, NEW YORK 10801 • 212-828-6520

August 26, 1985 בע"ח

RECEIVED
AUG 28 1985
O C R
REGION II

U.S. Department of Education
Office for Civil Rights
26 Federal Plaza
New York N.Y. 10278
ATT: MR. STANLEY SEIDENFELD
Deputy Director

Dear Mr. Seidenfeld :

In response to your letter of August 7, supplementary to the exemption imformation that we filled with the U.S. Department of Education in May 1977, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets.

Based on our review and understanding of 34 C.F.R. part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52 , 106.53, 106.55 and 106.59.

Exemtion from those sections renders inapplicable all other provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rabbi Israel E. Kanarek
PRESIDENT

mf:IEK

אור שמח
Ohr Somayach
The Joseph & Faye Tanenbaum
Centre of Judaic Studies
Jerusalem • Tel Aviv • Rehovot
Zichron Yaakov • New York • Toronto

RD 1598-85
SS Marilyn Rabinowitz
Mr. Singleton
cy PES
AS sig
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cy file
New York

RECEIVED
AUG 2 1985
OCR
REGION II

July 22, 1985

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking officer of this institution.

2) The institution is controlled, conducted, and operated by the Orthodox Jewish Religion.

3) The following provisions of part 86 as they apply to our institution conflict with specific tenents of the Orthodox Jewish Religion governing our institution:

a) Section 86.21 (a)
b) Section 86.31 (a)
c) Section 86.32 (a)
d) Section 86.34
e) Section 86.51
f) Section 86.52
g) Section 86.55 (a)
h) Section 86.7
i) Section 86.22
j) Section 86.23 (a)
k) Section 86.23 (b)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Emil Tauber
President

ET/ch

Ohr Somayach Institutions/Central Campus
22-24 Shimon Hatzadik St.
P.O.B. 18103, Jerusalem, Israel/(02) 810315

Ohr Somayach Institutions
142 Route 306 P.O. box 334, Monsey, N.Y. 10952
(914) 425-1370 (212) 689-3113

OKLAHOMA CHRISTIAN COLLEGE

Oklahoma City Oklahoma 73111 • (405) 478-1661

July 30, 1985

Mr. Taylor D. August
Director, Region VI
U. S. Department of Education
Regional Office
1200 Main Tower Building
Dallas, TX 75202

Dear Mr. August:

In response to your letter of June 3, 1985, we are re-submitting the request we first filed on September 30, 1976, for certain exemptions from the Title IX Regulations, based on the religious affiliation of Oklahoma Christian College. While we are in agreement with and conform to almost all of the aspects of Title IX stipulating equal treatment of the sexes, there are a few points on which the understanding of the Bible by our constituency require us to seek exception. We will appreciate your assistance on these matters.

Oklahoma Christian College is affiliated with the churches of Christ, an un-denominational group which seeks to re-establish the church of the first century in all essential respects. This means that the scriptures are, in effect, our statement of principles and we have no other. In following these principles, the churches of Christ have no hierarchy of any kind. There is no conference, no legislative body, no higher authority than each local congregation. Oklahoma Christian College, then, is a college established by this brotherhood primarily to serve the needs of young people of this brotherhood. Its control is vested in a Board of Trustees which is composed entirely of persons who must be members in good standing of this church brotherhood and who, therefore, understand the view held by the various congregations of which they are a part. This Board has the responsibility of seeing that the College follows the views of the brotherhood on matters pertaining to religious and scriptural matters.

As expressed in the scriptures, the views of our religious constituency are that men and women hold equal standing in the church, each independently acceptable before God. At the same time, however, the scriptures place somewhat differing responsibilities on the two, giving men certain roles of leadership in worship and responsibility (I Corinthians 14:33-37, I Timothy 2:8-15). It is in view of these scriptures that we make the attached requests for certain exceptions to the Title IX Regulations.

We will appreciate your granting these requests.

Sincerely,

J. Terry Johnson

Enclosure

JTJ/mgc

NEW 7-30-85

REQUESTS FOR EXCEPTION TO THE TITLE IX REQUIREMENTS FROM OKLAHOMA CHRISTIAN COLLEGE

1. Swimming Classes. According to paragraph 106.34 of Subpart D, "a recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex." Because of the prevailing view in the church, we request that we be able to provide separate classes for men and women in swimming. These classes shall be equal in every respect but shall be separate because of the problem of controlling the swimwear in harmony with what our Board of Trustees considers modest dress (I Timothy 2:9).

2. Participation of women in leading religious services. Paragraph 106.31 (b) (8) states that an institution should not "limit any person in the enjoyment of any right, privilege, advantage, or opportunity. Because of the biblical injunction that women are not to take the leading role in conducting religious worship services, the College requests that it not be required to assign such roles to them (I Corinthians 14:33-37). The College does provide many opportunities to women for religious activities and leadership. It has a special group for women called "Gleaners" in which they meet to conduct religious services and provide many useful services in the community. Women, likewise, have many opportunities for leadership in clubs, student government, and other activities in which they have equal standing with the men. It is only the matter of conducting public worship that we seek the exception.

OKLAHOMA CHRISTIAN COLLEGE

Oklahoma City, Oklahoma 73111 • (405) 478-1661

September 30, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education & Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

Enclosed please find Assurance of Compliance form for Oklahoma Christian College and a copy of our "Claim for Religious Exemption."

Please let us know if additional information is needed.

Sincerely yours,

J. Terry Johnson
President

JTJ:lp

Enclosure

OLD 9-30-76

A CLAIM FOR RELIGIOUS EXEMPTION

Oklahoma Christian College respectfully requests exemption from Title IX of the Education Amendments of 1972, as amended in the following areas:

1. Swimming Classes. All of our physical education classes are open to both men and women with the exception of swimming classes. The College has never allowed mixed swimming in any of the activities which it sponsors, and this action has been enforced because of the position on what is "modest attire."

2. Participation of women in leading religious services. The position in our entire religious brotherhood is that "women are not permitted to teach or have dominion over men" in religious affairs. None of our churches, for example, have women who speak in their pulpits or who teach adult classes with men present. The role of the woman, of course, is active in other types of activities. In view of this position, we do not ask women to lead in our chapel services, but do have other types of religious activities in which they are very active. In this same connection, funds which have been given us for scholarships for ministers are given only to men students.

3. Dress code. Our dress code is basically the same for men and women with a similar level of modesty expected for both. There is a specified length of hair for men and a specified skirt length for women. Neither sex is permitted to wear shorts on the campus except for active participation in athletics in which case there is a standard specified. These standard uniforms include both shirts and shorts for men and women, although the design is slightly different to accommodate normal variations in build and standards of modesty accepted among our church constituency.

4. Pregnancy treated as temporary disability. Oklahoma Christian College will treat pregnancy as a temporary disability for female employees with the opportunity for the employee to return after the child has been born; however, the college will not recognize "temporary disability" status if pregnancy occurs outside of wedlock. Pregnancy outside of wedlock will be grounds for dismissal. A male employee who is a party to pregnancy outside of wedlock will also be subject to immediate dismissal from the college.

Oklahoma Christian College is governed by the churches of Christ. All full-time faculty appointments are members of this church body and, by stipulation in the Articles of Incorporation and By-Laws, all trustees must also be a member of this religious body.

Code E KLH

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Oral Roberts University
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

4000 3965

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[X] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[X] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II--PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III--TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Don Ford
(name of employee)

7777 South Lewis, Tulsa, Oklahoma
(office address)

918-492-6161
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: January 14, 1977

Oral Roberts University
(Insert name of Applicant)

By Carl D. Hamilton

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Provost & Executive Vice President for Academic Affairs
(Insert title of authorized official.)

OUACHITA BAPTIST UNIVERSITY

ARKADELPHIA, ARKANSAS

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 3

To Elenor Baker	From ED/Rg VI
Co. ED/OCR	Co. OCR
Dept. Room 5315	Phone # 214-767-3959
Fax #	Fax # 214-767-6509

Dal 5/6 AAS sig

ristian Excellence
—Our Vision

Office of President

RECEIVED IN OCR
APR 09 1993
REGIONAL DIRECTOR'S OFFICE

March 31, 1993

U. S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

To Whom It May Concern:

This letter shall constitute Ouachita Baptist University's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. Section 106.12. The University requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the University.

Ouachita Baptist University is an institution of the Arkansas Baptist State Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Arkansas. The University is controlled by the Arkansas Baptist State Convention. All members of the Board of Trustees of Ouachita Baptist University are elected by the Convention. Trustees must be resident members of Baptist churches affiliated with the Convention. The Convention fosters the University and provides it substantial financial support. I am satisfied that the nature of the Arkansas Baptist State Convention and its relationship with the University establish that Ouachita Baptist University is "controlled by a religious organization" as required for exemption under Section 106.12.

The University adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the University's Christian understanding of the Scriptures. The University is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the University is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances,

the tenets require the University to act in ways which may conflict with specific regulations under Title IX.

The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be in violation of the University's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges inspite of her condition as required by 34 C.F.R. Subsection 106.40(b) and 106.51(b).

The University expects its students and employees to be Christian role models. For example, it is a violation of the University's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The University's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the University with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from Subsection 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The University requests an exemption from Sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquires as to marital status and sex) insofar as these regulations prohibit the University from applying standards of Christian moral conduct in the selection and discipline of its employees.

The University provides an education to a significant number of students who are training for the gospel ministry. The University may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The University deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular significance is the University's role in preparing those who would become wives, mothers, husbands, and fathers and encouraging their adherence to the University's religious tenets regarding the family and the sanctity of marriage.

Therefore, this University requests an exemption from 34 C.F.R. Subsection 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This

institution requests an exemption from 34 C.F.R. Section 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex as required by religious tenets. The University requests exemptions from the following sections insofar as ministerial students are concerned: Subsection 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from Section 106.36 regarding counseling and use of appraisal and counseling materials is requested to the extent the University's religious tenets require differentiating between counseling services and on the basis of sex.

Finally, we request an exemption from Section 106.39 regarding student health and insurance benefits and services to the extent this regulation would require the University to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,

Ben M. Elrod
President
Ouachita Baptist University

COPY

Pacific
Union
College

June 13, 1989

William L. Smith, Acting Assistant
Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Smith:

As the President and highest ranking official of Pacific Union College, I hereby apply, on its behalf, for the exemptions available to educational institutions controlled by religious organizations as provided by 34 C.F.R. Section 106.12(b) of the Regulations for Title IX of the Education Amendments of 1972 (20 U.S.C.S. Section 1681) on the grounds certain provisions of the Title IX Regulations conflict with the religious tenets of the Seventh-day Adventist Church, the controlling organization under which Pacific Union College operates. It was believed a prior administration had applied for the exemption but upon checking the records, no such application or approval thereof was found.

Specifically, Pacific Union College requests exemption from the following regulations based on the religious tenets cited below:

Regulations - 34 C.F.R.

1. Section 106.21(c) - Admissions, Prohibitions Relating to Marital or Parental Status;

2. Section 106.39 - Health and Insurance Benefits and Services;

3. Section 106.40 - Marital or Parental Status (Students);

4. Section 106.57 - Marital or Parental Status (Employees); and

5. Section 106.60(a) - Pre-employment Inquiries re Marital Status.

Explanation

A. The First Fundamental Belief of the Seventh-day Adventist Church states, in part: "The Holy Scriptures are the infallible revelation of His will. They are the standard of character, the test of experience, the authoritative revealer of doctrines, and the trustworthy record of God's acts in history." (S.D.A. Church Manual, 1986 ed., page 23)

B. The Eighteenth Fundamental Belief of the Seventh-day Adventist Church states, in part: "The great principles of God's law are embodied in the Ten Commandments and exemplified in the life of Christ. They express God's love, will, and purposes concerning human conduct and relationships and are binding upon all people in every age." (Exodus 20:1-17, see especially 20:14, S.D.A. Church Manual, 1986 ed., page 28)

C. The Twenty-first Fundamental Belief of the Seventh-day Adventist Church states, in part: ". . . our bodies are the temples of the Holy Spirit, we are to care for them intelligently. Along with adequate exercise and rest, we are to adopt the most healthful diet possible and abstain from unclean foods identified int he scriptures. Since alcoholic beverages, tobacco, and the irresponsible use of drugs and narcotics are harmful to our bodies, we are to abstain from them as well." (S.D.A. Church Manual, 1986 ed., page 29)

D. The Twenty-second Fundamental Belief of the Seventh-day Adventist Church states, in part: "Marriage was divinely established in Eden and affirmed by Jesus to be a lifelong union.... Regarding divorce, Jesus taught that the person who divorces a spouse, except for fornication, and marries another, commits adultery." (Exodus 20:12, (S.D.A. Church Manual, 1986 ed., page 30)

The Seventh Commandment, Exodus 20:14, states: "Thou shalt not commit adultery." The Church interprets this commandment along with the other Fundamental Beliefs set forth above, to cover adultery, fornication, various perversions, and certain remarriages (Reasons for Which Members Shall Be Disciplined, S.D.A. Church Manual, 1986 ed., page 162). The S.D.A. Church Manual comments: "The Church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its actions. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins...." (page 162)

E. The P.U.C. CAMPUS LIVING brochure states as follows on pages 3 and 4 thereof:

COLLEGE REGULATIONS

Since Biblical principles underlie the ideals of Pacific Union College, members of the academic community are expected to live as Seventh-day Adventist Christians. Membership in the collegiate community precludes dishonesty, including stealing or possessing stolen goods, cheating, lying; gambling; dancing; using, possessing or furnishing to others alcoholic beverages, tobacco products, and other non-prescribed or illegal drugs; attending entertainments which are morally destructive; engaging in extra-marital sex.... By enrolling at Pacific Union College students agree to abide by the policies and regulations described in the COLLEGE BULLETIN, the CAMPUS LIVING brochure, and as announced officially. The college reserves

right to place on restriction, probation, suspension or to dismiss students involved in the activities above.

F. PACIFIC UNION COLLEGE BULLETIN, 1988-1989:

HISTORY (Page 11)

In 1882 the Seventh-day Adventist Denomination, recognizing the need for a center of higher education for its youth of the Pacific Coast, established Healdsburg College at Healdsburg, California. In 1906 the College was transferred to its present site, then the Angwin Resort.

PHILOSOPHY AND OBJECTIVES (Page 11)

Spiritual

As a Seventh-day Adventist institution, Pacific Union College places great emphasis upon the role of spiritual values and the personal lives of its students. It seeks to establish in them an unswerving allegiance to the principles of the Christian faith, and a sense of personal responsibility to participate in the mission outreach of the Church.

RELIGIOUS LIFE (Page 14)

Students are expected to attend regularly a specified number of the daily worship services, chapels and Sabbath services which are planned to stimulate growth and maturity and Christian living.

G. The Re-stated Articles of Incorporation (March 10, 1986) states as follows in relevant part: "It [Pacific Union College] is organized under the Nonprofit Religious Corporation Law primarily for religious purposes. More specifically, the purposes of this corporation are to found, manage, and operate institutions of learning primarily for the religious instruction of students of both sexes in the Holy Scriptures, as well as instruction in the arts and sciences, languages,... as part of the system of educational institutions established and operated throughout the world by the Seventh-day Adventist Church."

H. The Bylaws of Pacific Union College states as follows in Article IV, in relevant part: "Pacific Union College is a corporation which is wholly operated and controlled by Pacific Union Conference of Seventh-day Adventists as an educational institution of the Seventh-day Adventist Church. The particular objectives for which this institution was formed are set forth in the Articles of Incorporation and include the establishment, maintenance, and conduct of Seventh-day Adventist institutions of higher education as part of the system of educational institutions established and operated throughout the world by the Seventh-day Adventist Church." Article

VI, Section 1 states as follows in relevant part: "All members of the Board of Trustees shall be members of the Seventh-day Adventist Church in good and regular standing."

Pacific Union College, therefore, as an institution of the Seventh-day Adventist Church, upholds the above religious standards in its relationships with students and employees. Pacific Union College believes it is in compliance with the requirements of Title IX because the same religious principles and standards apply to all of its employees and students of both sexes.

The Seventh-day Adventist Church operates a number of universities and senior colleges in the United States, such as Pacific Union College, to provide for its youth the opportunity to take advanced studies within the context of the Church's world view and sense of mission. Pacific Union College is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The college is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501.(c)(3) tax exemption. In addition to the Board of Directors for the college being members of the Seventh-day Adventist Church, so are its faculty and full-time staff.

Your prompt attention to this matter is greatly appreciated.

Sincerely,

D. Malcolm Maxwell, Ph.D.
President

a

xc: John E. Palomino, Regional Civil Rights Director
Office of Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor
San Francisco, CA 94105

Gordon Madgwick, Board of Higher Education
6840 Eastern Avenue, NW
Washington DC 20012

Carole Hann, Malott, Pedder, Stover & Hesseltine
P. O. Box 479
Lafayette, CA 94549

A SEVENTH-DAY ADVENTIST EDUCATIONAL CENTER

PACIFIC UNION COLLEGE

Angwin, California 94508 / Telephone (707) 965-6211

Office of the President

August 31, 1976

Dr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Dr. Gerry:

Religious Exemption Statement

Pacific Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

Pacific Union College is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United States Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

Pacific Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Pacific Union College is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

Pacific Union College claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(b), and 86.31, insofar as they conflict with Church teachings and practices on morality, deportment, and appearance.

Sincerely,

J. W. Cassell, Jr.
President

JWC:bb
Enc.

PALM BEACH ATLANTIC COLLEGE

August 18, 1994

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202

Dear Ms. Cantu:

In November 1988, Palm Beach Atlantic College submitted a letter requesting religious exemption for the College from certain sections of the regulation implementing Title IX of the Education Amendments of 1972. Accompanying our 1988 letter was our charter and by-laws which supplied information establishing that religious tenets followed by the College conflict with specific sections of the Title IX regulation. The College was granted exemption from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.34, 106.38, 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60 (copy of the letter enclosed for your reference). Since that time, the College has continued to follow religious principles that conflict with the sections of the Title IX regulation mentioned previously.

Palm Beach Atlantic College is in the process of considering restatement of our charter and revision of our by-laws. I am submitting a copy of the proposed restatement and changes for your review, should that be appropriate. The proposed restatement and changes maintain the pervasive religious nature of our institution, control by a board of trustees who are committed to a religious faith statement, and operating philosophy which will continue to fulfill its strong religious purposes following religious tenets which conflict with certain sections of the Title IX regulation. Prior to acting on the proposals, our board would like to inquire as to whether the proposed changes would in any way affect our exemption status.

If you have any questions regarding this inquiry, feel free to contact my office at (407) 835-4400. I would appreciate hearing from you concerning this matter at your earliest convenience. Thank you for your attention to this matter.

Very sincerely yours,

Paul R. Corts
President

PRC:tbw

Enclosures

901 South Flagler Dr., P.O. Box 24708
West Palm Beach, FL 33416-4708

Rita: pls file 9-0-610
ATL
12/9
AB pl 9
cy: AB
DAB (LEWIS)
PES

November 8, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Sir:

Palm Beach Atlantic College hereby claims 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).

Palm Beach Atlantic College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is a non-profit corporation incorporated in the State of Florida in 1968 as a Christian institution of higher education under the control of a Board of Trustees which is selected by the Palm Lake Baptist Association, and is exempt from federal income taxation as a not-for-profit institution under Section 501(c)(3) of the Internal Revenue Code. The members of the Board of Trustees of the corporation, the faculty and the employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Articles of Incorporation of the corporation and the catalogs 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 its Board of Trustees and receives a significant amount of its financial support from the Baptist Churches and from the members of the Baptist Churches which are members of the Palm Lake Baptist Association. The college maintains its religious traditions, standards and beliefs in accordance with the requirements of the Articles of Incorporation, By-Laws and policies of the Board of Trustees of the corporation.

US DEPT OF EDUCATION
1988 NOV 22 PM 1:50
RECEIVED

PALM BEACH ATLANTIC COLLEGE
P. O. BOX 3353, WEST PALM BEACH, FL. 33402-3353 305.650.7700

The college educates in the broad range of liberal arts, in which it 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, 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

> Matthew 5:27-28; I Timothy 2:9-12; I Corinthians 7; I Peter 3:1-5; Ephesians 5:1-7; Ephesians 4:25-32; Romans 14:21; Exodus 20; and Matthew 18:15-17.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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

> I Corinthians 6:18-20; I Corinthians 5; and Romans 1:24-32.

The college may have previously communicated with the Department of Education concerning a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the college, this additional exemption notice is being submitted at this time in order to clarify the scope of the exemption claimed by the college.

The college hereby claims 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, 34 C.F.R.

Sections 106.21(c), 106.57 and 106.60, Section 106.34 and 106.51, together with any application of Sections 106.38, 106.53, 106.55 or 106.59 that relates to such employment opportunities that are limited to one gender by the religious beliefs of the college.

There are a 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 106.32, inclusive, do not apply to the college because it is a private institution of undergraduate 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 faciltities 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 tenets 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 and practice are consistent with the religious 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 the regulations on the college's ability to pursue its religious mission, the college reserves its right to claim 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 futher information, please contact Dr. Claude H. Rhea who is the President of the college at 1101 South Olive Avenue, West Palm Beach, FL 33401.

Very truly yours,

Dr. Claude H. Rhea
President

CHR:sp

cc: Donald E. Warren, M.D.
L. Foster Harwell, Ed.D.
HLC

Pepperdine University

September 27, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Re: TITLE IX EXEMPTIONS

Dear Mr. Gerry:

The purpose of this letter is to inform you that Pepperdine University does not discriminate on the basis of sex in administration of its educational policies, admissions, employment, or other educational programs and activities except when full compliance with the Regulations under Title IX would be inconsistent with specific religious tenets held by the controlling religious organization. This letter submits exemptions for those requirements which the controlling religious organization holds are incompatible with the Biblical interpretations by which it is guided.

Pepperdine University is a Christian institution, operated and controlled by members of the churches of Christ, who believe that God made some distinctions between the roles of man and woman in the home and church, while maintaining their equal worth before Him.

There are two principal religious tenets which are inconsistent with the Title IX Regulations. The first such tenet is the belief that women should not serve in positions of authority or leadership over men in public worship, religious instruction, or in the home. The second such tenet is the belief that God approves sexual relationships only between male and female in holy wedlock.

Therefore, pursuant to Section 86.12, Pepperdine University submits the following exemptions from the provisions of Part 86:

1. Section 86.31 - Education Programs and Activities.

   Pepperdine University reserves the right to exclude women from: public preaching; leading of devotionals in mixed audiences in daily chapel, the annual lectureship, or similar programs; or any activities or programs which are offered exclusively for students preparing for the preaching ministry.

2. Section 86.37 - Financial Assistance.

Pepperdine University reserves the right to exclude women from scholarships, loans, or awards designated now or in the future exclusively for students preparing for the preaching ministry.

3. Section 86.38 - Employment Assistance.

Pepperdine University reserves the right to refuse employment placement assistance to women seeking employment as preaching ministers.

4. Sections 86.40(b) and 86.57(b) - Pregnancy and Related Conditions.

Pepperdine University reserves the right to take disciplinary action without regard to sex against persons determined by the University under its established procedures to be involved in heterosexual relationships outside the holy union of wedlock or in homosexual relationships.

5. Section 86.51 - Employment.

Pepperdine University reserves the right to exclude women from consideration for employment in jobs considered by the University to conflict with religious tenets regarding leadership or authority in public worship, religious instruction, or the home.

Pepperdine University maintains a policy of non-discrimination on the basis of sex in all situations which do not conflict with the religious tenets held by the institution's controlling religious organization. The University reserves the right to supplement and amend this listing of exemptions as unforeseen circumstances occur in the future.

Sincerely yours,

William S. Banowsky
President and Chief Executive Officer

WSB:gl

PCB

Celebrating God's Faithfulness

1913 • 1988

Phila
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AS sig
cy. AS
OASP (LEWIS)

November 18, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Religious Exemption

Dear Sir:

Philadelphia College of Bible hereby claims 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).

Philadelphia College of Bible is a regionally accredited college, offering courses of instruction in Bible, the humanities, arts and sciences and professions. The College is a non-profit corporation which was incorporated in the State of Pennsylvania in 1915 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 institution under Section 501(c)(3) of the Internal Revenue Code. The board of trustees 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. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Bylaws.

The College adheres to biblical tenets for matters of faith and practice, following its religious tradition. It

pls

OFFICE OF THE PRESIDENT

Philadelphia College of Bible

Langhorne Manor, Langhorne, PA 19047/(215) 752-5800

Accredited regionally by Middle States Association of Colleges and Schools, and nationally and professionally by the American Association of Bible Colleges, the Council on Social Work Education, the National Association of Schools of Music and the Association of Christian Schools International.

specifically utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common 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, the following "Community Life and Standards" as taken from the College's Student Handbook, pages 41-44.

Community Life and Standards

Philadelphia College of Bible is a community of students, faculty, staff and administration who are joined together for the purposes of academic enrichment, personal development, spiritual growth and preparation for Christian ministry. Relationships and responsibilities in this community are built upon (1) the teachings and principles of the inerrant and authoritative Word of God (2 Tim. 3:16, 17), (2) the personal accountability of each member to a loving and sovereign God (1 Peter 1:17), and (3) the inner resources and attributes of the Holy Spirit to guide and minister to each other in all relationships (John 16:13, 14).

The PCB family community seeks first and foremost to achieve the goal of 1 Corinthians 10:31: "Whether you eat or drink or whatever you do, do all to the glory of God." All activities and relationships should seek to accomplish this ultimate objective.

In relationship with each other, members are to be guided by the following scriptural admonitions:

LOVE, 1 John 3:11
"For this is the message that ye heard from the beginning, that we should love one another."

EDIFICATION, Romans 15:1, 2
"We then that are strong ought to bear the infirmities of the weak, and not to please ourselves. Let every one of us please his neighbor for his good to edification."

BEARING ONE ANOTHER'S BURDENS, Galatians 6:2
"Bear ye one another's burdens, and so fulfill the law of Christ."

SPEAKING THE TRUTH IN LOVE, Ephesians 4:15
"But speaking the truth in love, may grow up into Him in all things, which is the head, even Christ."

RESPONSIBILITY TO OTHER BELIEVERS, 1 Corinthians 8:9
"But take heed lest by any means this liberty of yours become a stumblingblock to them that are weak."

RESTORATION AND RESTITUTION, Galatians 6:1
"Brethren, if a man be overtaken in a fault, ye which are spiritual restore such an one in the spirit of meekness; consider thyself, lest thou also be tempted."

The following standards and expectations apply to all students of PCB:

1. The Lord's Day (Sunday) is set apart primarily for worship, fellowship, ministry and rest for God's people. Therefore, College programs, services and athletic events are not sanctioned and encouraged except where absolutely necessary.

2. Scripture specifically prohibits stealing, sexual immorality, lying, cheating, gossiping, evil speakings against one another, profane language, occult practices and attitudes such as pride, lust, bitterness, jealousy and an unforgiving spirit. These prohibitions are clearly understood to be biblical commands that are binding upon every Christian believer.

3. Since there is great danger to one's physical and psychological well-being with the use of certain elements, one is to refrain from the use of tobacco, alcoholic beverages, hallucinogenic drugs and substances (including marijuana) or narcotics not authorized by a physician. Under no circumstances are the above to be used, possessed or distributed on or away from campus. Attendance at night clubs, bars and similar places is to be avoided.

4. Gambling is viewed as an unwise use of God-given resources and therefore is not acceptable in any form. Students are not attend places where gambling is the source of business or entertainment. Playing cards

normally associated with gambling are not permitted in College facilities, on College grounds or off-campus at College-sponsored activities.

5. Because a significant number of evangelical Christians view social dancing as a morally questionable activity, society dancing is not permitted on or away from the campus. Choreography in drama and musical productions is permitted.

6. Pornographic materials are destructive and immoral and are not to be used, possessed or distributed on or away from campus.

7. The College expects it members to be sensitive regarding the Christian testimony of their personal lives in representing the Church of Jesus Christ and Philadelphia College of Bible.

   Students are to be highly selective in their choices of entertainment and recreation including television, video cassettes, sports, reading materials and music. Biblical standards, especially those in reference to immorality, worldly values, violence, profanity, sexuality and nudity, should serve as guidelines in making personal discretionary decisions in these areas. In addition, personal responsibilities in the areas of academics, employment and finances should also influence decisions concerning entertainment.

   There are varying attitudes among Christians regarding attendance at movie theaters. That being the case, the College desires not to be offensive to the conscience of any believer. Students are not permitted to attend movie theaters while registered for an academic semester. At other times students are free to make discretionary decisions in these areas, while being sensitive and submissive to the standards of their local church and family.

8. Any kind of demeaning gesture, threat of violence or physical attack directed toward another person will not be tolerated. Vandalism and stealing of property, services or goods are also unacceptable.

9. Because of the biblical teaching concerning the dignity and worth of every person, discrimination against others

on the basis of race, national origin, sex or handicap is not acceptable.

10. Students are subject to the responsibility of academic integrity which demands honesty and giving credit to the proper sources.

STUDENT RESPONSIBILITY

For the welfare of the entire community, it is important that each member act responsibly. This entails a concern for all members of the body. When a student is aware that another student has violated the standards of conduct, the former should approach the latter in a spirit of humility and concern and encourage that person to acknowledge any wrongdoing to the Lord and to the proper College authority, thus seeking restoration. It is the responsibility of both students to ensure that the matter is resolved with the College. If the student who has committed the wrong is unwilling to admit the infraction to College authorities, the student who has expressed concern has the responsibility to discuss the matter with one of the student development deans, after first informing the erring party of such intention (Galatians 6:1-5)

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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, the following "Couples' Decorum" as taken from the College's Student Handbook, pages 44-45.

Couples' Decorum

The College is sincerely anxious that all of its students maintain wholesome relationships with members of the opposite sex as God intended. It is also recognized that we live in a society that minimizes the interpersonal

aspects of such relationships and perverts God's intentions by emphasizing only the physical.

The College believes that dating serves several positive biblical purposes. First, it develops the individual's ability to communicate with others while also developing social and cultural interests, skills, and personal attractiveness. Second, the total personality of the individual is recognized, developed and reined as a result of varied dating experiences. Third, through the dating process those who eventually marry will select their life's partner. The process of dating gives the individual opportunity to follow the principles outlined in the Scriptures for the selection of a life partner.

In order to accomplish these goals, it is imperative that PCB students in training for vocational Christian ministries remember that an overemphasis upon the physical attraction of one's date will have detrimental effects. Because the Christian's body is the temple of the Holy Spirit, the College expressly forbids physical displays of personal affection (other than the holding of hands) in all College areas and at all College activities. This includes physical contact such as back rubs. All contacts known as "petting" are forbidden under any circumstance.

The College hereby claims exemption from the application of the Title IX regulations, to the extent that they conflict with the College's religious tenets and traditions as described above.

There are a 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 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 tenets 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 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 claim 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 Kenneth A. Kaighn, who is the senior vice president for administrative affairs of the College, at (215) 752-5800.

Very truly yours,

W. Sherrill Babb

W. Sherrill Babb, Ph.D.
President

WSB/clw

716 Franklin Street • Winston-Salem, North Carolina 27101-5197

Piedmont Bible College

Phone: 919/725-8344

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cy: PE

September 29, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Re: Title IX, Exemption Application for
Piedmont Bible College
Winston-Salem, North Carolina

Dear Sir:

Piedmont Bible College hereby requests 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 CFR, Section 106.12(b). We believe we may be construed to have received indirect "Federal Aid" in the form of student aid such as: Pell Grants, Guaranteed Student Loans, Work-Study Programs and others.

Piedmont Bible College is an accredited member of the American Association of Bible Colleges, a member of the Evangelical Teacher Training Association, the Association of Christian Schools International, and is a

candidate for accreditation by the Southern Association of Colleges and Schools. The College is also recognized by the State of North Carolina for Teacher Certification.

The courses of instruction are organized into three divisions: the Division of Biblical Education (which includes the Department of Biblical Studies, the Department of Theological Studies, and the Department of Historical Studies); The Division of General Education (which includes the Department of Communication Arts, and the Department of Liberal Arts); and the Division of Christian Ministries (which includes the Department of Christian School Education, the Department of Missions, the Department of Missionary Aviation, and the Department of Music).

The College was chartered by the State of North Carolina as a non-profit educational institution on February 7, 1947, and is governed by a Board of Trustees elected in accordance with its Constitution and By-laws, which includes a provision that every trustee and every faculty member subscribe to the religious Doctrinal Statement of the College before they take office. All students must sign a statement that they are in essential agreement with the same doctrinal statement. The official catalog of the school describes the College:

"Although independent in operation, Piedmont Bible College is Baptist in polity and doctrine, premillennial (pretribulational) in interpretation, evangelical in practice, missionary in emphasis, and cooperative in spirit. In addition to the tenets of the college, the standards of Christian conduct call for a life of devotion and consistent separation unto God from the things of the world."

Piedmont Bible College is exempt under Federal Income Taxation as a not-for-profit religious institution under Section 501 (C)(3) of the Internal Revenue Code.

High standards of Christian ethics are required of each student. Each class begins with prayer, each student is given a weekly Christian work assignment to be faithfully fulfilled, each semester has a special day of prayer, and daily chapel attendance is required. Moreover, attendance at a mid-winter Bible conference and at Thursday evening sessions of the annual Missionary Conference is compulsory. Students whose general conduct and influence are out of harmony with the standards deemed essential to the academic, spiritual and social welfare of the college may be expelled, suspended, or refused admission.

The college is supported by its tuition, by grants from private donors, by matching gifts from

corporations, and by contributions from individual churches.

Piedmont Bible College adheres to the literal teaching of the Bible. The catalog is explicit:

> "We believe in accepting the literal teaching of the Word. 'When the plain sense of scripture makes common sense, seek no other sense.' Therefore, every declaration is to be taken in its primary, ordinary, literal and its most obvious meaning unless the facts of the context and the well-defined laws of language clearly indicate the terms either to be symbolic or figurative and not literal. Whatever is not literal must be explained in the light of other passages which are literal."

The College specifically utilizes a religious preference in employment practices in order to ensure that faculty and staff adhere to a common understanding of the religious belief, values and purposes that guide the educational mission of the College. Disputes and matters of discipline for employees and students are resolved in accordance with religious standards. General distinctions are made in the Pastoral Training program in keeping with the doctrine of the College that only males should serve as pastors.

The Holy Bible, by which the College's entire educational mission is governed, is explicit in its statements respecting:

Divorce and remarriage: Matthew 19:3-12; Romans 7:1-4; I Corinthians 7:10-17,

Abortion: Luke 1:41,44; Psalm 139:13-16; Exodus 20:13; Psalm 51:5,

Homosexuality: I Corinthians 6:9,10; Jeremiah 23:14; Leviticus 18:22; 20:13,

Gender distinction in the pastorate: I Timothy 1:9-11; 3:1-2; Titus 1:6-7,

Premarital sex: I Corinthians 6:9, 13-20,

Sexual abstinence outside the marriage bond: Hebrew 13:4; Exodus 20:17; I Corinthians 6:9; 13-20

The College seeks to maintain its religious freedom to make gender distinctions in its course offerings, in matters of moral behavior, marriage, and residential living accommodations and standards, in admissions, and in the assignment of Christian work. 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 in the concepts in the religious tenets embraced by the College. Such standards include matters relating to expression of human sexuality, living environment, respect for the rite of marriage, language, and attire. We deem these required by the following scriptures, among others:

Romans 1:24,25; I Corinthians 6:18; 10:8; Matthew 19:6; Ephesians 5:31; I Timothy 2:9; 6:1; and Exodus 20:7

The College hereby requests 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 as described above:

34 CFR § 106.21 (c)
34 CFR § 106.31 (a), (b), and (d)
34 CFR § 106.32 (c)
34 CFR § 106.34
34 CFR § 106.40
34 CFR § 106.51 (a)
34 CFR § 106.55
34 CFR § 106.57 (a), (b), (c), and (d)
34 CFR § 106.60 (a)

There are a 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 CFR, 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 higher education. Finally, the College understands and Sections 106.23 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 specifically claims its rights to exercise a religious preference in its employment decisions, pursuant to Section 702 of Title VI 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. 2852 (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 and practice are consistent with the Christian tenets, principles and traditions acceptable by the College and the Corporation.

In the event of future amendments to Title XI or the regulations thereunder, or changes in the application thereof, or the facts surrounding the operation of the College and the burden of such statutes

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 Piedmont Bible 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 the undersigned.

Yours very truly,

Piedmont Bible College, Inc.

By: Donald K. Duke
President

P. Howard Wilkinson

פנימי' בית יעקב

מכון גבוה לחנוך הבנות להשתלמות אקדמאית ומקצועית

P'nimia Teachers College

EDUCATIONAL SYSTEM FOR GIRLS • A RESIDENT SCHOOL

PREPARATORY NATIONAL INSTITUTE FOR MASTER INSTRUCTORS

BAIS YAAKOV CAMPUS, FERNDALE, N.Y. 12734 (U.S.A.)

OFFICE TEL.: (914) 292-8193 • STUDENTS-RESIDENCE TEL.: (914) 292-9350 • 292-9370

כל כבודה בת מלך פנימה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

   (a) Section 86.21(a)
   (b) Section 86.31(a)
   (c) Section 86.32(a)
   (d) Section 86.34
   (e) Section 86.51
   (f) Section 86.52
   (g) Section 86.55(a)
   (h) Section 86.7
   (i) Section 86.22
   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Received + Logged in:
NOV 28 1977
JW.

Pursuant to 45 C.F.R. 86.4:

PNIMIA TEACHERS COLLEGE
(Name of Applicant or recipient

(address)

Ferndale, N.Y. 12734
(city, state, zip code)

36 011694
(identifying code-FICE, OE, or IRS)

not rec'd non Printout
ICF 11-30-77

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF* INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Sofer
(name of employee)

3. Ferndale, N.Y. 12734
(office address)

4. 212-447-7221
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

POPE JOHN XXIII NATIONAL SEMINARY

WESTON, MASSACHUSETTS 02193

RICHARD CARDINAL CUSHING
FOUNDER

REV. JAMES W. DE ADDER
RECTOR

STATEMENT

Relative to claiming a religious exemption under 45 C. F. R. 86. 12 (b) Pope John XXIII National Seminary is an institution for educating students to be ordained priests in the Roman Catholic Church and thus Pope John XXIII National Seminary accepts as full-time students only males who profess the Roman Catholic Faith.

August 5, 1977

James W. DeAdder

Rev. James W. DeAdder
Rector

Religious Exempt
Code 8/19
DS
CK -
CMF

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

acc 9/1/77

Pursuant to 45 C.F.R. 86.4:

RE

Pope John XXIII National Seminary
(Name of Applicant or recipient

558 South Avenue
(address)

Weston, Mass. 02193
(city, state, zip code)

FICE 002202
(identifying code-FICE, OE, or IRS)

25002202

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Reverend James W. DeAdder
(name of employee)

3. 558 South Avenue
(office address)

4. 617 - 899 - 5500
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: August 5, 1977

Pope John XXIII National Seminary
(Insert name of Applicant)

By James W DeAdder

Rev. James W. DeAdder
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rector
(Insert title of authorized official.)

PRESENTATION COLLEGE
1500 NORTH MAIN · PHONE (605) 225-0420
Aberdeen, South Dakota 57401

OFFICE OF THE PRESIDENT

July 16, 1976

Peter E. Holmes, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Mr. Holmes:

The final Title IX Regulation Implementing Education Amendments of 1972 states in Subpart B, 86.12 Educational institutions controlled by religious organizations:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Director a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

Presentation College, a Catholic college owned and operated by the Sisters of the Presentation, has adopted a Right to Life Statement which includes acceptance of Catholic teaching on abortion. It is in conflict with this Statement to assure compliance with the following sections of the Regulation as they relate to "termination of pregnancy": Subpart C, 86.21, (c), (2) and (3); Subpart D, 86.40, (b), (1), (4), and (5); and Subpart E, 86.57, (b), (c), and (d).

I am, therefore, claiming exemption for Presentation College from these provisions so that we have freedom to make judgments in accord with our philosophy in particular cases relating to termination of pregnancy.

Sincerely,

Sister Francis Mary Dunn

Sister Francis Mary Dunn
President

SFM:jmb

Enclosure: Statement of Philosophy, Presentation College

Rabbinical College Beth Shraga
SADDLE RIVER ROAD
MONSEY NEW YORK 10952

OFFICE OF THE DEAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

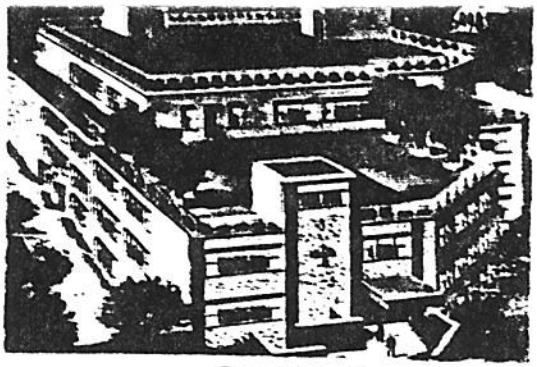
Sincerely yours,

ישיבה ומתיבתא חתן סופר

RABBINICAL SEMINARY

YESHIVAS CH'SAN SOFER

1876-50th STREET · BROOKLYN, N.Y. 11204



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EDMOND STERN
JONAS STERN
MILTON TOMBER
RABBI SOLOMON TRAU
JEROME WOHLSTADTER
CHARLES ZIMMERMAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Samuel Fischer

(212) 236-1171

RD 1934-85
SS
Kab

Rabbinical College
Ch'san Sofer of New York

1876 50TH STREET BROOKLYN, N. Y. 11204

OFFICE OF THE DEAN

September 11, 1985

RECEIVED
SEP 17 1985
OCR
REGION II

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region 11
Department of Education
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption infromation that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

The above stated policy, we believe, meets all the requirements for a favorable determination in our request for religious exemption from Title IX of Education Amendments of 1972.

Sincerely yours,

Mordechai Stuhl

Mordechai Stuhl
Administrator

MS/ct

ULster 3-7170

Rabbinical College
Kamenitz Yeshivah of America

1315 – 43rd Street
Brooklyn, N. Y. 11219

OFFICE OF THE DEAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title 1X of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

851-4735

RD 199785
SS
MR

Rabbinical College
Kamenitz Yeshivah of America

1650 – 56th Street
Brooklyn, N. Y. 11204

RECEIVED
SEP 19 1985
OCR
REGION II

OFFICE OF THE DEAN

OFFICE OF THE DEAN

September 9, 1985

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights
Department of Education, Region II
26 Federal Plaza, Rm. 33-130
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter of July 11, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

מתיבתא נחלת יעקב דקהל עדת יראים
תחת נשיאות אדמו"ר הרה"ג המפורסם כש"ת
מוהר"ר עזריאל יודא לעבאוויטש שליט"א
אב"ד וריש מתיבתא דק"ק עדת יראים ברוקלין יע"א

Mesivta Nachlas Yakov of K'hal Adas Yereim
185 Wilson Street, Brooklyn, N. Y. 11211
(212) 388-1751

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GRAND RABBI E. LEBOWITS
Dean

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May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

RABBINICAL COLLEGE OF LONG ISLAND 201 Magnolia Blvd / Long Beach, N.Y. 11561 Phone (516) 431-730

RABBI YITZCHOK FEIGELSTOCK
Rosh Yeshiva

RABBI CHAIM ZELIKOWITZ
Dean

RABBI SHLOMO LESIN
Executive Vice President

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

RD-1773-8
Seidenfeld
M.R.

RABBINICAL COLLEGE OF LONG ISLAND 201 Magnolia Blvd/Long Beach, N.Y. 11561 Phone (516) 431-730

RABBI YITZCHOK FEIGELSTOCK
Rosh Yeshiva

RABBI CHAIM ZELIKOWITZ
Dean

RABBI SHLOMO LESIN
Executive Vice President

August 21, 1985

RECEIVED
AUG 26 1985
O C R
REGION II

United States Department of Education
Region II
Federal Building
26 Federal Plaza
New York, New York 10278

Attn: Mr. Stanley Seidenfeld

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rabbi Shlomo Lesin
Executive Vice-President

SL:rl

ישיבת בתר תורה
RABBINICAL COLLEGE OF QUEENS
141-20 Grand Central Parkway / Briarwood, N.Y. 11435
(212) 291-1335

DEAN
Rabbi Elyakim G. Rosenblatt
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Solomon Berger, Esq.
Rabbi Herbert Sheinfeld

בס"ד

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

Rabbi Elyakim G. Rosenblatt

בס"ד

ישיבת כתר תורה
YESHIVA KESSER TORAH
RABBINICAL COLLEGE OF QUEENS
141-20 Grand Central Parkway, Briarwood, N.Y. 11435 • Phone 291-1335
RABBI ELYAKIM G. ROSENBLATT, Rosh Hayeshiva

October 3, 1985.

U.S. Dept. of Education
Region II
Federal Plaza
26 Federal Plaza
New York, New York 10278
Attention: Marilyn Rabinowitz

Dear Ms. Rabinowitz:

As per our telephone conversation of this morning, the Rabbinical College of Queens is, indeed, still interested in receiving a religious exemption.

In response to your letters and supplementary to exemption information that we filed in the 1970's, we hereby state that the Rabbinical College of Queens is an institution which is governed by the tenets of the Orthodox Jewish Religion. According to those tenets, only a male is permitted to become a Rabbi. Therefore, our religious tenets require us to admit only male students and to hire only male faculty, since our program leads towards achievement of Rabbinical Ordination.

According to our understanding, then, we request exemption from all sections or portions of Title IX of the Education Amendments of 1972 which assume admission of students of both sexes or employment of faculty of both sexes.

Thank you for your consideration,
Sincerely,

Elyakim G. Rosenblatt

Rabbi Elyakim G. Rosenblatt
Dean

TEL.: 854-0302
774-0900

Rabbinical College
of the
Bobover Yeshiva Bnei Zion Inc.

1533 - 48TH STREET - BROOKLYN, N. Y. 11219

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

B. Sanfeld

RD 197585
SS
MR

OFFICE: 438-2018

STUDENTS NO. 438-9775
438-8411

Rabbinical College
of the
Bobover Yeshiva Bnei Zion Inc.

1577 - 48TH STREET
BROOKLYN, N.Y. 11219

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בס"ד

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SOLOMON HALBERSTAM
Dean

RABBI NAFTALI HALBERSTAM
President

RABBI ZOLTAN FOLLMAN
Principal

RABBI CH. B. GRUNFELD
Executive Director

RABBI JACOB FUHRER
Secretary

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ISAAC M. BRUNNER
ABRAHAM REINHOLD

September 18, 1985

Mr. Charles J. Tejada
Regional Director
Office for Civil Rights, Region II
U.S. Department of Education
26 Federal Plaza
New York, NY 10278

Dear Mr. Tejada:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

B. Grunfeld

Rabbi B. Grunfeld
Executive Director

BG/ys

RABBINICAL SEMINARY M'KOR CHAIM
1571 FIFTY-FIFTH STREET/BROOKLYN, N.Y. 11219/PHONE (212) 494-6884

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Benjamin Ladner

S.S.
M.R.

RABBINICAL SEMINARY M'KOR CHAIM

1571 FIFTY-FIFTH STREET/BROOKLYN, N.Y. 11219/PHONE 718-851-0183

Aug. 23, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region 11
26 Federal Plaza
New York, N.Y.

RECEIVED
SEP 10 1985
O C R
REGION II

Dear Mr. Seidenfeld,

In response to your letter of August 7... supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106,53 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely,
Benjamin Lederer
Benjamin Lederer
Vice President

ישיבת רבנו יצחאל מאיר הכהן
(כעל חפץ חיים זצ"ל)
RABBINICAL SEMINARY OF AMERICA
92-15 69th Avenue
Forest Hills, New York 11375
(212) 268-4700

RABBI A H LEIBOWITZ
President and Rosh Haveshiva

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בס"ד

August 19, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education
Federal Bldg., 26 Federal Plaza
New York, NY 10278

Dear Mr. Seidenfeld,

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Thank you for your courtesy in handling this sensitive matter. We appreciate your time and the sensitivity you have shown.

Respectfully yours,

Rabbi Abraham Ginzberg
Asst. to the Dean

AFFILIATES

RABBINICAL SEMINARY OF AMERICA
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Forest Hills, N Y
YESHIVA TIFERETH MOSHE
Kew Gardens, N Y
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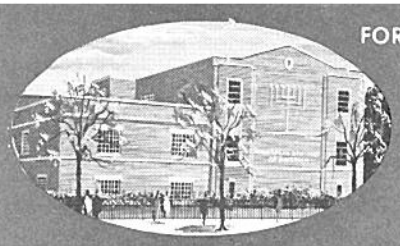
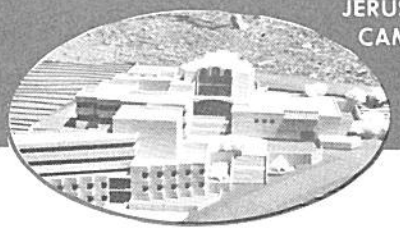
RABBINICAL SEMINARY OF AMERICA



FOREST HILLS BRANCH

JERUSALEM CAMPUS



ישיבת רבינו ישראל מאיר הכהן
YESHIVATH RABBI ISRAEL MEYER HACOHEN

92-15 69th AVENUE • FOREST HILLS, N.Y. 11375 • (212) 268-4700

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RABBI A.H. LEIBOWITZ

Assistant to the Dean
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ABRAHAM OKUN

August 24, 1976

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S. W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21 (a)
(b) Section 86.31 (a)
(c) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi A. Henach Leibowitz,
President

Rabbinical Seminary of Mumkacs

1377—42ND STREET • BROOKLYN, N. Y. 11219 • 438-5246

MAILING ADDRESS: P.O. BOX 240 • BROOKLYN, N. Y. 11218

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
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(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

EMS 1919 SS
SS

Rabbinical Seminary of Munkacs

1377—42nd STREET • BROOKLYN, N.Y. 11219 • 438-5246
MAILING ADDRESS: P.O. BOX KK • BROOKLYN, N.Y. 11219

September 12, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office of Civil Rights, Region II
Department Of Education
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7th, supplementary to the exemption information that we filed with the United States Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty for our Talmudic Studies Program.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets.

Based on our review and understanding of 34CFR Part 106, those regulations include without limitation: Sections 106.21, 106.22, 106.23, 206.51, 106.52, 106.53, 106.55 and 106.59.

Exemption form those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes for our Talmudic Studies Program.

Sincerely,

Chaim Rosenberg,
Director

CR:dk

Rabbinical Seminary of New Square

15 ROOSEVELT AVENUE NEW SQUARE SPRING VALLEY, N.Y. 10977
TELEPHONE: (914) 354-5591

RABBI S.A. WEISSMANDL
DIRECTOR

RABBI JACOB MOSHEL
REGISTRAR

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

COPY

March 24, 1998

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Cantu:

Subject: Request for Religious Exemption from Title IX Regulation: 34 CFR § 106.21 (Admissions) and 34 CFR § 106.23 (Recruitment)

The purpose of this letter is to provide the United States Department of Education with official notification that Ricks College, located in Rexburg, Idaho, (hereinafter referred to as "Ricks" or the "College") considers itself exempt from the application of 34 CFR § 106.21 and 34 CFR § 106.23, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC § 1681 et. seq., a federal statute prohibiting sex discrimination in educational programs. Ricks expressly requests the Department to recognize formally that Ricks is exempt from the application of these sections because their provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as the "Church" or the "LDS Church"), a religious organization which sponsors and controls Ricks.

In 1985 your office granted other Ricks requests for exemption from other sections of 34 CFR. Specifically, the College was ". . . exempted from the requirements of the following sections of the Title IX regulations: 34 CFR §§ 106.21, 106.31, 106.32, 106.36, 106.39, 106.40, and 106.57." (The exemption with reference to 106.21 concerned prohibitions relating to marital or parental status.) The basis for these exemptions was ". . . that Ricks College is controlled by The Church of Jesus Christ of Latter-day Saints in that Ricks College practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the College adequately establishes that Ricks College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulations." (Correspondence of June 24, 1985, from Harry M. Singleton, Assistant Secretary for Civil Rights, United States Department of Education to Dr. Bruce C. Hafen, president of Ricks College.)

In our application letter of May 7, 1985, we noted, in part, that the Church originally created the College in 1888 and since that time the Church has been continuously and ultimately responsible for the College's operation. The College's Board of Trustees consists of persons appointed by the governing board of the Church. The majority of the College's operating budget is derived from appropriations from the Church.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain the fullness of the gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets. While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that marriage between a man and a woman and the family unit are of basic theological significance. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit A is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation on the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain beliefs concerning marriage and the family to be principles of Church doctrine, which are binding on the Church, its controlled organizations, like Ricks College, and the Church membership.

In order to promote marriage and family as religious values, Ricks College seeks to maintain an appropriate balance of males and females in its student body. It is believed that a more gender balanced and proportional student body is critical to allow for healthy social interaction between males and females, which is conducive to marriage and family, and to promote a healthy balance between the genders in the composition of College ecclesiastical units and congregations. Accordingly, Ricks seeks to prefer males over females or females over males

as circumstances dictate in an attempt to achieve enhanced gender equity and the optimal environment for promoting the religious values of marriage and family at the College.

College efforts to reach an appropriate gender balance, however, may come into conflict with the gender neutral provisions of Sections 106.21 and 106.23. Accordingly, Ricks College requests that an exemption be granted to it from 106.21 and 106.23 of the Title IX regulations to allow it to give preferential treatment on the basis of gender in admissions and recruitment to support its religious value of promoting marriage and family.

The College is a distinctive, religiously based institution with a serious commitment to the values, doctrines, and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluating this notice will be greatly appreciated. If I, or any members of the College administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Sincerely,

David A. Bednar
President

DAB/bao

bpc: Michael R. Orme

Attachment: Proclamation on the Family

dab\can2m98

OFFICE OF THE PRESIDENT

RICKS COLLEGE

May 7, 1985

RECEIVED
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DOE-OCR

Mr. Gary Jackson
Regional Director
Office for Civil Rights
Region X
U.S. Department of Education
M/S 106 Third & Broad Building
2901 Third Avenue
Seattle, WA 98121

Re: Title IX Religious Exemption

Dear Mr. Jackson

On November 17, 1975, my predecessor, Henry B. Eyring, sent a letter with certain enclosures to David Mathews, who was then Secretary of Health, Education, and Welfare. These materials constituted the official notification to HEW that Ricks College considered itself exempt from certain provisions of the then applicable regulations promulgated under Title IX of the Education Amendments Act, by application of the statutory religious exemption in Title IX. On December 10, 1975, Secretary Mathews acknowledged receipt of our letter and indicated that Martin H. Gerry, Acting Director of the Office for Civil Rights, would respond to our letter. On September 28, 1976, President Eyring filed with HEW a routine Assurance of Compliance with Title IX in which the religious exemption previously claimed was reiterated.

Reservations other than those pertaining to the religious exemption were also claimed by Ricks College in this correspondence, primarily having to do with our view that only programs or activities receiving direct federal assistance are covered by Title IX and that certain forms of student aid do not create federal jurisdiction for purposes of Title IX enforcement. Reference was also made to the right claimed by the College to identify future claims for a religious exemption, and to our view that the Constitution does not allow a government agency to inquire into the truth of our religious principles or the sincerity of our belief in them. At the same time, our materials also stated our commitment to equal educational opportunity and our commitment to comply with federal law.

Following the receipt by Secretary Mathews of my predecessor's 1975 letter, no further communication to Ricks College from HEW or the Department of Education was forthcoming on the subject of our claim to a religious exemption under Title IX, until your letter of March 22, 1985.

Your letter states, "there is no record that OCR adequately acknowledged" our request for a religious exemption. Other than Secretary Mathews' brief acknowledgment of having received our letter in 1975, there has been no response at all. I understand from telephone conversations with members of your staff within the past month that you are now very anxious to receive our reply to your March 22 letter and to process our claim for an exemption. We are grateful for your willingness to attend now to this matter and hope to supply you with any needed information as completely as we can. However, this is a matter of sufficient importance that we wish to ensure adequate deliberation on our part, as well as yours. It will not surprise me to learn that considerable time and correspondence are necessary to enable us to reach a mutually satisfactory agreement about the application of the religious exemption to Ricks College. We do not wish to be understood as challenging the authority of the U.S. Department of Education under Title IX or other laws. We fully support the goal of equal opportunity. However, because Ricks College is a church-related college with a serious religious commitment at the heart of its educational mission, and because many interpretations to Title IX and its regulations are yet to be resolved, I hope you can understand the need we feel to protect our vital interests against the possibility of future adverse determinations. Also, our desires for a careful and deliberative process spring only from the significance we attach to the subject matter.

Before proceeding with our response to your request for additional information, I would like to ask some questions about your view concerning the meaning and application of the Title IX religious exemption, in order to guide our understanding in both our current and future relationships with your office. Your answers to these questions may influence our decision to make additional claims for exemption, beyond those discussed below.

1. Does our assurance of compliance with Title IX, subject to the religious exemption, in any way limit our right to claim in some later proceeding that the free exercise of religion clause in the First Amendment allows broader latitude to a college having a religious mission than is represented by the current statutory exemption in Title IX?

2. What is the meaning of the phrase "religious tenets of such organization" in the current statutory exemption? Would "religious tenets" include the practical interpretation or specific application of some doctrinal teaching, as determined by the duly constituted authorities of the church that controls a church-related college, or does it refer only to theoretical and general religious doctrines?

3. What role is played by a governmental agency in determining the nature and meaning of religious doctrines? Is a good faith claim by

> an educational institution having a bona fide religious mission entitled to a presumption of validity? If so, what circumstances would lead to rebuttal of the presumption? If not, why not? Will doubts about the presence and/or meaning of a religious tenet be resolved in favor of such an educational institution? If not, why not?

For the purpose of providing an initial response to your March 22 letter, I am assuming (1) that our assurance of compliance under Title IX and our discussions with you about the religious exemption do not limit our right subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authorities; (3) that our good faith claims about the existence and meaning of a religious doctrine are entitled to a presumption of validity; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines.

Your first request was to provide "the name of the religious organization that controls the institution and a brief description of how the organization controls the institution." Ricks College is owned and operated by the Church of Jesus Christ of Latter-day Saints. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created the College in 1888 and has always been ultimately responsible for its operation. Our Board of Trustees consists of persons appointed by the governing board of the Church and approximately 70% of our operating budget is funded directly by appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and welcome to apply for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church. In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behavior; to respect the personal and property rights of others; to obey the law of the land; to avoid the use of alcoholic beverages, tobacco, tea, coffee, and illegal drugs; to observe prescribed standards of dress and grooming; to abstain from sexual relations outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who choose not to accept these standards are not eligible for admission as students or for employment at the College. Both historically and at present, over 90% of our students and our employees are members of the Church.

Your second question asks for "a brief description of the religious tenets of the controlling organization that are followed by the institution." The Church of Jesus Christ of Latter-day Saints is a major Christian religion having a fully developed theology, a well-known

history of some 165 years, and a worldwide membership presently numbering over 5 million. Its members believe the Church and its doctrines contain the fulness of the Gospel of Jesus Christ, restored by direct revelation from God to a young man called as a Prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the Biblical sense. While accepting the Bible as holy scripture, the Church also accepts certain other prophetic writings as scripture, and regards the teachings of the current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives, and children, are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all its members--male and female--to obtain as much education as possible and to participate fully in the economic, political, and social life of the communities in which they live. The very existence of Ricks College, with women representing more than half of its students, attests to this commitment to educational opportunity. The mission of Ricks College is essentially an educational mission, but the College would not exist were it not for the opportunity of fully and freely blending the teachings and influence of the Church within both the curriculum and the extracurricular environment on the campus.

Your third question asks for a statement of those provisions of the regulations implemented under Title IX from which exemption is requested, together with an indication of the religious tenet in conflict with the provision. I will attempt to list some of the Title IX regulatory provisions with which we have concerns, but assume, as mentioned earlier, that this listing will not foreclose our opportunity to claim further exemptions as needed.

1. §§ 106.21(c), 106,40, and 106.57(b). Ricks College claims exemption from these regulations to the extent that they prohibit certain inquiries into or actions based upon the marital or parental status or the pregnancy or termination of pregnancy of present or prospective students or employees. The Church which sponsors the College

teaches strict adherence to the highest Christian standards of sexual morality on the same basis for both sexes, as indicated above.

2. § 106.31. Ricks College claims exemption from this regulation to the extent that it may prohibit the enforcement of the College's rules of appearance, which differ for men and women because of the teaching of the sponsoring Church that differences between the dress and grooming of men and women are proper expressions of God-given differences in the sexes.

3. § 106.36. Ricks College claims exemption from this regulation to the extent that it may inhibit our teachers or counselors from talking with students about ways in which marriage may be compared to career choices or when other questions arise concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childrearing are significant religious obligations and that mothers naturally have greater involvement especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and counseling for women.

4. § 106.32. Ricks College claims exemption from this regulation to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house Ricks College students. The regulation allows sex-segregated housing when provided by the recipient, but appears to prohibit such segregation in off-campus housing. The teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities. For this same reason, the College claims the right under the religious exemption to interpret "separate housing on the basis of sex," as allowed by the regulation for on-campus housing, to mean separate buildings and not merely separate apartments, in both on and off-campus housing.

5. § 106.14. Ricks College claims exemption from this and related sections regarding membership practices to the extent that it interferes with the operation of extracurricular student activities in organizations sponsored by the Church. The regulation exempts the "membership practices of social fraternities and sororities" as well as certain national youth service organizations. However, exemptions should also extend to the membership activities and other practices of religious organizations for students. For example, over 30 student congregations (called "wards" according to Church nomenclature) are organized and maintain an active campus program through the ecclesiastical channels of the sponsoring Church.

Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

The foregoing are the specific claims for religious exemption Ricks College wishes to make at the present time.

I stress again that we desire to cooperate with your office in every way. If I have misunderstood anything about the intent of your letter or the nature and application of the regulations, I will welcome the opportunity to obtain clarification.

Sincerely,

Bruce C. Hafen

Bruce C. Hafen
President

A30BH2/eef

COPY

LAW OFFICES OF
HANSEN, BOYLE, BEARD & MARTIN
CHARTERED
JUDICIAL CENTER BUILDING
683 NORTH CAPITAL AVENUE
POST OFFICE BOX 501
IDAHO FALLS, IDAHO 83402-0501

TELEPHONE 523-5171
AREA CODE 208

JOHN D. HANSEN
LARRY M. BOYLE
WINSTON V. BEARD
SIMON S. MARTIN
JOHN G. ST. CLAIR
MICHAEL R. ORME
KENT A. HIGGINS

November 12, 1985

Mr. Gary D. Jackson
Regional Director
U.S. Department of Education
Region X
M/S 106, 2901 Third Avenue
Seattle, Washington 98121

Re: Ricks College

Dear Mr. Jackson:

In your correspondence to former President Bruce Hafen of Ricks College, Rexburg, Idaho of March 22, 1985, you requested additional information from the College to allow for processing of Ricks College's religious exemption for Title IX of the Education Amendments of 1979 (Title IX). A copy of this request is attached as item 1.

Dr. Hafen responded to you in correspondence of May 7, 1985, a copy of which is attached as item 2, which Dr. Hafen identified as an "initial response" (p. 3, paragraph 2 of Hafen correspondence) and which identified some of the Title IX regulatory provisions for which an exemption was requested, without foreclosing the opportunity to claim further exemptions as needed (p. 4, paragraph 3 of Hafen correspondence). Of particular significance were the requested exemptions identified in subparagraph 1 of page 4 of Dr. Hafen's letter. Exemptions from the identified regulations were claimed to the extent they prohibit certain inquiries or actions based upon the marital or parental status or the pregnancy or termination of pregnancy of present or prospective students or employees. In addition, Dr. Hafen noted that the Church of Jesus Christ of Latter-day Saints, which sponsors the college, teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both religously significant and that the Church teachings about such matters as marriage, chastity, abortion and the roles of husbands, wives and children are fundamental religious doctrines (p.4, paragraph 2 of Hafen correspondence). As you know, these requested exemptions were allowed. (See correspondence of Frederick T. Ciuffi to Dr. Hafen of June 24, 1985, attached as item 3.)

LAW OFFICES OF
HANSEN, BOYLE, BEARD & MARTIN
CHARTERED

Ricks College now requests that, based upon the information supplied in the correspondence of May 7, 1985, that an exemption to 12 CFR 106.39 be extended to the College effective retroactive to the College's initial request for exemption of November 17, 1975.

Best Regards,

HANSEN, BOYLE, BEARD & MARTIN, CHARTERED

Michael R. Orme

kmt:3669f

Enclosures

cc: Bruce Hafen

RIKA BREUER TEACHERS SEMINARY FOR GIRLS

95-103 BENNETT AVENUE

NEW YORK, N. Y. 10033

LO 8-6200

RABBI DR. JOSEPH BREUER
CHAIRMAN, BOARD OF EDUCATION

RABBI JOSEPH ELIAS
PRINCIPAL

Office for Civil Rights
Department of Health, Education and Welfare
P.O.B. 8214
Washington, D.C. 20024

June 3, 1977

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institutions.

1) I am the chief administrative officer of this institution.

2) Rika Breuer Teachers Seminary was charted and is maintained as an Orthodox Jewish Seminary. Its trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. The Institution today continues to operate under, and adhere to, these policies.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

a) Section 86.21(a)
b) Section 86.31(a)
c) Section 86.32(a)
d) Section 86.34
e) Section 86.51
f) Section 86.52
g) Section 86.55(a)
h) Section 86.7
i) Section 86.22
j) Section 86.23(a)
k) Section 86.23(b)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Rabbi Joseph Elias
Administrative Dean - Principal

RJE/sl

Roberts
Wesleyan
College

Office of the President ROCHESTER, NEW YORK 14624

September 29, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

The provision in H.E.W. Form 639 for claiming a religious exemption [45 CFR 86.12 (b)] obligates the applicant to identify specific provisions of the law in question which are in conflict with specific religious tenets of the sponsoring religious denomination of the applicant. This presents the applicant with a most difficult task since, in the practice of most religious groups, governing statements are broadly drawn, and, for interpretation they rely to a considerable degree on an understanding of the denomination's history, tradition, and religious practice. The most explicit statements are usually discovered in those areas of governance which are matters of procedure determined solely by the legislative body of the denomination. That specificity stands in marked contrast to the more general statements of moral and spiritual expectations for the members of that specific religious group, expectations which are derived from interpretation of Scripture and which are made operative through denominational norms of Christian experience. In other words, the emphasis is upon the spirit of the document rather than upon precise statements of prescription or prohibition.

It may well be that action by the instrumentalities of Federal or State government may force more legalistic statements into the practice of religious denominations. At least it is true that the Board of Bishops of the Free Methodist Church of North America has provided an explicit statement on the question of abortion that would formerly have been considered by the denomination as a logical corollary to the denomination's position on marriage and on the family. That position emphasizes the positive values of Christian marriage and the responsibilities of partners each to the other as well as their responsibilities as parents. In the spirit of that position, actions involving illicit sexual relationships are treated as if express prohibitions existed in legal form.

Attached to this is the statement submitted by this college to H.E.W. in response to the requirements of Title IX. This statement attempts to state unequivocally that:

(1) The essential character of discrimination based on sex, race, and national origin has been absent from the Free Methodist Church, and

the schools it has established, since its founding in 1866.

(2) Church membership has no such barriers as referred to in (1), nor has this college in admissions and employment.

(3) The religious purpose of the college does compel consideration of factors which bear significantly on the attainment of those religious purposes.

The factors which the college identified for consideration in relation to Title IX were:

1. Inquiry in regard to marital status.
2. Treating pregnancy as any other temporary inconvenience.
3. Treating abortion as any other temporary inconvenience.
4. Discrimination (differentiation?) in regard human sexuality.

In regard to 1. above, marital status, no specific denominational directive is available. However, Par. 329, Page 50 of the 1974 edition of the Book of the Discipline of the Free Methodist Church covers the denomination's position on Marriage and Divorce (see attached exhibit). In the context of that statement, it should be clear that proper marriage and family relationships are indispensable to the achievement of the religious objectives and ideals of the college. Pre-employment or pre-admission inquiry into marital status is not a question of race, sex, or national origin, but a question of character. The present preponderance of women on campus should demonstrate that this inquiry is not a device for excluding women.

Item 2. above, pregnancy, also has no specific church statement to which to appeal. The treatment of Marriage and Divorce already referred to clearly indicates that the Free Methodist Church affirms the sacredness of the human sexual experience, of family relationships, and the unacceptability of pre-marital intercourse or sex acts outside the marriage bond. Pregnancy within the marriage bond is no problem, but pregnancy out of wedlock is a most serious breach of morals for both parties involved.

Item 3., abortion, is one to which the ruling of the Bishops (previously referred to and attached as an exhibit) does apply. This ruling clearly states the unacceptability of induced abortion except in those cases where responsible and competent persons have judged the life or sanity of the mother to be at stake. In any other terms, the Free Methodist Church regards induced abortion as a serious crime whether or not it is punishable by the legal authorities.

Item 4. of those listed, human sexuality, has no specific

denominational directive to which to refer. Those directives attached as exhibits declare the denomination's commitment to treating every person according to Christian ideals and his or her personhood. Since, to the best of our knowledge, no present campus practice constitutes discrimination, as defined by Title IX, this may not be a problem area.

Faithfully yours,

Paul L. Adams
President

PLA:mjv
Enclosures

June 18, 1977

Office of the Higher Education Director
Department of Health, Education and Welfare
Washington, D.C. 20201

Attn: Mr. Kenneth Haddock

Dear Mr. Haddock:

Re: Assurance of Compliance with Title IX (Form 639A)

Thank you for your prompt assistance in providing us with the necessary documents to file the Seminary request for religious exemption under the provisions of Part 86 of C.F.R. 45.

Although our preparation of the documentation has been completed, signing of the documents must wait for the return of Father Bernard Harrington, Rector, President of the Seminary.

May we ask your indulgence for another week?

Sincerely yours,

Raymond L. Poissant
Statistician

June 25, 1977

Documents signed and posted.

rlp

Sacred Heart Seminary
2701 Chicago Boulevard
Detroit, Michigan 48206

OFFICE OF THE RECTOR

July 22, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
300 South Wacker Drive - 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern:

Sacred Heart Seminary College wishes to withdraw the request for exemption from compliance with Title IX of the Education Amendments of 1972.

Thank you very much.

Sincerely yours,

F. Gerald Martin

(Very Rev.) F. Gerald Martin
Rector/President
Sacred Heart Seminary College

203 324-4578
324-7098

Saint Basil's College

FOUNDED 1939

Stamford, Connecticut 06902

Received + Logged — 11/30/77 J.W.

OFFICE OF THE DEAN

November 28, 1977

Office For Civil Rights
Department of Health, Education and Welfare
Post Office Box 8214
Washington, D. C. 20024

Gentlemen:

St. Basil's College is a Catholic College Seminary. The college only accepts male students who have the qualifications and sincere intention to become Cat olic Priests to serve in parishes in communities of Ukrainian Catholics.

Sincerely yours,

Msgr. S.J. Chrepta

Monsignor Stephen J. Chrepta

SAI

Saint Bernard's Institute

1100 South Goodman Street • Rochester, New York 14620-2545 • 716 271-1320

October 2, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights
U.S. Department of Education
26 Federal Plaza
Room 33-130
New York, New York 10278

Dear Mr. Seidenfeld:

Thank you for your recent correspondence concerning the 1977 request of St. Bernard's Seminary for an exemption to Title IX regulations.

Please be advised that St. Bernard's Seminary has been closed and a new charter has been issued to its successor, St. Bernard's Institute. St. Bernard's Institute is not involved in the formation program for candidates for the Roman Catholic priesthood. Therefore, the request for exemption submitted by our predecessor (St. Bernard's Seminary) is no longer needed.

Please be further advised that St. Bernard's Institute receives no federal financial assistance. Please be assured, however, that St. Bernard's Institute does not discriminate on the basis of sex in any of its programs or activities.

Sincerely,

Deirdre M. Hetzler

Deirdre M. Hetzler
Administrative Assistant

DMH/cjm

Saint Bernard's Seminary

DEC 6 1977

Received & Logged

Comp Req 12/7/77

November 29, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
P. O. Box 8214
Washington D.C. 20024

Dear Sir or Madam:

St. Bernard's Seminary is a postgraduate theological school, the primary purpose of which is the training of candidates for the Roman Catholic priesthood.

The tenets of the Roman Catholic Church prohibit the ordination of females. Consequently, it is submitted that Title IX and its regulations are irrelevant and inappropriate for an institution such as St. Bernard's, and it hereby claims an exemption under 20 U.S.C. Section 1681 (a) (3).

Sincerely,

Frank E. Lioi

Very Rev. Frank E. Lioi
Rector

FEL/hm

Acceptable in lieu of 639A per call Pelletier/Hagen 12/6/77

RCE 360028/S

OFFICE OF THE RECTOR
~~716-254-7340~~

2260 LAKE AVENUE • ROCHESTER, NEW YORK 14612 • 716 254-1020

Affidavit for Religious Exemption under Title 1X

County of Stearns)
State of Minnesota) s. s.

The undersigned being first duly sworn, deposes and says: He is the Abbot of the Order of Saint Benedict, Collegeville, Minnesota, and the Chancellor of Saint John's University, Collegeville, Minnesota;

1. That Saint John's University is owned and operated by the Order of Saint Benedict which is a community of male religious; that one tenet under which the University is operated is that as many members of Saint John's Abbey as possible be active in the University; that Saint John's considers itself exempt from compliance under Title 1X as to those persons.

2. Affiant further states that the School of Divinity of Saint John's University is a seminary for the preparation of men for ordination to the Priesthood of the Roman Catholic Church; that the school is operated under the tenets of Canon Law of the Roman Catholic Church; that admission thereto and employment therein is regulated by those tenets and directed specifically to the purpose of the School; that said School is exempt in its entirety from compliance with Title 1X of the Education Amendments of 1972, regulations issued thereunder or any other legislation or regulations of the Federal Government.

+John Eidenschink, OSB

Subscribed and sworn to before the undersigned this 27 day of Sep, 1976.

Charles W. Greene
CHARLES W. GREENE
Notary Public, Stearns County, Minn.
My Commission Expires March 15, 1983

SAINT MARY OF THE LAKE SEMINARY
MUNDELEIN, ILLINOIS 60060

June 23, 1977

Mr. Albert T. Hamlin
Acting Director
Office Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Sir:

I am writing in response to the communication issued through your office entitled "Assurance of Compliance under Title IX of the Education Amendments of 1972," (April 4, 1977.)

Saint Mary of the Lake Seminary is a school of theology attended by seminarians training for the Roman Catholic priesthood in the Archdiocese of Chicago. The Seminary only admits seminarians pursuing the vocation for priesthood; and keeping with the teachings, traditions and tenets of the Roman Catholic faith only males are admitted and allowed to study for the priesthood. In light of these facts, it seems clear that the H. E. W. Title IX regulations, is completely dispositive of the issues raised by your April 4, 1977 communication.

Sincerely yours,

Reverend Thomas J. Murphy
President

TJM/dl

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

HEW Form 639 A, Article I, B - Religious Exemption

Saint Mary's College is owned and operated by the Sisters of the Holy Cross, an Order of the Roman Catholic Church. Saint Mary's College was chartered as an institution for women and it has continued to adhere to that restriction. It is the intention of the College to continue to discriminate in enrollment on the basis of sex, limiting its admission to women as allowed in Section 86.15 (e).

As a Catholic institution operated solely for women, there are some positions for which either religion or sex, or both, will be a job qualification; i.e., the President of the College should be a member of the Catholic Church while the Dean of Students should be both a woman and a Catholic. As a woman's institution, we expect that a significant portion of our faculty will be women. Thus, where two or more applicants are equally qualified, preference will be given to the female applicant.

6/2/77
Date

John M. Duggan
John M. Duggan
President
Saint Mary's College
Notre Dame, Indiana

Saint Mary's College
NOTRE DAME • INDIANA

August 7, 1985

Linda A. McGovern
United States Department of Education
Office for Civil Rights - Region V
300 South Wacker Drive - 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern:

This letter is in response to your request of July 18, 1985, for information regarding the request of Saint Mary's College for religious exemption.

Saint Mary's College is owned and operated by the Sisters of the Holy Cross, an Order of the Roman Catholic Church. The degree to which the Sisters of the Holy Cross "control" the College can be best understood by looking at four areas:

1. composition of the Board of Regents;
2. the degree to which the Sisters of the Holy Cross influence administrative decisions;
3. the number of Sisters on faculty, staff and administration;
4. the percent of financial support annually provided by the Sisters of the Holy Cross.

As stated in the Saint Mary's College Governance Manual (see Appendix A), the College is governed by a two-tiered board, i.e., the Board of Regents and the Administrative Members. The Board of Regents, chaired by a Sister of the Holy Cross if the President is a lay person, consists of one-third membership from the Sisters of the Holy Cross. The Administrative Members, which consists of seven Sisters of the Holy Cross, are the "top tier" of the Governance structure. Their authority and responsibility are outlined in Appendix A.

Within the faculty and administration of the College, special effort is made to identify, hire and place Sisters of the Holy Cross in influential positions within the College (e.g., Senior Officers, administrative and faculty department heads). In 1984-85, Sisters of the Holy Cross held a number of significant positions in the College, e.g., Dean of Students, Director of Libraries,

Director of Institutional Research, Assistant to Vice President for College Relations, Special Assistant to the President, and chairs of three academic departments. The annual financial contribution of the Sisters of the Holy Cross was $920,470 for the 84-85 fiscal year. This figure represents one-half of the College Sisters' salaries returned annually to the College for scholarships, and the return of annual building and property rental. In 1984-85, the Sisters of the Holy Cross also contributed $100,000 to inaugurate a Center for Spirituality on campus. Saint Mary's College depends heavily on the financial support of the Sisters of the Holy Cross for its operations.

The religious tenets of the Sisters of the Holy Cross are listed in the Philosophy of Education Statement and in the Statement of Philosophy and Purpose of Saint Mary's College (see Appendix B). Each Division of the College submits bi-annual reports to the President evaluating the ways in which these beliefs are being implemented in the education of the women of Saint Mary's. The President, in turn, presents and discusses these reports with the Board of Regents and the Administrative Members.

Saint Mary's College was chartered as an institution for women and it has continued to adhere to that restriction. It is the intention of the College to continue to discriminate in enrollment on the basis of sex, limiting its admission to women, as allowed in Section 86.15 (E). As a women's institution, we expect that a significant portion of faculty and administrators will be women; thus where two or more applicants are equally qualified, preference will be given to the female applicant.

As a Catholic institution there are some positions for which religion will be a job qualification, i.e., the President of the College, the Dean of Students, the Chairman of the Religious Studies Department, and the Director of Campus Ministry. As a Catholic institution, we also expect that a significant portion of faculty and administrators will be Catholic. Thus, where two or more applicants are equally qualified, preference is given to the Catholic applicant.

Since Saint Mary's College was founded and continues to present itself as a Catholic liberal arts college for women, sponsored by the Sisters of the Holy Cross, it is necessary to the future of Catholic higher education that a strong "Catholic women's presence" be maintained. It is for this reason that Saint Mary's College requests religious exemption.

If you have any questions regarding the enclosed information, please do not hesitate to call.

Sincerely,

William A. Hickey
Acting President

WAH/cm
enclosure

SAINT MARY'S COLLEGE, Winona, Minnesota 55987

OFFICE OF THE PRESIDENT

September 3, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

Saint Mary's College is a Catholic, Liberal Arts College. As such it claims a partial religious exemption under 45 C.F.R., Paragraph 86.12(b). In its bylaws, the Board of Trustees provides that the chief executive officer be a Christian Brother. Exemption is also claimed in hiring for those positions which are responsible for the teaching of theology.

Sincerely,

Peter Clifford FSC

Peter Clifford, F.S.C.
President

PC:md

St. Paul Bible College

St. Bonifacius, Minnesota 55375-9001
Telephone (612) 446-4100

March 22, 1989

Chicago (R.V)
4/14
AS pig
cy: AS
DASP
PES

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Sir:

St. Paul Bible College hereby claims 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).

St. Paul Bible College is a regionally accredited Bible college, offering courses of instruction in Bible & Theology, Business Administration, Christian Education, History, Missiology, Music, Pastoral Ministry and Teacher Education. The College is controlled by The Christian and Missionary Alliance, herein referred to as the Corporation. The Christian and Missionary Alliance was incorporated in the state of New York in 1897 as a not-for-profit religious organization. St. Paul Bible College also is a not-for-profit religious corporation and was incorporated in the state of Minnesota in 1945 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 institution under Section 501(c)(3) of the Internal Revenue Code, thus enjoying the same tax exempt status as the Corporation. The trustees, faculty, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs 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 a significant amount of its financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The College educates in the broad range of Christian doctrine, in which it 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 the statement of faith and College lifestyle statement enclosed.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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, I Corinthians 6:9-10 in the New American Standard Version of the Holy Bible.

> "Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate by perversion, nor homosexuals, nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers, shall inherit the kingdom of God."

The College, being controlled by the Christian and Missionary Alliance, is governed by their policy relating to divorced persons. It follows:

> "No person who is divorced and remarried, or who is married to a divorced person, shall be engaged as a faculty member or administrator in an Alliance college or graduate school."

The College hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status -- see further explanation below.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Holy Bible and the religious customs and practices that interpret its

moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Corinthians 6:15-17; Colossians 3:5; II Corinthians 6:14ff; Malachi 2:14b-16a; Matthew 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

There are a 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 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 tenets 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 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 claim 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 feel free to contact me.

Very truly yours,

Bill W. Lanpher
President

BWL:nf
Enclosures: 1 Lifestyle Statement
1 Statement of Faith

THE SAINT PAUL SEMINARY

2260 Summit Avenue, Saint Paul, Minnesota 55105

Telephone (612) 698-0323

April 7, 1977

Director, Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Dear Sirs:

The St. Paul Seminary is constituted as a theological seminary, a school of divinity at the first professional graduate level, to prepare men for the priesthood in the Roman Catholic Church. The priesthood is restricted by the Roman Catholic Church to men. By reason of this, enrollment in our programs for priestly ministry are restricted to men and the athletic and other physical facilities are designed principally with men in mind. Since it is a professional school for priesthood, the majority of the staff will be priests and therefore male.

In the above respects we claim a religious exemption under 45 C.F.R. 86.12(b).

Sincerely yours,

Msgr. William Baumgaertner,
Rector/President

WB/jr
encl.

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

File 6/7/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

27002384

ST. PAUL SEMINARY
(Name of Applicant or recipient

2260 Summit Avenue
(address)

St. Paul, Minnesota 55105
(city, state, zip code)

002384
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Mr. James W. Ryan, Registrar
(name of employee)

3. St. Paul Seminary
(office address)

4. (612) 698-0323 Ext. 6
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: 4/7/1977

St. Paul Seminary
(Insert name of Applicant)

By Msgr. John Baumgartner
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rector - President
(Insert title of authorized official.)

The
Saint Paul
Seminary

2260 Summit Avenue • Saint Paul, Minnesota 55105 • (612) 698-0323

August 7, 1985

Ms. Linda A. Cornelius
Acting Regional Civil Rights Director
Region V
300 South Wacker Drive, Fifth Floor
Chicago, Illinois 60606

Dear Ms. Cornelius:

After reviewing your recent letter and the provision of Title IX, I would resubmit the request of my predecessor for an exemption from those sections of Title IX that conflict with the laws of the Roman Catholic Church regarding education for ordained priesthood. While The Saint Paul Seminary has recently opened its academic degree programs to qualified men and women seeking graduate theological training, it still maintains a distinct program of preparation for priesthood candidates. According to Church Law only single men are eligible to apply for admission to programs leading to ordination. Furthermore, those laws also insist on distinct arrangements for housing and aspects of education and counseling specific to priesthood candidates. There are also scholarship and institutional financial aid programs which have been established in the past for priesthood students; dispersal of those program funds is thereby limited to priesthood students. Finally, the Roman Catholic Church also specifies that certain positions on the faculty must be filled by priests and that all personnel must meet certain personal standards as specified by Church Law.

In light of these restrictions of our religious tradition, I ask for exemptions to the following sections of Title IX:

106.21 - Admissions
106.22 - Preference in Admissions
106.23 - Recruitment
106.31 - Education Programs and Activities
106.32 - Housing
106.34 - Access to Course Offerings
106.35 - Counseling and Use of Appraisal and Counseling Materials
106.37 - Financial Assistance
106.40 - Marital and Parental Status
106.51 - Employment

106.52 - Employment Criteria
106.53 - Recruitment

If I need to provide any further information or documentation in regard to this request, I would be happy to do so.

One further matter should be noted. The Saint Paul Seminary is currently in discussion with the College of St. Thomas regarding an affiliation of our seminary with their liberal arts college. Nothing has been finalized at this date. The College of St. Thomas, located at 2115 Summit Avenue, St. Paul, has already submitted its analysis of Title IX questions and that report is on record with your office.

Sincerely yours,

Reverend Charles Froehle
Rector

CF:em

2-3-363

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 4

To ELENOR BAKER	From LAMAR DANIEL
Co. HQ OCR	Co. REGION OCR
Dept. US DOE	Phone 404/331-5910
Fax 202/205-9862	Fax 404/331-7819

1991-92

US DEPT. OF EDUCATION

SAMFORD UNIVERSITY
SESQUICENTENNIAL

For God • For Learning • Forever

April 29, 1992

Assistant Secretary
Department of Education
c/o Mr. Archie B. Meyer, Sr.
Regional Civil Rights Director
Office for Civil Rights
PO Box 2048, 04-3010
Atlanta, GA 30301-2048

RE: **Application for Institution Exemption from Certain Provisions of Title IX of the Education Amendments of 1972**

Dear Mister or Madam Secretary:

Samford University ("Samford"), pursuant to 34 C.F.R. 106.112(b), hereby requests exemption from application of certain of the regulations promulgated under Title IX of the Education Amendments of 1972. In support of such exemption, Samford states as follows:

1. Samford, incorporated by Act of the Legislature of Alabama as Howard College on December 19, 1841, is an entity of The Alabama Baptist State Convention (the "Convention").

2. The Convention is a religious organization, incorporated under the laws of the State of Alabama, whose purpose is:

> to offer an agency of cooperation for the churches, to promote the preaching of the gospel in Alabama and throughout the world, to support ministerial and Christian education, to publish and distribute Christian literature including the Bible if desirable and organize and promote all phases of work fostered by the Convention and the Southern Baptist Convention, and to aid any benevolent or moral movements it may deem promotive of God's kingdom. (Article II of the Constitution of the Alabama Baptist State Convention).

3. Samford University's relationship to the Convention is expressed in Article III of the Convention's Constitution:

> The Convention shall have ultimate control of any literary, theological, eleemosynary, or other institutions which have been acquired by or originated in this body.

4. The members of the Board of Trustees of Samford are elected by the Convention and must hold membership in a Baptist Church in Alabama which cooperates with the Convention. (Articles III and XIV of the Constitution of The Alabama Baptist State Convention.)

5. The Convention contributed approximately $4,000,000 to the operating budget of Samford this fiscal year.

6. Samford seeks exemption from the below listed regulations, as they are inconsistent with the religious tenets of The Alabama Baptist State Convention, the Convention's member churches located within the State of Alabama, or the Southern Baptist Convention:

34 CFR 106.21
34 CFR 106.31
34 CFR 106.32
34 CFR 106.36
34 CFR 106.37
34 CFR 106.38
34 CFR 106.39
34 CFR 106.40
34 CFR 106.51
34 CFR 106.52
34 CFR 106.53
34 CFR 106.55
34 CFR 106.57
34 CFR 106.60

7. The specific religious tenets with which the Regulations conflict are as follows:

(a) Regulations 106.21, 106.31, 106.37, 106.39, 106.40, 106.57 and 106.60 would, if applicable, generally require Samford to ignore the sex, marital or parental status of employment applicants, faculty, staff and students in the offering of employment, educational programs and services, and health insurance. Such requirements interfere with the ability of Samford to provide role models of Christian moral character and to make decisions consistent with Baptist tenets concerning Christian sexual conduct, the sanctity of male-female marriage and the primacy of the nuclear family.

(b) Regulations 106.32, 106.34, 106.38, 106.51, 106.52, 106.53 and 106.55 would, if applicable, generally require Samford to ignore its religious purpose and the religious tenets of the Convention, its member churches and The Southern Baptist Convention, insofar as their tenets allow and indeed, require the individual member churches of the Convention to ordain and license clergy, which, as a result of these and other tenets, results in appointment of predominantly male ministers. This basic tenet of the Baptist faith requires that the academic, scholarship, employment, recruitment, housing and other programs and practices of Samford be unconstrained by the above cited regulations in order to properly serve Samford's religious educational mission. Be assured, however, that Samford shall not discriminate on the basis of sex where such is not required by the aforementioned religious tenets.

In summary, Samford and the Convention adopt the principal of equality among God's children of all races, both male and female, and will endeavor to operate Samford University in accordance with this principal. Our concern is that the regulations from which we seek exemption might somehow be interpreted and enforced in such a way as to require Samford to ignore religious tenets in order to comply with the law. We believe that 34 C.F.R. 106.12(a), which enables the religious exemption sought herein, and the First Amendment of the United States Constitution, ensure that Samford should not be subject to such conflicts.

We appreciate your consideration and understanding of our request and trust that the requested exemptions will be promptly granted.

Very sincerely yours,

Thomas E. Corts
President

/ewh

REE

REC
not specific

4/15/78

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, SAMFORD UNIVERSITY - Alabama
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

01001036

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) (See attached request)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[X] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[X] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Faculty and Academic Affairs:
Ruric E. Wheeler
Vice President for Academic Affairs
205-870-2718

Staff and Student Affairs:
H. Evan Zeiger
Vice President for Financial Affairs
205-870-2811

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ .
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 28, 1976

Samford University
(Insert name of Applicant)

By _____

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

800 Lakeshore Drive
Birmingham, Alabama
35209

GPO 906-517

In accordance with Section 86.12(b) of the Rules and Regulations implementing the Educational Amendments of 1972, we are hereby identifying the provisions of the rules and regulations which are not consistent with tenets of the Alabama Baptist Convention, the denominational agency which owns and operates Samford University. Although the possibility of a conflict between these rules and regulations and the tenets of the Alabama Baptist Convention in the day-by-day operation of Samford University is very small, we do note the possibility of a conflict. Thus, we are requesting an exemption from the following regulations in case a conflict should materialize in the future.

Section 86.21	Section 86.38
Section 86.22	Section 86.40
Section 86.23	Section 86.51
Section 86.31	Section 86.52
Section 86.32	Section 86.53
Section 86.34	Section 86.55
Section 86.36	Section 86.57
Section 86.37	Section 86.59

85-005-280

Samford University
Birmingham, Alabama 35229 U.S.A.
THE PRESIDENT 205-870-2727

August 16, 1985

Mr. William H. Thomas
Regional Civil Rights Director
Region IV
Office for Civil Rights
United States Department of Education
101 Marietta Tower
Atlanta, GA 30323

Dear Mr. Thomas:

As promised in my letter of July 30, 1985, I am responding more specifically to your letter which was received in our office on July 8, 1985.

Because of the passage of time, Samford University does not now insist on the granting of its July 7, 1976 application for exemption from certain Title IX regulations. We, of course, reserve the right to renew our application in the future should a need arise for such exemptions.

We appreciate your calling to our attention the current status of this matter.

Very sincerely yours,

Thomas E. Corts
President

kr

cc: Atley Kitchings
Gerald A. Macon
Laverne Farmer
Ruric E. Wheeler
Martha A. Cox

no RSC Assurance

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Seminary of St. Pius X – Kentucky (insert name of Applicant or Recipient) (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

21008917

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[x] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Mrs. Phyllis Chandler
(name of employee)

Financial Aid Office-Seminary-Erlanger, Ky. 41018
(office address)

606-371-4448
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[x] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: August 2, 1976

Seminary of St. Pius X
(Insert name of Applicant)

By William G. Glover
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rector (President)
(Insert title of authorized official.)

GPO 906-517

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

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U.S. DEPARTMENT OF H.E.W.

HEW–391

U.S.MAIL

FIRST CLASS MAIL

ATTN PRESIDENT

SEMINARY OF SAINT PIUS X

ERLANGER KY 41018

SETON HALL UNIVERSITY
South Orange · New Jersey 07079

OFFICE OF THE PRESIDENT
JOHN A. COLE, M. B. A., LITT. D.
TREASURER

September 20, 1976

Mr. Martin H. Gerry
Director of Office of Civil Rights
Department of Health, Education
and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

I am submitting herewith certificate of Assurance of Compliance with Title IX of the Education Amendments of 1972.

Attached you will also find an Application for Specific Exemption under Section 86.12.

Sincerely yours,

John A. Cole

John A. Cole
Treasurer
and
Acting President

JAC:vk
Encl.

SETON HALL UNIVERSITY
South Orange · New Jersey 07079

OFFICE OF THE PRESIDENT
JOHN A. COLE, M. B. A., LITT. D.
TREASURER

APPLICATION FOR SPECIFIC EXEMPTION

UNDER SECTION 86.12

Seton Hall University hereby applies for exemption from the provisions of Part 86 of Title IX in the specific area of staffing the Divinity School of the University.

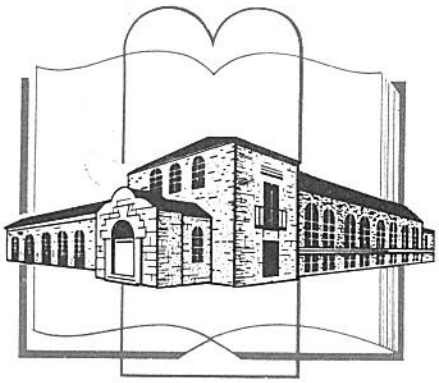
The Divinity School is operated to initiate the training of candidates for the priesthood, primarily for the Roman Catholic Archdiocese of Newark, under which aegis Seton Hall was founded in 1856, but also for the other Roman Catholic dioceses in the State of New Jersey.

The program of the Divinity School is specifically for the education of students to prepare them to become priests of the Roman Catholic Church.

Canons 108 and 968 of the Code of Canon Law of the Roman Catholic Church limits the sacred orders of bishop, priest, and deacon to males.

September 20, 1976

John A. Cole
Acting President



בית מדרש
שאר ישוב

SH'OR YOSHUV

Rabbinical College-Institute for Jewish Studies

1284 CENTRAL AVENUE,
FAR ROCKAWAY, N.Y. 11691
327-2048

RABBI SHLOMO FREIFELD, DEAN

May 3, 1977 ב"ה

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Shlomo Freifeld

85-004-022

Southeastern Bible College

205/251-2311
2901 Pawnee Avenue, Birmingham, Alabama 35256-2699

April 4, 1985

Mr. William H. Thomas, Regional Director
United States Department of Education
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

The following is in response to your letter of March 25, 1985, regarding our request of July 21, 1977, for exemption from certain provisions of Title IX.

1. Southeastern Bible College is a non-denominational institution serving various independent churches and protestant denominational groups.

   Some of the religious groups represented in our Board, our faculty and our student body are:

   Independent Fundamental Churches of America
   Southern Baptists
   Presbyterian Churches of America
   Christian Missionary and Alliance
   Freewill Baptists
   Brethren
   Mennonite

   The college is governed by a self-perpetuating board consisting of twenty members including the President of the college. Board members are chosen from constituent churches. Approximately ten different churches are represented on the board presently. The board is the policy-making body of the institution.

2. Southeastern Bible College would be considered theologically conservative and evangelical. Attached is a copy of the college's doctrinal statement.

3. We are seeking exemption under provisions in paragraph 86.12 for two issues.

   A. Educational Programs
      Study programs in our Pastoral Theology Department are limited

aabc American Association of Bible Colleges
Accredited Member

50th Anniversary

Evangelical Council for Financial Accountability ECFA Charter Member

to male students. We believe the Scriptures provide for men only to be in the office of the pastor of a church. The position has been maintained since the inception of the program. It is consistent with the views of the majority (perhaps all) of our constituent churches. A change in position by our college would cause the loss of support from many of these same churches. It is assumed that you are not asking for a detailed Biblical argument for the college's position at this point. Such a presentation can be made if necessary.

In light of these facts we ask exemption from paragraphs 103.31 and 106.34 as they would relate to our pastoral studies program.

B. Employment

Consistent with our theologically conservative position, we hold that the Scriptures require that women are not to be in the position of teaching men in matters of Biblical instruction and theology. Again this has been the historical position of the college from the beginning and it would reflect the practice of the churches we serve.

In light of this we request exemption from the provisions of paragraph 106.51 only in matters related to Biblical and Theological instruction of men by women.

If documentation of these views is needed from representative churches within our constituency we will be happy to secure it.

Yours truly,

James G. Kallam, Ph. D.
President

JGK/je

4-2-587

SOUTHEASTERN BIBLE COLLEGE

3001 Highway 280 East, Birmingham, Alabama 35243-4181 205/969-0880

May 8, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D. C. 20202

RECEIVED DO
1989 MAY 15 AM 11: 35
US DEPT. OF ED, OCR

Re: Title IX Exemption Application

Dear Sir:

Southeastern Bible College 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 102.12(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).

Southeastern Bible College is an accredited Bible college, offering courses of instruction in the humanities, arts and sciences with a minor in Missions, Pastoral Studies, Christian Education, Teacher Education and a major in Bible and Theology. The College is controlled by Southeastern Bible College, Inc. (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Alabama in 1935 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. 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, I Cor. 11:1-16, 13:34-39; Eph. 5:22-6:9; Col. 3:18-41, I Tim. 2:8-15, 3:1-14; I Cor. 5:1-13, 6:12-20; I Peter 2:11-25; II Peter 2:20-26.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, I Cor. 5:1-13, 6:12-20; I Peter 2:11-15.

The College has previously applied for and received a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the College's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this additional request for exemption is being submitted at this time in order to clarify the scope of the exemption granted to the College.

The College hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The college maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentent in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [(see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor. 6:14ff; Mal. 2: 14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and

practices, as described above.

There are a 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 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 tenets 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 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 Mr. Leon Gillaspie who is the Vice President of the College, at Southeastern Bible College.

Very truly yours,

John D. Talley, Jr., D.Min.
President

JDT/je

SOUTHEASTERN CHRISTIAN COLLEGE

WINCHESTER, KENTUCKY 40391
PHONE (606) 744-6212

May 5, 1977

STATEMENT claiming religious exemption for TITLE IX under 45 C.F.R. 86.12(b).

Southeastern Christian College is a Liberal Arts Junior College, owned and operated by a Board of Directors chosen by cooperating Churches of Christ. While offering a Liberal Arts curriculumn, this school places strong emphasis on the teaching of the Bible and the living of a Christian life. The introductory sentence of its statement of purpose as found printed in the Catalogue, page 6, reads:

> "The over-all purpose of Southeastern Christian College is to provide each student with a program of Christian education including religious, academic, social, physical and vocational experiences which will result in Christ-centered living."

It is the conviction of this school and of its supporting churches that the Bible does not condone women as "Preachers", or "Ministers of the Gospel" or "Pastors".

In view of this, Southeastern Christian College does not employ women to be teachers of Bible and/or Religion. Nor does it invite women preachers to speak at religious assemblies of the college. (Sec. 86.51(a)(1&2); Sec.86.53(a&b).)

This does not mean that women cannot take any Bible or Religion course which is offered. In fact, we have several women currently enrolled with Bible majors. However, as a rule, women do not attempt to enroll in certain courses such as homiletics (sermon preparation).

This position does not rule out women from being teachers in other subjects, including directing of the school choir which sings mainly religious music. Our present choir director is in fact, a woman.

As a consequence of the above stated belief regarding women preachers, one student extra-curricular activity known as the "Timothy Club" (a club of young men aspiring to be preachers of the Gospel and who preach as opportunity provides) is limited to men. The women on campus have a counterpart in the "Dorcas Club" which seeks ways of service to the church in keeping with their understanding of God's Word. The staff advisor in that case would also be a woman. (Sec. 86.31(a) ..."extracurricular"...)

We have studied all the requirements of the Rules and Regulations per FEDERAL REGISTER of June 4, 1975 Volume 40 Number 108 Part II, and find that in all other aspects we are in compliance with Title IX.

Sincerely,

Victor N. Broaddus, President

Hall C. Crowder, Chairman of Board

Southern Baptist College

"The Campus of Christian Purpose"

OFFICE OF THE PRESIDENT

WALNUT RIDGE, ARKANSAS

72476

August 23, 1976

Kleay
N.A.

Director of the Office for Civil Rights
U. S. Dept. of Health, Education, & Welfare
Washington, D. C. 20201

Dear Sir:

The following is published and submitted in accord with Section 86.12(b) of the "Title IX Regulation Implementing Educational Amendments of 1972 Prohibiting Sex Discrimination in Education". Southern Baptist College is a two-year co-educational institution which is owned and operated by the Arkansas Baptist State Convention.

Identified below are provisions of the regulations which are not consistent with or which may yield to interpretations which are not consistent with the religious tenets of the Arkansas Baptist State Convention:

Section 86.6	Section 86.38
Section 86.11	Section 86.39
Section 86.21	Section 86.40
Section 86.31	Section 86.51
Section 86.32	Section 86.53
Section 86.34	Section 86.55
Section 86.36	Section 86.57
Section 86.37	Section 86.60.

I, therefore, in accordance with Section 86.12 respectfully request the exemption of Southern Baptist College from the rules and regulations specified above.

Sincerely,

D. Jack Nicholas

D. Jack Nicholas
President

DJN:gr

SOUTHERN CALIFORNIA COLLEGE

Office of the President

1988 SEP 26 AM 11:40

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

August 3, 1988

RECEIVED
1988 SEP 29 P 12:29

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Southern California College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

Fifty-Five Fair Drive, Costa Mesa, California 92626 • (714) 556-3610

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by the Southern California District Council of the Assemblies of God ("District Council"). The District Council is an association of some 1,046 Assemblies of God churches in the State of California, and it is a member of the General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the Southern California District Council (enclosure 3), which will demonstrate conclusively that the District Council is a religious organization.

Article III of the College's Bylaws (enclosure 4) specifies that "Southern California College is and shall be at all times owned and controlled by the Southern California District Council of the Assemblies of God. The execution of policy and administration of the College may be delegated to the appropriate officers designated by the board of directors, but the Southern California District Council of the Assemblies of God shall have control over all phases of the College." This provision clearly demonstrates that the

College is owned and controlled by a religious organization (the District Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organization (the District Council).

The Constitution of the District Council adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. Article IV of the College's Bylaws also adopts these doctrinal precepts. The "Statement of Fundamental Truths" contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and

employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

Wayne E. Kraiss

President Wayne E. Kraiss

WEK:je

Enclosures

cc: Ms. Maye Miller--Bozeman
Richard R. Hammar, Esq.

86-001-483

SOUTHERN COLLEGE
OF
SEVENTH-DAY ADVENTISTS
Collegedale, Tennessee 37315

A LIBERAL ARTS COLLEGE

(615) 238-2000

OFFICE OF THE PRESIDENT

October 31, 1985

RECEIVED
1985 NOV -4 PM 4:20
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. Louis Bryson
Department of Education
Suite 2704
101 Marietta Towers
Atlanta, GA 30323

Dear Mr. Bryson:

In the Title IX assurance form, previously filed with the Department of Health, Education, and Welfare, Southern Missionary College (name changed to Southern College of Seventh-day Adventists in February, 1982) requested that it be granted exemption as provided for in 34 C.F.R. Section 106.11, from certain provisions of Title IX regulations because they appear to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Southern College of Seventh-day Adventists is an integral part. Specifically, Southern College of SDA requested exemptions from the following regulations on the grounds hereinafter stipulated: 34 C.P.R. Sections 106.21, 106.40, and 106.57 which pertain to marital and parental status.

The eighth fundamental belief of the Seventh-day Adventist Church states that, "The law of the ten commandments points out sin," Church Manual, p. 33. The seventh commandment, Exodus 20:14 states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("reasons for Which Members Shall be Disciplined," Church Manual, p. 247). The Church Manual comments, "The church cannot afford to deal lightly with such sins nor permit personal considerations to affect its actions. It must register its decisive, emphatic disapproval of the sin of fornication, adultery, all acts of moral indescretions and other grevious sin," p. 249. Thus, pregnancy outside of marriage is considered immoral conduct inappropriate for a student in a Seventh-day Adventist educational institution.

Southern College of Seventh-day Adventists, as a church institution, is obligated to uphold the above religious standards in its relationship with its students and employees.

Southern College of Seventh-day Adventists believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Southern College of SDA.

The Seventh-day Adventist Church in the United States operates two universities, seven senior colleges, and one medical arts college to provide for its youth the opportunity to do advanced study within the context of the church's world view, sense of mission, and theological positions. Southern College is owned and operated by the SDA church and is therefore an integral part of the church and as such is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the church's basic 501C3 tax exemption. In addition, members of its constituency and Board of Trustees are Seventh-day Adventists, as are its faculty and staff.

Sincerely,

John Wagner

John Wagner
President

jd

APR 2 1979

Southwestern Adventist College
Keene, Texas 76059 817-645-3921

Donald R. McAdams
President

March 26, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Mr. Waite:

The following is in response to your letter of March 1, 1979.

In the Title IX assurance form previously filed with the Department of Health, Education, and Welfare, Southwestern Adventist College requested that it be granted exemptions, as provided for in 45 CFR §86.11, from certain provisions of Title IX regulations because they appeared to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Southwestern Adventist College is an integral part. Specifically, Southwestern Adventist College requested exemptions from the following regulations on the grounds hereinafter stipulated.

45 CFR §§86.21 (a)(1), 86.40, and 86.57 which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall Be Disciplined," Church Manual 247). The Church Manual comments: The church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins" (p. 249).

45 CFR § 86.31 (b)(5) which deals with regulations governing student appearance: The Seventh-day Adventist Church adheres to basic Biblical teachings that wearing apparel should be modest, that jewelry should not be worn, and that there should be distinctions between men's and women's clothing. (1 Tim. 2:9 and Deut. 22:5) For more than one hundred years the writings of Ellen G. White, considered to be divinely inspired, have guided the church in interpreting the above mentioned Biblical principles ("Clothing"

and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the Holy Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Southwestern Adventist College, as a church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Southwestern Adventist College believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Southwestern Adventist College.

Background information demonstrating that Southwestern Adventist College is religiously controlled: The Seventh-day Adventist Church in the United States operates two universities, eight senior colleges, and one medical arts junior college to provide for its youth the opportunity to do advanced study within the context of the church's world view and sense of mission. Southwestern Adventist College is one of those eleven institutions, and as such is more than a church-related college. It is an integral part of the church, and, as such, is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the church's basic 501 (c) (3) tax exemption. In addition, the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff.

Sincerely yours,

Donald R. McAdams

Donald R. McAdams
President

lh

SOUTHWESTERN UNION COLLEGE • KEENE, TEXAS 76059 • 817-645-8811

OFFICE OF THE PRESIDENT

July 14, 1976

The Office of Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

In accordance with Title IX of the Education Amendment Acts of 1972, Southwestern Union College submits the following statement as the official notice that Southwestern Union College does not discriminate on the basis of sex.

This statement includes two additional paragraphs not included in the statement mailed on June 16. This longer statement supersedes the previous statement and should be filed as the official statement from Southwestern Union College.

> Southwestern Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.
>
> The college is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. Southwestern Union College is in substantial compliance with the requirements issued by the United States Department of Health, Education & Welfare under Title IX of the Educational Amendments Act of 1972.
>
> Southwestern Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.
>
> Southwestern Union College is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the church.. It also is obligated to apply the standard with respect to appearance including those differentiating between men and women.

Southwestern Union College claims exemption from those provisions of Title IX such as regulations 86.21, 86.40, 86.57 (b), 86.31. insofar as they conflict with church teachings and practices on morality, deportment, and appearance.

Donald R. McAdams
President

Board Chairman

Southwestern Assemblies of God College
1200 SYCAMORE • WAXAHACHIE, TEXAS 75165 • TELEPHONE 214-937-4010

OFFICE OF THE PRESIDENT

August 4, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Southwestern Assemblies of God College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. <u>The College is controlled by a religious organization</u>

The College is a four-year educational institution that is owned and controlled by the Arkansas District Council of the Assemblies of God, the Louisiana District Council of the Assemblies of God, the Missisippi District Council of the Assemblies of God, the New Mexico District Council of the Assemblies of God, the Oklahoma District Council of the Assemblies of God, the North Texas District Council of the Assemblies of God, the South Texas District Council of the Assemblies of God, and the West Texas District Council of the Assemblies of God, ("District Councils"). The District Councils are associations of churches in the States of Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas, and they are members of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2 million members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District Councils are religious organizations.

Further, the articles of incorporation (enclosure 4) and bylaws (enclosure 5) of the College demonstrate that the College is controlled by religious organizations (the

District Councils) through a board of regents.

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict

the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

President J. Paul Savell

JPS:je

Enclosures

cc: Ms. Maye Miller--Bozeman
Richard R. Hammar, Esq.

Southwestern College

Southwestern Conservative Baptist Bible College 2625 East Cactus Road, Phoenix, AZ 85032 (602) 992-6101

July 15, 1988

Mr. C. Mack Hall
Director of Postsecondary Education Division
Regional Office
221 Main Street, 10th Floor
San Francisco, CA 94105

RECEIVED
JUL 19 1988
PROGRAM ... T
OFFICE FOR CIVIL RIG... 10/SF

Dear Mr. Hall,

Enclosed is our appeal for an exemption from the complaint relating to participation in a student health insurance plan which treats pregnancy and related medical conditions differently than other types of temporary disabilities with respect to coverage, benefits, or costs. Southwestern has no problem applying this coverage to married students. However, in the case of providing this coverage for single students, we would be in violation of our religious tenets. Sex outside of marriage is prohibited.

The student handbook states:

> "The Word of God is the final authority in all matters of faith and conduct. Therefore, items forbidden in Scripture are not acceptable for members of the Bible college community. These include acts such as drunkenness, stealing, lying, using slanderous or profane language, premarital sex, adultery, and homosexual behaviour."

Southwestern Conservative Baptist Bible College is a denominational college. The control which is exercised by the denomination is included in the enclosed appeal for a religious exemption.

Thank you for your help in expediting this matter.

Sincerely,

Wesley A. Olsen, Ed.D.
President

WAO:rf

RECEIVED
JUL 19 1988
PO SECON... ...ISION
OFFICE FOR CIVIL RIGHTS...

Southwestern College

Southwestern Conservative Baptist Bible College 2625 East Cactus Road, Phoenix, AZ 85032 (602) 992-6101

July 15, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Southwestern Conservative Baptist Bible College (also known as Southwestern College) hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to 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).

Southwestern College is an accredited Bible college, offering courses of instruction in the Bible, General Education, and Professional Education. The college is controlled by the Board of Trustees who are elected by the Arizona Baptist Convention. The Arizona Baptist Convention is a part of the Conservative Baptist Association of America. Southwestern College is a non-profit religious corporation which was incorporated in the State of Arizona in 12/1/60 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501 (c) (3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. 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 Ephesians 4:17-32.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, I Thessalonians 4:3-8.

The college hereby requests exemption from the application of the following provisions of the Title IX regulations under the provisions of 34 C.F.R. - 106.12 (b) to the extent that they conflict with the college's religious tenets and traditions as described above. The provisions in Title IX amendments that gives Southwestern College particular difficulty is 34 C.F.R. Sections 106.21 and 106.57, which are in specific conflict with our religious tenets. Sex outside of the marriage bond is specifically prohibited. Pregnancy in the case of a single person would be morally reprehensible. Any medical insurance provided by the college for pregnancy benefits for a single student would compromise that conviction. See page 7 of our student handbook.

There are a 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 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 tenets 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 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. Wesley A. Olsen, who is the President of the college, at (602) 992-6101.

Very truly yours,

Wesley A. Olsen, Ed.D.
President

WAO:rf

SOUTHWESTERN UNION COLLEGE • KEENE, TEXAS 76059 • 817-645-8811

OFFICE OF THE PRESIDENT

July 14, 1976

The Office of Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

In accordance with Title IX of the Education Amendment Acts of 1972, Southwestern Union College submits the following statement as the official notice that Southwestern Union College does not discriminate on the basis of sex.

This statement includes two additional paragraphs not included in the statement mailed on June 16. This longer statement supersedes the previous statement and should be filed as the official statement from Southwestern Union College.

> Southwestern Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.
>
> The college is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. Southwestern Union College is in substantial compliance with the requirements issued by the United States Department of Health, Education & Welfare under Title IX of the Educational Amendments Act of 1972.
>
> Southwestern Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.
>
> Southwestern Union College is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the church.. It also is obligated to apply the standard with respect to appearance including those differentiating between men and women.

Southwestern Union College claims exemption from those provisions of Title IX such as regulations 86.21, 86.40, 86.57 (b), 86.31. insofar as they conflict with church teachings and practices on morality, deportment, and appearance.

Donald R. McAdams
President

Board Chairman

St. Alphonsus College
REDEMPTORIST FATHERS
SUFFIELD, CONN. 06078

May 4, 1977

Director
Office for Civil Rights
Department of Health, Education & Welfare
P.O. Box 8214
Washington, D.C. 20024

To the Director:

Saint Alphonsus College, the College seminary of the Redemptorists of the Baltimore Province and the Vice Province of San Juan, has been organized for the sole purpose of training young men for the Redemptorist priesthood and brotherhood.

We claim religious exemption under 45 C.F.R., 86.12 because the Roman Catholic Church does not ordain women to the priesthood. Moreover, by its very nature, the Redemptorist brotherhood excludes reception of women into its ranks.

Very Rev. David J. Sharrock, C.SS.R.
President of the College
Rector of the Seminary

DJS:gh

St. Charles Borromeo Seminary

August 4, 1976

[illegible]
[illegible] Health, Education, and Welfare
[illegible] 20201

[illegible]

[illegible] Charles Borromeo Seminary is a Roman Catholic seminary operated by the Archdiocese of Philadelphia. It exists to train Roman Catholic men for the Catholic priesthood. Complying with the directives of Section 86:12, I wish to state that the seminary because of religious tenets can not accept non-Catholic students nor female students. There is no racial discrimination.

Trusting this information is satisfactory, I am

Sincerely yours,

(Rev. Msgr.) Vincent L. Burns
President

VLB/[illegible]

Saint Francis de Sales College
3501 South Lake Drive Milwaukee, Wisconsin 53207 (414) 744 - 5450

June 1, 1977

Mr. Albert T. Hamlin
Acting Director
Office for Civil Rights
Department of Health, Education and Welfare
Post Office Box 8214
Washington, D. C. 20024

Dear Mr. Hamlin:

St. Francis de Sales College is a liberal arts college. It is the collegiate component of a twelve-year seminary program (high school, college, professional school) of the Roman Catholic Archdiocese of Milwaukee. As such its purpose and objective are to prepare for ordination to the Catholic priesthood Catholic young men who signify such an interest.

Since the Roman Catholic Church ordains only men, St. Francis de Sales College admits only men as full-time students. Unclassified students, that is, students who take a limited number of courses in regular classes with other students but who are not candidates for ordination, are enrolled without regard to sex.

Therefore, pursuant to the purpose and objective of St. Francis de Sales College, we respectfully submit our request, in accordance with 45 C.F.R. 86.12 (a)(b), for exemption from Subpart C of 45 C.F.R. (86.21 through 86.23).

Sincerely yours,

Wm. E. Puechner

Rev. William E. Puechner
President

ST. HYACINTH COLLEGE AND SEMINARY
CONVENTUAL FRANCISCAN FRIARS
GRANBY, MASSACHUSETTS 01033

TELEPHONE 413 467 7191

OFFICE OF THE PRESIDENT

August 1, 1977

Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

To Whom It May Concern:

Since St. Hyacinth College and Seminary is a Roman Catholic liberal arts college and seminary for Conventual Franciscan Friars and Postulants whose major is Philosophy, we are requesting an exemption from Title IX of the Education Amendments of 1972.

All students who attend St. Hyacinth College and Seminary must be affiliated to the Order of Friars Minor Conventual, a male Roman Catholic religious community. Therefore, women are not accepted as students at St. Hyacinth College and Seminary.

Thus, we request an exemption from Title IX of the Education Amendments of 1972.

Sincerely,

Claude Jarmakiewicz

(Rev.) Claude Jarmakiewicz, OFM Conv.
President - Academic Dean

STILLMAN COLLEGE 1-4-2131

A College of the Presbyterian Church (U.S.A.)

A Member of the College Fund/UNCF

Office of the President

July 4, 2001

RECEIVED BY
01 JUL 12 PM 3:50
US DEPT. OF ED, OCR

Thomas Falkinburg, Esquire
United States Department of Education
Office of Civil Rights
Atlanta Office, Southern Division
61 Forsyth Street, S.W.
Atlanta, GA 30333

Re: Title IX Exemption

Dear Attorney Falkinburg:

Pursuant to 34 C.F.R. Section 106.12 (b) Educational Institutions Controlled by Religious Organizations, Stillman College is requesting a Title IX exemption regarding the housing of unwed pregnant students in the residence halls (34 C.F.R. Section 106.32 (a).

Stillman College has a history and covenantal affiliation with the Presbyterian Church (U.S.A.) with more than 51% of its Board of Trustees being members of the Presbyterian Church. The College recognizes that sexual relations are sacred and should be a joyful expression of intimacy between married persons. The College does not condone behaviors that may result in pregnancy among its unmarried student population. The sharing of sexual intimacy between unmarried persons is antithetical to its Christian tradition and to Stillman's concept of the Stillman man and woman. The presence of unmarried pregnant women in College-owned housing would conflict with Stillman's belief that the sexual act is a sacred act that occurs within the confines of marriage.

I would be happy to provide additional information you might need.

Sincerely,

Ernest McNealey

Ernest McNealey
President

Post Office Box 1430 • Tuscaloosa, Alabama 35403
Telephone 205-366-8808 • Fax 205-758-0821

(a)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, St. John's College, Winfield, KS 67156
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

20001942

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Fred J. Wippich, Coordinator
(name of employee)

Registrar, St. John's College, Winfield, KS
(office address)

316-221-4000, X41
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by June 1, 1977.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

St. John's College
(Insert name of Applicant)

Date: September 30, 1976

By M. J. Stelmachowicz
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Attachment to HEW Form 639, Article I

RE: Religious Exemption

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

M. J. Stelmachowicz, President

St. John's College
Winfield, KS 67156

FEB 22 1979

ST. JOHN'S SEMINARY
127 LAKE STREET · BRIGHTON, MASSACHUSETTS 02135 · TELEPHONE: 617-254-2610

OFFICE OF THE RECTOR

February 14, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Washington, D.C. 20201

Dear Mr. Madison:

I am writing in response to your letter of January 26, 1979, in which you request information in support of our school's request for a religious exemption under Title IX regulations.

Since I first submitted our assurance form, I decided not to request any exemption. I am under the impression that I submitted a second form in which no exemption was requested.

Thank you for your attention.

Sincerely yours,

Rev. Robert J. Banks
Rector

RJB:MFF

ST. JOHN'S SEMINARY
LAKE STREET
BRIGHTON, MASS. 02135

OFFICE OF THE RECTOR

Kreasy 9/15

August 18, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Dept. of Health, Education & Welfare
Washington, D.C., 20201

Dear Mr. Gerry:

Ms. Deborah O'Leary of the Office for Civil Rights in Boston has advised me to write to you concerning an exemption from compliance with Title IX.

St. John's Seminary, an eight-year institution of higher education, is a Roman Catholic seminary for the education of candidates for the Roman Catholic priesthood. The educational policies of the school, its community life, its admission policies, its employment of faculty, and even to a certain extent the employment of other workers are shaped by the one goal of preparing candidates for the priesthood.

As you may know, the priesthood of the Roman Catholic Church is restricted by Church law to celibate men. This means that the Roman Catholic seminary does take into consideration the sex, not only of applicants, but also of all those who are involved in the education and life of a celibate community. Therefore, in some cases women are excluded from certain aspects of the seminary program (e.g. women cannot be candidates for the priesthood), and in other cases preference is given to priests (employment of faculty), and in every instance some note is taken of the sex of a person who will be working within our celibate community.

I, therefore, request that St. John's Seminary be granted general exemption from the provisions of Part 86.

Thank you for your attention and assistance.

Sincerely yours,

Robert J. Banks

Rev. Robert J. Banks
Rector

RJB:MFF

RECEIVED
SEP 14 1976
(T-9)
5-160

ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015
388-8101

September Fourteenth
19 77

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Post Office Box 8214
Washington, D. C. 20024

Attention: Mr. John Hodgdon

Gentlemen:

In compliance with Article I Subsection B this statement is made by the undersigned as the highest ranking official of

ST. JOHN'S SEMINARY IN CALIFORNIA,

namely the President of said corporation. On behalf of St. John's Seminary we hereby claim the religious exemption under45 C.F.R. 86.12 (b) and we identify the following specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the Roman Catholic Church. The Roman Catholic Church controls St. John's Seminary. The provisions which conflict with Catholic religious tenets are the following:

Subpart C, Section 86.21 (b), (i), (ii), (iii); Section 86.21 (c), (1), (4); 86.23 (a); 86.31 (a); 86.40 (a); 86.51 (a), (1), (2), (3), (4); 86.53 (a); 86.55 (a); 86.57 (a), (1); 86.60 (a).

The basic tenet violated by the sections mentioned above is the rule of the Roman Catholic Church that only males may be priests, and therefore a seminary, which is the school for the training of priests, prohibits the admission of women as students at said school.

If you need any further information we shall be pleased to try to supply it.

Yours very truly,

Timothy Cardinal Manning
Roman Catholic Archbishop of Los Angeles, and
President of St. John's Seminary in California

B

ST. JOHN VIANNEY MINOR SEMINARY
ARCHDIOCESE OF MIAMI
2900 S. W. 87TH AVENUE
MIAMI, FLORIDA 33165

August 14th, 1976

Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Sirs:

Concerning our claiming religious exemption under 45 C.F.R. #86.12(b), we do so only in the sense that as a seminary with the sole objective of training young men for the Roman Catholic priesthood, we may enroll only males.

With regard to employees, including professors, we do hire women.

Sincerely,

Rev. Monsignor John J. Nevins
President

JJN/oa
Encl.

St. Louis-Chaminade Education Center

St. Louis High School · Chaminade College of Honolulu

3140 Waialae Avenue
Honolulu, Hawaii 96816
Telephones 732-1471 · 734-1904

September 10, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

Enclosed is Chaminade College of Honolulu's "Assurance of Compliance with Title IX Statement."

Because our college is affiliated with a religious congregation, the Marianist priests and brothers, we wish to claim a religious exemption under 45 C.F.R. (86.12 [b]). Under our charter the President of Chaminade College is required to be a Marianist. Further, all things being equal, should a qualified Marianist apply for a faculty or administrative post, we prefer to hire him rather than lay faculty, since members of our congregation render us contributed services.

However, in actual practice, Marianists constitute only a handful of our total faculty. In every other respect, Chaminade College does not discriminate on the basis of sex, religion, race, color, national or ethnic origin, or handicap. Minor modifications to assure compliance with Title IX regulations have already been taken.

Yours very truly,

Charles J. Lees

Rev. Charles J. Lees, S.M.
President

enc.

Juis Rabbinical College

OLIVE STREET ROAD • ST. LOUIS, MISSOURI 63130 • (314)727-1379

Rabbi M. H. Eichenstein
Chief Rabbi of United Orthodox Jewish Community
Rabbi Yitzchok Kleiman
Rosh Yeshiva
Rabbi Reuben Axelrod
Associate Rosh Yeshiva

ישיבה גדולה דקהל לואיס

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.57
(m) Section 86.59

Sincerely yours,

Rabbi Reuben Axelrod

COPY

September 27, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C, 20201

Dear Mr. Gerry:

Please find enclosed Assurance of Compliance with Title IX of the Education Amendments of 1972. St. Mary's Dominican College is a Catholic liberal arts college primarily for women. Even though we are not required by law because of the mission for which the institution was founded, we are submitting this Compliance Form because we believe that we should abide by the regulations of our Government.

If any further information is required, please do not hesitate to contact us.

Sincerely,

Sister Mary Eugene, O.P.
President

SME:mr

SAINT MICHAEL'S MONASTERY
UNION CITY, N.J. 07087
201-863-7474

July 23, 1976

Department of Health, Education and Welfare
Office of the Secretary
Washington, D.C. 20201

To Whom it may Concern:

We are a religious organization and we educate our own Seminarians for priesthood.

We claim religious exemption, in the sense that, at this time, no woman can be ordained to the Roman Catholic priesthood.

Our own educational system is limited to a small number of seminarians.

We are not receiving any Federal Aid.

Very truly yours,

Damian Towey, C.P.

[V. Rev] Damian Towey, C.P.,
President

NOTE: TITLE IX ASSURANCE SENT TO P.SMITH 9/7

cy of ltr to Region and Kresy

STONEHILL COLLEGE

NORTH EASTON · MASSACHUSETTS 02357

OFFICE OF THE PRESIDENT

HOLY CROSS FATHERS

PES 5/13 ASAP cy AS file

April 17, 1986

Patricia A. Healy
Assistant Secretary for Civil Rights
United States Department of Education
Mary E. Switzer Building
330 C Street SW
Mail Stop 2516
Washington, D. C. 20202

Re: Stonehill College; Claim for Exemption under 34 CFR 106.12

Dear Ms. Healy:

As President of Stonehill College of North Easton, Massachusetts, a private educational institution founded by the Congregation of Holy Cross, a Catholic religious order, and pursuant to 34 CFR 106.12(b), I hereby claim, on behalf of Stonehill College, an exemption from application of Part 106 of 34 CFR as provided by 34 CFR 106.12(a) to the extent application of this part would not be consistent with the religious tenets of the Congregation. In particular, I claim exemption from 34 CFR 106.39 and 106.40(b) (4), to the extent such sections would require that the health insurance plan available to Stonehill students include coverage for pregnancy, the termination thereof, and related disabilities. As the Congregation of Holy Cross is a Catholic order, any statute or regulation mandating insurance coverage for the health care related to pregnancies out of wedlock, or abortions regardless of marital status, is obviously inconsistent with the religious tenets of this Congregation. Therefore, we believe the College is entitled to an exemption from these regulations, and this letter should be considered a formal request for such exemption.

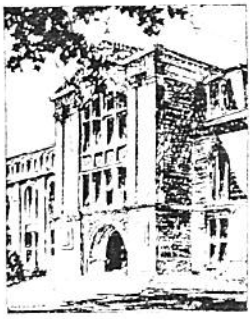
Sincerely,

Bartley MacPhaidin, C.S.C.

(Rev.) Bartley MacPhaidin, C.S.C.
President

dff

cc: C. James Cleary, Executive Vice President
Jeffrey M. Freedman, Esq.



ST. PATRICK'S SEMINARY

OFFICE OF THE RECTOR

320 Middlefield Road • Menlo Park, California 94025 • (415) 325-5621

January 4, 1978

David S. Tatel
Director, Office for Civil Rights
Dept. of Health, Education and Welfare
Washington, D.C.

Dear Mr. Tatel:

Pursuant to the enclosed assurance form, the following is in answer to Article 1 B.

St. Patrick's Seminary does claim a religious exemption, based on the fact that our program exists for the purpose of training candidates to the Roman Catholic priesthood. For this reason such applicants must be men.

We intend to voluntarily adhere to the spirit of other provisions of Title IX, even though we have only a few men receiving any type of federal assistance, (guaranteed loans).

Yours sincerely,

Joseph J. Bonadio, 55

Reverend Joseph J. Bonadio, S.S.
President-Rector

JJB:ls

Enc.

St. Paul's College CONCORDIA, MISSOURI 64020

September 27, 1976

SUBJECT: Title IX; Religious Exemption

FROM: Dr. Walter Rosin, President

RE: St. Paul's College and High School

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

Check

OFFICE OF THE PRESIDENT
St. Thomas Seminary
467 Bloomfield Avenue
Bloomfield, Connecticut 06002

April 20, 1977

To Whom It May Concern:

On behalf of St. Thomas Seminary, I wish to claim a religious exemption from the requirements of Title IX concerned with admissions.

The main purpose of St. Thomas is the preparation of young men for Roman Catholic priesthood. Based on traditional norms and recent pronouncement by the Catholic Church, women are not accepted as candidates for priesthood; therefore, they are not admitted to St. Thomas Seminary.

Sincerely,

John J. Kiely

Reverend John J. Kiely
President

JJK:jw

1900000288A1

SULPICIAN SEMINARY OF THE NORTHWEST
KENMORE, WASHINGTON 98028

September 17, 1976

Student Affairs Coordinator
Higher Education Division
Office of Civil Rights
Department of Health, Education & Welfare
Washington, D. C. 20201

Dear Sir:

St. Thomas Seminary claims exemption from the prohibition of sex discrimination (Title IX) because it is a religiously controlled institution. Sex prohibition is inconsistent with the religious tenets of St. Thomas.

This exemption is based upon Title IX, Section 901, (a) (3).

Sincerely,

Melvin L. Farrell, S.S.

Rev. Melvin L. Farrell, S.S.
President - Rector

MLF:mro

Enclosure

Talmudical Institute of Central Jersey

P. O. Box 7 ◆ Adelphia, N. J. 07710 ◆ (201) 431-9292

CANTOR AARON LIEBER
President

JESSE RABINOWITZ
Chairman of the Board

HARRY FISH
Vice-President
Asbury Park

ARTHUR GOLDBERG
Vice-President
Freehold

SAM JAFFE
Vice-President
Long Branch

ARNOLD RUBIN
Vice-President
Lakewood

KURT OPPENHEIMER
Recording Secretary

AVROHOM WEITMAN
Corresponding Secretary

ALLEN DERSHOWITZ
Financial Secretary

MURRAY SCHWARTZSTEIN
Treasurer

RABBI MAYER HERSHKOWITZ
Dean

RABBI YERUCHIM SHAIN
Dean of Students

RABBI SHAUL SEMAH
Dean of Faculty

RABBI CHAIM SILBERBERG
Registrar

RABBI YAAKOV MUELLER
Comptroller

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

   (a) Section 86.21(a)
   (b) Section 86.31(a)
   (c) Section 86.32(a)
   (d) Section 86.34
   (e) Section 86.51
   (f) Section 86.52
   (g) Section 86.55(a)
   (h) Section 86.7
   (i) Section 86.22
   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

ב"ה

TALMUDICAL YESHIVA OF PHILADELPHIA

6063 DREXEL ROAD, PHILADELPHIA, PA. 19131 • GR 7-1000

Rabbi Elya Svei
Rabbi Shmuel Kamenetsky
Roshei Yeshiva

Rabbi Shalom Siegfried
Executive Director

July 20, 1977

Director
Office for Civil Rights
Department of Health, Education & Welfare
330 Independence Ave., S.W.
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) *I am the Rosh Hayeshiva (Dean) of this institution.*

2) *The Talmudical Yeshiva of Philadelphia was charted and is maintained as an Orthodox Jewish Seminary. Its Trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. The institution today continues to operate under and adhere to these policies.*

3) *The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:*

a) *Section 86.21(d)*
b) *Section 86.31(a)*
c) *Section 86.32(a)*
d) *Section 86.34*
e) *Section 86.51*
f) *Section 86.52*
g) *Section 86.55(a)*
h) *Section 86.7*
i) *Section 86.22*
j) *Section 86.23(a)*
k) *Section 86.23(b)*
l) *Section 86.53*
m) *Section 86.59*

Sincerely yours,

Elya Svei

Rabbi Elya Svei
Dean

RES:sm

ב"ה

ישיבת טעלז - סניף שיקגו

TELSHE YESHIVA CHICAGO

RABBI ARON EISENBERG
Chairman, Board of Directors
LEO GLUCK
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Vice Presidents
MASON A. LOUNDY
Chairman, Finance Committee
RABBI SHMUEL ADLER
Administrative Director
RABBI AVROHOM M. ALTER
Director of Development

3535 WEST FOSTER AVENUE · CHICAGO, ILLINOIS 60625 · (312) 463-7738

RABBI AVROHOM C. LEVIN
Rosh Hayeshiva
RABBI CHAIM D. KELLER
Rosh Hayeshiva
RABBI CHAIM SCHMELCZER
Dean

November 13th, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights - Region V
United States Department of Education
300 South Wacker Drive, 8th Floor
Chicago, IL 60606

Dear Ms. McGovern:

RE: TITLE IX RELIGIOUS EXEMPTION CLAIM

This is in response to your letter of October 16 regarding the claim of religious exemption made by our Yeshiva.

Upon receiving your letter, I got in touch with Agudath Israel of America, a New York based national Orthodox Jewish organization to whom we look for assistance in government related matters. Agudath Israel has been in direct contact with Harry M. Singleton, Assistant Secretary for Civil Rights in the U.S. Department of Education, regarding the nature and extent of the information that schools such as ours are obliged to provide OCR when claiming a Title IX religious exemption. As you surely will appreciate, that question raises some sensitive First Amendment considerations that cannot be taken lightly.

Agudath Israel has forwarded to us copies of three letters, two of which were authored by Mr. Singleton, and I pass them along to you herewith. The first is a letter from Rabbi Morris Sherer, President of Agudath Israel, to Mr. Singleton, setting forth a specific proposal regarding exemption claims advanced by rabbinical schools such as ours; the second is Mr. Singleton's affirmative response to Rabbi Sherer's proposal; and the third is a letter from Mr. Singleton to Rabbi A.H. Leibowitz, President and Rosh Hayeshiva of the Rabbinical Seminary of America (an institution much like ours), acknowledging that school's exemption.

2/.....

Ms. Linda A.McGovern
Office for Civil Rights

November 13th, 1985

Telshe Yeshiva - Chicago is controlled, conducted and operated by the Orthodox Jewish religion. We reiterate that our religious tenets require us to admit only male students and hire only male faculty, and that we claim exemption from all regulations or portions thereof which are inconsistent with those tenets. As Mr. Singleton;s letters make clear, the foregoing is sufficient for purposes of obtaining exemption from 34 C.F.R. sections 106.21, 106.22, 106.23, 106.51 106.52 106.53, 106.55 and 106.59. As we noted in our letter of September 6, exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I trust this resolves the concerns expressed in your letter of October 16.

Sincerely yours,

Rabbi Shmuel Adler
Administrative Director

RSA:mrp
Encl.

(216) 943-5300

בס"ד

תשל"ה תרל"ה

1875 – TELSHE YESHIVA CENTENNIAL YEAR – 1975

הישיבה הגדולה והקדושה דטעלז • קליוולאַנד אָהייא

TELSHE YESHIVA

RABBINICAL COLLEGE OF TELSHE, INC.

28400 EUCLID AVENUE • WICKLIFFE, OHIO 44092

RABBI MORDECAI GIFTER RABBI BORUCH SOROTZKIN
ROSHEI HAYESHIVA

RABBI ABBA ZALKA GEWIRTZ
VICE-PRESIDENT

OFFICERS
BOARD OF SPONSORS

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RECORDING SECRETARY

ABBA SPERO
FINANCIAL SECRETARY

RABBI MOSHE HELFAN
ADMINISTRATIVE DIRECTOR

RABBI MAYER Z. MANN
OFFICE DIRECTOR

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Mordecai Gifter

Beth Hamedrash

הישיבה הגדולה והקדושה דטעלז

קליוולאַנד אָהייא

בס"ד

TELSHE YESHIVA

RABBINICAL COLLEGE OF TELSHE, INC.

FIFTY ACRE CAMPUS

28400 EUCLID AVENUE

WICKLIFFE, OHIO 44092

(216) 943-5300

RABBI MAYER Z. MANN
Executive Director

RABBI MORDECAI GIFTER
Rosh Hayeshiva

RABBI ABBA ZALKA GEWIRTZ
Vice-President

August 20, 1985

Ms Linda A. McGovern
OCR Regional Office
Region 5
300 South Wacker Drive
Chicago, IL 60606

Dear Ms McGovern:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employmnet of faculty of both sexes.

Sincerely yours,

Mordecai Gifter

Rabbi Mordecai Gifter
President

MG:ab

OFFICERS
BOARD OF SPONSORS

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JACOB SAPIRSTEIN, Honorary Life Chairman
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HENRY LOWENTHAL, Second Vice-President
OLIVER ALTMAN, Third Vice-President
ISRAEL N. COMET, Fourth Vice-President
DAVID LIPINS, Treasurer
DR. HENRY ROMBERG, Recording Secretary
GERSON ADLE, Financial Secretary
RABBI ARI WOI, Director, Administrative Servic

TITLE IX RELIGIOUS EXEMPTION REQUEST

In response to correspondence received by our school from William H. Thomas of the United States Department of Education dated March 25, 1985, and July 3, 1985, we respectfully submit that the following religious tenets of our controlling organization conflict with Title IX Regulations:

1. Section 106.34 of the Regulations conflicts with our conviction that physical education classes must be segregated on the basis of sex. Our conviction is based upon the Holy Bible, which teaches that the woman is a weaker (meaning precious) vessel (I Peter 3:7) and also should be dressed modestly (I Timothy 2:9). Such modesty would be difficult to maintain if competing with men in physical activities. We submit that this distinction is recognized in part by §106.34(c) of the Regulations which allows separation by sex of students within physical education classes or activities which involve contact sports.

2. Section 106.51 of the Regulations also conflicts with our conviction that women should not exercise authority over men in Biblical interpretation. Based upon this conviction, we do not allow women to teach Bible classes or homiletics at our school. Our position is based on the Holy Bible, specifically I Timothy 2:12 which states: "But I suffer not a woman to teach, nor to usurp authority over the man." This verse refers specifically to the teaching of Biblical tenets.

For the foregoing reasons, we request that our educational institution be granted an exemption from the above-referenced Title IX Regulations, pursuant to 20 U.S.C.A. §1681(a)(3).

This 25th day of July, 1985.

J. R. Faulkner

President, Tennessee Temple University

The Catholic University of America
Washington, D.C. 20064

Office of the President
(202) 635-5100

July 18, 1985

The Honorable Harry M. Singleton
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Secretary:

Thank you for your letter of June 18 granting The Catholic University of America exemptions to Sections 106.21 (c), 106.39, 106.40, 106.51, 106.56, and 106.57 of the regulations issued pursuant to Title IX of the Education Amendments of 1972.

Please consider this a request to exempt the University's Seminary Program (which is known here as Theological College) under Section 106.31. The University cannot accept women into the Seminary Program, nor can it accept non-Catholics into the Program, as it provides for the spiritual formation and personal integration necessary for ordination to the priesthood in the Roman Catholic Church. We hereby request activity, as outlined in your letter.

Thank you for your consideration of this matter.

Sincerely,

William J. Byron, S.J.
President

OFFICE OF THE PRESIDENT

(202) 635-5100

THE CATHOLIC
UNIVERSITY
OF AMERICA
WASHINGTON D.C. 20064

McK
Jan P.H.
12/5

November 13, 1975

Mr. Peter Holmes, Director
Office of Civil Rights
U. S. Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Holmes:

The Catholic University of America has long been committed to a policy of equal opportunity in admissions, employment, and programs. Consequently it subscribes to the fundamental principles embodied in Title IX of the Education Amendments of 1972.

I preface what follows by noting that the Regulations are not the law and may, indeed, misrepresent--possibly inadvertently--what Congress intended. To illustrate: In Paragraph 86.12, HEW uses a "loaded" word in the very title of the paragraph when it refers to "Educational institutions controlled by religious organizations" (emphasis mine).

This University is controlled by an elected and autonomous Board of Trustees. This University is fully accredited. It possesses more formal independence than many state universities. Its faculty operate with all the traditional rights and privileges enjoyed by faculties in higher educational institutions throughout the country.

The Catholic University of America is a "sponsored" institution. As an institution sponsored by the Roman Catholic Church, it will not subscribe to certain of the Regulations issued by the Department of Health, Education and Welfare. Specifically, the University cannot and will not provide health or medical insurance coverage for abortions, nor be held to any other regulation which would countenance the practice of abortion by members of the University community, nor will it be party to regulations whose practical impact is to encourage premarital sexual relations.

Accordingly, under Paragraph 86.12 of the Regulations, The Catholic University of America claims exemption on religious grounds from the following Paragraphs:

86.31, 86.39, 86.40, 86.51, 86.56, 86.57,

11/18/75 mba

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insofar as these--or any other of the Regulations--may mandate or be interpreted to require the provision of insurance or other benefits to students or employees for the voluntary termination of pregnancy, or to prohibit the University from adopting and following policies designed to discourage such unacceptable practice.

Sincerely,

Clarence Walton

Clarence C. Walton
President

בית המדרש לתורה

THE HEBREW THEOLOGICAL COLLEGE
7135 NORTH CARPENTER ROAD
SKOKIE, ILLINOIS 60077
(312) 267-9800

OFFICE OF THE PRESIDENT

בס"ד

September 9, 1985

Linda A. Cornelius
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
United States Department of Education
300 South Wacker Drive-8th Floor
Chicago, IL 60606

Dear Ms. Cornelius:

The Hebrew Theological College wishes to request religious exemption from Title IX of the Education Amendments of 1972 and its implementing regulation, 34 CFR Part 106. Pursuant to this request, the following information is provided.

> The Hebrew Theological College is under the control of the Board of Directors of the Hebrew Theological College which is bound by its constitution to all the tenets of the Orthodox Jewish faith. The Board of Directors sets policy and through the chief executive officer, the president, exercises control over the institution.
>
> The Hebrew Theological College follows the religious tenets of the Orthodox Jewish faith as set down in the Torah (Old Testament), Talmud and Jewish law that has been established for centuries.

The relationship between the Hebrew Theological College and the Orthodox Jewish faith establishes that Hebrew Theological College is controlled by a religious organization as is required for consideration for exemption under section 106.12 of the Title IX regulation.

The Hebrew Theological College maintains a program to train men for ordination as rabbis in the Orthodox Jewish faith and also offers a doctorate and a masters degree in Pastoral Counseling open only to ordained rabbis. Based on the above the Hebrew Theological College requests an exemption from section 106.21 regarding admissions to these two programs only. The Hebrew Theological College does not request exemption for admissions in all other programs which are open to men and women: Bachelor in Hebrew Literature, Master in Hebrew Literature, Doctor in Hebrew Literature, Master in Religious Education and Doctor in Religious Education. However, since classes and facilities for these programs are segregated by sex in accordance with our religious tradition, we request to be exempted from the prohibition against programs operated separately on the basis of sex found at section 106.34. For the programs restricted to men, we are also requesting exemptions from two other sections of the regulation: section 106.22 (Preference in Admission) and section 106.23 (Recruitment).

In addition to these exemptions, the College only can offer housing for the male students in its nonrabbinical degree programs since housing is shared with rabbinical students. Therefore, we wish to apply for an additional exemption under section 106.32.

Finally, in employment matters, all instructors in the rabbinical program are required to be ordained rabbis. Therefore, we wish to request an exemption under section 106.51 for hiring academic staff, under section 106.52 for requiring ordination as an employment criterion, under section 106.53 (Recruitment), under section 106.55 (Job Classification and Structure) and under section 106.59 (Advertising).

Thank you for your consideration.

Sincerely yours,

THE HEBREW THEOLOGICAL COLLEGE

Don Well

Rabbi Don Well
President

DW/csf

THE REFORMED PRESBYTERIAN THEOLOGICAL SEMINARY
7418 Penn Avenue Pittsburgh, Pennsylvania 15208

Office of the President
Bruce C. Stewart, M.A., D.D.

August 14, 1985

Mr. Dewey E. Dodds, Director
Office for Civil Rights
Region III
U. S. Department of Education
3535 Market Street, P.O. Box 13716
Philadelphia, Pennsylvania 19101

Dear Mr. Dodds:

In response to your letter regarding the granting of a religious exemption to the Reformed Presbyterian Theological Seminary from the Title IX regulations, we claim the following religious exemption as provided for in the Federal Register, Vol. 45, No. 92, Section 86, 12 (b):

> As a matter of religious conviction, the Reformed Presbyterian Theological Seminary does not offer classes in homiletics to women. This is the only exemption we claim. Women may take any other courses that we offer.

The Reformed Presbyterian Theological Seminary is controlled by the Reformed Presbyterian Church of North America. Its professors are elected by the Synod of the Reformed Presbyterian Church. Its Board of Trustees must be elders in the Reformed Presbyterian Church and are elected by the Synod of the Reformed Presbyterian Church. According to the Constitution of the Seminary, "The purpose of the Seminary shall be to provide a succession of godly men for the Gospel ministry, by instructing candidates for this ministry, and others who may be preparing for special lines of Christian service, in the Scriptures and the doctrines found therein. This system of doctrine is summarily exhibited in the Standards of the Reformed Presbyterian Church of North America."

The Reformed Presbyterian Church does not allow the ordination of women to the ministry nor does it permit women to preach. The following citation is taken from the Constitution of the Reformed Presbyterian Church of North America, the Form of Church Government, Chapter IV, paragraph 2 (page 246): "Young men are to be encouraged to devote their lives to the ministry. Presbyteries shall receive as students of theology such men as are members

in good standing in the Reformed Presbyterian Church....In respect to scholastic attainments, a full collegiate course shall be required in all ordinary cases." Subsequent paragraphs speak of progress in the Seminary, of Licensure to preach, and of Ordination. No provision is made for the ordination of women or their participation in preaching.

Section 106. 34 is the section from which exemption is requested. Consistent with the policy of the Reformed Presbyterian Church which controls the Reformed Presbyterian Theological Seminary, the Seminary does not give access to women to courses in homiletics. This is the only restriction we place upon women; they are free to take any other courses we offer.

I trust that this is the information you requested. If you have further questions, please let me know.

Cordially,

Bruce C. Stewart

Bruce C. Stewart
President

BCS/ms

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

RG
OK
9/10/7

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Reformed Presbyterian Theological Seminary
(Name of Applicant or recipient

7418 Penn Ave.
(address)

Pittsburgh PA 15208
(city, state, zip code)

FICE - 003358
(identifying code-FICE, OE, or IRS)

COMPLETED

42 003358 cm

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (✓) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

(If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (✓) Professional

RTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the pplicant for the period during which Federal financial assistance is xtended to it by the Department.

RTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

. Comply, to the extent applicable to it, with Title IX of the Education nendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, ıd 1685 (hereinafter, "Title IX"), and all applicable requirements imposed / or pursuant to the Department's regulation issued pursuant to Title IX, 5 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance 'th Title IX and Part 86, no person in the United States shall, on the ısis of sex, be excluded from participation in, be denied the benefits , or be otherwise subjected to discrimination under any education 'ogram or activity for which the Applicant receives or benefits from deral financial assistance from the Department. (This assurance does t apply to sections 904 (proscribing denial of admission to course of udy on the basis of blindness) and 906 (amending other laws) of Title IX, , U.S.C. 1684 and 1686.)

Assure itself that all contractors, subcontractors, subgrantees others with whom it arranges to provide services or benefits to its udents or employees in connection with its education program or tivity are not discriminating on the basis of sex against these udents or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (✓) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Dr. Clark Copeland, Dean
(name of employee)

3. 7418 Penn Ave., Pittsburgh, PA 15208
(office address)

4. (412)-731-1300
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (✓) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept. 2, 1977

Reformed Presbyterian Theological Seminary
(Insert name of Applicant)

By Bruce G. Stewart
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

no REC statement

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Trinity Christian College - Illinois (insert name of Applicant or Recipient) (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[xx] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

17001771

[**] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

** See attached institutional position paper

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[xx] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[xx] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[xx] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Mr. Stanley J. Koster, Academic Dean
(name of employee)

6601 College Dr., Palos Heights, IL 60463
(office address)

(312) 597-3000 ext. 36
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[xx] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by January 1, 1977 (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: October 4, 1976

Trinity Christian College
(Insert name of Applicant)

By Dennis Hoekstra
Dennis Hoekstra

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

College President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

Trinity Evangelical Divinity School
Bannockburn, Deerfield, Illinois 60015 312/945-6700

Thursday
September 30, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

As indicated in the accompanying Assurance of Compliance (HEW 639) under Title IX of the Educational Amendments of 1972, our institution has completed its self-evaluation and has not found it necessary to modify any policies or practices to come into compliance with Part 86.

We are, however, requesting a religious exemption under the provision of 45 C.F.R. 86.12. Our request for exemption is related to 86.21 "Admission" and 86.38 "Employment Assistance to Students". These sections forbid a school from inquiring into the marital or parental status of applicants or from aiding our graduates in placement with organizations which discriminate on the basis of sex. Trinity Evangelical Divinity School does accept students into any program or course without discrimination on the basis of sex, marital or parental status. However, our students are affiliated with approximately sixty different denominational groups. While these groups vary a great deal, many would practice congregational form of church polity or autonomy of each local church. The majority would also hold to a high view of the Bible as authoritative in governance of the local church. Thus, on the basis of such Scriptural passages as I Timothy 3:1-13 or Titus 1:5-9 most churches seeking Trinity graduates for the role of elder-pastor in the local church would believe that role is limited to men. Further, many churches on the basis of the same Scriptures plus those dealing with divorce (i.e. Mark 10:2-12) would feel divorce would disqualify a person from this office. While Trinity admits divorced persons for study, we feel it necessary to counsel them on the possible difficulty in placement following study and therefore need to inquire into their marital status in their application for admission. It should not be necessary to document this case further in as much as the past and present practice of the Christian Church is so well known as evidenced by an exclusively male priesthood in the Roman Catholic Church and the recent well-publicized struggle within the Episcopal Church in ordaining women. Trinity Evangelical Divinity School therefore requests an exemption from Sections 86.38 (a) (1) and (2) and from 86.21 (c) (4) on the basis of the above discussion. We believe this to be a valid request for exemption under 86.12.

Sincerely,

Kenneth M. Meyer
President

Truett-McConnell College

Office of the President

Att: AS reg. 5/3 AS 5/6 cy AS DAS RCPS

RECEIVED DD
1994 APR 11 PM 1:48
US DEPT. OF ED. OCR

March 21, 1994

U.S. Department of Education
Office of the Assistant Secretary
for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

This letter shall constitute Truett-McConnell College's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. § 196.12. The College requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations that are inconsistent with the "Statement of Purpose" of the College and the religious tenets of the institution and the Baptist Convention of the State of Georgia.

Truett-McConnell College is an institution of the Baptist Convention of the State of Georgia. The Convention is composed of messengers from cooperating Baptist churches within the State of Georgia. The College is controlled by the Baptist Convention of the State of Georgia. All members of the institution's Board of Trustees are elected by the Convention. Trustees must be resident, active members of Baptist churches affiliated with the Convention. The Convention fosters the College and provides it substantial financial support. I am completely satisfied that the nature of the Baptist Convention of the State of Georgia, and its relationship with the College, establish that Truett-McConnell College is "controlled by a religious organization" as required for exemption under Section 106.12.

The College and the Convention adhere to certain biblical tenets as their standard of faith and practice. These religious tenets are based upon the College's and the Convention's Christian understanding of the Scriptures. The College is compelled by Scripture to be faithful to these religious tenets. To the extent these religious tenets permit, the College is committed to compliance with the spirit and the letter of all applicable federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances, these religious tenets require the College to act in ways that may conflict with specific regulations under Title IX.

Cleveland, Georgia 30528 • 706-865-2134 • FAX 706-865-7566

The faculty, employees and students of the College are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. For example, the College requires that all employees and students refrain from conduct that is in conflict with strict standards of Christian morality. It would be in violation of the College's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of her condition, as required by 34 C.F.R. §§ 106.40(b) and 106.51(b).

The College and its controlling organization's religious tenets are directly related to issues such as human sexuality, cohabitation, the institution of marriage, language, and other subjects of a moral character or dimension. The College expects its students and employees to be Christian role models. For example, it is a violation of the College's religious principles and stated policy for employees to engage in any conduct that would call into question its religious tenets, such as use of public profanity or cohabitation with a non-relative of the opposite sex outside of marriage.

In keeping with its religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from §§ 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classifications and structure); and 106.59 (advertising). The College requests an exemption from sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquiries as to marital status and gender) insofar as these regulations prohibit the College from applying standards of Christian moral conduct in the selection and discipline of its employees.

The College provides an education to a significant number of students who are training for the gospel ministry. The College may provide different scholarship assistance and academic and professional advising to ministerial students on the basis of gender. Dormitory arrangements are segregated by gender. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular relevance and significance is the institution's role in encouraging those intending to marry and become parents to adhere to the College's and the Convention's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life.

Therefore, this College requests an exemption from 34 C.F.R. §§ 106.21(c) and 106.40 that prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This institution requests an exemption from 34 C.F.R. § 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds, job placement, and academic and professional advising often differ on the basis of gender. The College requests exemptions from the following sections insofar as ministerial students are concerned: §§ 106.34 (access to course offerings); 106.37 (financial assistance); and 106.38 (employment assistance to students). An exemption from § 106.36 regarding counseling and use

of appraisal and counseling materials is requested to the extent that religious tenets require differentiating between counseling services on the basis of sex.

Finally, the College requests an exemption from § 106.39 regarding student health services to the extent that this regulation would require the institution to make maternity benefits available to its single female students.

Thank you for your attention to these requests. Please contact me if you need elaboration or clarification on points covered by this letter, or if you have any general or specific questions about the institution and its constituencies.

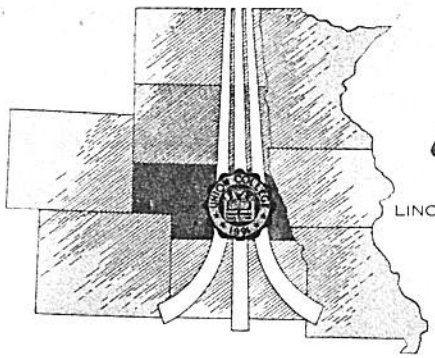
Sincerely,

T. Clark Bryan

Dr. T. Clark Bryan
President
Truett-McConnell College

ns

0801196



UNION COLLEGE
LINCOLN, NEBRASKA 68506 ■ (402) 488-2331

Kresy
A.H.

July 18, 1976

Office of the Secretary
Department of Health, Education and Welfare
Education Division
Office of Education
Washington, D.C. 20202

Dear Sirs:

Herewith I am enclosing a statement which articulates the policy of Union College relative to Title IX and discrimination in general. Our position is as follows:

"Union College is a co-educational institution of higher learning, established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

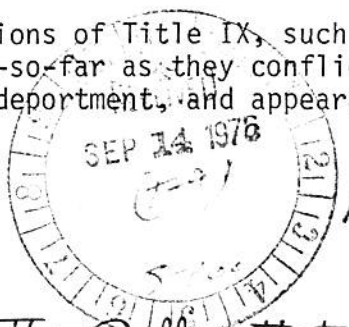
"Union College is committed to equal educational and employment opportunities for men and women and does not disciminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United States Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

"Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

"Union College is responsible for applying to both men and women employees and students biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

"Union College claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(B), and 86.31, in-so-far as they conflict with Church teachings and practices on morality, deportment, and appearance."

SEP 14 1976



AUG 16 1976

I believe that this statement of policy is required to be submitted to your office by July 19, 1976.

Sincerely,

Myrl Manley
President

MM:sv

July 22, 1976

Director of the Office for Civil Rights
U. S. Department of Health, Education & Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of "Title IX of the Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise you that Union University of Jackson, Tennessee, is an educational institution which is owned by the Tennessee Baptist Convention, that we do not receive federal financial grants, but our students do participate in federally financed student aid programs, and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization:

1. Sexual immorality, whether on the part of a man or woman, is contrary to the tenets of Southern Baptists. In so far as these regulations require Union University to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability, such regulations conflict with the tenets of Southern Baptists. Such regulations pertaining to unmarried women, whether students or prospective students, or employees, or prospective employees are inconsistent with the policies of the University and Southern Baptists, and this institution requests exemption on this basis. These inconsistent regulations include Sec. 86.21(c); 86.39; 86.40; 86.51 (b) (6); 86.57 (a)(1), (b), (c); 86.60(a).

2. Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches. The college requests that it be exempt from the regulations of equal number

of male and female students selecting church-related vocations and receiving equal scholarship assistance for these church-related vocations. Sections 86.37(a)(b); 86.51; 86.53; and 86.55(a) of such regulations are inconsistent with this Southern Baptist tenet.

Union University has tried to comply with other parts of the Title IX regulations and will have on record the results of our study, evidence of our modifications of policies and practices, and the proper grievance procedures for complainants.

Respectfully submitted,

Robert E. Craig
President

eg

United
Talmudical Academy
"Torah V'Yirah"

ישיבה ומתיבתא
תורה ויראה
דסאטמאר

ב"ה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

MAIN OFFICE: 82 LEE AVENUE · BROOKLYN, N.Y. 11211 · TEL: 963-4100

united wesleyan college

LEHIGH VALLEY'S COLLEGE OF THE BIBLE
AND CHRISTIAN JUNIOR COLLEGE

1414 EAST CEDAR ST., ALLENTOWN, PA. 18103 • (215) 439-8709

September 2, 1976

HAMelin 9/30

Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education,
and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

United Wesleyan College has reviewed its current policies and practices with regard to full compliance with the provisions of Title IX. The College has taken the appropriate action to fully comply with the requirements of Title IX in all parts of the Act not covered by exemption.

In light of the provision of section 86:12 of Title IX, I request exemption of United Wesleyan College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the Act noted are not consistent with the special directions and general rules of The Wesleyan Church by which United Wesleyan College is controlled.

In the 1972 Discipline of The Wesleyan Church, special directions are published requiring a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it (Discipline p. 51 paragraph 187 (5). Further the general rules of the church require (1) the preservation of the sanctity of the home (Discipline p. 36 paragraph 131 (11), and (2) the high regard of marriage vows (Discipline p. 36 paragraph 131 (14). The Discipline also requires appropriate discipline for violators (Discipline p. 37 paragraph 132).

United Wesleyan College expects to apply college rules equally to men and women, but there may be occasions in the instance of pregnancy out of wedlock where the evidence against the father may be insufficient to meet due process whereas such would not be the case with the woman. Not to deal with either party because we could not deal with both would sanction a moral situation which violates a tenet of the church.

Further, I request exemption of United Wesleyan College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress (see the Discipline paragraph 131 (8). The application of this church tenet does require some differences in the dress code in specific circumstances.

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It is our understanding that Title IX permits separation of housing by sex (86:32 (b), separation of restroom facilities (86:33), and special requirements for employment such as a woman to be resident director in a women's dormitory (86:61). If our understanding of these sections should be in error or at anytime these sections should be interpreted as prohibiting administration based on sex United Wesleyan College would desire the opportunity to request specific exemption in these areas, also.

Thank you for your consideration of these requests as provided for in Title IX.

Sincerely,

Earle L. Wilson, D.D.
President

ELW/en

UNITED WESLEYAN COLLEGE

1414 East Cedar Street, Allentown, Pennsylvania 18103 Telephone (215) 439-8709

Mr. Singleton
(ltr)
✓ Cy PCS
AS reg
(FR)
11/22
Cy file
(ltr)
cy Phil.

October 28, 1985

Mr. Harry M. Singleton
Assistant Secretary
for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Singleton:

I thank you for your response to the exemption requests presented by Dr. Earle L. Wilson the former president of United Wesleyan College.

In regard to the regulation 106.61 regarding sex as a bona-fide occupational qualification for hiring only women as resident directors for women's dormitories, please be advised that the standards for its educational institutions adopted by The Wesleyan Church require that the occupancy and supervision of dormitories must be separated according to sex. As a result we are requesting an exemption based on religious tenets of our controlling denomination.

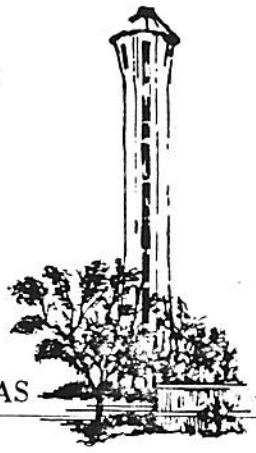
I appreciate your quick response to our request.

Yours truly,

John P. Ragsdale

John P. Ragsdale
President

JPR:dp



UNIVERSITY OF DALLAS · Irving, Texas 75061 (214) 438-1123

October 6, 1976

Mr. Albert P. Hamlin
Chairperson, Title IX Test Group
Office for Civil Rights
Health, Education, and Welfare
330 Independence, SW
Washington, D.C. 20201

Dear Mr. Hamlin:

Enclosed is the compliance report for the Title IX for the University of Dallas. I trust you will put it in the proper hands.

A phone call to HEW suggested that I write to you directly concerning the religious exemption area which we did check. We are not claiming the exemption for the whole University, however, but only for a specific program, that is the Master of Divinity program within the Braniff Graduate School of the University. The program prepares men for the Roman Catholic priesthood.

The report directions cover this kind of exemption but I am not sure how to make clear that this is just for this program, not the whole institution.

Please let me know what form we should do this in. Thank you for your help.

Sincerely,

(Mrs.) Sybil Novinski
Associate Academic Dean
and Registrar

SN:mh
Enclosure: Description of Master of Divinity program from the 1976-77 University of Dallas catalog. Founding statement from the same catalog.

Valley Forge
CHRISTIAN COLLEGE

Office of the President

October 13, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Valley Forge Christian College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. <u>The College is controlled by a religious organization</u>

The College is a four-year educational institution that is controlled by The General Council of the Assemblies of God ("General Council") and various District Councils of the Assemblies of God. The General Council is an association of 11,000 churches, 57 District Councils, and 2 million members in the United States. It has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). It also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). District Councils are regional associations of Assemblies of God churches. I am enclosing the Constitution and Bylaws of the General Council (enclosure 3), which will demonstrate conclusively that the General Council is a religious organizations.

Further, the bylaws (enclosure 4) of the College demonstrate that it is controlled by religious organizations (the General Council and various District Councils).

2. <u>Compliance with Title IX would conflict with a specific tenet of the controlling religious organization</u>

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations. The General Council's "Statement of Fundamental Truths," a listing of fundamental doctrinal

precepts with which the College has agreed to be bound, contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

Wesley Smith

Dr. Wesley Smith, President

WS:je

Enclosures

OFFICE OF THE PRESIDENT

Wadhams Hall

OGDENSBURG, NEW YORK 13669
DIAL 393-4231
393-6404
AREA CODE 315

April 26, 1976

McK
5117

Mr. Peter E. Holmes
Director-Office for Civil Rights
Department of Health, Education and Welfare
Washington, DC 20201

Dear Mr. Holmes:

Wadhams Hall would like to apply for exemption from certain provisions of Title IX of the Education Amendments of 1972.

Wadhams Hall is a seminary-college located in Ogdensburg, New York. It was founded in 1924 with its primary purpose to prepare men for the Roman Catholic priesthood. The Regents of the University of the State of New York have amended its charter as a four-year liberal arts college empowered to grant bachelor of arts (B.A.) degrees to its qualified graduates.

Our purpose has limited our growth and we have been continuously a single-sex institution since our establishment in 1924.

We are applying for exemption from certain provisions of the act because any changes would be inconsistent with the basic religious tenets of the school. We are applying for exemptions in the areas of admissions, housing, educational programs and activities, counseling and guidance, financial aid, and athletics and physical education.

We are also applying for exemption for one aspect of our employment practices. Our purpose dictates that a certain percentage of our faculty be priests. These priests perform their priestly duties as part of the formational aspect of Wadhams Hall. This would include spiritual counseling, attendance at spiritual exercises, etc.

For these reasons we would like to be able to advertise certain job openings as limited to priests. As of October we had thirty-six employees and of this number twelve were priests.

4/29/76 mb

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If additional information is needed concerning our application for exemption, please feel free to contact our institution. Thank you.

Sincerely,

(Rev.) Peter R. Riani
President

PRR:ep

APR

WALLA WALLA COLLEGE

COLLEGE PLACE, WASHINGTON 99324
PHONE (509) 527-2121

March 21, 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

Your recent letter regarding our request for exemption from certain provisions of the Title IX regulation has been studied and the enclosed attachment represents our position.

I believe we have answered the specific religious tenets and provisions of the regulation that are in conflict, and we have also provided background information indicating our church affiliation.

Should you require additional explanation or clarification, please do not hesitate to advise us. Thank you for your understanding in this matter.

Sincerely,

N. Clifford Sorensen
PRESIDENT

NCS:rlp
Enclosure

WALLA WALLA COLLEGE STATEMENT OF CONFLICT

REGARDING PROVISIONS OF TITLE IX

In the Title IX assurance form previously filed with the Department of Health, Education, and Welfare, Walla Walla College requested that it be granted exemptions, as provided for in 45 CFR §86.11, from certain provisions of Title IX regulations because they appeared to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Walla Walla College is an integral part. Specifically, Walla Walla College requested exemptions from the following regulations on the grounds hereinafter stipulated.

45 CFR §§86.21, 86.40, and 86.57 which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall be Disciplined," Church Manual 247). The Church Manual comments: The church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins" (p. 249).

45 CFR §86.31 which deals with regulations governing student appearance: The Seventh-day Adventist Church adheres to basic Biblical teachings that wearing apparel should be modest, that jewelry should not

be worn, and that there should be distinctions between men's and women's clothing (1 Tim. 2:9 and Deut. 22:5). For more than one hundred years the writings of Ellen G. White, considered to be divinely inspired, have guided the church in interpreting the above-mentioned Biblical principles ("Clothing and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the Holy Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Walla Walla College, as a church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Walla Walla College believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Walla Walla College.

Background information demonstrating that Walla Walla College is religiously controlled: The Seventh-day Adventist Church in the United States operates a number of universities and senior colleges to provide for its youth the opportunity to do advanced study within the context of the church's world view and sense of mission. Walla Walla College is owned and operated by the Seventh-day Adventist Church and is, therefore, an integral part of the church. Walla Walla College is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution

and thus comes under the church's basic 501 (c) (3) tax exemption. In addition the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff.

WASHINGTON BIBLE COLLEGE · CAPITAL BIBLE SEMINARY ·

OFFICE OF THE PRESIDENT

December 21, 1988

PEG
1/18

Ms. LeGree S. Daniels
Assistant Secretary for Civil Rights
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Daniels:

With reference to the next-to-last paragraph of the attached letter of September 21,1988, we are hereby requesting a waiver from certain provisions of the Civil Rights Restoration Act of 1987 that would require us to treat pregnancy/maternity in the same manner as any other temporary disability under our health and accident insurance plans which we make available to our students.

While our institution is not under the direct control of a religious organization, our purpose is to serve Christ and His church by providing undergraduate and graduate biblical and professional education that will equip men and women for Christian ministry worldwide; and by serving as a biblical and theological resource center for the equipping of Christian laymen and for the continuing education of pastors, missionaries, and other Christian workers. Each year the Board of Trustees, administrative officers, and the faculty subscribe to and sign the statement of doctrine which underlies our purpose.

Our request for waiver is predicated on the basis that application of the regulation would not be consistent with the religious tenets of the Washington Bible College/Capital Bible Seminary. We believe that the Holy Bible, central to all of our undergraduate and graduate educational programs, prohibits sex outside of the marriage relationship. Consequently, we do not want to be viewed as sanctioning it as a result of being required to include pregnancy/maternity benefits in the health and accident insurance plans offered to our female students, most of whom are unmarried.

We do want to be able to make available to married female students insurance plans with pregnancy/maternity benefits, but with the option of an additional cost premium.

6511 Princess Garden Parkway, Lanham, Maryland 20706 (301) 552-1400

WASHINGTON BIBLE COLLEGE
CAPITAL BIBLE SEMINARY

OFFICE OF THE PRESIDENT

We understand that the law does not require us to offer health and medical insurance to students, but that if we do, we cannot discriminate in application of the program. So an obvious solution to our problem, if we were denied a waiver, would be not to make such programs available to students. This, however, would not be in the best interest of our overall student body.

Therefore, we request that you grant this institution a waiver from the applicable provision of the 1987 CRRA that would (1) not require us to treat pregnancy/maternity like any other temporary disability, and (2) permit us the option of offering pregnancy/maternity insurance benefits at an additional cost premium.

Enclosed are the current catalogs for both our College and Seminary. If you need additional information in evaluating our request for waiver, please do not hesitate to contact me.

Respectfully submitted,

Harry E. Fletcher, D. Min.
President

HEF/mm

Enclosures

cc: Dr. Robert A. Smallwood
Regional Civil Rights Director

6511 Princess Garden Parkway, Lanham, Maryland 20706 (301) 552-1400

OFFICE OF THE PRESIDENT

WAYLAND
BAPTIST UNIVERSITY

May 27, 1992

U. S. Department of Education
Office of the Assistant Secretary for Civil Rights
400 Maryland Avenue, Southwest
Washington, D. C. 20202

Dear Sir:

This letter shall constitute Wayland Baptist University's request for religious exemption from Title IX of the Education Amendments of 1972. The exemption is requested pursuant to section 106.12 of the Title IX regulations at 34 C.F.R. Part 106. The request for exemption is to the extent the policies practiced by the University because of its commitment to its religious tenets would be interpreted to violate certain sections of the regulations implementing Title IX absent a religious exemption.

This institution is a University of the Baptist General Convention of Texas. The Baptist General Convention of Texas is composed of messengers from cooperating Baptist churches within the state of Texas. The Convention fosters this institution and substantially supports it financially. The University is controlled by the Baptist General Convention of Texas. All members of the Board of Trustees of this institution are elected by the Convention and they must be resident members of Baptist churches affiliated with the Convention. I am satisfied that the nature of the Baptist General Convention of Texas and the relationship between Wayland Baptist University and the Baptist General Convention of Texas establishes that Wayland is "controlled by a religious organization" as is required for exemption under Section 106.12 of the Title IX regulations.

The University adheres to biblical tenets as its standard of faith and practice. The tenets require the University to act in ways which may conflict with specific Section IX regulations. The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, Christian sexual conduct on the part of its employees and student body. The University's religious tenets, for instance, would not permit the University to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability. The University expects its personnel to be Christian role models and an employee or student living with a member of the opposite sex out of wedlock would be considered morally delinquent. The University has religious tenets regarding human sexuality, proper living environments, respect for the institution of marriage, language, and modest attire.

Scholarship funds, and career offerings related to ministerial training students may be provided differently on the basis of sex. The University also offers sex separate organizations to students. The University deems it necessary to minister in unique ways to men as compared to women in preparing students to fulfill their roles as mothers and fathers in the context of religious belief in the sanctity of the home.

Therefore, this University requests an exemption from 34 C.F.R. section 106.21(C) (Marital or parental status of applicants for admission); 106.40 (Marital or parental status of students); 106.51(b)(6) (Granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy, child care); 106.57 (Marital or parental status of employees); and 106.60(a) (Preemployment inquiries as to marital status).

Further this institution requests an exemption to 106.31 for membership practices in student organizations which are required by religious tenets to be limited on the basis of sex. We request exemption to 106.36 regarding counseling and use of appraisal and counseling materials to the extent the University's religious tenets will require differentiating counseling between sexes. We request an exemption for 106.39 (Student health and insurance benefits and services).

For those employment positions which are restricted on the basis of sex in accordance with the University's religious tenets we request an exemption to 105.1 (Employment); 106.52 (Employment criteria); 106.53 (Recruitment of employees); 106.55 (Job classification and structure); and 106.59 (Advertising).

To the extent that counseling, scholarship funds and career fundings related to ministerial training students are provided differently on the basis of sex and the requirement that certain sex separate clubs and organizations exist, the University requests an exemption from 106.31 (Education programs and activities); 106.34 (Access to course offerings); 106.36 (Counseling and use of appraisal in counseling materials); 106.37 (Financial assistance); 106.38 (Employment assistance to students); and 106.14 regarding membership practices of certain organizations.

Sincerely,

Wallace E. Davis
President

West Coast Bible College

6901 N. Maple Ave. • Fresno, Ca. 93710 • Phone (209) 299-7205

RECEIVED
APR 24 1979

April 13, 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Madison:

A recent letter from your office requested specifics concerning our request for a religious exemption from certain provisions of the Title IX regulation. On April 13, 1977, these specifics were provided in a letter to your office.

As a religious institution we would like to be exempt from the following provisions for religious reasons: 86.21 (c), 86.31 (b) (5), 86.40 (b), 86.51 (b) (6), 86.57 (a) (2) and 86.60 (a) . These provisions clearly interfere with our denominational positions with regard to abortion, divorce, and standards of dress for men and women. The law was not absoultely clear, but it appears to interfere with our religious position concerning fornication and adultery, particularly as it deals with extra-marital pregnancies. We attempt to avoid discrimination in these matters by dealing equally with men and women who are found to be responsible either for an extra-marital pregnancy or for the termination of a pregnancy.

The provisions of Title IX which are cited above clearly conflict with the traditional moral standards of christianty and with the life style taught by our denomination, the Church of God.

Sincerely,

WEST COAST BIBLE COLLEGE

Horace S. Ward, Ph.D.
President

HSW:sp

(All references by number and letter refer to Part 86, Subtitle A, Title 45 of the Code of Federal Regulations, which appeared in the Federal Register, June 4, 1976.)

1. 86.31 (b) (5) In this clause, the regulations require that colleges not discriminate against any person in the application of any rules of appearance.

We believe that it is within the purview of a college such as ours to require students and employees to abide by certain rules of appearance. Such rules are properly designed on the basis of differing expectations of the sexes. The Bible does give us guidelines concerning modesty as well as sex-related appropriate grooming and attire. Therefore, we believe that the college should be exempt from 86.31 (b) (5).

2. 86.34 This section denies the college the option of providing any academic course to one sex only.

We believe that women should be excluded from Pastoral Studies courses--simply put, that we will not prepare women for the ordained ministry. Therefore, the college should seek exemption from 86.34 with respect to Pastoral Studies classes only.

3. 86.40 (b) (1), (4), (5) The regulations state that the college may not discriminate against or exclude any student on the basis of pregnancy or termination of pregnancy. They further require that pregnancy, false pregnancy, childbirth, termination of pregnancy, and recovery therefrom be treated as any other temporary disability with respect to student health insurance. In addition, it is required that the college treat pregnancy as justification for a leave of absence for as long as medically necessary, with the student reinstated to the status she held when the leave began.

We believe that the college has the right to suspend any student, male or female, involved in practices defined by scriptures as sexual immorality. We also believe that the school has the right to take other appropriate disciplinary actions, which may include forfeiture of academic credit for a given semester in which such infraction occurs. Therefore, we would recommend that the school apply for exemption from 86.40.

4. 86.51 (a) (1), (2) These portions of the regulations require the college to end discrimination between sexes in all hiring. Their effect is to end the school's right to select men only for certain teaching and administrative positions.

We believe that the New Testament indicates that men ought to take the positions of leadership and teaching in the church. By extension, we have thought it fitting that men only be involved in teaching Bible, teaching Pastoral Studies, and taking responsibilities in administrative leadership for the college. Therefore, we should apply for exemption from 86.51 for those particular positions.

5. 86.55 (a) This paragraph of the regulations states that the college cannot classify a job as being for males or females.

We believe on the basis of the arguments set forth for number (4) above that the school should request exemption from 86.55 (a).

6. 86.57 Again, the regulations prohibit discrimination in employment based upon pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. These paragraphs also require that the college treat pregnancy as a temporary disability, and as sufficient justification for a leave of absence with guaranteed reinstatement privileges.

We believe that the principles regarding morality and marital status as qualifications for Christian service are clearly set forth in the Bible. In addition, the Bible provides injunctions concerning marital status for those who would be Christian leaders. Therefore, we would deem it advisable to request exemption from 86.57.

7. 86.60 This section, parallel to (6.) above, prohibits any inquiry of prospective employees concerning marital status.

We believe that arguments set forth in (6.) above are sufficient to request exemption from this part.

CONCLUSION

Western Baptist Bible College wishes to comply fully with the provisions of Part 86, except those sections violating our religious tenets. Finally, we wish to note that while we agree that Christian institutions of higher education ought to be obligated to provide equal opportunities to members of both sexes, we do not believe that it is within the scope of the law to require such institutions to seek eradication of all distinctions between the sexes. Therefore, our internal committee has made careful examination of the regulations and has recommended these areas for requests for exemption.

Date: 4-18-77

Western Baptist Bible College
5000 Deer Park Drive, S.E.
Salem, Oregon 97302

W. T. Younger

Dr. W. T. Younger
President

Westminster Theological Seminary

Chestnut Hill, Philadelphia, Pennsylvania 19118
887-5511

August 9, 1977

In the document "Explanation of HEW Form 639A (3/77)" page 4 you state that an applicant will normally be considered to be controlled by a religious organization if it is a schoolor department of divinity. This is the case with Westminster Theological Seminary. Our educational programs are specifically to prepare students to become ministers of religion, to teach theological subjects or to enter other religious vocations. As stated in our charter and catalogue, Westminster Seminary is committed to the doctrines of the Presbyterian form of the Christian religion as summarized in the historic Westminster Confession of Faith. Westminster serves and is supported by a number of religious denominations, including the Orthodox Presbyterian Church, The Presbyterian Church in America, and the Christian Reformed Church, who hold to presbyterian and reformed ecclesiastical polity. These denominations do not ordain women to the pastoral ministry. They hold that the injunction of the Apostle Paul recorded in the New Testament continues to be authoritative for the Christian church: "I permit not a woman to teach, nor to have dominion over a man, but to be in quietness" (I Tim. 2:12). We recognize that this position, maintained through centuries of Christian tradition, is now challenged by some denominations of Christians. Yet we believe that it is grounded in profound Biblical teaching regarding role differentiation between the sexes. When this differentiation is perceived in the setting of God's law of love it is not oppressive but liberating.

Biblical limitations on the exercise of authority by women over men in the ecclesiastical setting do not, however, mean that the gifts of women are not to be recognized and gratefully received in the Christian community.

In our teaching program at Westminster, therefore, we provide theological instruction for men and women alike and we have actively sought to recruit women as well as men as students. We offer the Th.D.; Th.M.; D.Min.; M.Div.; and M.A.R. degrees. Only two of these are designed specifically for professional preparation for the pastoral ministry. These are the Master of Divinity and Doctor of Ministry degrees. We do not admit women to certain pastoral courses in these programs, nor do we seek to recruit women as candidates for these degrees.

In all other respects women students are given every privilege, including scholarship assistance. On at least two occasions the faculty has rejected protests by a few male students concerning the full privileges granted to women. We regarded these protests as exaggerations or misapplications of the Biblical principles alluded to above.

A woman serves as our registrar and is a voting member of our committee on administration. Women have lectured and taught classes. A distinction must be made, however, to the degree that authorized ecclesiastical teaching is engaged in. It would not be proper, in terms of our religious convictions, to seek women for certain teaching positions where dogmatic theology is involved.

Since we seek to operate our institutions in a way that is consistent with our theological viewpoint, including our convictions about role differentiation between men and women, we recognize the possibility that some of our policies or practices might be regarded as out of compliance with 45 C.F.R. 86.4, especially if that is interpreted from different assumptions. On the other hand, we do recognize the real danger of prejudicial discrimination; and we realize, too, that theological principle may sometimes be invoked as a cover for prejudice. To the best of our present knowledge we are in compliance with the statute except as noted above, and we are willing to examine our policies and practices regularly to avoid prejudicial actions.

[signature], president
August 9, 1979

WHEATON COLLEGE
Wheaton, Illinois 60187 • *Since 1860 "For Christ and His Kingdom"*

OFFICE OF THE PRESIDENT • 312-682-5002

312-260-5000

July 20, 1976

Kresy
8/13

Mr. Martin Gerry
Director, Office for Civil Rights
Dept. of Health, Education & Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Dear Mr. Gerry:

In accordance with Section 86.12 of the regulations issued under Title IX of the Education Amendments of 1972, Wheaton College hereby claims exemption from the application of Title IX in the areas described below on the grounds that enforcement in these areas would be contrary to the religious tenets of the institution:

Section 86.51 et. seq.

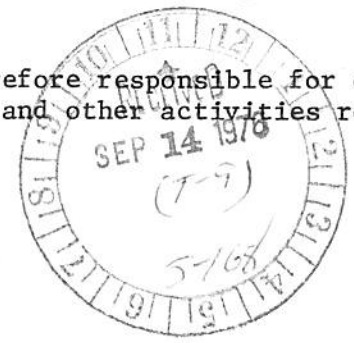
It is the policy of Wheaton College to have a male President who is ordained or has an equivalent spiritual commissioning. This policy is based upon our understanding of the Scriptures that relate to the male role in the performance of the ministry.

In addition to his general duties as chief executive officer of the College, the President is also required to preside over and speak at chapels, occupy pulpits in churches, perform other spiritual duties and is charged with the responsibility of carrying out the total spiritual program of the College in the interests of Christian commitment and Biblical teaching in accordance with the College's motto: "For Christ and His Kingdom."

Section 86.51 et. seq.

It is the policy of Wheaton College to have a male Chaplain who is ordained or has an equivalent spiritual commissioning. This policy is supported by the Scriptures which we believe relate to the male role in the performance of the Chaplain's ministry.

The Chaplain serves as campus pastor and is therefore responsible for chapel services, the observance of the Holy Communion, and other activities requiring the services of a clergyman.



Sections 86.21(c); 86.31; 86.32; 86.40

It is the policy of Wheaton College to have its students and employees adhere to the moral laws of God as set forth in the Bible.

Inquiry concerning marital or parental status or prior conduct is made equally of men and women for the sole purpose of determining whether the individual's life standard is consistent with the moral laws of God as set forth in the Bible. Such inquiry may result in exclusion or dismissal of an individual if that person's relationship with the opposite sex violates God's moral law.

Rules relating to standards of behavior and sanctions on dress and appearance are applied equally to both sexes except that different standards may apply if the individual's conduct or appearance is in conflict with God's moral law.

The College has completed the initial required Self-Study and, based upon our present understanding of the law and regulations, we believe the items noted above are the only ones in conflict with the regulations cited; however, subsequent interpretation or modification of the regulations may require an additional claim, and we will notify you if such a claim is necessary.

Wheaton College, established "For Christ and His Kingdom" in 1860, has been a co-educational institution since its inception. We assure you that we support the basic goal of providing equal opportunity for both men and women in education. We are concerned, however, that in some areas the regulations issued under Title IX appear to go beyond the scope and intent of the law and also raise basic constitutional issues under the religious freedom clause of The First Amendment. Every effort will be made by the College to comply with the regulations as issued. We reserve the right, however, to raise these basic legal issues if the regulations are subsequently interpreted or applied in a way that would require the College to modify its basic aims and goals.

Sincerely yours,

Hudson T. Armerding

HUDSON T. ARMERDING
President

HTA:lh

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Detroit Bible College (insert name of Applicant or Recipient) _____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

2252

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Harold Wm. Berk
(name of employee)

27800 Franklin Road, Southfield, MI 48034
(office address)

(313) 356-8200
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by July 31, 1977.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept. 29, 1976

Detroit Bible College
(Insert name of Applicant)

By Kendell H. Johnston
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

DETROIT BIBLE COLLEGE
27800 Franklin Road
Southfield, MI 48034

STATEMENT OF POLICY

TITLE IX PROVISION	DBC TENET
86.31 (a) General. Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance.	We believe that leadership in the Christian community normally is a responsibility of Christian men and our programs, courses, and policies, while not denying educational opportunity on the basis of sex, will be so cast as to reflect this belief.
86.34 A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.	
86.40 Marital or parental status. (b) Pregnancy and related conditions. (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.	Marital or parental status, or the fact of pregnancy, per se, are not criteria for determining educational opportunity or institutional relationship at this college. We believe there are standards of conduct appropriate in Christian community, and that there is therefore social behavior which is acceptable and that which is not acceptable. We reserve the right to interpret individual behavior, its contexts, its consequences and social relationships in this light and make decisions on the basis of behavioral standards, not sex.

TITLE IX PROVISION	DBC TENET
86.53 Recruitment	
(a) Nondiscriminatory recruitment and hiring. A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.	In light of our belief that leadership in the Christian community and particularly in the church normally is the responsibility of Christian men, we believe that authoritative instruction in the areas of doctrine and governance of the church normally are also the responsibility of Christian men. Therefore our recruiting and hiring practices for key faculty responsibilities in these areas would reflect these beliefs.

Wendell G. Johnston

Wendell G. Johnston, President
Detroit Bible College

Wisconsin EVANGELICAL LUTHERAN Synod

OFFICE OF THE PRESIDENT

Rev. Oscar J. Naumann

3512 West North Avenue Milwaukee, Wisconsin 53208

Office: 445-4022 Residence: 463-6071

July 21, 1976

Kresy
8/16
414-771-6119
stewardship office

Mr. Martin Gerry
Acting Director, OCR
HEW Building North
330 Independence Avenue SW
Washington, DC 20201

Dear Mr. Gerry:

With this letter we desire to claim a religious exemption from Title IX - Prohibition of Sex Discrimination. This claim is made on behalf of the Wisconsin Evangelical Lutheran Synod and its constituent schools on all levels of education. Supported by the congregations of the Synod are 293 elementary schools, eleven secondary schools, four preparatory schools (secondary), one junior college, two pastor-teacher training colleges, and one seminary. We submit this claim on the basis of our religious philosophy with respect to the principles, purpose, and objectives of Christian education and secondly on the basis of our understanding of scriptural principles set forth in the Bible, by which we are guided with respect to the role of women in the church.

Title IX states: "Sec. 901. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Exception three reads: "(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization." The religious tenets of our church follow.

These tenets are summarized in "A Statement on the Philosophy and Purpose of the Christian Day Schools of the Wisconsin Evangelical Lutheran Synod" (Exhibit 1). The purpose and aim of education in our church according to this statement is to carry out a "program of unified Christian training." In carrying out this program it is our conviction that "in the Holy Scriptures, as God's inspired and inerrant Word, we have an infallible norm and guide for everything that pertains to Christian faith and life." According to our means and methods, "these truths are not merely expounded in the direct study of God's Word, but are constantly treated as truths and are permitted to stand and function as truths throughout every phase of instruction and training in the school."

"While this Gospel is to be clearly unfolded for the child in daily devotions and in special courses which involve a direct study of God's Word, it is also to be commended to the individual child through the Christian personality, example, and testimony of Christian instructors; and directly or indirectly this Gospel message is permitted to cast its illuminating light upon all subject matter, facts, happenings, activities, judgments, principles, interests and habits with which the child is confronted in the school's curricular and extra-curricular activities."

With respect to the scope of Christian education in our schools the congregations "strive to equip their schools with adequate facilities and to provide for a properly trained teaching personnel."

To the end that the schools of our church may have properly trained personnel to carry out our philosophy and to attain our objectives, we have maintained for 91 years a terminal teacher training school, Dr. Martin Luther College of New Ulm, Minnesota. A copy of its current catalog for the 1976-77 school year is submitted as Exhibit 2.

On page 12 of this catalog the pedagogical principles of the Wisconsin Evangelical Lutheran Synod, based on the Word of God, the Bible, are stated as follows: "These (principles) declare that education is inseparable from religion. They demonstrate that all knowledge in all areas of human thought and endeavor is worthy of inquiry when viewed in the light of human sin and divine grace. They assert that such evaluation of all things is granted alone through the God-revealed Wisdom of the Bible, the God-man Jesus Christ. They affirm that education, a basic function of the Christian home, is also a concern of the church, namely, to equip the entire person in mind, body, and spirit for time and for eternity."

The purpose of Dr. Martin Luther College is to serve the church, specifically the Wisconsin Evangelical Lutheran Synod, "by educating men and women exclusively for the teaching ministry in keeping with its expressed philosophy, principles, and purposes. Its students are specially prepared for the ministry of the Word in the Christian day schools of the Wisconsin Evangelical Lutheran Synod."

Within this purpose, the first objective of this teacher training school of our church is to "inculcate as a primary qualification a consecrated spirit of love to Christ and the fellowman which is gained alone through searching the Scriptures, the faithful record of God's will to save all men."

It is our conviction, then, that the teachers - both men and women - in our schools are trained to be and need to be ministers of religion.

That there is no sex discrimination in the recruitment of men and women to prepare for roles as ministers of religion in the educational program of the church is clearly stated in the Dr. Martin Luther College catalog under "Admissions," page 20. "The college gives primary consideration to qualified applicants who intend to prepare for the teaching ministry in the Wisconsin Evangelical Lutheran Synod. The college is also dedicated to receiving

qualified applicants who intend to prepare for the teaching ministry in church bodies or congregations which publicly share the doctrinal position of the Wisconsin Evangelical Lutheran Synod."

"In view of the fact that the Bible teaches that 'God is no respecter of persons' (Acts 10:34) and that 'there is neither Greek nor Jew, circumcision nor uncircumcision, Barbarian, Scythian, bond nor free: but Christ is all, and in all' (Colossians 3:11) and in view of the fact that the sole purpose of this college is to educate students for the teaching ministry of the Wisconsin Ev. Lutheran Synod, this institution cannot and does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs."

Upon completion of their preparation as ministers of religion the graduates of Dr. Martin Luther College do not apply for specific positions in the church; rather they agree upon admission to the school (DMLC catalog, page 20) that "they will as graduates submit to the decision of the assignment committee of the Wisconsin Evangelical Lutheran Synod and assume their calling in the church wherever assigned unless as members of a church body in fellowship with the Wisconsin Evangelical Lutheran Synod they are to be assigned by their own church body."

Even after the issuance of their first call by the Assignment Committee of the Synod our teachers do not transfer to another school or position except by a specific call through the calling body, either a congregation or a group of congregations. The procedure for such calling is outlined in Article XI - Vacancies, in the Constitution for the Districts, page 41 (Exhibit 3). "In case of a vacancy in the pastorate...the president of the district...shall also counsel the congregation in the filling of its vacancy. Similar notice shall be given and counsel requested in case a congregation is calling a teacher for its school."

The procedure in the placement of teachers is as follows. A congregation (local church) informs the president of that geographical district of its particular needs. With advice from the Synod's Board for Parish Education, where resumes of all qualified candidates are filed, the president submits to the congregation a list of candidates from which the voters of the congregation elect one. The congregation's "call" may either be accepted or declined by the called person.

All of the above clarifies, we hope, the peculiar role of the teachers as ministers of religion in the schools of our church. Only if teachers continue to fill these roles will these schools be distinctive and have a reason for their existence. Only then will our philosophy be maintained, our purposes be fulfilled, and our objectives be attained.

Even though our men teachers and women teachers without distinction are called ministers of religion, they are not used without discrimination with respect to sex in the administrative and teaching positions of our schools. Policies and procedures in this respect also are in accord with our religious philosophy.

The following is taken from "A Statement on the God-Ordained Relationship Between Men and Women," a document which reflects the historical position of the Lutheran church and specifically of the Wisconsin Evangelical Lutheran Synod with respect to the relationship between men and women.

This document states: "In the life of the church also, according to express statements in the Scriptures, God's holy, immutable will concerning the leadership role of men and the auxiliary role of women is to be respected. Any conduct which tends to undermine or overthrow the God-ordained relationship between men and women is displeasing to God (I Corinthians 11:3-16). Women are therefore to refrain from any activity that involves exercising authority over men 'But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence' (I Timothy 2:12). Addressing, questioning, and teaching men in public gatherings of the church are specifically mentioned as examples 'Let your women keep silence in the churches: for it is not permitted unto them to speak; but they are commanded to be under obedience, as also saith the law. And if they will learn any thing, let them ask their husbands at home: for it is a shame for women to speak in the church. What? came the word of God out from you? or came it unto you only? If any man think himself to be a prophet, or spiritual, let him acknowledge that the things that I write unto you are the commandments of the Lord' (I Corinthians 14:34-37; I Timothy 2:11,12 - cf. above). But all speaking, teaching, and service which does not overthrow the divinely established relationship between the sexes has God's approval when it is carried on in a spirit of thankful love to the glory of God (Acts 18:24-26; Romans 16:1-4; Romans 16:16; Romans 16:2, II Timothy 1:5; II Timothy 3:15; Titus 2:3-5)."

The scriptural position stated above will indicate why women are not eligible according to our scriptural convictions for any positions in the church or its schools in which they will have to exercise authority over men. Thus the administrative roles are retained exclusively for the men. Certain duties in the school and in the congregation which would involve exercising authority over men are reserved for men rather than for women.

It is on the basis of these convictions that we wish to claim exemption from Title IX with respect to equal opportunity, Subpart E, Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited.

All of the foregoing will also indicate why teachers, as well as pastors, in relation to their congregations are not in employee-employer relationships. They all are called ministers of religion serving in educational programs maintained by the calling bodies of Christian congregations.

There are situations - for example, a "call" to teach in a self-contained fourth grade classroom, with no other congregational or parish duties outlined in the "call" - in which the work done either by a male or a female teacher may be the same. There the work may be equal. We have subscribed to the philosophy of equal pay for equal work and have adjusted our salary scale accordingly. The following resolution was adopted by the Wisconsin Evangelical Lutheran Synod in convention in August of 1975:

"WHEREAS an equitable salary schedule is being proposed for synodically supported schools and for schools in synodically supported congregations; and

WHEREAS the Equal Pay Committee has assured the Synod that it did not concede that the U.S. Department of Labor has jurisdiction in determining or regulating the salaries paid by religious bodies to their called ministry (cf. BoRaM, p. 140; and letter of Equal Pay Committee, dated May 13, 1975, to all pastors and principals, page 2); and

WHEREAS there is nothing in Holy Scripture that militates against the principle of equal pay for equal work; therefore be it

Resolved, That we concur in the application of the principle of equal pay for equal work in the proposed salary schedule for synodically supported schools and for schools in synodically supported congregations."

We trust that all of the above will indicate clearly enough that our claim for an exemption from Title IX with respect to "hiring" teachers is based on religious tenets. We trust also that the above will offer sufficient reasons why you may not consider it necessary to investigate our "employment" practices.

Yours in the interest of a strong America, which will continue to uphold freedom of religion and the freedom to educate with all vigor and strength as it enters upon its third century under God,

Sincerely,

Oscar J. Naumann

Oscar J. Naumann, President
WISCONSIN EVANGELICAL LUTHERAN SYNOD

OJN/rbs

CC: Mr. Lawrence P. Washington, Chief
Elementary and Secondary Education Branch (Chicago)
Office for Civil Rights
300 South Wacker Drive
Chicago, Illinois 60606

בס"ד

ישיבה ומתיבתא אור ישראל

YESHIVA & MESIVTA OHR YISROEL

66-20 THORNTON PLACE / FOREST HILLS 74, NEW YORK / BO 3-6242

YESHIVA ELEMENTARY SCHOOL
JACK PARKER HIGH SCHOOL

RABBI E. JOSHUA GELDZAHLER
DEAN
RABBI JOSEPH S. BISTON
EXECUTIVE DIRECTOR
RABBI YAAKOV GOLDSTEIN
PRINCIPAL

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
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(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Tel. EN 2-1435-6

הישיבה הגדולה חפץ חיים מראדון

Yeshivah Chofetz Chaim of Radun

346 WEST 89th STREET NEW YORK, N. Y. 10024

בע"ה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

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Sincerely yours,

Meir Gottesman

Yeshivah Nachlas Haleviyim
INSTITUTE FOR ADVANCED STUDIES

544 East 92nd Street • Brooklyn, N.Y. 11236

Tel. 385-9446 • 485-1299

Rosh Hayeshiva
RABBI FEIVEL COHEN
Dean
RABBI PINCHAS KAHN
Honorary Presidents
JUDAH L. FALIK
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State Senator
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State Assemblyman
HON. ALFRED A. LAMA
State Assemblyman
HON. MONROE COHEN
City Councilman
HON. THEODORE SILVERMAN
City Councilman
HON. SEBASTIAN LEONE
Brooklyn Boro President
HON. MICHAEL WOLLIN
State Committeeman
BEADIE MARKOWITZ
State Committeeman
Board of Directors
RABBI CHAIM STEIN
Chairman of the Board
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Vice Chairman
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Secretary
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RABBI DAVID COHEN
RABBI JOSEPH FEIT
KALMAN FINKEL, Esq.
ALLEN M. FISCHER, Esq.
RABBI DR. MOSHE HOMNICK
HERBERT KRAMER, Esq.
RABBI DR. SOL RIBNER
RABBI AARON S. SINENSKY
RABBI DAVID WIELGUS
RABBI MOISHE YANOFSKY

May 3, 1977

Director
Office of Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

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(m) Section 86.59

Sincerely yours,
D. Plotsker
D. Plotsker
Secretary

YESHIVA KIBBUTZ TASHBAR

216 VIOLA ROAD
MONSEY, NEW YORK 10952
PHONE: (914) 356-2213

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

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Sincerely yours,

Moshe Spira

Yeshiva of Nitra Rabbinical College

194 DIVISION AVENUE • BROOKLYN, N. Y. 11211

Telephone: EV 4-5460

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(m) Section 86.59

Sincerely yours,

File —

YESHIVATH ZICHRON MOSHE
RABBINICAL SEMINARY

Received & Logged
DEC 12 1977 JW

November 25, 1977

Director, Office for Civil Rights
Department of Health, Education and Welfare
P.O.B. 8214
Washington, D.C.

Dear Sir,

Persuant to Section 86.12(b) of the HEW regulations implementing Title IX of the Education Amendment of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1.) I am the highest ranking official of this institution.
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Sincerely yours,

Rabbi Jeruchim Gorelick
President

JG/cg

3601821

LAUREL PARK ROAD / SOUTH FALLSBURG, NEW YORK 12779 / 914-434-534

Kehilath Yakov Rabbinical Seminary

638 BEDFORD AVENUE, BROOKLYN, N. Y. 11211

855-8261

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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Sincerely yours,

7

(212) 633-8000

בעזהי"ת

MESIFTA TALMUDICAL SEMINARY

425 EAST 9TH STREET

BROOKLYN, N. Y. 11218

OFFICE OF THE DEAN

June 3, 1977

Office for Civil Rights
Dept. of HEW
Washington, D.C.

Sirs:

Pursuant to Section 86.12(b) of the HEW regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution:

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i. " 86.22
j. " 86.23 (a)
k. " 86.23 (b)
l. " 86.53
m. " 86.59

Sincerely,

Rabbi G. Schorr
Dean

GS/kh

20 Kislev 5736
November 24, 1975

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Dear Sir:

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Sincerely,

statement unsigned

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, YORK COLLEGE
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[XX] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[XX] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[XX] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Dr. Mabrey L. Miller
(name of employee)

York College, York, NE 68467
(office address)

402-362-4441
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 29, 1976

York College
(Insert name of Applicant)

By Dale R. Larsen

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

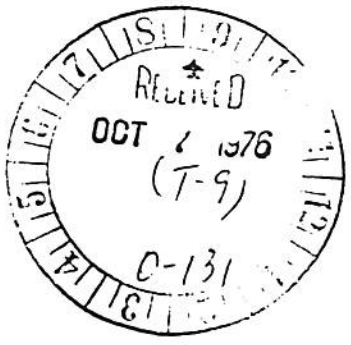
REQUEST FOR EXEMPTIONS FROM

TITLE IX

YORK COLLEGE

YORK, NEBRASKA

September 29, 1976



RELIGIOUS COMMITMENT

York College is controlled and operated by members of churches of Christ. These churches believe the Bible to be the only inspired revelation from God, and that it is God's complete and perfect revelation to human beings. The College claims an exemption from the requirements of Title IX of the Education Amendments of 1972 on a limited number of points on which it understands the requirements of Title IX and the teaching and requirements of the Bible to be in conflict. These points relate to (1) the role of women and men in the church; (2) differences in the nature and appearance of men and women; (3)modesty; (4) sexual morality; and (5) marriage, divorce, and remarriage.

In the first college catalog printed, 1956-57, by the current sponsoring religious group, the philosophy of the College was explained by giving the following quotation from the late Dr. William L. Phelps of Columbia University:

> Everyone who has a thorough knowledge of the Bible may be called educated, and no other learning or culture, no matter how exclusive or elegant, among Europeans or Americans, can take its place. Western civilization is founded upon the Bible. Our ideas, our wisdom, our philosophy, our literature, our art and ideals come more from the Bible than from all other books put together...I thoroughly believe in a university education for both men and women; but I believe a knowledge of the Bible without a college education is more valuable than a college course without the Bible.

The intent of equal opportunity for education for both men and women was present from the beginning of the College. The College continues to be committed to equal educational and employment opportunities for men and women.

York College has made a diligent effort to request an exemption from the Title IX regulations in each of those areas in which it appears there is a conflict. However, York College reserves the right to reexamine the effects of Title IX on the institution and to request other exemptions should there prove to be any conflict.

SPECIFIC EXEMPTIONS REQUESTED

Access to Course Offerings

Department of Christian Education

In the Division of Bible and Related Subjects there are two courses designed for men. They are Christian Education 102 (Song Directing) and Christian Education 123 (Homiletics). These courses are designed for the men who will be preachers and leaders in the public worship of the church. It is one of our religious tenets that women should not serve in leadership roles in public worship (I Corinthians 14:34, I Timothy 2:11-12). Therefore, it is not planned that women should enroll in Christian Education 102 (Song Directing) or Christian Education 123 (Homiletics). An exemption is requested in these courses.

Department of Physical Education

In the Department of Physical Education, the majority of the courses are taught on a coeducational basis. Swimming courses and PE 201 (Conditioning Exercises) are separated by sex because we believe in high standards of modesty in apparel (I Timothy 2:9). An exemption is requested in this area.

Leadership in Religious Activities

It is one of our religious tenets that women should not serve in leadership roles in religious worship where men are present (I Corinthians 14:34, I Timothy 2:11,12). Therefore, women are not invited to take leadership roles during periods of worship. An exemption is requested in the area of worship activities such as worship in assembly and campus devotionals.

Campus Organizations

It is one of our tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11,12). Therefore, we request the exemptive right to form clubs such as a preacher's club or women's training class which would be directed toward teaching the Biblical function of people of that sex.

Athletics

Differences in athletic attire for men and women are based upon a dress code in keeping with our philosophy of modesty (I Corinthians 11:14, I Timothy 2:9).

York College has an intramural program designed to meet the needs of both women and men, which we feel is open to people of each sex in a very balanced way. The intercollegiate area may be more of a problem. An attempt to meet the interests of students with a limited budget is complicated by an inability to control the dress code of visiting teams. The College requests an exemption in this area in order that the Board of the College and its administrative officers may be free to review the results of the intercollegiate program and a possible need for curtailment because of a violation of our fundamental belief in the teaching of the Bible as it relates to modesty.

Rules and Policies

Student regulations at York College involve a dress code in keeping with our philosophy of modesty. An exemption is requested in this area. The differences in rules concerning appearance are based on Biblical principles of modesty (I Corinthians 11:14, I Timothy 2:9).

Employment

Bible Teachers

York College requests an exemption in the hiring of faculty members to teach in the Department of Bible. It is one of our religious tenets that women should not publicly teach Bible classes which include adult males (I Timothy 2:11,12).

Employment Applications

York College requests an exemption in the request for information concerning marriage status in job applications. It is one of our religious tenets that Christian persons should not divorce their mates except for the cause of adultery (Matthew 19:6-9).

Employment Assistance

York College staff members do not recommend females for preaching positions because it is one of our tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11,12).

Scholarships

Money is willed and donated with the specific statement that it be used for scholarships for ministerial students. An exemption is requested in the administration of scholarship funds for preacher students. It is one of our tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11,12).

CSP CONCORDIA COLLEGE
HAMLINE AND MARSHALL, ST. PAUL, MN 55104 (612) 641-8211

OFFICE OF THE PRESIDENT

Celebrating Our 85th School Year

15 March 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, DC 20201

Dear Mr. Madison:

This is in reply to your 1 March 1979 letter concerning our earlier request for a religious exemption from certain provisions of the Title IX regulations.

As a result of a review which has just been completed, we believe we no longer have a requirement for an exemption, and I hereby withdraw that request.

Sincerely,

Gerhardt W. Hyatt
President

GWH:sh

CONCORDIA
COLLEGE in SEWARD
800 North Columbia Avenue Seward, Nebraska 68434 (402) 643-3651
Office Of The
President

REGION VII
1985 JUL 15 PM 2:04

July 11, 1985

Jesse L. High, Regional Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Mr. High:

This letter is in response to your letter of 27 June 1985, which is a response to the request we filed with your office on 28 September 1976 that we be exempted from certain provisions of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86). According to a phone conversation I had subsequent to your letter with Cynthia A. Einhelling, Acting Director, Postsecondary Education Division, of your office, I believe I am being asked to note specifically what are the sections or items of the material in question from which we wish to claim an exemption.

In the material Concordia College sent to your office on 28 September 1976, the president of the college at that time noted that

> This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.
>
> This institution claims a religious exemption. . .to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

I reaffirm what Dr. Janzow wrote in 1976. Furthermore, I want you to understand that the doctrine of ministry to which our church body subscribes and which, consequently, we at the college affirm and implement differentiates between men as ministers or pastors and other ministers in the church: while women may serve in various capacities within the church, they cannot serve as pastors nor can they exercise spiritual authority over men. In that context, then, we request that we be exempted from the following sections and parts of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86):

106.3	106.15	106.32	106.40
106.4	106.17	106.34	106.51
106.6	106.21	106.36	106.52
106.7	106.22	106.37	106.53
106.9	106.23	106.38	106.55
106.11	106.31	106.39	106.59

We at Concordia want to treat everyone, regardless of sex, equally. But exceptions may have to be made from time to time on the basis of our understanding of ministry. Insofar as any of the provisions listed above might tend to place us in a position where lack of an exemption would lead us to violate our principles, we claim an exemption.

If my understanding of what you are requesting is in error, please inform me quickly so that I can provide what is lacking.

Sincerely,

James H. Pragman
Interim President

JHP:ems

CONCORDIA
COLLEGE in SEWARD
800 North Columbia Avenue Seward, Nebraska 68434 (402) 643-3651
Office Of The
President

July 12, 1985

Jesse L. High, Regional Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Mr. High:

On 11 July 1985 I sent you a letter detailing the specific provisions of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86) to which Concordia College in Seward, Nebraska, was claiming an exemption. I herewith formally withdraw that letter and rescind any and all efforts to gain exemption(s) from Title IX of the Educational Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86).

I regret any inconvenience my withdrawal may cause your office. Legal counsel for The Lutheran Church-Missouri Synod, the church body which owns and operates our college, has advised us to withdraw our request because 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application. . .would not be consistent with the religious tenets of such organization."

I would appreciate it very much if you would return to me any and all materials we have submitted to your office on this matter so that we can be assured that our request is now null and void.

Sincerely,

James H. Pragman
Interim President

JHP:ems

THE LUTHERAN CHURCH - MISSOURI SYNOD
BOARD FOR HIGHER EDUCATION
500 NORTH BROADWAY SAINT LOUIS, MISSOURI 63102
TELEPHONE 314-231-6969

THIS IS THE REQUIRED STATEMENT BY HIGHEST RANKING OFFICIAL OF APPLICANT IDENTIFYING THE SPECIFIC PROVISIONS OF 45 C.F.R. PART 86 WHICH CONFLICT WITH A SPECIFIC RELIGIOUS TENET OF THE CONTROLLING RELIGIOUS ORGANIZATION.

September 22, 1976

CONCORDIA COLLEGE, ANN ARBOR, MICHIGAN

MEMO TO: College and Seminary Presidents

FROM: Arthur M. Ahlschwede

SUBJECT: Assurance of Compliance with Title IX

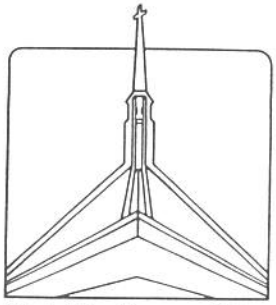
Mr. Philip Draheim, the Synod's legal counsel, has conveyed to us the following paragraph which needs to be attached to the assurance which you file with the Department of Health, Education and Welfare. This paragraph applies to claiming religious exemption. (The appropriate box to the left should be checked.)

> This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.
>
> This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

It is the responsibility of individual institutions to be sure they comply with all other aspects of Title IX.

Arthur M. Ahlschwede

AMA:lmw



Christ first in everything

Concordia College
4090 Geddes Road
Ann Arbor, Michigan 48105
(313) 665-3691

July 8, 1985

Ms. Linda A. Cornelius,
Acting Regional Civil Rights Director
Office for Civil Rights-Region V
United States Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

RE: Concordia College, Ann Arbor, Michigan

Dear Ms. Cornelius:

This is in response to your letter of May 10, 1985, in which you point out that Concordia College, Ann Arbor, had some years ago filed a request for religious exemption from Title IX of the Education Amendments of 1972. You noted that there is no record that the OCR had ever adequately acknowledged that request. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681 (a) (3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application... would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681 (a) (3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks

to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a) (3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Very truly yours,

David G. Schmiel

David G. Schmiel
President

DGS/cgc

cc: Dr. Michael J. Stelmachowicz

CONCORDIA COLLEGE
BRONXVILLE, NEW YORK 10708
914·337·9300

September 23, 1976

I respectfully request that a religious exemption to paragraph 86.51,a.1. be granted to Concordia College in order that it may continue to conform to the religious tenets of its sponsoring church body. These tenets require that those who are involved in the public teaching of religion be male. This would apply at this college to those faculty members who are involved in certain teaching areas in the religion curriculum.

Ralph C. Schultz
Acting President

RD 1541-85
SS
MR

CONCORDIA COLLEGE

BRONXVILLE, NEW YORK 10708 • 914·337·9300

Office of the President

July 22, 1985

RECEIVED

JUL 25 1985

O C R
REGION II

Mr. Stanley Seidenfeld
Deputy Director
Office for Civil Rights, Region II
Department of Education
Federal Building
26 Federal Plaza
New York, New York 10278

Re: Concordia College, Bronxville, New York

Dear Mr. Seidenfeld:

This letter is in response to letters received from the Office for Civil Rights on May 14 and July 11, 1985 with respect to a request that had been filed on behalf of Concordia College that it was exempt from the application of Title IX. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681 (a) (3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application ... would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681 (a) (3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a) (3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Sincerely,

Ralph C. Schultz

Ralph C. Schultz
President

RCS/ewf

xc: Mr. Philip E. Draheim
Mr. Louis T. Fischer

CONCORDIA
COLLEGE
2811 N. E. HOLMAN ST.
PORTLAND,
OREGON 97211
PHONE 503 288-9371

September 29, 1976

Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

The following statement has been adopted by the Board of Higher Education of The Lutheran Church - Missouri Synod, for its institutions of higher education, pertaining to Title IX religious exemption. Concordia College, which is one of these institutions, claims this exemption with the other schools of the Lutheran Church - Missouri Synod.

> This institution is owned, operated, and significantly supported financially by The Lutheran Church - Missouri Synod, the second largest Lutheran convention or association of churches in North America.
>
> This institution claims a religious exemption under 45 C.F.R.S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church - Missouri Synod.

Very sincerely yours,

E. P. Weber
President

EPW:vk

DRAHEIM & PRANSCHKE
ATTORNEYS AT LAW
1633 DES PERES ROAD - SUITE 302
ST LOUIS, MISSOURI 63131

PHILIP E. DRAHEIM
LEONARD J. PRANSCHKE
FRED L. VILBIG
KARL E. HOLDERLE, III
KEVIN S. PARKER

OF COUNSEL
KARL E. HOLDERLE, JR

(314) 965-6455

May 24, 1985

Mr. Gary Jackson
Regional Director
Office for Civil Rights
U.S. Department of Education
2901 Third Avenue
Mail Stop 106
Seattle, Washington 98121

Re: Concordia College, Portland, Oregon

Dear Mr. Jackson:

This letter will confirm telephone discussions with Mr. Stefan Macosta with respect to a request that had been filed on behalf of Concordia College that it was exempt from the application of Title IX. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application... would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681(a)(3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

Felix
Fritz

5/20/85

We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681(a)(3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Very truly yours,

DRAHEIM & PRANSCHKE

By _____
Philip E. Draheim

PED/skh

cc-Dr. Charles Schlimpert

IV
inadequate
see below

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, CONCORDIA COLLEGE - St. Paul, MN 55104
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[XX] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

27002341

[XX] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, the specific provisions of the controlling religious

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

heck where applicable):

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s)
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ided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Earl Breuer, non-academic
Erlo H. Warnke, academic
Walter G. Sohn, students

(name of employee)

Hamline & Marshall Avenues
(office address)

(612) 646-6157
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[XX] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

CONCORDIA COLLEGE
(Insert name of Applicant)

Date: October 12, 1976

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

An applicant or recipient which has submitted an HEW Form 639 to the Director need not submit a separate form with each grant application but may, if the information contained therein remains accurate, simply incorporate by reference the HEW Form 639 already submitted, giving the date it was submitted. On the other hand, a revised HEW Form 639 must be submitted within 30 days after information contained in the submitted form becomes inaccurate, even if no additional financial assistance is being sought.

OBLIGATION OF RECIPIENT TO OBTAIN ASSURANCES FROM OTHERS

If a recipient subgrants, contracts, subcontracts, or otherwise utilizes an individual, organization, or group to assist in the conduct of an education program or activity receiving Federal financial assistance from the Department or to provide services in connection with such a program or activity, the recipient continues to have an obligation to insure that the education program or activity is being administered in a nondiscriminatory manner. Accordingly, the recipient must make sure that the individual, organization, or group in question is complying with Title IX and Part 86 and must secure a properly executed HEW Form 639 to that effect. Similarly, if the recipient leases to another person or organization a facility which was provided or improved with the aid of Federal financial assistance awarded by the Department, and the recipient is still using the facility as part of an education program or activity, it has an obligation to make sure the lessee is complying with Title IX and Part 86 and must secure a properly executed HEW Form 639 from the lessee. For example, if a university owns a gymnasium constructed with the aid of Federal financial assistance from HEW and leases the facility to a private entrepreneur for use in conducting drama classes open to the general public, then the university must secure a properly executed HEW Form 639 from the entrepreneur sponsoring the classes.

ADMINISTRATIVELY SEPARATE UNITS

If an educational institution is composed of more than one administratively separate unit, a separate HEW Form 639 may be submitted for each unit or one may be submitted for the entire institution. If separate forms are submitted, the administratively separate unit for which the form is submitted should be clearly identified in the first line of HEW Form 639. An "administratively separate unit" is defined as a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution. See 45 C.F.R. §86.2(o).

STATE EDUCATION AGENCIES

State education agencies are generally not responsible for running pre-school, kindergarten, elementary, or secondary programs. Such responsibility is generally left to local education agencies although some supervisory authority may be vested with the state education agency. Consequently, most state agencies should not check the boxes for "Pre-school," "Kindergarten," or "Elementary or Secondary" in Article I of HEW Form 639. If the state agency runs special programs for the handicapped, including those on the pre-school, kindergarten, elementary, or secondary level, the box marked "Other" should be checked and the appropriate description inserted in the space provided.

Under Article III, paragraph 5, of HEW Form 639, a state education agency may be called upon from time to time to submit reports necessary to determine Title IX compliance by local education agencies within its jurisdiction. The form and content of such reports will be specified by the Director at the time the request is made.

CONCORDIA
COLLEGE
3400 North Interregional
Austin, Texas 78705

ASSURANCE OF COMPLIANCE WITH TITLE IX

This institution is owned, operated, and significantly supported financially by the Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within the Lutheran Church-Missouri Synod.

October 11, 1976

W. F. Meyer,
Dean of Administration

CONCORDIA LUTHERAN COLLEGE
3400 Interstate 35 North • (512) 452-7661 • Austin, Texas 78705

July 22, 1985

Mr. Taylor D. August
Director, Region VI
United States Department of Education
1200 Main Tower Building
Dallas, Texas 75202

Dear Mr. August:

It has come to may attention through your letter of July 18, and through correspondence somewhat earlier from our church's national headquarters in St. Louis, that Dr. William F. Meyer, our former Dean of Administration, had filed a request some years ago that Concordia Lutheran College be exempt from the application of Title IX. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia Lutheran College is controlled by The Lutheran Church -Missouri Synod, an international religious denomination. 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application . . . would not be consistent with the religious tenets of such organization."

It is our understanding that Section 1681(a)(3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

We believe that the request which has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice our college if it, subsequent to such withdrawal, seeks to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a)(3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia Lutheran College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Yours cordially,

Ray F. Martens

Ray F. Martens
President

Concordia Seminary

801 DE MUN AVENUE SAINT LOUIS, MISSOURI 63105
TELEPHONE: (314) 721-5934

September 24, 1976

This institution is owned, operated, and significantly supported financially by The Lutheran Church--Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church--Missouri Synod.

Ralph A. Bohlmann

Ralph A. Bohlmann
President

Concordia Seminary

801 DE MUN AVENUE SAINT LOUIS, MISSOURI 63105
TELEPHONE: (314) 721-5934

OFFICE OF THE PRESIDENT

RECEIVED
REGION VII
1985 AUG -6 PM 2:17

August 1, 1985

Mr. Jesse L. High
Regional Director
Office for Civil Rights
Department of Education,
Region VII
324 East Eleventh St.
Kansas City, MO 64106

Dear Mr. High:

RE: Concordia Seminary, St. Louis

This letter is in response to your letter of June 27 and is supplemental to the material previously filed on behalf of Concordia Seminary in September, 1976.

Concordia Seminary, a theological seminary owned and controlled by The Lutheran Church-Missouri Synod, claims an exemption from the provisions of Title IX based upon Statues Section 1681 (1) (3) and Regulations Section 86.12* which specify that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application . . . would not be consistent with the religious tenets of such organization." Specifically a determination of exemption is requested with respect to the activities subject to Regulations 86.21 Admissions, 86.22 Preference in Admission, 86.23 Recruitment, 86.31 Education Programs and Activities, 86.32 Housing, 86.34 Access to Course Offerings, 86.37 Financial Assistance, 86.38 Employment Assistance to Students, and 86.51 Employment.

*All citations to Regulations are to those as amended and revised as of October 1, 1984.

...../.....

In each case the tenet of the religious organization which controls Concordia Seminary is the one which prohibits the ordination of women as pastors of the Lutheran Church-Missouri Synod. Since Concordia Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod, it directs its recruitment efforts to those who will qualify for such ministry, and will give preference as to admissions, education programs and activities, housing, course offerings, financial assistance, employment assistance and otherwise to men. Although Concordia Seminary does not automatically refuse admission or access to course offerings or other programs of the Seminary to women, it does reserve the right to exclude them if circumstances warrant that, and in any event makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod.

In addition, since the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod, the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors.

If additional detail is required in order for you to process the Seminary's application for exemption, please contact the undersigned.

Very truly yours,

Karl L. Barth
President

KLB:pjd

cc: Mr. Philip E. Draheim
Draheim & Pranschke
Attorneys at Law

Concordia Senior College 6600 N. CLINTON ST. FORT WAYNE, INDIANA 46825 / 219-748-7105

Office of the President

HAMLIC 11/15

10/4/76

Department of Health, Education, and Welfare
Education Division
Washington, D.C. 20202

Gentlemen:

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C F.R. S86.12 (b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

Cordially yours,

Herbert G. Bredemeier

Herbert G. Bredemeier
President

HGB/ek

Concordia Theological Seminary

6600 N. Clinton St. / Fort Wayne, Indiana 46825-4996 / (219) 482-9611

Office of the President

July 30, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region V
300 South Wacker Drive - 8th Floor
Chicago, ILL 60606

Re: Concordia Theological Seminary, Ft. Wayne, Indiana

This letter is in response to your letter of July 18.

Perhaps the reason your prior request was not answered is that the institution which requested the exemption in 1976, Concordia Senior College, is not the same as Concordia Theological Seminary. The Senior College was closed several years ago and the Seminary, formerly located in Springfield, Illinois, was moved to the campus in Ft. Wayne.

However, we wish at this time to claim an exemption from Title IX for the Seminary.

Concordia Theological Seminary, a theological seminary owned and controlled by The Lutheran Church-Missouri Synod, claims an exemption from the provisions of Title IX based upon Statues Section 1681(a)(3) and Regulations Section 86.12* which specify that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application . . . would not be consistent with the religious tenets of such organization." Specifically a determination of exemption is requested with respect to the activities subject to Regulations §86.21 Admissions, §86.22 Preference in Admission, §86.23 Recruitment, §86.31 Education Programs and Activities, §86.32 Housing, §86.34 Access to Course Offerings, §86.37 Financial Assistance, §86.38 Employment Assistance to Students, and §86.51 Employment.

*All citations to Regulations are to those as amended and revised as of October 1, 1984.

In each case the tenet of the religious organization which controls Concordia Theological Seminary is the one which prohibits the ordination of women as pastors of The Lutheran Church-Missouri Synod. Since Concordia Theological Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod, it directs its recruitment efforts to those who will qualify for such ministry, and will give preference as to admissions, education programs and activities, housing, course offerings, financial assistance, employment assistance and otherwise to men. Although Concordia Theological Seminary does not automatically refuse admission or access to course offerings or other programs of the Seminary to women, it does reserve the right to exclude them if circumstances warrant that, and in any event makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod.

In addition, since the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod, the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors.

If additional detail is required in order for you to process the Seminary's application for exemption, please contact the undersigned.

Very truly yours,

ROBERT PREUS
PRESIDENT

RP:dm

Concordia Theological Seminary

6600 N. Clinton St. / Fort Wayne, Indiana 46825-4996 / (219) 482-9611

Office of the President

July 30, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights
Department of Education, Region V
300 South Wacker Drive - 8th Floor
Chicago, ILL 60606

Re: Concordia Theological Seminary, Ft. Wayne, Indiana

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*All citations to Regulations are to those as amended and revised as of October 1, 1984.

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In addition, since the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod, the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors.

If additional detail is required in order for you to process the Seminary's application for exemption, please contact the undersigned.

Very truly yours,

ROBERT PREUS
PRESIDENT

RP:dm

December 5, 1988

"In All Things... Christ Pre-eminent"

COVENANT COLLEGE
Lookout Mountain, Tennessee 37350
Telephone 404-820-1560

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Sir:

Covenant College hereby claims 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).

Covenant College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is controlled by the Presbyterian Church in America (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Georgia in 1985 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit institution under Section 501 (c) (3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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 a significant amount of its financial support from individual churches within the Corporation. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The college educates in the broad range of liberal arts, in which it adheres to the 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 Duet. 5:1 - 21; Matthew 5:1-Matthew 7:28.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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, 1 Corinthians 5:9 - 11; 1 Corinthians 6:12 -20.

The college hereby claims 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: 34 C.F.R. Sections 106.21 (c), 106.40, 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 106.59 (advertising) that relates to such employment opportunities that are limited to one gender by the religious beliefs of the college.

There are a 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 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 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 tenets 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 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 on such statute and regulations on the college's ability to pursue its religious mission, the college reserves its right to claim 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 Marie Henning who is the Director of Human Resources at (404) 820-1560.

Very truly yours,

Frank A. Brock

Frank A. Brock
President

COVENANT
THEOLOGICAL
SEMINARY

Office of the President

12330 Conway Road
St. Louis, Missouri 63141
314-434-4044

February 23, 1983

Mr. Harry Singleton
Assistant Secretary for Civil Rights
Department of Education
400 Maryland Avenue S.W.
Switzer Building
Washington, D.C. 20202

Dear Mr. Singleton:

The purpose of this letter is to claim a Title IX exemption in accordance with 34 C.F.R. Section 106.12(a) and (b).

Covenant Theological Seminary is, within the meaning of Part 106, an institution of graduate higher education and of professional education. It is the official seminary of the Presbyterian Church in America, a nationwide denomination which is a religious organization within the meaning of Part 106. The Presbyterian Church in America controls Covenant Theological Seminary.

There are specific religious tenets of the Presbyterian Church in America with which various provisions of Part 106 conflict. The conflict arises because of those provisions in Part 106 which require equal treatment of women with regard to admission to those programs that are designed for the profession of the ordained ministry, and with regard to appointment of faculty members.

The controlling organization, the Presbyterian Church in America, holds the office of the ordained ministry open only to men. The relevant parts of its Constitution include the following:

> The ordinary and perpetual classes of office in the Church are Elders and Deacons. Within the class of Elder are the two orders of Teaching Elders (ministers) and Ruling Elders. . . . In accord with Scripture, these offices are open to men only.

<u>The Book of Church Order of the Presbyterian Church in America</u>, Par. 7-2. Covenant Theological Seminary does admit women to

programs that are designed for service not requiring ordination to the gospel ministry.

With regard to hiring, Covenant Theological Seminary does not discriminate in staff positions. Appointment of faculty is done in consistency with the Constitution and policies of the Presbyterian Church in America, indicated above, which do not recognize the ordination of women as in accord with its religious tenets. Because Covenant Theological Seminary's primary purpose is the training of men for the ordained ministry, the faculty is composed primarily of men who themselves have received such professional training as well as experience in the ordained ministry, plus further academic qualifications.

With that background, I identity the provisions of Part 106 which conflict with the specific religious tenets referred to above:

106.9 Dissemination of policy. (We cannot disseminate a policy that we do not discriminate on the basis of sex if in fact we do.)

106.21 Admission. (We are required by the religious tenets of our controlling religious organization to admit only men to certain programs.)

106.23(a) Recruitment. (Because we can admit only men to certain programs, it follows that we will recruit only men for those programs.)

106.31 Education programs and activities. (Because we can admit only men to certain programs, it follows that only men will participate in those programs and derivative activities.)

106.36 Counseling and use of appraisal and counseling materials. (Because we can admit only men to certain programs, it follows that we will not counsel women who are either students or applicants to participate in those programs or in the profession for which they are designed.)

106.37(a) and (b) Financial assistance. (No person is denied equal treatment with regard to financial assistance; obviously, however, because we can admit only men to certain programs, only men will receive financial assistance to pursue those programs.)

106.38(a) Employment assistance to students. (Because the religious tenets of our controlling religious organization forbid women to preach, Covenant Theological Seminary cannot provide such employment opportunities to women, either directly or in assistance to any other agency, organization or person.)

106.51 Employment. (As demonstrated above, Covenant Theological Seminary is required by the religious tenets of its controlling religious organization to have a faculty which is composed primarily of men.)

106.53 Recruitment. (Because Covenant Theological Seminary is required by the religious tenets of its controlling religious organization to have a faculty which is composed primarily of men, it follows that the seminary will recruit and hire primarily men for those positions.)

106.55 Job classification and structure. (As demonstrated above, Covenant Theological Seminary is required to have a faculty which is composed primarily of men.)

106.59 Advertising. (To an extent consistent with the actual composition of the faculty, as required by the religious tenets of its controlling religious organization, Covenant Theological Seminary would of course advertise faculty positions accordingly.)

106.60 Pre-employment inquiries. (To an extent consistent with the actual composition of the faculty, as required by the religious tenets of its controlling religious organization, Covenant Theological Seminary would of course make pre-employment inquiries accordingly.)

In all other respects, Covenant Theological Seminary is in compliance with Part 106. If you should have any questions, or if you desire further clarification, I would be pleased to talk with you.

Sincerely yours,

William S. Barker
President

CROSIER SEMINARY ONAMIA, MINNESOTA 56359

under the direction of the Crosier Fathers

Telephone: 532-3103, Area Code 612

July 1, 1976

To Whom It May Concern:

Crosier Seminary is an educational institution comprising high school and junior college years, incorporated in the State of Minnesota as a nonprofit corporation.

As stated in its Articles of Incorporation, the purposes of the corporation include the following as central to its organization: "To further the education of young men for the Catholic priesthood." The statement of purpose for the Seminary is refined in official policy statements elsewhere to read:

> Crosier Seminary is an institution that provides, according to its Crosier tradition, a school of Christian brotherhood and life in Christ, in which under the guidance of the Crosier community, young men considering the Catholic priesthood may explore this vocation through personal, social, academic and spiritual growth. (Emphasis mine).

Because of this essential underlying purpose, Crosier Seminary may not, under present legislation of the Roman Catholic Church, with which it is strictly affiliated through religious and administrative ties, admit students of female sex to programs whose purpose is to strengthen and encourage a calling to the priesthood, since that office is presently restricted in the Roman Catholic Church to males.

Although the integral Seminary program is closed to admission of female students, certain courses and activities are sponsored or conducted by Crosier Seminary which are open to the general public. Neither in this nor in the employment of personnel, does Crosier Seminary wish to be considered exempt from the provisions of Title IX of the Educational Amendments of 1972 and the Regulation issued by the Department of Health, Education, and Welfare in implementation thereof.

For admission into the Seminary program at the high school and junior college levels, Crosier Seminary requests exempt status with respect to the provisions of said Title and regulations, due to a conflict with existing law in the Roman Catholic Church. The term used in the document explaining HEW Form 639 is "school of divinity."

Daniel R. Davidson, O.S.C.

(V. Rev.) Daniel R. Davidson, O.S.C.
Chancellor

SI.

CROWLEY'S RIDGE ACADEMY
EXCELLENCE IN EDUCATION

February 12, 1979

MAR 7 1979

Waite H. Madison, Jr.
Acting Director, Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

As the official representative of Crowley's Ridge Academy and in accordance with section 86.12, the Board of Trustees has authorized me to submit the following requests for exemption from Title IX because of the religious tenets held by the aforesaid institution:

1. Exemption of females from leadership roles in religiously-oriented assemblies - Because of our religious belief that females should not take leadership roles, with males present, in worship periods, we request exemption from females being allowed to lead in our daily devotionals and other assemblies with religious connotations.

2. Exemption of females from activities requiring immodest dress - Because our religious beliefs, we request that we not be required to allow our female students to participate in any activity which the administration of this school deems inappropriate because of the apparel involved.

Your attention to these requests is appreciated.

Sincerely,

Harrell Austin

Harrell Austin
Superintendent

HA/sw

PHONE 236-6908 / 626 ACADEMY DRIVE / PARAGOULD, ARKANSAS 72450

CROWLEY'S RIDGE COLLEGE

A Christian Junior College

August 5, 1977

Mr. David S. Tatel, Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Tatel:

Enclosed is HEW Form 639 A which, I think, has been properly executed. Let me hasten to state that Crowley's Ridge College will comply with the regulations of Part 86 of Title IX in spirit as well as to the letter. In our self-evaluation we almost decided to fill in Part A of Article V of Form 639 A and then found a very few areas that we felt should be corrected to abide by the letter as well as the spirit of the law.

Allow me, too, an explanation for our tardy action in getting this done. After your form letter came a few days ago, my staff and I made a thorough search and were unable to find any earlier communication from your office in any way relating to Title IX. I hurriedly borrowed copies of the Regulations from a neighbor institution and we immediately began our self-evaluation. We have completed this evaluation, named our two staff members to be responsible for implementation and a grievance procedure is operable. In this latter area, we may need to visit with our neighbors and as time passes streamline our grievance procedure.

There are a few areas in which we, as a Christian college, will need to be granted exemptions(maybe fewer than we think as we more fully understand the Title IX Regulations). This letter may serve as our statement required by Part 86.12(b).

> First, churches of Christ generally hold to Biblical teaching that women do not teach or usurp authority over men(I Tim. 2:12). So, we could not employ a woman to teach Bible in a class to which male students are assigned.(86.51) Of course, we know that this would not exempt us from all of this part...only to that part which would violate our religious tenets.
>
> Second is Part 86.41 regarding athletics. At present we have no intercollegiate athletic programs. We do have intramural and physical education programs. Practically all of these are co-educational. Due to our strict religious feelings as to modest dress we do not mix men and women in swimming and other physical activities that require scant attire. This, too, could have a bearing on faculty(86.51)

Third is Part 86.34 regarding course offerings. Since men only preach, there are one or two offerings in our curriculum designed solely for preachers.

Fourth is Part 86.37 regarding financial assistance. Nearly all aids are given without regard to sex, however there are a very few preacher scholarships offered that would, of course, be limited to men.

Fifth is Part 86.40 the application of which is unclear to us. However, our religious standards so strongly condemn sexual activities outside of marriage that we must reserve to ourselves the handling of Sacred Scripture violations on the part of students and staff. For instance, if a woman student is found to be pregnant she could no longer be allowed to remain with other unmarried women in the dorm. Of course, if a male student is known to be involved, he would receive similar treatment, so there would be no sex descrimination.

Sixth is Part 86.32 regarding housing. We know that separate housing is allowed on the basis of sex. We feel that we must be left free to choose the sex or the sex-mix of those who are in charge of our dorms....ages of supervisors according to sex can be important. It is likely that no exemption is required in this part, but we do not want to be misleading or to be misunderstood.

Form 639 A, Article III, Part 4 requires us to notify your office of any inaccurate information that we may discover. This we will gladly do. However, I wonder if we may request and receive additional or altered exemptions as we come more fully to understand the regulations and their ramifications for us as to possible conflicts with our religious tenets.

We have already set in motion compliance with Part 86.9 to the fullest extent possible within our very limited financial means. All future printing and publicity materials will be used to noise abroad our policy. It has never been our intention to discriminate in any way, racially, sexually, or otherwise...except that we must adhere to our purpose for existence. This purpose necessitates our employment of persons who share our religious convictions and tenets.

If anyone can help us to acheive our goals and to harmonize them with any law, old or new, we welcome his or her assistance.

Very sincerely yours,

Emmett Smith, Chancellor

CUMBERLAND COLLEGE

Statement of Position of Title IX
and Policies of Moral Requirements

45 C.F.R. Section 86.12 (a) provides, that the Rules and Regulations adopted pursuant to Title IX shall "not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization."

Cumberland College was founded in 1889 by the Baptist of Southeast Kentucky and has held to a commitment of providing "Quality education at a reasonable cost in a Christian atmosphere." The college draws most of its students from the Appalachian section of Kentucky and Tennessee. The majority of students are of Baptist background and its supporting constituency. As stated in the college's Articles of Incorporation, Cumberland College is an institution "under the control of the trustees, who shall be controlled in their action by the principles and doctrines of the denomination known "as" the Kentucky Baptist Convention.

Cumberland College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adherred throughout its history, however, and because it is controlled by its commitment to a Christian interpretation of morality, Cumberland College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Baptist who founded and continue to support this college. In particular Cumberland College asserts its exemption from those provisions of 86.40 which would require Cumberland College not to exclude any unmarried student from its educational program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Cumberland College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Cumberland College claims exemption from those provisions of Section 86.57 which appear to prevent the college from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

Cumberland College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as to the martial status of an applicant for employment, including whether such applicant is married or unmarried.

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the

faculty of Cumberland College are expected to constitute role models for the students and in such roles--stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is, therefore, essential that Cumberland College knows in advance of employment whether prospective faculty members have a good family relationship or whether, at the other extreme, such prospects indulge in acts which would be detrimental to good family relationships.

The above statement identifies provisions of 45 C.F.R. Part 86 which conflict with religious tenets of Cumberland College and its supporting constitutency. Therefore, the college claims a religious exemption from these provisions as permitted by 86.12.

J. M. Boswell

President, Cumberland College

Dated, September 28, 1976

CUMBERLAND COLLEGE

Statement of Position on Title IX
and Regulations for Women's Housing

45 C.F.R. Section 86.12 (a) provides, that the Rules and Regulations adopted pursuant to Title IX shall "not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization."

Cumberland College was founded in 1889 by the Baptists of Southeast Kentucky and has held to a commitment of providing "quality education at a reasonable cost in a Christian atmosphere." The college draws most of its students from the Appalachian section of Kentucky and Tennessee. The majority of students are of Baptist background and its supporting constituency. As stated in the college's Articles of Incorporation, Cumberland College is an institution "under the control of the trustees, who shall be controlled in their action by the principles and doctrines of the denomination known "as" the Kentucky Baptist Convention.

Cumberland College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded and to which it has adherred throughout its history, however, and because it is controlled by its commitment to a Christian interpretation of morality, Cumberland College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Baptists who founded and continue to support this college. In particular Cumberland College asserts its exemption from those provisions of 86.32 (a) which appear to require Cumberland College to remove all curfews and controls in student women's housing.

Cumberland College is dedicated to the commitment of providing a Christian atmosphere for its students. Beyond the classroom the college provides a disciplined environment that demonstrates a concern for people by maintaining a life-style similar to that of the region. The majority of Cumberland College students come from homes in which the family has a strong sense of protection for the daughter. This has been the life style for many families for generations. An abrupt change to new cultural mores and living patterns as outlined in the Title IX regulations would be traumatic and could result in many young women being deprived of higher educations. This protective concern is demonstrated through rules and regulations for the women's residence halls. The continued use of regulated women's housing on campus is appreciated by the parents of our students and desired in many cases by the students.

Believing in the Biblical interpretation which stresses the sanctity of marriage and sex within marriage, Cumberland College is committed to providing an environment by which its students may live consistently with this Biblical interpretation. The resident hall regulations for women are consistent with the religious teachings of the Baptists of our region.

In addition Cumberland College believes that this control is required for the safety and security of the women residents. For example, crime statistics reflect a greater risk for attack upon a young women than upon a young man.

The above statement identifies provisions of 45 C.F.R. Part 86 which conflict with religious tenets of Cumberland College and its supporting constitutency. Therefore, the college claims a religious exemption from these provisions as permitted by 86.12.

J. M. Boswell

President, Cumberland College

Dated, September 28, 1976

DallasBaptist
UNIVERSITY

Dr. Gary R. Cook
PRESIDENT

7777 West Kiest Boulevard
Dallas, Texas 75211-9000
(214) 333-5130

May 27, 1992

U. S. Department of Education
Office of the Assistant Secretary for Civil Rights
400 Maryland Avenue, Southwest
Washington, D. C. 20202

Dear Sir:

This letter shall constitute Dallas Baptist University's request for religious exemption from Title IX of the Education Amendments of 1972. The exemption is requested pursuant to section 106.12 of the Title IX regulations at 34 C.F.R. Part 106. The request for exemption is to the extent the policies practiced by the University because of its commitment to its religious tenets would be interpreted to violate certain sections of the regulations implementing Title IX absent a religious exemption.

This institution is a University of the Baptist General Convention of Texas. The Baptist General Convention of Texas is composed of messengers from cooperating Baptist churches within the state of Texas. The Convention fosters this institution and substantially supports it financially. The University is controlled by the Baptist General Convention of Texas. All members of the Board of Trustees of this institution are elected by the Convention and they must be resident members of Baptist churches affiliated with the Convention. I am satisfied that the nature of the Baptist General Convention of Texas and the relationship between Dallas Baptist University and the Baptist General Convention of Texas establishes that Dallas Baptist University is "controlled by a religious organization" as is required for exemption under Section 106.12 of the Title IX regulations.

The University adheres to biblical tenets as its standard of faith and practice. The tenets require the University to act in ways which may conflict with specific Section IX regulations. The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, Christian sexual conduct on the part of its employees and student body. The University's religious tenets, for instance, would not permit the University to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability. The University expects its personnel to be Christian role models and an employee or student living with a member of the opposite sex out of wedlock would be considered morally delinquent. The University has religious tenets regarding human sexuality, proper living environments, respect for the institution of marriage, language, and modest attire.

Scholarship funds, and career offerings related to ministerial training students may be provided differently on the basis of sex. The University also offers sex separate organizations to students. The University deems it necessary to minister in unique ways to men as compared to women in preparing students to fulfill their roles as mothers and fathers in the context of religious belief in the sanctity of the home.

Therefore, this University requests an exemption from 34 C.F.R. section 106.21(C) (Marital or parental status of applicants for admission); 106.40 (Marital or parental status of students); 106.51(b)(6) (Granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy, child care); 106.57 (Marital or parental status of employees); and 106.60(a) (Preemployment inquiries as to marital status).

Further this institution requests an exemption to 106.31 for membership practices in student organizations which are required by religious tenets to be limited on the basis of sex. We request exemption to 106.36 regarding counseling and use of appraisal and counseling materials to the extent the University's religious tenets will require differentiating counseling between sexes. We request an exemption for 106.39 (Student health and insurance benefits and services).

For those employment positions which are restricted on the basis of sex in accordance with the University's religious tenets we request an exemption to 105.1 (Employment); 106.52 (Employment criteria); 106.53 (Recruitment of employees); 106.55 (Job classification and structure); and 106.59 (Advertising).

To the extent that counseling, scholarship funds and career fundings related to ministerial training students are provided differently on the basis of sex and the requirement that certain sex separate clubs and organizations exist, the University requests an exemption from 106.31 (Education programs and activities); 106.34 (Access to course offerings); 106.36 (Counseling and use of appraisal in counseling materials); 106.37 (Financial assistance); 106.38 (Employment assistance to students); and 106.14 regarding membership practices of certain organizations.

Sincerely,

Gary Cook
President

GC/mb

Dallas Christian College

January 4, 1989

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building - Room 2260
Dallas, Texas 75202

Re: Request for religious exemption from Title IX on behalf of Dallas Christian College

Dear Mr. August,

I am in receipt of your letter of December 23, 1988, requesting more information regarding our request for a religious exemption from the requirements of Title IX of the Education Amendments of 1972. I believe that the following will set out in more detail the information requested dealing with certain sections which may be in conflict with the religious tenets of DCC.

Section 106.31. The institution has a group that travels around to the area churches and preaches. The institution would not let a female join that group due to both its position and the position of the churches that the Bible speaks against women teaching and preaching in a public assembly. (See 1 Timothy 2: 10-11 and 1 Corinthians 14: 34)

Section 106.31(c). The institution is the recipient of a Foundation grant specifically established to help men prepare for the ministry. This institution screens applicants and makes awards in a total amount approximating $50,000 per year. The institution is working with ladies groups to increase another similar fund exclusively for women. However, current funding levels are between $5,000 and $10,000 per year.

Section 106.36(c). Some courses at the institution are not taken by women because they do not intend to pursue certain pastoral ministries. The institution has no problem with women taking these courses but the stand taken by the institution and its churches in regards to its belief that the Bible teaches against women pastors contributes to the resulting disproportion.

Section 106.37(b). Same answer as Section 106.31(c).

Section 106.38. The institution helps all students find internships. However, churches where the interns are placed rarely want a female intern in certain pastoral ministry positions. Again this is because of the Bible's teaching against women assuming these roles.

Section 106.51. The institution would not hire a New Testament or Homiletics professor. The reason is that they would have had no pulpit experience within our churches. The reason for that again being that our churches adhere to the Biblical teachings against women in these kinds of positions.

Section 106.55(a). While the institution does not actually classify "a job as being for males or for females," it cannot guarantee that certain jobs wouldn't always be filled with males. The reason is the same as stated under my explanation for 106.51 above.

I hope this answers your questions. If you need any additional information please do not hesitate to call me or our attorney, Jack Straus. I can be reached at (214) 241-3371 and Mr. Straus can be reached at (214) 241-6457.

Sincerely,

Gene Shepherd

Gene Shepherd
President

Dallas Christian College

June 29, 1988

Mr. Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building - Room 2260
Dallas, Texas 75202

Re: Title IX Exemption Application

Dear Mr. August,

Dallas Christian College 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).

Dallas Christian College is accredited by the American Association of Bible Colleges and offers courses of instruction in Bible, religion, education, music, business, missions, and various church ministries. The college was incorporated as Dallas Christian College as a non-profit corporation in the state of Texas on February 16, 1950. The college is a Christian institution of higher education under the control of a Board of Regents and is exempt from federal income taxation as a not-for-profit institution under the Internal Revenue Code. The Regents, Trustees, faculty, students and employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the corporation, its Constitution, catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion.

Ultimate authority for the college is vested in the Regents. Every Independent Christian Church/Church of Christ congregation that consistently and regularly supports the College selects one to three representatives to serve as Regents. Individuals who are members of such churches may be Regents but they are not to exceed 15% of the total number of Regents. The corporation through these Regents controls the institution.

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: Matthew 5: 27-32; 1 Timothy 2: 9-15; Romans 1: 26-29; 1 Corinthians 5: 1-5; Proverbs 5: 3-4; Matthew 19: 9; Acts 15: 20; 1 Corinthians 6: 18; Galatians 5: 19.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 misuse of human sexuality, in accordance with Scriptural teaching about moral behavior. See, for example the above mentioned Scriptural references.

The college hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57, and 106.60(a) (treatment based on marital and parental status is determined by religious tenets), 106.31 (access to educational programs, extracurricular activities, and occupational training limited by religious tenets to students of one gender), 106.31(c) and 106.37(b) (financial assistance established by certain legal instruments), 106.36(c) (effect of course offerings in ministerial programs determined by religious tenets), 106.38, (employment assistance to students is limited in specific situations by religious tenets), 106.51 (employment opportunities for certain postions determined by religious tenets), and 106.55(a) (job classification and structure determined by religious beliefs).

There are a 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 Dallas

do they mean (e.g. from the context of the

Christian College because it is a private institution of undergraduate 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 tenets 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 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 regualtions 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 Jack Straus, who is the attorney of the college at 214-241-6457.

Sincerely,

Gene Shepherd
President

Dallas

Office of the President

TO: Department of Health, Education and Welfare

RE: 45 C.F.R. Part 86

Dallas Theological Seminary claims a religious exemption under 45 C.F.R. 86.12(a) because of the following:

Subpart C, 86.21(a) is in conflict with the religious tenets of the Seminary which, on the basis of the teaching of the New Testament as to leadership in the body of Christ, is "to educate men for an effective Christian ministry in the exposition of the Scripture."

John F. Walvoord

Dr. John F. Walvoord
President
May 27, 1977

DALLAS THEOLOGICAL SEMINARY 3909 SWISS AVENUE DALLAS, TEXAS 75204 PHONE (214) 824-3094

DALLAS THEOLOGICAL SEMINARY

Office of the President

July 25, 1985

Mr. Taylor D. August
Director, Region VI
United States Department
of Education
1200 Main Tower Building
Dallas, TX 75202

Dear Mr. August:

In reply to your letters received on June 4 and June 18, 1985, copies of which are enclosed, I am pleased to inform you that since our request, the school has become co-educational with several hundred women enrolled and a number of them graduated. Accordingly, as far as I can understand the regulations, we no longer need an exemption on the basis of our previous request.

Sincerely yours,

John F. Walvoord
President

JFW:cf
Enclosures

3909 SWISS AVENUE • DALLAS, TEXAS 75204 • PHONE (214) 824 3094

WALLER LANSDEN DORTCH & DAVIS

2100 ONE COMMERCE PLACE

NASHVILLE, TENNESSEE 37239

TELEPHONE NO. (615) 244-6380 TELEX NO. 786535 RAPICOM NO. (615) 244-5686

WILLIAM WALLER *
D. L. LANSDEN *
LAWRENCE DORTCH *
WILLIAM WALLER, JR.
MACLIN P. DAVIS, JR.
ROBERT C. HENDON, JR.
CHARLES A. TROST
JAMES R. CHESHIRE, III
WILLIAM P. JOHNSTON
AMES DAVIS
THEODORE W. LENZ
JUSTIN P. WILSON
WILLIAM L. BROOKS
WALTER H. CROUCH
GEORGE W. BISHOP, III
RANDOLPH B. JONES
PATRICIA K. GANIER
J. LEIGH GRIFFITH
WILLIAM E. SHOFNER
ALEXANDER B. BUCHANAN
MICHAEL E. MOORE
J. CHASE COLE

* OF COUNSEL

DENNIS J MEAKER
G. SCOTT RAYSON
ROBERT E. BOSTON
GEORGE E. COPPLE, JR.
JOSEPH A. SOWELL, III
KEVIN D. NORWOOD
J. REGINALD HILL
DONALD I. N. MCKENZIE
ANNE SUMPTER ARNEY
R. E. LEE DAVIES
WILLIAM F. CARPENTER, III
HOWARD T. WALL, III
KIMBERLEY A. WILLIAMS
N. CAROLYN FOREHAND
WILLIAM H. NEELY
WILLIAM GREG CONWAY
JANET B. ANDERSON
HUGH F. SHARBER
LISA E. UNDERWOOD

April 18, 1985

WHT
WLC
LOB
BRS 2 (Ken Ross)
WMS
ABM
WMM

RECEIVED
1985 APR 23 AM 10:53
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. William H. Thomas
Regional Civil Rights Director
United States Dept. of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Re: David Lipscomb College

Gentlemen:

This will acknowledge receipt of your letter dated March 25, 1985 to David Lipscomb College ("the College"), relating to its claim for exemption from certain regulations promulgated pursuant to Title IX of the Educational Amendments of 1972, to the extent such regulations may be otherwise applicable, in so far as such regulations may be inconsistent with the tenets of religious belief of New Testament Christianity.

The College hereby advises you that it is an educational institution of higher learning controlled by New Testament Christianity, as interpreted by its Board of Directors, all of whom are, and must be, members of a Church of Christ. The principles of New Testament Christianity are those commonly understood and interpreted by the various Churches of Christ. The tenets of those religious beliefs upon which exemption is based relate to a prohibition on sexual relations between persons who are not married to each other, the obtaining, or causing another to obtain, an abortion, and certain restrictions on females instructing males on religious matters. These certain restrictions on religious instruction are limited to Chapel services and clearly defined Bible classes.

The College is furnishing you the above information voluntarily and it reserves all its rights under applicable laws. Accordingly, this furnishing of information should not be construed as an admission of any obligation to furnish such information in order to obtain the exemption or otherwise. Notwithstanding any implication in your letter to the contrary, the submission of the claim for exemption with the appropriate governmental official in 1976, signed by the highest ranking official of

the College, in accordance with Section 86.12(b) of the Regulations, was self-enacting, the exemption became effective upon submission, and the exemption does not require, either under the statute or the regulations, a "grant" by the Office of Civil Rights. We advise you that the College reserves its rights to assert that under the Establishment Clause of the First Amendment of the Constitution of the United States, under the principles of separation of church and state, and pursuant to the protections granted for freedom of religious belief and expression, the College is not obligated to explain, and you may not examine, any religious tenet held by New Testament Christianity nor inquire into the relationship between the College and New Testament Christianity. We further advise you that the College reserves the right to assert that your failure to question the exemption over the past eight years constitutes a waiver of any right you may have otherwise had to review the exemption, and that you are estopped, or otherwise prohibited, from challenging the exemption at this time.

Finally, we advise you that the College respectfully reserves the right to assert (1) that its prohibition on sexual relations between non-married adults and on the obtaining (or causing another to obtain) an abortion does not discriminate on the basis of sex, as its policy is non-discriminatory, and (2) a governmental agency may not constitutionally withhold federal assistance to which an institution would otherwise be entitled solely because only males teach religious instruction otherwise permitted.

Please advise us if you request any further information.

Yours very truly,

Justin P. Wilson

JPW:be

I certify that I am the highest ranking official of David Lipscomb College and that the information contained in the second paragraph of this letter is correct.

Willard Collins

Willard Collins, President
David Lipscomb College

STATEMENT

David Lipscomb College is a private Christian College which does not discriminate in favor of either men or women. The College does, however, recognize that there are differences between man and woman. These differences are a part of our Christian faith and are within the framework of the teachings of the Bible, which are fundamental to the institution. Accordingly, pursuant to 45 C.F.R. §86.12, the College claims exemption from the following sections of 45 C.F.R., Part 86:

1. 86.40
2. 86.51(b)(6)
3. 86.55(a)
4. 86.57(b), (c), & (d)
5. 86.60(a)

The above exemptions are claimed based on the College's current interpretation of the Regulations and should not be deemed all inclusive. The College reserves the right to claim additional exemptions or to claim that the College is exempt from the Regulations in their entirety.

Athens Clay Pullias

Conservative Baptist Theological Seminary

OFFICE OF ADMINISTRATIVE VICE PRESIDENT
DOUGLAS V. BIRK

Kress 8/18

July 23, 1976

Mr. Martin H. Gerry
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

We are writing concerning the completion of HEW Form 639, Assurance of Compliance under Title IX of the Education Amendments of 1972. We are claiming a religious exemption under 45 C.F.R. 86:12 (b). According to your instructions on Religious Exemption "an applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:"

1. It is a school or department of divinity; or
2. It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or
3. Its charter and catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

   The term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects. (This definition is adopted from section 1201 (1) of the Higher Education Act of 1965, P.L. 89-329).

We are covered by all three of the above conditions.

We do recognize, however, that: "even institutions whose admissions are exempt from coverage must treat all students nondiscriminatorily once they have admitted members of both sexes."

We agree with this above statement and practice it.

We shall await your reply.

Most gratefully yours,

Douglas V. Birk
Administrative Vice President

DVB:tt

DENVER SEMINARY

July 19, 1985

Gilbert D. Roman, Ed.D.
Department of Education
Region VIII
Federal Office Building
1961 Stout Street
Denver, CO 80294

Dear Dr. Roman:

Thank you for your letter of July 11, 1985 regarding our exemption from Title IX. The specific sections of Title IX from which we request exemption are as follows:

1. Subpart C, Section 106.21(c)(2) - "...shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes."

   Denver Conservative Baptist Seminary has strong moral and religious convictions regarding abortion. A student who receives an abortion may be subject to dismissal depending upon the circumstances surrounding the pregnancy.

2. Subpart D, Section 106.38 - "...assistance by recipient in making available outside employment. A recipient which assists any agency, organization or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination on the basis of sex."

   Students which attend the Seminary are required to complete a Field Education requirement. This Field Education requirement is often filled through local churches. Many of our affiliated churches have religious convictions that the ordination of women is not Biblical. Therefore certain positions in the local church are not available to women, such as the senior pastor position. Thus, certain employment possibilities are available to our male students which are not available to the female students.

As I mentioned in my letter of June 28, 1985, we do not discriminate in any way against women in our admissions and employment practices. However, we feel that these two items carry such strong convictions with us and/or our constituency, that we ask for exemption from Title IX of the Education Amendments of 1972. Thank you for your consideration.

Sincerely,

Evan C. Morgan
Vice President of Business Affairs

ECM:lr

ישיבה דרך איתן ע"ש מרן רבי אברהם יצחק זצ"ל
Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway
802 HICKSVILLE ROAD, FAR ROCKAWAY, NEW YORK 11691 • 718-327-7600

Rabbi Jechiel I. Perr
Rosh Yeshiva
Rabbi Aaron M. Brafman
Menahel
Dr. Morris J. Applbaum
General Studies Principal

RO 179885
ES

בס"ד

August 28, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Regent II
Department of Education
Federal Building
Room 33-130
26 Federal Plaza
New York, New York 10278

RECEIVED
AUG 29 1985
O C R
REGION II

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets.

Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: Sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemptions from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

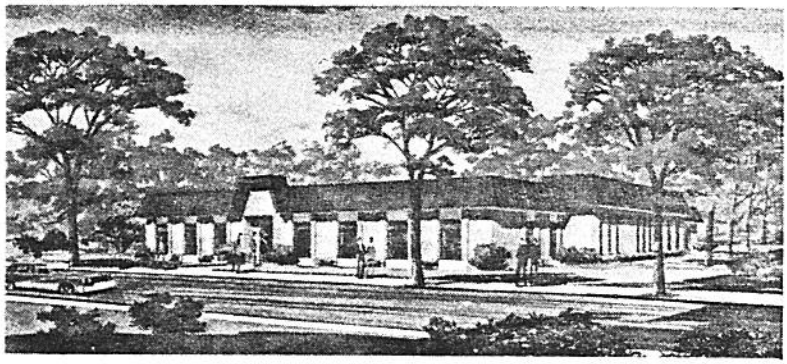
Very truly yours,

Jechiel I. Perr

Rabbi Jechiel I. Perr
President

RJIP/jp

17th ANNUAL DINNER JOURNAL
Honoring
Mr. & Mrs. Benjamin Brafman
Sunday, March 16, 1986
At Congregation Beth Sholom, Lawrence, N.Y.



Rabbi Jechiel I. Perr
Rosh Yeshiva
Rabbi Aaron M. Brafman
Menahel
Rabbi Mayer Weinberger
Executive Director

ישיבה דרך איתן ע"ש מרן רבי אברהם יפהן זצ"ל

Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway

בס"ד

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Jechiel I. Perr

1126 VIRGINIA STREET, FAR ROCKAWAY, NEW YORK 11691. 212·327-7600

DE SALES HALL
SCHOOL OF THEOLOGY
5001 EASTERN AVENUE
HYATTSVILLE, MARYLAND 20782
(301) 559-2480

May 5, 1977

Albert T. Hamlin
Acting Director
Office for Civil Rights

Dear Mr. Hamlin:

With reference to your memo of April 4, 1977 concerned with Institutions of Higher Learning who are recipients of Federal financial assistance and the necessity of their compliance with Title IX of the Education Amendments of 1972, I telephoned the Office of Dr. Lloyd Henderson, and spoke with Mr. Ken Haddock about our situation. I explained to him that we have only one student receiving VA payments, one Dr. Michael Peterson, a psychiatrist, who is studying for the priesthood for the Archdiocese of Washington. The Diocese pays his tuition, and he lives outside the school with the Benedictines. In short, De Sales Hall does not receive any of the money which Dr. Peterson receives. Accordingly, she does not feel that she has an obligation to fill out the forms enclosed in the April 4 letter: 45 CFR Part 86.

At a meeting of East Coast Deans of Roman Catholic seminaries in March, 1977, the opinion was proffered by a lawyer that compliance with Title IX was required only if the school received financial assistance.

Mr. Haddock requested that I set down in writing our reasons for feeling that we are exempt from the requirement of Title IX. If this letter satisfies your Office, I shall take no further action, and shall presume that our present action is legal. Thank you.

Yours Sincerely,

John F. Harvey OSF

John F. Harvey, O. S. F. S.
President

P. S. I have filled in certain sections of the enclosed form, just in case they were necessary.

JFH/pkm

DE SALES
SCHOOL OF THEOLOGY
721 LAWRENCE STREET, N. E.
WASHINGTON, D. C. 20017
(202) 269-9412

June 24, 1985

Mr. Dewey E. Dodds, Director
Office for Civil Rights, Region 3
3535 Market Street
P.O. Box 13716
Philadelphia, Pa. 19101

Dear Mr. Dodds,

In response to your letter of June 11, 1985, I wish to provide the following information:

1. The religious organization that is responsible for the De Sales School of Theology is the Oblates of St. Francis de Sales whose seat of operation is located in Wilmington, Delaware. This organization was incorporated in the state of Delaware in May 23, 1903. The Provincial Superior and his Counselors form the Board of Directors of the School of Theology. They bear the responsibility of seeing that the School is funded adequately; that the school meets the goals and objectives of the programs it sponsors; that the School does not incur debts beyond $10,000 without their approval; that the School is not permitted to sell real property belonging to the school without their consent. I am enclosing a copy of the School's Constitution for your perusal.

2. The School is a school for the training of ministers for the Roman Catholic Church, primarily for the Roman Catholic priesthood. The reason for the request of an exemption is the fact we do not and cannot train women for the Roman Catholic priesthood. We do train women for ministries that are open to them by the Catholic Church. Our position if not understood correctly, could be interpreted as a discrimination because of sex. I believe that we are addressing #106.9 (a) in light of #86.12 (a) and (b).

I am enclosing copies of our school's Constitution and present catalog.

Sincerely,

William J. Ruhl, O.S.F.S. (com.)

(Rev.) William J. Ruhl, O.S.F.S.
President

WJR/cam

Encl.

DIVINE WORD COLLEGE
Epworth, IA 52045

Office of the President
(319) 876-3354
(319) 876-3262

May 20, 1977

OFFICE FOR CIVIL RIGHTS
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Divine Word College, Epworth, Iowa, hereby claims exemption under 45 C.F.R. 86.12 (b) to Title IX requirements affecting admissions, education programs and activities, and employment practices inasmuch as such provisions of the law are incompatible with the religious tenets of the institution.

As President of Divine Word College, I wish to assure HEW that our institution intends to abide by those provisions of Title IX which are not in conflict with our religious tenets.

Our College gives its fullest support to the efforts of the U.S. Government to combat all forms of unjust discrimination to the extent the special nature of this institution allows. We are ready to provide further clarification and documentation, if so required by law.

Sincerely yours,

Louis J. Luzbetak, S.V.D.

Louis J. Luzbetak, S.V.D.
President

LJL/dp
Enclosures: Assurance of Compliance with
Title IX Forms

DIVINE WORD COLLEGE

Office of the Academic Dean—Telephone 319—876-3393
Epworth, IA 52045

July 24, 1985

1985 JUL 29 AM 10:
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
1985 JUL 29 PM 2:54

Society of the Divine Word
Serves
Throughout the World

Angola
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Ireland
Italy
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Panama
Papua New Guinea
Paraguay
Philippines
Poland
Portugal
Scotland
Spain
Switzerland
Taiwan
Togo
United States
Yugoslavia
aire

Ms Cynthia A. Einhellig
Acting Director
Office of Civil Rights
Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Ms Einhellig,

In the absence of the President, Rev. John J. Donaghey, S.V.D., I am responding to your letter, dated June 27, 1985.

As mentioned in our telephone conversation of July 23, 1985, Divine Word College does continue to request exemption under 45 C.F.R. 86.12 (b) to Title IX requirements.

In response to the questions proposed in your letter mentioned above, the College presents the following:

1. Divine Word College is an undergraduate institution of higher learning, granting A.A. and B.A. degrees only.

2. The College is owned and operated by the Society of the Divine Word (Divine Word Missionaries), a Roman Catholic religious order of men.

3. Since the purpose of the College is to train young men for the missionary priesthood and brotherhood, and since the Catholic Church forbids the ordaining of women to the priesthood, to admit women to the academic program would be in violation of this restriction imposed by the Catholic Church.

4. The College therefore requests exemption from Paragraph 106.21, Sections (a) and (b) of Title IX.

The College wishes to reiterate the position stated by Rev. Luzbetak in his original letter, dated May 20, 1977:

"Our instituion intends to abide by those provisions of Title IX which are not in conflict with our religious tenets."

Sincerely,

Joseph D. Simon

Rev. Joseph D. Simon, S.V.D.
Acting President

WENDEL, LAWLOR, ROSEN & BLACK

DAVID I. WENDEL
VICTOR D. ROSEN
EUGENE K. LAWLOR
DONN L. BLACK
NEIL R. ANDERSON
MICHAEL A. DEAN
JACOB LEVITAN
DEANNA D. LYON
A. CHARLES DELL'ARIO
RAYMOND A. DIAZ
PATRICIA A. DURHAM
P. KURT PETERSON
CHARLES J. WISCH

ATTORNEYS AT LAW
1020 CENTRAL BUILDING
436 - 14TH STREET
OAKLAND, CALIFORNIA 94612

PLEASE REPLY TO
P. O. BOX 2047
OAKLAND, CALIFORNIA 94604

TELEPHONE
(415) 834-6600

June 2, 1977

OUR FILE NUMBER

Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Ladies and Gentlemen:

This office represents St. Albert's College of Berkeley. Enclosed please find an executed Health Education and Welfare form 639 A in compliance with Title IX of the Education Amendment of 1972 and 45 CFR Title 86.

You will observe that we marked Box B of Article 1 but have not enclosed the letter required by that part. We are presently in the process of preparing such a letter and will file it within 30 days of this date. Mr. Ken Haddock of your office advises us that this procedure is acceptable in lieu of filing the entire form late.

If there are any problems concerning this form and the forthcoming letter would you please direct your inquiries to the undersigned. Thank you for your courtesy and cooperation.

Very truly yours,

WENDEL, LAWLOR, ROSEN & BLACK

A. Charles Dell'Ario

ACD:ss
Encl.
cc: Patrick L. LaBelle, O.P.

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

SAINT ALBERT'S COLLEGE
(Name of Applicant or recipient

P. O. BOX 9126
(address)

Berkeley, CA. 94709
(city, state, zip code)

001296
(identifying code-FICE, OE, or IRS)
06001296CK

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Janko J. Zagar
(name of employee)

3. Box 9126 / Berkeley, CA 94709
(office address)

4. 415-849-2030
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: June 2, 1977

Saint Albert's College
(Insert name of Applicant)

By Patrick LaBelle, OP
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

DON BOSCO COLLEGE
NEWTON, N. J.
07860

OFFICE OF THE PRESIDENT

PHONE: AREA CODE 201
DUPONT 3-3900

August 16, 1976

Mr. Martin H. Gerry
Director
Office of Civil Rights
Dept. of Health, Education & Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

In response to your communication of July 1976 on the subject of Assurance of Compliance under Title IX of the Education Amendments of 1972, Don Bosco College claims religious exemption on the basis that it is an institution for the higher education of aspirants and members of religious communities and of candidates for the priesthood. The College is sponsored by the Salesian Society of Don Bosco, which leases the facilities and subsidizes it.

Sincerely yours,

Francis J. Klauder

FJK/tu

(Rev.) Francis J. Klauder, S.D.B., Ph.D.
President

DR. MARTIN LUTHER COLLEGE

NEW ULM, MINNESOTA 56073
TELEPHONE 507 / 354-8221

Office of the President

April 11, 1977

Mr. Albert T. Hamlin, Acting Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20024

Re: Religious Exemption under 45 C.F.R.

Dear Mr. Hamlin:

Enclosed for the second time is the "Assurance of Compliance under Title IX of the Education Amendments of 1972" and is completed to the extent that we feel it is applicable to a post-secondary, degree-granting four year college owned, controlled, supported, and maintained by a recognized church body, the Wisconsin Ev. Lutheran Synod, with national headquarters at 3512 W. North Avenue, Milwaukee, Wisconsin 53208.

On July 21, 1976, the president of the Wisconsin Ev. Lutheran Synod, Reverend Oscar J. Naumann, submitted to the Office for Civil Rights a five page letter with supporting data which fully documents the claims for religious exemption on the basis of Title IX provisions. Repeated contacts with our national headquarters indicate that no response has been made to the exemption claim.

I wish to point out that no educational program on this campus, as a matter of church policy, has ever received federal support and that there is not one penny of federal money in any of its physical facilities. Nearly 60% of the funds necessary for the college's annual operating budget is a direct subsidy of the sponsoring church body. About 40% of the operating budget is derived from student fees which are substantially lower than those of comparable private and public institutions since the sole purpose of this college is to educate young people for service as elementary teachers in the Christian day schools within the Wisconsin Ev. Lutheran Synod which operates elementary schools in 23 states. It bears repeating that every building on this campus was paid for solely and alone by the members of the maintaining church body and that there is no capital or operating indebtedness.

Because the government has chosen to get into the religious-moral field, there are provisions in Title IX which either militate against the purpose for the existence of this college or at complete variance with the religious convictions and practices of the sponsoring church body. Permit me to point to a few.

The present student body has nearly three times more women than men. In connection with regulation 86.15 it should be stated that we recruit on the basis of the needs within the Church and not on the basis of quotas.

Without violating what we strongly feel would violate Biblical injunctions, we cannot and will not accommodate ourselves to regulation 86.21, particularly the points under c. We would also have deep conscientious concerns about 86.40 b as we do with the previously mentioned 86.21 c. Depending upon its interpretation, regulation 86.32 could run counter to the Church's theological position.

The interpretation we see in 86.34 militates against the purpose of the college. We feel that we must reserve to ourselves the right to determine how student gifts can best be utilized and, therefore, as prescribed by the church body, we determine the course offerings a student is to pursue as we seek to meet the needs of the elementary school system within the Church. The students are very aware of this when they enroll.

Interwoven throughout several of the regulations is the whole matter of discipline, Christian discipline, which is a responsibility we cannot abrogate by any fiat of an external agency.

We would refer you to the file which contains the July 21, 1976, letter of the president of the Wisconsin Ev. Lutheran Synod which provides in greater detail the substantiation for claiming religious exemption.

Sincerely,

Conrad Frey, President

CF:dg

Enclosure:

DR. MARTIN LUTHER COLLEGE
NEW ULM, MINNESOTA 56073
TELEPHONE 507 / 354-8221

Office of the President

HAMelin
10/29

October 1, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry,

Enclosed is the "Assurance of Compliance under Title IX of the Education Amendments of 1972" and is completed to the extent that we feel it is applicable to an institution owned, controlled, supported, and maintained by a recognized church body, the Wisconsin Ev. Lutheran Synod with its national headquarters at 3512 W. North Avenue, Milwaukee, Wisconsin 53208.

On July 21, 1976, the synod's president, Rev. Oscar J. Naumann, submitted to you a five page letter with supporting data which fully documents the claim for religious exemption on the basis of Title IX provisions. Repeated contacts with our national headquarters reveal that no response has been given to the exemption claim.

I wish to point out that no educational program on this campus, as a matter of church policy, has ever received federal support and that there is not one penny of federal money in any of its facilities. Nearly 60% of the funds necessary for the annual operating budget is a direct gift of the sponsoring church body. About 40% of the operating budget comes from student fees which are considerably lower than at comparable private and public institutions since the purpose of this college is to educate young people for service as elementary teachers in the Christian day schools within the Wisconsin Ev. Lutheran Synod. Furthermore, all facilities on this campus were built and paid for by the synod.

There are provisions in Title IX which either militate against the purpose for the existence of this college or are at complete variance with the religious convictions and practices of the sponsoring church body. I'll point out a few.

The present student body has nearly three times more women than men. In connection with regulations 86.15 it should be stated that we recruit on the basis of the needs in the church and not on the basis of quotas.

Without violating what we feel strongly would violate Scriptural injunctions, we could not and will not accommodate ourselves to 86.21 - the points under c. We would also have conscientious concerns about 86.32,a. Regulation 86.40b falls into the same category as 86.21,c.

The interpretation we see in 86,34 militates against the purpose of the college. We feel that we must reserve to ourselves the right to determine how student gifts can be best utilized and, therefore, we determine the course offerings a student is to pursue as we seek to meet the needs of the church. The students know this when they enroll.

Interwoven throughout several of the regulations is the whole matter of discipline, Christian discipline, which is a responsibility we cannot abrogate by any fiat of an outside agency.

Although the letter you received from the synod's president, Rev. Oscar J. Naumann, included among its accompanying materials a catalog of this college, I am enclosing another. I would refer you particularly to pages 11, 12, 20, and 31.

Sincerely,

Conrad Frey

Conrad Frey, President

CF:hh

Religious Exempt.
Non Files
8/3/77
Processed
J. Welch
8/4/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Duns Scotus College
(Name of Applicant or recipient

20000 W. Nine Mile
(address)

Southfield, Michigan
(city, state, zip code)

26 002258
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Refv. Laurian Rausch, OFM
(name of employee)

3. 20000 W. Nine Mile Southfield, Mi 48075
(office address)

4. 313-357-3070
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: July 28, 1977

Duns Scotus College
(Insert name of Applicant)

By Fr James Van Hurst OFM
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

East Texas Baptist University

Dr. Bob E. Riley
President

Dal
AS sig.
2/18

January 5, 1993

U.S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Ladies and Gentlemen:

This letter shall constitute East Texas Baptist University's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. § 106.12. The University requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the University.

East Texas Baptist University is an institution of the Baptist General Convention of Texas. The Convention is composed of messengers from cooperating Baptist churches within the State of Texas. The University is controlled by the Baptist General Convention of Texas. All members of the Board of Trustees of East Texas Baptist University are elected by the Convention. The Convention fosters the University and provides it substantial financial support. I am satisfied that the nature of the Baptist General Convention of Texas and its relationship with the University establish that East Texas Baptist University is "controlled by a religious organization" as required for exemption under Section 106.12.

The University adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the University's Christian understanding of the Scriptures. The University is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the University is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances, the tenets require the University to act in ways which may conflict with specific regulations under Title IX.

The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be in violation of the University's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as

Rec'd-LSS

1209 North Grove Street, Marshall, Texas 75670-1498 (903) 935-7963 FAX (903) 938-1705

temporary disability, or to compel it to award certain benefits or privileges in spite of her condition as required by 34 C.F.R. §§ 106.40(b) and 106.51(b).

The University expects its students and employees to be Christian role models. For example, it is a violation of the University's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The University's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the University with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from §§ 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The University requests an exemption from sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquiries as to marital status and sex) insofar as these regulations prohibit the University from applying standards of Christian moral conduct in the selection and discipline of its employees.

The University provides an education to a significant number of students who are training for the gospel ministry. The University may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The University deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular significance is the University's role in preparing those who would become wives, mothers, husbands, and fathers and encouraging their adherence to the University's religious tenets regarding the family and the sanctity of marriage.

Therefore, this University requests an exemption from 34 C.F.R §§ 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This institution requests an exemption from 34 C.F.R. § 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex are required by religious tenets. The University requests exemptions from the following sections insofar as ministerial students are concerned: §§ 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from § 106.36 regarding counseling and use of appraisal and counseling materials is

requested to the extent the University's religious tenets require differentiating between counseling services on the basis of sex.

Finally, we request an exemption from § 106.39 regarding student health and insurance benefits and services to the extent this regulation would require the University to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,

Bob E. Riley
President

BER/bl

Sr. Mary Dooley, S.S.J., President
Elms College
291 Springfield Street
Chicopee, MA 01013

September 2, 1986

Alicia Coro
Acting Assistant Secretary
for Civil Rights
U.S. Department of Education
Room 5000
330 C Street, S.W.
Washington, D.C. 20202

Dear Ms. Coro:

The Elms College is a Roman Catholic institution. The religious tenants of the Roman Catholic Faith prohibit abortion or providing services or funds for the performance of abortions. For this reason, the Elms College seeks exemption from the coverage of 34 C.F.R. 106.39 and 34 C.F.R. 106.40(b)(4) or any other regulation to the extent to which it requires coverage for the termination of pregnancies.

Sister Mary Dooley (Sr. M. D.)

Sr. Mary Dooley, S.S.J., President
Elms College

EMMAUS
BIBLE COLLEGE • 2570 Asbury Road • Dubuque, Iowa 52001-3096 • (319) 588-8000

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(DASP S/O on yellow)
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cy: DASP

August 25, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Emmaus Bible College hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") 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 be receiving, indirect federal aid within our understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555, 79 L.Ed.2d 516, 104 S. Ct. 1211 (1984).

Further, Emmaus Bible 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 United States Supreme Court in Corporation of the Presiding Bishop v. Ames, 483 U.S. ___, 97 L.Ed.2d 273, 107 S. Ct. 2862 (1987).

Emmaus Bible College is a not-for-profit religious institution exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. It was incorporated as a Christian institution of higher education in 1947 in the State of Illinois and is under the control of a board of trustees. The college is completely governed by and receives its entire financial support through such corporation. The corporation maintains the religious tradition, standards and beliefs of the college.

Emmaus Bible College offers courses of instruction in areas of Biblical studies, missions, and Christian education and music. It is accredited by the American Association of Bible Colleges and is a member of the Evangelical Teacher Training Association. The college does not offer liberal arts education, but students receive course credit toward Bachelor of Arts or Sciences degrees and may obtain such degrees by supplementing their education with appropriate courses offered at liberal arts colleges. Recently the college has supplemented its undergraduate level instruction with a graduate level course of study and degree.

Emmaus Bible College adheres to Biblical tenets for matters of faith and practice, following its religious tradition. The charter of the corporation and the catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion. 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: I Corinthians 5:1-13, 6:1-11; Ephesians 4:25-32; Romans 13:1-14; I Peter 2:1, 11-17; I Timothy 3:1-13; and Titus 1:6-9.

The trustees and officers of the corporation, and the faculty, administration, staff and students of the college are all required to espouse a personal belief in the religious tenets of the Christian faith.

The college specifically utilizes a religious preference in employment practices to assure that trustees, officers, faculty and staff adhere to a common religious understanding of the 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.

The college 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, I Thessalonians 4:1-8; I Corinthians 5:1-13; 6:1-20; and Hebrews 13:4.

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 tenets and traditions. Intentional or conscious gender distinctions are not made except where important to matters of moral behavior, marriage, and residential living environments and standards prescribed by the tenets and traditions of the Christian faith as understood and practiced by the college. 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 religious freedom to make employment decisions on the basis of religious tenets and tradition.

The college therefore requests exemption from the application of all provisions of Title IX and the Title IX regulations, to the extent that they conflict with the college's religious tenets and traditions as described above. Based upon our understanding of the regulations, we believe that this specifically includes, but may not be limited to, the following provisions of 34 C.F.R. Part 106:

> Section 106.40, insofar as the college maintains its religious freedom to adjudicate matters of moral behavior, the expression of human sexuality, living environments, respect for the institution of marriage, and attire with respect to its students.
>
> Sections 106.51, 106.53, 106.57 and 106.60, insofar as the college maintains its religious freedom to adjudicate matters of moral behavior, the expression of human sexuality, living environments, respect for the institution of marriage, and attire with respect to its employees. The college also maintains that it is necessary to the nature of the employment positions of dean of men and dean of women at the college that the dean of men is male and the dean of women is female, in order to perform successfully and completely the functions and duties of these positions without potential

compromise of the moral behavior expected of the employees of the college. The gender requirements for the positions of dean of men and dean of women may also qualify as bona fide occupational qualifications under Section 106.61.

As part of the financial assistance of students, the college assists students in finding local jobs. In promotion of religious as well as social good will between the college and the local community, the college attempts to satisfy the requests and desires of local employers. Such employers may or may not exercise gender-based preferences which the college does not fight or question. The college does not understand this to be a violation of Section 106.37, but if it does apply the college hereby requests exemption from that provision as well.

There are a 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 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.

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 protect the religious tenets, practices and traditions of the college.

This letter was prepared with the aid of the Center for Law & Religious Freedom and with the assistance of local counsel. If you have any questions or require any further information, please address your inquiries to either Attorney Allan J. Carew or Attorney Norman J. Wangberg, both of Fuerste, Carew, Coyle, Juergens & Sudmeier, P.C., 200 Security Building, Dubuque, Iowa, Ph.(319) 556-4011.

Thank you for your assistance and for your prompt consideration of this letter.

Very truly yours,

Daniel H. Smith

Daniel H. Smith, President
Emmaus Bible College

EMMAUS
BIBLE COLLEGE • 2570 Asbury Road • Dubuque, Iowa 52001-3096 • (319) 588-8000

1988 DEC 19 AM 11:27

December 16, 1988

Safiyyah Muhammad
Department of Education, Office for Civil Rights, Region 7
10220 North Executive Hills Blvd.
8th Floor
P.O. Box 901381
Kansas City, Missouri 64190-1381

Re: Title IX Exemption Application

Dear Ms. Muhammad:

In response to your telephone call asking for more detailed information to supplement our application letter dated August 25, 1988, and our supplemental letter dated October 20, 1988, we have attempted to comply with your specific requests.

Please find enclosed the following items:

1. A description of the religious organization behind Emmaus Bible College from The Handbook of Denominations, Abingdon Press (1985), pages 201 through 203, the "Plymouth Brethren". Note the reference to Emmaus Bible College on page 202.

2. The Emmaus Bible College catalog for 1987 through 1989. We draw your attention to pages 14 and 15 which contain a doctrinal statement and page 16 which describes accreditation. On page 46 is a statement of spiritual requirements for admission. I am also sure that other areas of this catalog will be of interest to you.

3. A copy of a student handbook for 1988 through 1989. We draw your attention to page 12 regarding dating, engagements and marriages and to pages 14 and 16 regarding discipline and dress code.

4. A statement concerning student discipline procedure.

There is no statement of religious tenets which interpret or prescribe practice for application of Biblical teachings. Rather, the attempt is to put Scripture directly into practice.

Emmaus Bible College claims exemption from any requirement of Sections 106.40, 106.51, 106.53, 106.57, and 106.60 of 34 CFR insofar as it would require Emmaus to treat abortion in a similar manner to other temporary disabilities or medical situations, with respect to either employees or students. Biblical teaching against abortion is clear:

> "You shall not murder" (Exodus 20:13);
>
> "For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well." (Psalm 139:13,14);
>
> "Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations." (Jeremiah 1:15)
>
> "If men who are fighting hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined whatever the woman's husband demands and the court allows. But if there is serious injury, you are to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise." (Exodus 21:22,23).

Note, however, that Emmaus Bible College does provide some medical insurance for students, which insurance complies with your regulations under Section 106.39. Nevertheless, Emmaus reserves the right to adjudicate such matters of moral behavior.

Emmaus claims exemption from Sections 106.40, 106.51, 106.53, 106.57, and 106.60 of 34 CFR insofar as those sections might require Emmaus to hire or keep employees or to admit or keep students who have violated Biblical morals concerning sex and marriage, because of what Scripture clearly teaches about the sanctity of marriage:

> "God blessed them and said to them, 'Be fruitful and increase in number; fill the earth and subdue it.'" (Genesis 1:28);
>
> "Marriage should be honored by all, and the marriage bed kept pure, for God will judge the adulterer and all the sexually immoral." (Hebrews 13:4);
>
> "It is God's will that you should be sanctified; that you should avoid sexual immorality; that each of you should learn to control his own body in a way that is holy and honorable, not in a passionate lust like the heathen who do not know God." (I Thessalonians 4:3-5);

"It is actually reported that there is sexual immorality among you, and of a kind that does not occur even among pagans; A man has his father's wife." (I Corinthians 5:1);

"But since there is so much immorality, each man should have his own wife, and each woman her own husband." (I Corinthians 7:2);

"But if they cannot control themselves, they should marry, for it is better to marry than to burn with passion. To the married I give this command (not I, but the Lord): A wife must not separate from her husband. But if she does, she must remain unmarried or else be reconciled to her husband. And a husband must not divorce his wife." (I Corinthians 7:9,10,11).

Emmaus also claims exemption from the requirements of Sections 106.40, 106.51, 106.53, 106.57, and 106.60 of 34 CFR to the extent they would require Emmaus to employ employees or to admit or keep students who practice homosexuality or fornication, because of our strict adherence to Biblical teaching opposing such:

"Because of this, God gave them over to shameful lusts. Even their women exchange natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion...Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things but also approve of those who practice them." (Romans 1:26,27,32);

"For God did not call us to be impure, but to live a holy life. Therefore, he who rejects this instruction does not reject man but God, who gives you his Holy Spirit." (I Thessalonians 4:7,8);

"We also know that law is made not for the righteous but for law-breakers and rebels, the ungodly and sinful, the unholy and irreligious; for those who kill their fathers or mothers, for murders, for adulterers and perverts, for slave traders and liars and perjurers--and for whatever else is contrary to the sound doctrine." (I Timothy 1:9,10);

"I have written you in my letter not to associate with sexually immoral people...But now I am writing you that you must not associate with anyone who calls himself a brother but is sexually immoral or greedy, an idolater or a slanderer, drunkard or a swindler. With such a man do not even eat." (I Corinthians 5:9,11);

December 16, 1988

"Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders...The body is not meant for sexual immorality, but for the Lord, and the Lord for the body." (I Corinthians 6:9,13);

"Flee from sexual immorality. All other sins a man commits are outside his body, but he who sins sexually sins against his own body. Do you not know that your body is a temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought at a price. Therefore honor God with your body." (I Corinthians 6:18-20);

"If a man lies with a man as one lies with a woman, both of them have done what is detestable. They must be put to death; their blood will be on their own heads." (Leviticus 20:13).

We hope that this additional information gives you a better appreciation of the religious beliefs and practices of Emmaus Bible College and that you will find Emmaus' Application satisfactory and recognize the exemption claimed by Emmaus Bible College.

We look forward to hearing from you.

Very truly yours,

Daniel H. Smith

Daniel H. Smith, President
Emmaus Bible College

Mr. Swaggart

Evangel College
1111 North Glenstone
Springfield, Missouri 65802
(417) 865-2811

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OFFICE OF THE PRESIDENT

1988 AUG 11 AM 10:55
U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

July 15, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Evangel College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by The General Council of the Assemblies of God ("General Council"). The General Council is an association of some 11,000 Assemblies of God churches in the United States, and it has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure A). I am enclosing the General Council's charter (enclosure B) as well as a copy of its Constitution and Bylaws (enclosure C), which will demonstrate conclusively that the General Council is a religious organization.

Article II of the articles of incorporation (enclosure D) of the College specifies that "this institution is and shall be at all times controlled by The General Council of the Assemblies of God, and operated by itself or its agents. Although the work of administration and policy may be delegated, The General Council of the Assemblies of God shall have ultimate control over all phases of this institution." Similarly, Article III of the College Constitution (enclosure E) specifies that the "College is and shall be at all times owned and controlled by The General Council of the Assemblies of God."

The above-quoted provisions clearly demonstrate that the College is owned and controlled by a religious organization (the General Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the General Council).

Article III, Section 1, of the College's articles of incorporation provides that "this institution is forever bound to give Christ the preeminence in all things and is bound to the Statement of Fundamental Truths as set forth in the Constitution and Bylaws of The General Council of the Assemblies of God." The General Council's Statement of Fundamental Truths (Constitution Article V) contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and

typo

employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following. (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

President Robert H. Spence

RHS:je

Enclosures

cc: Ms. Maye Miller--Bozeman

no text cited

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Faith Baptist Bible College — Iowa
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[XX] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Undergraduate (including junior and community colleges)
[XX] Vocational or Technical
[XX] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Thomas E. Gibson
(name of employee)

1900 N. W. 4th St., Ankeny, Iowa 50021
(office address)

515-964-0601
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 28, 1976

Faith Baptist Bible College
(Insert name of Applicant)

By David Nettleton David Nettleton
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

FAITH BAPTIST BIBLE COLLEGE

1900 NORTH FOURTH • ANKENY, IOWA 50021 • 515-964-0601

CONFLICTING PROVISIONS OF 45 C.F.R. Part 86

Subpart C - 86.21 (c) Admissions

Due to doctrinal position and religious conviction pre-admission inquiry is made of applicants to determine the marital status of prospective students. We do not admit students who are divorced or married to divorced persons.

Subpart D - 86.34 Access to Course Offerings

Homiletics, a course in training pastors, is limited to men only, since we do not believe in lady pastors in our association.

David Nettleton
President

4/5/78

File
6/11/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

17001680

FELICIAN COLLEGE
(Name of Applicant or recipient

3800 West Peterson Avenue
(address)

Chicago, Illinois 60659
(city, state, zip code)

FICE - 001680
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Sister Mary Bonita Willow
(name of employee)

3. Chicago, Illinois 60659
(office address)

4. (312) 539-1919
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (X) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by August 31, 1977 (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 27, 1977

FELICIAN COLLEGE
(Insert name of Applicant)

By

Sister Mary Bonita
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

FELICIAN COLLEGE

May 16, 1985

Ms. Linda A. Cornelius
Acting Director
Office for Civil Rights - Region V
United States Department of Education
300 S. Wacker Drive - 6th Floor
Chicago, Illinois 60606

Dear Ms. Cornelius:

I have received your letter of May 10 referring to a request for religious exemption from Title IX of the Education Amendments of 1972. This request, I note from our records, was made in 1977 by checking the box in Section "B" Article I of HEW Form 639 A, "Assurance of Compliance with Title IX of the Education Amendments of 1972 and the Regulation Issued by the Department of Health, Education, and Welfare in Implementation Thereof."

Upon further study of the Title IX regulations, we find no reason for Felician College to seek an exemption at this time. Therefore, please close our request file as indicated in your letter.

Sincerely,

Sister Mary Bonita Willow

Sister Mary Bonita Willow
President, Felician College

SMBW:mg

Freed-Hardeman College

Office of the President
Telephone 901 / 989-4611

Henderson, Tennessee 38340

August 11, 1976

Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Gentlemen:

Attached you will find a copy of our request for exemptions from Title IX under 45 C.F.R. Section 86.12 (c) which identify the specific provisions of 45 C.F.R. Part 86 which conflict with our religious tenets.

Sincerely,

E. Claude Gardner

E. Claude Gardner
President

ECG:nln

Enclosures

REQUEST FOR EXEMPTIONS FROM

TITLE IX

FREED-HARDEMAN COLLEGE

AUGUST 10, 1976

Religious Commitment of Freed-Hardeman College

Freed-Hardeman College is controlled and operated by members of Churches of Christ. These churches recognize the Bible as their rule of faith and practice. The college claims an exemption from the requirements of Title IX of the Education Amendments of 1972 on a limited number of points on which it understands the requirements of Title IX and the teaching and requirements of the Bible to be in conflict. These points relate to (1) the role of women in the church; (2) differences in appearance of men and women; (3) modesty; (4) sexual morality, and; (5) marriage, divorce, and remarriage.

Since its earliest predecessor, the Henderson Male and Female Institute, was founded in 1869 by a man and a woman, A. S. Sayle and Miss Helen Post, the college has been coeducational and has employed both men and women. The intent and goal of equal opportunity for men and women was stated in the 1891 catalog of West Tennessee Christian College: "This is a mixed school. Both sexes are admitted with equal rights and privileges in every respect." While this ideal may not always have been realized, the college continues to be committed to equal educational and employment opportunity.

Freed-Hardeman College has made a diligent effort to request an exemption from the Title IX regulations in each of those areas in which it appears that there is a conflict. However, Freed-Hardeman reserves the right to reexamine the effects of Title IX on the institution and to request other exemptions should there prove to be any conflict.

SPECIFIC EXEMPTIONS

REQUESTED

REQUEST FOR EXEMPTIONS FROM TITLE IX

1. Access to Course Offerings

Department of Bible

In the Department of Bible, there are two courses designed for men only. Thev are BIB 231 (Preparation and Deliverv of Sermons) and BIB 330 (Preacher and His Work). These courses are designed for the man who will serve as a preacher and include the principles and techniques of preparing and delivering sermons and the life and work of a preacher. It is one of our religious tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11-12). Therefore, women Bible majors are not required to take BIB 231 (Preparation and Delivery of Sermons) or BIB 330 (Preacher and His Work).

Department of Health, Physical Education, and Recreation

In the Department of Health, Physical Education, and Recreation, equal opportunities exist for men and women in course offerings. Three swimming courses, PEA 165 (Beginning Swimming), PEA 166 (Intermediate and Advanced Swimming), and PEA 167 (Water Safety) are separated by sex because we believe in the observance of high standards of modesty in apparel. (I Timothy 2:9).

2. Activities and Organizations

Club Membership

It is one of our religious tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11-12). Therefore, we have one club, Preachers Club, open to men only, and two clubs, Girls Religious Training Class and Preachers Wives Club, open to women only.

3. Athletics

Intramural and Intercollegiate

Differences in athletic attire for men and women are based upon a dress code in keeping with our philosophy of modesty (I Corinthians 11:14, I Timothy 2:9).

Freed-Hardeman College is committed to providing as many opportunities as possible for its women in the area of intramural and intercollegiate athletics. However, the college has strong beliefs concerning the teachings of the Bible on the subject of modesty. Freed-Hardeman College therefore, must review from time to time the dress of athletic teams that visit on our campus in order to ensure that our beliefs in this area are not compromised. Should such dress by opposing teams violate our beliefs in modesty the college would be bound to curtail such opportunities that it now affords it women in athletics. All dress code

provisions of the college are subject to such review and change by the board of directors as it sees fit in keeping with our basic and fundamental belief in the teaching of the Bible as it relates to modesty.

4. Employment

Freed-Hardeman College requests a religious exemption in the hiring of faculty members to teach in the Department of Bible. It is one of our religious tenets that women should not publicly teach mixed Bible classes which include adult males (I Timothy 2:11-12).

5. Employment Assistance

The placement office does not recommend females for preaching positions because it is one of Freed-Hardeman College's religious tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11-12).

6. Rules and Policies

Hair and Dress Code

The men have a hair code defining minimum standards of acceptability. The women have a dress code in keeping with our philosophy of modesty. Any differences in rules concerning appearance are based on biblical principles of modesty (I Corinthians 11:14, I Timothy 2:9).

College Closed

File 6/7/

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Friendship Junior College
(Name of Applicant or recipient

P.O. Box 10750
(address)

Rock Hill, South Carolina 29730
(city, state, zip code)

57-6000528
(identifying code-FICE, OE, or IRS)
450 3433

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Shepheard Johnson
(name of employee)

3. Academic Dean
(office address)

4. 327-1186
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

file
6/15/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Friendship Junior College
(Name of Applicant or recipient

P. O. Box 10750
(address)

Rock Hill, SC 29730
(city, state, zip code)

57-6000528
(identifying code-FICE, OE, or IRS)

45003433

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

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A. The Applicant is (check the following boxes where applicable):

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3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
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B. ( ) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Shepheard Johnson
(name of employee)

3. P. O. Box 10750
(office address)

4. (803) 327-1186
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 18, 1977

S. L. Evans
(Insert name of Applicant)

By S. L. Evans
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Gardner Webb College, Inc. North Carolina
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

3700929

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) (See attached copy of position of Gardner Webb College)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Barry D. Hartis
(name of employee)

Webb Administrative Building, Gardner Webb Colle
(office address)

704/434-2361 Ext. 270
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by December 15, 1976 (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 30, 1976

Gardner Webb College
(Insert name of Applicant)

By James E. Williams
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

GPO 906-517

MAR 15 1979

Gardner-Webb College

March 9, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

Thank you for your letter noting that you are in receipt of our assurance form required under Title IX of the Education Amendments of 1972. I apologize for the response being past your request of a reply written 30 days of receipt of your letter. Your letter requested the following:

-- Information which cites the specific religious tenets and provisions of the regulations that you believe to be in conflict and

-- Background information which demonstrates the institution falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form.

The information below is supplied for your information:

1. Background

Gardner-Webb College is owned and operated by the Baptist State Convention of North Carolina. It is governed by a Board of Trustees elected by the Convention. To be eligible for membership on the Board, a person must be a member of a North Carolina church belonging to the Convention. Any major departure from the established programs of the College are reported to and ultimately approved by the Convention.

Article IX, Section B, 2. of the constitution of the Convention states that "the trustees and directors shall be responsible to the Convention for the operation of its institutions in accordance with Baptist principles."

Office of the President Boiling Springs, North Carolina 28017 Telephone 704-434-2361

2. Conflicts

Until such time as the Court has interpreted the provisions for Title IX and its supporting regulations, we have no certain way of knowing of the specific conflicts of our religious tenets and the regulation.

Although not any of the programs set forth below are federally funded, and although as the regulations are presently interpreted, we do not think any of the programs are in violation of the letter or spirit of Title IX, the following may be viewed as matters of concern:

a. Separate housing facilities for men and women.

b. Separate administrative divisions for governing the conduct of men and women students.

c. Designated institutional scholarships for both males and females based upon programs and denominational organizational structure.

As stated in our assurance statement filed previously with your office, except for the possibility of the conflicts set forth above, insofar as we know at this time, we are in compliance with Title IX.

If there are further questions, please feel free to call us.

Sincerely,

Craven Williams

Dr. Craven E. Williams
President

jr

Geneva College

Office of the President

October 7, 1988

Mrs. LeGree S. Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Mrs. Daniels,

Geneva College hereby claims 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).

Geneva College is accredited by the Middle States Association of Schools and Colleges as a liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College is controlled by the Reformed Presbyterian Church of North America, which is a non-profit religious corporation which was incorporated in the State of Pennsylvania in 1872. Geneva College is controlled by a Board of Trustees elected by a Board of Corporators that is made up of members of the Reformed Presbyterian Church of North America. The College is exempt from federal income taxation as a not-for-profit institution under Section 501(c) (3) of the Internal Revenue Code. The Trustees of the College and the faculty, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs 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 has received and receives a significant amount of its financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The College educates in the broad range of liberal arts, in which it adheres to Biblical tenets for matters of faith and practice, following its religious tradition. It specifically

Beaver Falls, Pennsylvania 15010 412-846-5100

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 performance of any religious role or office in which gender distinctions may be required. We believe that the Holy Bible, the Reformed Presbyterian Testimony, "Geneva College Charter and Bylaws," and "Foundational Concepts of Christian Education" set forth the standards for Christian profession, morality and practice. Those documents are enclosed.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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 20:1-17, Romans 1:18-32, Galatians 5:19-21, Colossians 3:5-9.

The College hereby claims 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status); Section 106.14 (claims exemption from this and related sections regarding membership practices to the extent that it interferes with the operation of extracurricular student religious activities in organizations sponsored by the College. We believe that these exemptions should also extend to the membership activities and other practices of religious organizations for students.); Section 106.32 (we claim exemption from this regulation to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house students. The regulation allows sex-segregated housing when provided by the recipient, but appears to prohibit such segregation in off-campus housing. The College claims the right under the religious exemption to interpret "separate housing on the basis of sex," as allowed by the regulation for on-campus housing, to mean separate buildings and not merely separate apartments, in both on and off-campus housing.); and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 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.

There are a 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. 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 tenets 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 woman, the College shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs 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 claim 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. John H. White who is the Associate Vice President for Religious Services and Director of Church Relations of the College, at (412) 847-6556.

Very truly yours,

J. Joseph McFarland
President

Enclosures

November 15, 1988

Mr. Robert A. Smallwood
Regional Civil Rights Director
Region III
U. S. Department of Education
3535 Market Street, Room 6300
Philadelphia, PA 19104-3326

Dear Mr. Smallwood,

Thank you for your letter of November 4, 1988 and the notification that our requests for exemption from Title IX on matters of housing and employment are in order.

I apologize for the lack of clarity concerning marital and parental status and student membership practices.

More specific answers to your questions are that Title IX sections 106.21(c), 106.40, 106.57 and 106.60 may be interpreted to mean that any employment decision or disciplinary action taken based on our religious conviction, the heterosexual, monogamous, faithful marital relationship is the standard would be discriminating. Our conviction is based on: I Tim. 5:14,15; I Corin. 7:36; Matt. 19:5, I Corin. 7:12,13; Westminster Larger Catechism Question 139: "What are sins forbidden in Seventh Commandment?... having more wives or husbands than one at the same time, unjust divorce or desertion...". And The Testimony of the Reformed Presbyterian Church of North America, pp. 64-68, Chapter 24, "Of Marriage and Divorce."

Further the position of our doctrinal standards is that parents have the ultimate responsibility for the discipline of their young people. We often feel religiously obligated to involve the assistance of parents in discipline procedures. This is based on Matthew 15:4-6, Ephesians 6:1-7, Hebrews 12:9, Westminster Larger Catechism Questions 124-128, The Testimony of the Reformed Presbyterian Church of North America pp. 68-70, "Education of Children."

In reference to Section 106:14 we are concerned because of our conviction that, in order to have extra curricular Christian ministry student groups, we are obligated by the Scriptures and our doctrinal standards to ask for a Christian profession of faith on the part of the students participating in these kinds of

groups. Such a conviction is based on Matthew 10:32, II Corin. 6:14-18, The Testimony of the Reformed Presbyterian Church of North America, which was previously forwarded, pp. 73-74, "The Communion of Saints," p. 39, "Of Good Works" p. 40, sections 2 and 3.

Thank you for your prompt consideration of our previous correspondence. I trust the additional information provided in this letter will meet the concerns you have addressed. If you have further questions, or need further information, please let us know.

Sincerely yours,

W. Joseph McFarland
President

WJM/bm

Hamelin 10/15

#3

Office of the President

September 24, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry;

The College seeks exemptions from the following sections of the Final Title IX Regulations: 86.21(c); 86.40(b)(1) and (5); 86.57 (a)(1)(b)(c)(d); 86.60(a).

The substance of all of the above sections deals with items such as martial status, pregnancy, pregnancy as a temporary disability, pregnancy leave, etc. Normally, the College is not concerned with the marital status of either a prospective student or faculty member if the status is either that of single or married. Such persons are not discriminated against on the basis of sex. On the subject of divorce, however, the College takes a different stance.

Scripture teaches that a person is to be married to one partner for life barring certain circumstances. And when a person procures a divorce because of circumstances which are specifically contrary to Biblical teaching, the acceptance of such a person as a student or member of the faculty/staff can jeopardize the Biblecal stance/teaching/education process of this church-owned College. For example, assume two persons are married. Person one involves himself in all kinds of extramarital immoral sexual activity while married which leads to his partner's procural of a divorce. Since this College takes a very clear position on the high moral behavior of students and faculty, and since these expectations are based on clear Biblical teachings, the acceptance of such a student or employee (assuming the student or employee still practices the immoral behavior) will jeopardize the integrity of the College community and its religious teachings.

Under section 86.21(c), the College may make no pre-admission inquiries as to the martial status of the applicant. This same prohibition exists with regard to employees in 86.60(a). In sum, both of these prohibitions are contrary to religious tenets of the institution in that it prevents the College from seeking to select the kind of students and employees it desires for its student body. It should be noted here that both men and women divorcees are treated in identical manners so that in fact no sexual discrimination exists here.

OCT 6 1976

Assurance

With regard to the pregnancy sections (sections 86.40 and 86.57) the College is only concerned here with an out-of-wedlock pregnancy. : As long as the pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom occur in wedlock, the College is in compliance with sections 86.40 and 86.57. But where either a student or employee becomes pregnant out of wedlock, the College reserves the right to exclude such persons (bother mother and father) from any or all of its programs. To do otherwise would be to run counter to the College's position with regard to sexual morality, which position is based on a religious/Biblical tenet.

Further, consistent with the expectations of HEW Form 639, the College submits the following information:

(1) The name of the religious organization governing the College is the Northwest Yearly Meeting of Friends Church. The College is controlled by such organization.

(2) Implementing the sections of Title IX as hereinbefore noted without exemptions asked for would conflict with a specific religious tenet of religion as practiced by the Northwest Yearly Meeting of Friends Church.

I trust this is acceptable to you.

Cordially,

David C. Le Shana, President
GEORGE FOX COLLEGE
Newberg, OR 97132

DLS:gj

Enclosure

God's Bible School
College and Missionary Training Home

1810 Young St. • Cincinnati, Ohio 45210 • Phone (513) 721-7944

October 11, 1988

Office of the President

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 State Street, Room 700C, 05-0410
Chicago, IL 60605-1202

RE: Title IX Exemption Application

Dear Mr. Mines:

God's Bible School, College and Missionary Training Home hereby claims an exemption from the requirements of Title IX of the education amendments of 1972 as herein specified, pursuant to Sections 901 (a) (3) and 908 of Title IX and 34 C.R.F. Section 106.12 (b). The college believes that it may, in the past, have received and may currently be receiving, indirect Federal Aid with our understanding of the Supreme Court decision and Grove City College vs. Bell 465 U.S. 555 (1984).

God's Bible School, College and Missionary Training Home is an accredited Bible college offering courses of instruction in the Bible and various arts and sciences. The college is controlled by a Board of Trustees, a non-profit religious corporation which was incorporated in the State of Ohio as a Christian institution of higher education under the control of these 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. The Trustees of the corporation and the faculty, students and employees of the college are required to espouse a personal belief in the religious tenets of the Christian faith. The charter of the corporation and the catalogs 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 a corporation. The college maintains this 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 practice to insure 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 and matters of moral behavior, dispute and grievance resolution in 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 in forms to be identified comprehensively in this letter; however, see for example I Timothy 4:16 "Take heed unto thyself, and unto the doctrine; continue in them: for in doing this thou shalt both save thyself and them that hear thee."

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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 traditions and tenets accepted by the college. Such standards include matters relation 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, I Corinthians 6:18 "Flee fornication. Every sin that a man doeth is without the body; but he that committeth fornication sinneth against his own body."

The college hereby claims an 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 so described above: 34 C.F.R. Sections 106.21 (c)1-2, 106.40, 106.57 and 106.60, Section 106.34, and Section 106.51, together with any application of Sections 106.38, 106.53, 106.55 or 106.59 that relates to such employment opportunities that are limited to one gender by religious beliefs of the college.

There are a 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 religious beliefs that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the college to violate our faith or any benefit of service, including the use of facilities related to an abortion.

God's Bible School

College and Missionary Training Home

1810 Young St. • Cincinnati, Ohio 45210 • Phone (513) 721-7944

Office of the President

November 28, 1989

12-22-89

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 State Street, Room 700C, 05-0410
Chicago, IL 60605-1202

RE: Title IX - Claim for Exemption - God's Bible School and College
Our file: 88-0190

Dear Mr. Mines:

I am writing in response to your letter of November 2, 1988 which in turn responded to my letter of October 11, 1988 in which I asserted claims from exemption of certain portions of Title IX of the Educational Amendments of 1972.

In the first paragraph of page two (2) of your letter, you advised that my earlier letter provided sufficient information concerning: (1) the name of the religious organization that controls the institution and; (2) the tenets that are followed by the institution. However, in accordance with your request, I advised below of the institutional tenets which conflict with Title IX and those sections of the regulations with which there is conflict.

Please be advised that exemptions from the following sections of Title IX are claimed by the institution; the religious tenets which conflict with such sections are also referenced below:

1. Sections 106.21(c) [admission]; 106.40 [marital or parental status]; 106.57 [employment]; 106.60 [pre-employment inquiries]; and, 106.51 [employment]. The institution is committed to the inspiration of the Holy Bible; that it is the "inerrant, infallible Word of God, which is the only and sufficient guide to life, belief, and conduct." Article IV of the Constitution of God's Bible School, College and Missionary Training Home, Inc.

See also pages 5 - 9 of 1981 - 91 Bulletin. Therefore, incorporated by reference, are portions of the Bible as some of the "tenets which support the claims from exemption from certain sections of Title IX. The School also believes that evidence of the Christian Life is an "inner witness that the heart has been purified from sin." Further that "this experience...can only be maintained by a walk of obedience and faith." Article IV Section 4. Constitution of God's Bible School, College and Missionary Training Home, Inc.

Consistent with biblical teachings, the institution believes that God's word forbids: (1) premarital and extramarital sexual relations and consequently, pregnancy and childbirth by an unmarried female; (2) divorce, except on biblicaly prescribed circumstances; and, (3) termination of pregnancy or the abortion of an unborn child. The foregoing would also, by definition, preclude the co-habitation of two (2) persons of the same or opposite sex without the benefit of marriage. The Scriptures are replete with passages upon which these religious tenets are based. In my letter of October 11, 1988, I referred to I Timothy 4:16 and I Corinthians 6:18. An additional reference would be found in Romans 12:1 where believers are told to "...present your bodies a living and holy sacrifice, acceptable to God, which is your spiritual service of worship." (NAS). Student Handbook, God's Bible School and College, pages 6, 7, and 8.

It seems clear that the above referenced passages from Scripture and the Constitution of the School would especially impact upon consideration of marital and/or parental status of a prospective student or employee. In addition, the religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor.

6:14ff; Mal. 2:14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the college reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religiious beliefs and practices, as described above.

There are a 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 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 tenets and traditions. The collge 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the college and the Corporation.

In the event of future amendments of 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 claim 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 consideration of this letter. Should you have further questions or require further information, please contact Attorney David A. Haffey, who represents the School in this matter, at 3836 Dayton-Xenia Road, Beavercreek, Ohio 45432; (513) 426-3310.

Very truly yours,

Bence C. Miller

Dr. Bence C. Miller,
President

BCM/vgw

Grace Bible College
1011 Aldon, S.W. • P.O. Box 910 • Grand Rapids, Michigan 49509 • 616/538-2330

August 6, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights - Region V
300 S. Wacker Drive - 8th Floor
Chicago, IL 60606

Dear Ms. McGovern:

I am responding to your letter of July 18, 1985.

1. Grace Bible College is controlled by an independent board which is affiliated with the Grace Gospel Fellowship Denomination. The Board of Grace Bible College is self-perpetuating and is re-elected each year. There is, at the present time, a proposal to the Board to limit the Board members' term of office to five years.

2. Enclosed you will find a copy of our doctrinal statement. In addition to our doctrinal statement, our denomination believes that the Bible teaches that the husband is the head of the wife and that men, not women, are called by God as ministers of the Gospel.

3. We request exemption from the following sections:
   106.21 Admission (c) (2) and (4)
   106.40 Marital or Parental Status (b)
   106.60 Pre-employment Inquiries (a)

   All of our requests for exemption are made on the basis of our commitment to what we interpret to be the biblical standard of Christian living and morality. We would not permit a student to enroll in School who is pregnant or who has recently given birth to a child if not married. If we knew the father of such a child, we would not permit him in School either.

   Since we believe that males are called of God to minister the Word of God, it is necessary for us to have males teaching such courses as Homiletics (how to develop and preach a sermon) and Pastoral Counseling, and, therefore, it would be necessary for us to ask applicants for such teaching positions if they were male or female.

With these slight exceptions, we agree with the spirit of Title IX. We do not grudgingly submit to this governmental regulation, but we do so happily since we believe there should be no discrimination between males and females and practice that here at Grace Bible College.

If I can be of further help to you, please advise.

Most cordially yours,

Jack T. Dean, Ph.D.
President

JTD/vlj

Grace Bible College

1011 W. ALDON ST. GRAND RAPIDS, MICH. 49509

FROM THE OFFICE OF THE PRESIDENT

October 18, 1976

Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Sir:

We of Grace Bible College would like to claim a religious exemption under 45 C.F.R. ¶86.12(b).

We of course will make every effort to comply, providing the regulations do not conflict with the basic biblical aims and objectives of the college. We do believe in the basic concepts of Title IX, and believe there should be no discrimination of person's rights.

Because of our biblical commitments concerning the headship of the husband in the family and the headship of the male in religious organizations, we do not require women to do preaching in their internship programs, although we do require them to speak in churches. We also feel we need to reserve the right for the President of the college and the Chaplain of the college to be males.

Because of our commitment to morality of living, we feel we need to reserve the right to require people who are living together and affiliated with our college to be married. We also require modest dress of our people in order that their appearance will be in conformity to biblical standards.

If I can be of further help in clarifying this to you, please advise.

Very cordially yours,

Jack T. Dean

Jack T. Dean, Ph.D.
President

JTD/lav

Members of the Board of Directors and Reference

PASTOR WAYNE WEBB, CHAIRMAN
DR. JACK DEAN, PRESIDENT

PASTOR CHARLES BAKER
MR. JOHN BULTEMA
MR. ERV CARLSON
PASTOR CARL CLUM
MR. EUGENE COLEMAN
MR. EINAR COMFIELD
MR. WESLEY EHRESMAN
MR. EDWARD ERICSON
PASTOR WM. GROENVELD
PASTOR GERALD HORGAN
PASTOR PAUL HUME
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MR. WILLIAM VELTING
DR. PETER VELTMAN
MR. ALLAN WOLF
PASTOR R. YOUNGSTROM

M.E.

GRACE COLLEGE OF THE BIBLE

1515 SOUTH 10TH STREET • OMAHA, NEBRASKA 68108
PHONE 402 342-3377

May 23, 1977

Foley ✓
Hew
Kam

Mr. Albert T. Hamlin, Acting Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Sir:

Grace College of the Bible in accordance with Section 86.12 of Part 86, Title IX of the HEW Education Amendments of 1972 requests the following exemptions due to religious tenets:

1. Paragraph 86.21, C. 4
   Grace College of the Bible does not accept divorced persons or persons married to a divorced person. This policy is based upon the Biblical teaching that leaders in the church should lead exemplary lives and that an elder or deacon should be the husband of one wife. I Timothy 3:2. Board motion #24, December, 1974; and #16, May, 1975.

2. Paragraph 86.34
   Grace College of the Bible does not hold to the Ordination of women to the position of Pastor on the basis of the teaching of the Pastoral Epistles as well as Eph. 4:11. Because of this the following exemptions are requested:
   a. Homiletics classes are reserved for men only, women being offered an advanced course in Forms of Public Speaking.
   b. Two areas of study leading to possible ordination of graduates are restricted to men only
      (1) The Pastoral Ministries program
      (2) The Evangelism program.

Sincerely,

Robert W. Benton

Robert W. Benton, Th.D.
President

RB:rs

GRACE COLLEGE
GRACE THEOLOGICAL SEMINARY

Office of the President

STATEMENT OF EXEMPTIONS FROM TITLE IX

In accordance with provisions provided in part 86.12 of Title IX, Grace Schools are claiming three exemptions because of conflicts between specific tenets of our organization and subparts of Title IX. Grace College and Grace Theological Seminary are united under one administrative organization that is affiliated with the Fellowship of Grace Brethren Churches and committed to the doctrines of God as set forth in the Bible.

On the above grounds, the following exemptions are being claimed:

(1) Since Grace Theological Seminary is an institution whose program is specifically for the education of students to prepare them to become ministers or to prepare them to teach theological subjects, an exemption is being claimed in its admission procedure.

(2) An exemption is being claimed because of the requirement of male sex as a bona-fide occupational qualification for teaching Bible courses in the College and for professors in the Seminary. All other faculty positions in the College are non-discriminatory on the basis of sex.

(3) The final exemption is being claimed for the male sex as a bona-fide occupational qualification for appointment to membership on Advisory Committee to the President. The Advisory Committee to the President is composed of the six main administrative officers of the institution: The Vice President, the Dean of the Seminary, the Academic Dean of the College, the Dean of Students of the College, the Director of Business Affairs, and the Director of Development. All other positions under these main officials in the college are non-discriminatory on the basis of sex.

Date Sept. 30, 1976 (signed) Homer A. Kent, Jr.

Homer A. Kent, Jr., President

SELF-STUDY OF GRACE COLLEGE AND GRACE THEOLOGICAL SEMINARY

FOR TITLE IX

The following report is the self-study of Grace College and Grace Theological Seminary as mandated under Title IX, 45 C.F.R. 86.3.

The organization of this report adheres to the organization as set forth in part 86 of Title IX, C.F.R. 45., entitled, "Non-discrimination on the basis of sex in educational programs and activities receiving or benefiting from federal assistance."

As stated in part 86.3 paragraph (d) we shall "maintain on file for at least three years following completion of the evaluation required under paragraph (c) ". . . description of modifications made in review of requirements and remedial steps taken."

86.8

The Director of Business Affairs has been designated as the responsible employee to coordinate efforts of the institution under the provisions of Title IX.

Employees and students are being notified of the grievance procedures as specified in Title IX. These grievance procedures will also appear in the next version of the student, faculty, and staff handbooks.

86.9

The offices of Admissions, Registrar, and Academic Deans have been instructed to revise on applications for admissions, for employment applications for staff and for employment applications for faculty, to include a statement of the nature that Grace College does not discriminate in either admissions or employment regarding marital status of a candidate but does require the candidate's adherence to the moral laws of God as set forth in the Bible.

As required under part 86.9 (a) (2), notice - of the self-evaluation study has appeared in the campus bulletin.

86.12

Following the provisions as set forth in part 86.12 paragraphs (a) and (b), a claim requesting partial exemption is attached to this self-evaluation. As stated in part 86.12 paragraph (b) our claim for exemption will, "identify provisions of this part which conflict with specific tenets of the religious organization." It is also our understanding as stated in paragraph (b) of part 86.12 that this submitted request will be signed by the highest ranking official of the institution (the president).

86.15

Grace College has never and does not discriminate on the basis of sex in the admission of students. A statement of this nature is set forth in the catalog of the college.

An exemption as provided in part 86.12 paragraph (b) is being claimed by Grace Theological Seminary. The claim is based on the grounds that Grace Theological Seminary is an institution whose program is specifically for the education of students to prepare them to become ministers or to prepare them to teach theological subjects.

86.17

Grace College is implementing athletic program changes required to eliminate minor discrepancies that have existed in the past. For example, the athletic budget has only five $100 athletic scholarships available. The distribution proposal for the athletic budget next year will award two of these scholarships to women athletes and three to men athletes.

86.21

Grace College does not discriminate between men and women in applying its standard with respect to violation of the moral laws of God concerning premarital sex and the results thereof. Inquiry concerning marital status on the application form is made equally of men and women.

86.22 86.23

Grace College does not give preference for admission to the college on the basis of sex and has a nondiscriminatory recruitment policy.

Grace Theological Seminary claims an exemption as provided in part 86.12 paragraph (b) and stated partially in part 86.15 of this self-evaluation. A more complete report of the exemptions claimed under part 86.12 accompanies this self-evaluation and same is signed by the president of Grace Schools.

86.31 (1)

Grace College does not discriminate between men and women on the assignment of aid, benefit, or service relative to loans and scholarships except as shown in part 86.31 paragraph (2).

86.31 (2)

The proposed athletic budget including a readjustment of scholarship awards between men and women is discussed in part 86.17 paragraph 1, above.

86.32

Board charges in college owned and controlled housing are equal for men and women. The college controls standards of quality in all of its housing facilities. The college strictly enforces it housing policy that states that all students under twenty three years of age must live in campus owned housing. The few exceptions to this rule are clearly pointed out in the student handbook. Requests by students for non-campus housing, following the approved provisions as stated in the student handbook, are handled with equality.

86.33

Grace College does have separate locker room and shower facilities for men and women. The separate facilities are comparable in quality.

86.34

Catalog offerings are on a non-discriminatory basis. Physical Education classes allow for enrollment of both men and women in all areas, except contact sports.

86.36

All testing material used by Grace College for counseling purposes are identical for men and women.

86.37 (a) (b)

There are a few restricted scholarships for both men and women. However, with over two-thirds of the student body receiving some form of financial assistance the overall effect of financial assistance is non-discriminatory on the basis of sex. Loans and scholarships other than the restricted scholarships are dispersed on the basis of non-discriminatory criteria.

86.37 (c)

The transition plan as discussed in part 86.17 paragraph (a) will insure a reasonable balance between men and women especially considering the opportunities and number of men and women students participating in intercollegiate athletics.

86.38

Grace College does not discriminate in job opportunities made available to students on the basis of sex. Positions are open equally for men and women and remuneration for employment is according to the job.

86.39

Health insurance benefits and services are equally available to men and women students. Gynecological care is included in health insurance coverage for employees of Grace Schools.

86.40

The distinctions made clear by Scripture regarding the sexes are accepted by Grace College and Grace Theological Seminary. The application of Scriptural mandates is applied equally to both sexes. Scriptural principles of this nature are clearly set forth in the student handbook which each student receives before arriving on campus. Grace College and Grace Theological Seminary will take all appropriate measures to maintain and preserve these Scriptural distinctives.

86.41

Both men and women may serve on intercollegiate athletic teams, except in contact sports. Opportunities for intercollegiate and intramural sports are available for men and women. The opportunities available for intercollegiate athletic teams for women are largely based on interest. Where there is no team in a particular sport for women, except for contact sports, a woman may try out for the men's team. For example, this September several women wanted to try out for the men's tennis team. Since the women did not have an opportunity for a women's team and since tennis is a non-contact sport, the women were encouraged to try out for the men's tennis team.

Grace College has only one gym but the availability of equipment is equal between men and women. The scheduling of games and practices are determined by the number of men and women participating in inter-collegiate athletic teams and the number of games played by the men's and women's athletic teams. Coaches are available for all sports and compensation is assigned on the basis of the college's salary scale, which is non-discriminatory on the basis of sex. Health care and medical services are available to men and women. Men's and women's programs and schedules are covered in school publications and by the college newspaper services.

86.51

Employment opportunities in educational programs are available to either men or women. An exemption is claimed only in the Bible course offerings on the basis of part 86.12 paragraphs (a) and (b). The attached explanation of part 86.12 explains that the male sex is a bona-fide occupational qualification for this position according to a specific tenet of our religious organization. Rates of pay are non-discriminatory and advertising is by position which is open to either sex. Fringe benefits are equal for men and women and pregnancy is treated as a temporary disability following the provisions as set forth in the Faculty and Staff Handbooks.

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Compensation is non-discriminatory on the basis of sex. Where there is equal work on jobs which require equal skill, effort, and responsibility and working conditions, there is equal compensation.

86.56

Fringe benefits are equal for men and women. Normal retirement for men and women is 65. Where there is need, and where the employee desires to continue the relationship, there is equal opportunity given to either sex after 65.

Grace College and Grace Theological Seminary have a consistent policy for both male and female employees and students that is governed by adherence to the moral laws of God as set forth in the Bible.

86.60

Grace College solicits information on marital status equally from both men and women.

86.61

There is no discrimination on the basis of sex in employment opportunities except for the exemptions claimed, following the provision as stated in part 86.12. According to our specific religious tenets of organization only a male with appropriate qualifications can be accepted for employment as either a professor in Grace Theological Seminary, a professor of Bible Courses, or for a position of the Advisory Committee. "The Advisory Committee to the President is composed of the six main administrative officers of the institution: The Vice-President, the Dean of the Seminary, the Academic Dean of the College, the Dean of Students of the College, the Director of Business Affairs, and the Director of Development."

DATE Sept. 30, 1976 (signed) Homer A. Kent, Jr.

Homer A. Kent, Jr., President

GRACE COLLEGE
GRACE THEOLOGICAL SEMINARY

Office of the President

STATEMENT OF EXEMPTIONS FROM TITLE IX

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DATE Sept. 30, 1976 (signed) Homer A. Kent, Jr.

Homer A. Kent, Jr., President

Grand Canyon College

3300 WEST CAMELBACK ROAD • (602) 249-3300 • POST OFFICE BOX 11097 • PHOENIX, ARIZONA 85061

Dr. William R. Hintze, *President*

November 4, 1976

TO WHOM IT MAY CONCERN:

This is to certify that Grand Canyon College is a Christian liberal arts college owned and operated by Arizona Southern Baptists, founded in 1949.

The instructional staff is selected with the objectives of the college in mind, emphasis being placed upon character, academic competence, teaching ability, and personality. Evidences of character include dynamic Christian living, active participation in and financial support of church affairs.

The college is open to academically and morally qualified students regardless of national origin, race, creed, religious beliefs, or sex.

Signed: William R Hintze

William R. Hintze, President

WRH: c

Grand Rapids Baptist College Seminary

1001 EAST BELTLINE, N.E.
GRAND RAPIDS, MICH. 49505
(616) 949-5300

MCK 7/23

OFFICE OF THE PRESIDENT

July 1, 1976

Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Sir:

The attached material is a response for non-compliance to certain regulatory acts of Title IX pertaining to Sex Discrimination, Part 86, Sub-Title A, Title 45, of the code of Federal Regulations.

In the Annual Meeting of its controlling body held on May 7, 1976, nine provisions of the Act, which if implemented, were identified as being in violation of and inconsistent with the religious tenets of the governing body of the Grand Rapids Baptist College and Seminary.

Apart from these particular violations, the Grand Rapids Baptist College and Seminary has for years provided equal opportunity and equal pay without discrimination, and it shall be the intent of the administration to continue to both teach and demonstrate that equality.

Sincerely,

W. Wilbert Welch

W. Wilbert Welch, Ph.D.
President

WWW:blm
Enc.

RECEIVED
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The Grand Rapids Baptist College and Seminary has reviewed carefully the federal government (H.E.W.) regulations concerning "Non-discrimination on the Basis of Sex under Federally Assisted Education Programs and Activities," effective July 21, 1975.

The Grand Rapids Baptist College and Seminary is a private, independent, religious liberal arts College and Seminary, responsible to an evangelical Baptist constituency, supported basically by that constituency and student fees. This school neither seeks nor receives direct financial assistance from the federal government in the areas of capital expansion, special grants, equipment or operations, nor does it intend to do so. In view of the above, while it is the full intent of the school and its supporting constituency to provide equal opportunities to members of both sexes in compliance with the provisions of Act 86, the following general exceptions to the Act are herewith noted:

One - The federal agency, H.E.W., has no constitution right to determine the validity or non-validity of the religious tenets of a religious body or its private religious educational institution. The establishment of such regulations by any government agency is an infringement upon and a direct violation of a constitutional provision for the exercise of religious freedom.

Two - The provision of Act 86 whereby an institution may apply for exemption from certain regulations of the Act when compliance would be in violation of certain specific religious tenets of the institution's controlling religious body. This is in direct violation of this institution on two counts:

(1) Such a provision if implemented by any private, religious, educational institution automatically recognizes and establishes H.E.W. as an agency properly authorized and capable of determining the validity of, the extent of, and the number of religious tenets in conflict with the regulations of the Act.

(2) Such a provision completely disregards the historic principle of many Baptist fellowships in which there are no hierarchal structure defining or establishing their religious tenets. In such Baptist fellowships each church is autonomous and has its relationship with other churches only in the recognition of a common faith and practice and in the voluntary association of such independent churches. The exemption provision as stated negates the possibility of many Baptist institutions formally applying for exemptions on the basis of conflict with the tenets of the denomination.

The following specific exceptions to the Act are likewise noted using the number and letter of Part 86, Sub-Title A, Title 45, of the Code of Federal Regulations, which appeared in the Federal Register, June 4, 1975.

One - 86.21 (c) (1)-(4). Specifically as it relates to Seminary admission practices, prohibiting any discrimination on marital or parental status of student applicants, or any pre-admission inquiry concerning marital status.

86.57. This prohibits discrimination in employment based upon pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. The regulation requires that the College and Seminary treat pregnancy as a temporary disability, and as sufficient justification for a leave of absence with guaranteed reinstatement privileges.

86.60. This prohibits any inquiry of prospective employees concerning marital status.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We firmly believe that Biblical principles governing the qualifications for Christian service include clear instructions regarding sexual morality, and that the Bible provides clear and essential guidelines concerning the marital status of those who would be Christian leaders.

Two - 86.23 (a). A regulation which indicates a school may be required to undertake additional recruitment efforts toward one sex in order to correct a sex enrollment imbalance existing prior to the adoption of the regulations.

86.34. This regulation denies the College and Seminary the option of providing any academic course to one sex only.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We believe the Bible excludes women from the ordained ministry. Since a primary purpose of the Seminary is to prepare ministers, the Seminary shall not engage in the recruitment of women for this purpose. On the same basis the College holds open the option to conduct certain classes applicable for those preparing for the ministry.

Three - 86.31 (b)(5). This clause requires that a college not discriminate against any person in the application of any rules of appearance.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulation as a violation of our religious convictions. We believe it is within the purview of a private College and Seminary to determine grooming guidelines on the basis of differing expectations of the sexes. It is the intent and practice to maintain the Biblical identity of the sexes while upholding their equality of person, intelligence, dignity and opportunity.

Four - 86.40 (b)(1),(4),(5). These regulations include (1) that the College and Seminary may not discriminate against nor exclude any student on the basis of pregnancy or abortion; (2) that pregnancies and related disabilities be treated as any other temporary disability with respect to student health insurance; and (3) that the College and Seminary treat pregnancy as justification for a leave of absence for as long as medically necessary, with the student reinstated to the status she held when the leave began.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulations as violations of our religious convictions. We believe the College and Seminary have the right to suspend any student, male or female, whose sexual practices, whether culminating or not culminating in pregnancy, are defined by the Bible as in violation of its moral standards. We further believe that the school has the right to take other appropriate disciplinary actions, which may include the forfeiture of academic credit for a given semester in which such an infraction occurs.

Five - 86.51 (a)(1),(2). This regulation requires the College and Seminary to end discrimination between sexes in all hiring.

86.55 (a). Related to the above, this paragraph states that the College and Seminary cannot classify a job as being for males or females.

RESPONSE. This private, religious, educational institution and its supporting constituent religious body regard the above regulation as a violation of our religious convictions. We believe under our Biblical guidelines that men should take the positions of leadership and teaching in the church. By extension it follows that, while not totally exclusive of female leadership, certain administrative and teaching positions are more appropriate for men.

The above exceptions to Act 86 have been reviewed and approved by the Grand Rapids Baptist College and Seminary administration and its supporting church constituency in the regular Advisory Council Annual Meeting, convened the seventh day of May, 1976.

Signed _____
W. Wilbert Welch, Ph.D.
Chief Administrative Officer

_____
Eugene Berends, Ph.D.
Chairman of the Executive Board and
Chairman of the Advisory Council

_____
Richard C. Annis, Jr., Attorney
Secretary of the Executive Board and
Clerk of the Advisory Council

Grand Rapids School Of The Bible & Music

1331 FRANKLIN S.E., GRAND RAPIDS, MICHIGAN 49506
PHONE (616) 452-9713

April 14, 1977

Dear Sir:

Careful examination of your materials and the form to be filled out indicated to us that article one, A, point 4 is our classification. However, we felt it wise to check point B under article one as well.

We do not believe in discrimination in any form. However, we are a religious school and we accept such biblical distinctions as God has indicated. We have deep convictions on moral, spiritual, and biblical principles.

These principles could enter in to interpreting some of the regulations that are stated. We have convictions such as: The pastoral ministry is for men only, distinct positions for each member of the family in the home and the church, exclusion for immorality, distinct dress and appearance codes.

We don't see ourselves in conflict with the spirit of the regulations nor do we anticipate violation in the future. However, if moral or biblical principles entered into any case we would have to act in keeping with our convictions on the Bible.

We are an institution that trains Christian workers, both men and women, for biblical positions. In keeping with that we seek to maintain high moral and biblical standards. All students or employees are subject to biblical as well as governmental standards.

Sincerely,

L. John Miles

L. John Miles
President

LJM/geg

Administrative Staff:
John L. Miles, President
Robert McIntyre, Director of academic affairs
David Huseby, Executive Director
Richard Larson, Director of student affairs
Richard Manion, Director of public relations
Cliff Hamil, Director of business
Clair McCombs, Director of aviation
Candace Walters, Registrar

Board of Directors:
Richard Becker
John Boers
Henry Broersma
Edward Ertner
Robert Graves
William Hentschel
Kenneth Hettinga
Milton Krugman
John Miles
Gene Pasma
Jerry Paulson
John W. Peterson
Peter Quist
George Rutenbar
Claude Spoelstra
George Tuinstra

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OASP(LEWIS)

Great Lakes Bible College

P.O. Box 40060 • Lansing, Michigan 48901-7260 • Phone: (517) 321-0242

December 21, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Religious Exemption

Dear Sir:

Great Lakes Bible College hereby claims an exemption from the requirements of Title IX of the Education Amendment 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).

Great Lakes Bible College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is controlled by its board of trustees, whose members represent various Churches of Christ and Christian Churches in the Michigan area. It is a non-profit educational corporation which was incorporated in the State of Michigan in 1972 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. The trustees of the corporation and faculty, students and employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Articles of Incorporation of the corporation and the catalogs and other official publications of the college contain explicit statements that the college is committed to the doctrines of the Christian religion. The college is completely governed by its church representative board of trustees and receives its entire financial support from such churches and their members. The college maintains its religious tradition, standards and beliefs in accordance with the requirements of Churches of Christ and Christian Churches.

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, Ephesians 4:11, I Timothy 2:9-15, I Timothy 3:2 and 5, and Titus 1:6.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Matthew 19:1-9, I Corinthians 5:9-13, I Corinthians 6:9-20, and II John 9 and 10.

The college hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

There are a 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 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 tenets 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the college and its board of trustees.

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 claim 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 the undersigned at (517) 321-0242.

Very truly yours,

Philip H. Schlaegel

Philip H. Schlaegel, President
Great Lakes Bible College

PHS/gc

Harding Academy
1000 CHERRY ROAD
Memphis, Tenn. 38117
767-4400

DR. HAROLD BOWIE, SUPERINTENDENT

October 21, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Gerry:

Thank you for your recent letter concerning our application for exemption from certain of the requirements of Title IX. It is my understanding from your letter that we do have your permission to separate boys and girls at the high school level for Bible instruction in compliance with the religious tenets of the Church of Christ with which we are affiliated.

You asked for a clarification of our application concerning the requirements of Sec. 86.31 (a) (5). I am not certain whether or not we need to seek exemption from this requirement. We have a dress code with specific requirements for boys and specific requirements for girls. For instance, we have a hair length requirement for boys that does not apply to girls and we have a dress length for girls and do not permit girls to wear boys' blue jeans. We also require boys to wear socks and belts and require them to keep their shirt tails tucked in their pants. If these items are not in any way a conflict with this requirement, then we do not need to seek exemption from it.

In reference to our concern about Sec. 86.40 and Sec. 86.57, we have a policy not to admit students or employ teachers who have engaged in extramarital sex relations as evidenced by pregnancy. Such persons are also dismissed from the school should such happen after they are admitted or employed. This policy applies equally to men and women, boys and girls.

We also wish to retain the right to refuse employment to any applicant who is divorced for reasons other than those generally accepted by Churches of Christ as being compatible with the teaching of the Bible. This policy applies equally to both men and women. If Title IX would require us to alter the policies that have been stated, then we would seek exemption from that part of the Title IX requirements.

Thank you for your letter and the opportunity to clarify our request.

Sincerely yours,

Harold Bowie

Harold Bowie
Superintendent

HB:lw

Harding College
Searcy, Arkansas
72143

OFFICE OF THE PRESIDENT

July 21, 1976

Dr. David Matthews, Secretary
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Dr. Matthews:

I am writing to inform you that Harding College, the Harding Graduate School of Religion, and Harding Academy of Searcy (kindergarten through twelfth grade) all operated directly by the administration of the College, will comply with the regulations of Title IX insofar as they do not violate our religious principles upon which this institution was founded and has been operating during its 52 years as a senior institution. We have conducted our self-study, appointed our compliance officers, and established a grievance procedure. Now we are seeking exemption in those areas which we feel are incompatible with Biblical principles by which we are guided.

Harding College is a Christian institution, supported and operated by members of the church of Christ, who believe that one of its most important Biblical principles has been the proper role and function of men and women in society, the home, and the church. To abandon the roles delineated and defined by God is to reject His plan for mankind.

Harding College has been established upon the teachings of the Word of God. Thus our basic thrust, rules and regulations on campus and programs recognize that men and women are of equal personal worth in the sight of God but that the role and the function of men and women are quite different. Women must not usurp the place of man in society, in the church, and in the home and men must not abandon their position as head of the home and spiritual leader, which are responsibilities assigned by the Word of God.

In the sacred Scriptures women are not permitted to serve as preachers, deacons, or elders. Neither should they serve as a teacher of Bible in a classroom occupied by adult males.

The Scriptures also exhort and admonish Christian women toward the observance of modesty in apparel and activity. This would preclude their appearance in indecent or immodest attire, as well as participating with young men in activities which may lead to thoughts or practices contrary to Christian character and morality.

Although Harding College is controlled by the church of Christ, occasional differences of interpretation and belief may arise and the position of Harding may not be agreed upon by all members. These differences occur because the churches of Christ have no written creed other than the Bible, no earthly headquarters, and accept only Christ as the head of the church and recognize the sincerity of divergent views.

The revealed Will of God indicates only two sexes--male and female. Furthermore, the only sexual relationship approved by the Scriptures is that found to be between a male and female in wedlock. Therefore, all sexual relationships other than that one cannot be condoned. In substance, Harding College must always reserve the right to take action against persons involved in heterosexual relationships outside the holy union of wedlock and in homosexual relationships.

Exemptions sought:

1. Section 86.34 of Title IX provides that there shall be no discrimination in course offerings based upon sex. Ninety-nine percent of our courses are open to both sexes, but there are some exceptions.

   a. Because of our religious beliefs and the fact that women are not permitted to preach, there are three courses in the preaching division of the Bible Department labeled Bible 425x, 420Gx, and 421Gx which are open to men only.

   b. Because our religious conviction opposes mixed swimming, our swimming classes and programs are separated by sex.

   c. Because our religious convictions are opposed to compromising positions and situations that are immodest, our gymnastics and weight-lifting classes have separate sections for men and women.

2. Housing regulations. Section 86.32 of Title IX regulations reads, "A recipient shall not on the basis of sex apply different rules or regulations, etc." We believe that the Biblical teaching on the roles of men and women necessitates our being more protective of our women students. For this reason we have always required them to be in earlier in the evening and have always been more security conscious for their safety. Since it is so late in the year and our next semester is upon us, we are not planning to change the program drastically since it would not be fair to incoming students. However, we are in the process of modifying our regulations to avoid any unnecessary discrimination.

3. Intramural and intercollegiate athletics. Section 86.41 provides for equal opportunity for participation in athletics. Harding has long maintained an excellent intramural program for young men and young women. About seventy-five percent of our young men participate and about sixty-five percent of our young ladies are engaged in numerous sports activities. The program is about as equal as it can be insofar as the sexes are concerned.

   In intramural athletics we can control the dress of those who participate. We cannot control the dress of those who participate in intercollegiate athletics from other campuses. For this reason, we seek exemption on religious grounds from all women's sports which we deem to bring to our campus improper and suggestive attire. For many years we have forbidden bands, athletes and other groups from other institutions to come to the campus if they are accompanied by young ladies who are dressed in indecent uniforms, such as twirlers, majorettes, etc.

4. Rules and regulations. Section 86.31 of Title IX regulations relate to educational programs and activities. Harding's dress code pertaining to modest and decent attire is based upon religious tenet. We seek to continue our standards in this area. There are also separate clubs, social clubs and religious clubs, such as the Timothy Club for young preaching students open to men only and JOY, a Christian service organization for young ladies. Such organizations remain separate due to the Biblical delineation of Christian service of men and women.

   Young men have been permitted to smoke only in their rooms, but the young ladies have not been permitted to smoke at all. This year will be a transition in which we will phase out men's smoking so that no one will be permitted to smoke on the campus after this year.

   Harding College also operates a Christian Communication Program which is a preacher training program. In view of the fact that Biblical injunctions forbid women serving as ministers, men only are permitted to enter the program. The wives also are offered free classes designed specifically for the wives of ministers and they are permitted to audit courses and sit in on classes without charge. Funds are also raised from churches to support the men while they are studying to be ministers. Because of our religious tenet in this matter, we must still allow men only in the program.

5. Financial assistance. Section 86.37 pertains to nondiscrimination in financial assistance. At Harding we have several scholarship funds which have been provided by others. Two of them are for women only but the bulk of our funds have been given for ministerial students and for those who are majoring in Bible. In view of our religious tenet concerning the necessity of ministers being men, it is essential that the scholarships and loan funds continue to be provided for men only. Therefore, we seek an exemption in this area because of our religious tenet.

6. Parental status. Section 86.40 reads, "A recipient shall not apply any rule concerning a student's actual or potential parental, family or marital status which treats students differently on the basis of sex." Because our religious tenets strongly oppose extra-marital sexual and homosexual relationships, Harding must reserve the right to exclude students, faculty members, or staff members, male or female, who violate the Scriptures concerning such relationship. We, therefore, seek exemption from this section of Title IX.

Harding College is not seeking to discriminate against women, but being controlled by the church of Christ and its interpretation of the sacred Scriptures and being established upon Christian principles, it is imperative that we seek exemption in these areas which we feel would violate our conscience. We appreciate the recognition by our government of the conscience of religious people and the diversity of their religious tenets. We are grateful for the opportunity to secure exemption in these areas in which we feel the Scriptures would forbid us to participate.

Having exemption in these areas would permit us to develop a program of academic, social, athletic, and religious efforts which would be consistent with our understanding of the Word of God. If you have any questions or desire more information on our religious tenets, we will be happy to provide it for you.

Thanking you for your understanding and consideration in this matter, I remain

Sincerely yours,

Clifton L. Ganus, Jr.
President

CG:ep

Harding College
Searcy, Arkansas
72143

OFFICE OF THE PRESIDENT
AREA 501 / 268-8550

Hamlin
Jones
1/84

January 3, 1977

OFFICE OF THE GENERAL COUNSEL
CIVIL RIGHTS DIVISION
RECEIVED
JAN 10 1977
AM 5-35 PM
7 8 9 10 11 12 1 2 3 4 5 6

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

Thank you for your letter of October 14, 1976, which responded to my letter of July 21. In your letter, you asked that I complete HEW Form 639 and send it to you. I wrote you to the effect that this form had already been sent to you on September 30. As yet, I have not heard from you as to whether or not you have received this form. If not, then I will be happy to complete another copy for you. We appreciate the good spirit of your letter and the exemptions which you have already granted. We have no objection to having women in gymnastics and weight lifting and will provide sections for them as we do for the young men.

You asked when the phasing out of smoking for men will be completed. The answer is that it will be phased out at the end of this school year, in August of 1977. After that, the regulation will be the same for both men and women.

You asked for a description of our current policies concerning curfew and security rules as well as our proposed modifications and when these would be completed. Presently, our policy is that our women students must be in by 10:30 p.m. Sunday through Thursday and by midnight on Friday and Saturday. Freshmen and sophomore men must be in by 11:00 p.m. Sunday through Thursday and by midnight Friday and Saturday. Junior and senior men now are only encouraged to be in at the same hours and are admonished if they have a pattern of being out late.

In the 1977 school year, junior men will be under the same regulation as underclassmen and in 1978 all men will be so regulated. This gives the men time to get the young ladies to their dorms and to be in appropriately. Moreover, the girls are off campus before the young men are, which we deem to be safer for our young ladies.

JAN 1977
J-26

You state that we apparently do not need religious exemption in the area of intercollegiate sports for women because we could set standards of dress for visiting teams. I am afraid that this is impossible. No visiting team is going to have two sets of uniforms--one for the Harding campus and one for their other contests. Schools are already complaining about added expenses. We see no problem of dress in areas such as golf, bowling and archery for our young ladies but do in those sports that utilize brief shorts for women. For this reason we request a religious exemption in this area and would appreciate your reconsideration.

I am writing in behalf of the College, the Graduate School and the Academy in Searcy despite the fact that they operate at different levels. If you have any other questions, I shall be happy to answer them for you. Please let me know whether or not you have received the completed HEW Form 639.

Sincerely yours,

Clifton L. Ganus, Jr.
President

CG:ep

Harding College
Searcy, Arkansas
72143

OFFICE OF THE PRESIDENT
AREA 501 / 268-8550

September 29, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

Enclosed you will find our Assurance of Compliance with Title IX and our claim for religious exemption in certain areas that we feel to be contrary to religious tenets. You will note that this exemption was mailed July 21, 1976, to Dr. Mathews. At present, we have not heard anything from HEW concerning our application for exemption.

If there is any other information you need, I shall be happy to try to provide it for you.

Sincerely yours,

Clifton L. Ganus, Jr.
President

CG:ep
Encl.

6/7/77
Degree Ed

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Hardina College
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[✓] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

0501031

[✓] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[✓] Pre-school
[✓] Kindergarten
[✓] Elementary or Secondary
[✓] Graduate
[✓] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[✓] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Dr. Clifton GANUS Dr Billy Ray Cox
(name of employee)

Hardina College Hardina College
(office address)

268-8550 268-6161 Ext 241
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[✓] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices. (Subject to Exemption Letter)

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 29, 1976

Hardina College
(Insert name of Applicant)

By CLIFTON L. GANUS, JR.
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Hebrew Union College-Jewish Institute of Religion
(Name of Applicant or recipient

3101 Clifton Avenue
(address)

Cincinnati, Ohio 45220
(city, state, zip code)

(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: February 2, 1978

Hebrew Union College-
Jewish Institute of Religion
(Insert name of Applicant)

By Uri D Herscher

Uri D. Herscher, Rabbi
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Executive Vice President
(Insert title of authorized official.)

HEBREW UNION COLLEGE—JEWISH INSTITUTE OF RELIGION
Cincinnati • New York • Los Angeles • Jerusalem

3101 CLIFTON AVENUE • CINCINNATI, OHIO 45220
(513) 221-1875

June 26, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
U. S. Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Ill. 60606

Dear Ms. McGovern,

Please refer to your letter of May 10th addressed to Dr. Gottschalk, President, concerning our request of February 2, 1978 for religious exemption from title IX of the Education Amendments of 1972.

Please be advised that a religious exemption under 45 C. F. R. 86.12(b) is not required since the college does not discriminate on the basis of sex.

Yours very truly,

Aaron Levine
Senior Financial Officer

AL/sw

cc: Mr. Charles Tobias
Dr. Uri Herscher

Rec'd JAN 30 1978

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

FC 2-7-78

Holy Family College
(Name of Applicant or recipient

P.O. Box 3248
(address)

Fremont, CA 94538
(city, state, zip code)

(identifying code-FICE, OE, or IRS)
060123

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. *(X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. (X) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

Baccalaureate Degree

6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

This Institution does not receive any Federal Aid.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1685.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

*Holy Family College was founded for the purpose of educating its sisters. Many other Congregations and some lay persons find Holy Family College program beneficial and are welcome to attend.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. (X) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: January 23, 1978

Holy Family College
(Insert name of Applicant)

By
Sister M. Jeanette
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President, Holy Family College
(Insert title of authorized official.)

HOUSTON BAPTIST UNIVERSITY
7502 FONDREN ROAD • HOUSTON, TEXAS 77074 • PHONE 774-7661

Office of the President

September 15, 1988

Mr. Gilberto L. Herrera
Division Director
Elementary and Secondary Education
Division I
U. S. Department of Education
Office for Civil Rights
Regional Office
1200 Main Tower Building
Dallas, Texas 75202

Dear Mr. Herrera:

Thank you for your letter of September 2, 1988, (Ref. 06882097) that was received in this office on September 6, 1988, regarding the complaint received by OCR. The allegation is based on Title IX of the Education Amendments of 1972 and deals with the University's student health insurance plan. The University seeks exemption from certain provisions of Title IX that are inconsistent with the religious tenets of the University and the Baptist General Convention of Texas.

Houston Baptist University is a non-profit corporation organized under the laws of the State of Texas. The Charter of the Corporation as adopted on December 17, 1961, and as subsequently amended, provides that "the management of the affairs and property of the corporation shall be vested in a Board of Trustees to be composed of twenty-one (21) members." The Charter provides that all the members of the Board of Trustees shall be elected by the Baptist General Convention of Texas. Members of the Board of Trustees are each required "to be a member of a Baptist church affiliated with the Baptist General Convention of Texas." A further provision requires that at least seven members shall be ordained ministers of the Gospel.

For reasons stated below, Houston Baptist University seeks exemption from the following sections of Title IX regulation: 34 C.F.R. §§ 106.6(c), 106.21(c), 106.31, 106.34, 106.36(c), 106.37(a) and (b), 106.38(a), 106.39, 106.40, 106.51, 106.53, 106.55(a), 106.57, and 106.60(a).

The relationship between Houston Baptist University and the Baptist General Convention of Texas adequately establishes that Houston Baptist University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Premarital unchastity is contrary to the religious tenets of Southern Baptists. Additionally, treating pregnancy, childbirth, false pregnancy, or termination of pregnancy of an unmarried woman as a temporary disability is contrary to the tenets of Southern Baptists. Based on these principles, Houston Baptist University requests exemption to: § 106.21(c) (marital or parental status of applicants for admissions), § 106.39 (health and insurance benefits and services), § 106.40 (marital or parental status of students), § 106.51(b)(6) (leaves of absence for pregnancy and related conditions and child care), § 106.57 (marital or parental status of employees), and § 106.60(a) (pre-employment inquiries regarding marital status).

Almost all Southern Baptist churches allow only men to be licensed and ordained for the ministry. The Baptist General Convention of Texas awards a partial scholarship to every licensed ministerial student attending Houston Baptist University, and Houston Baptist University matches this partial scholarship. Also, some educational programs and campus organizations are designed specifically for ministerial students. Based on this principle, Houston Baptist University requests exemption to § 106.6(c) (effects of rules or regulations of private organizations), § 106.31 (education programs and activities), § 106.34 (access to course offerings), § 106.36(c) (counseling - disproportion in classes), § 106.37(a) and (b) (financial assistance, and § 106.38(a) (employment assistance to students).

Licensed and ordained ministers are given preference in employment in certain offices, and women are not licensed or ordained as ministers. Based on this principle, Houston Baptist University requests exemption to (106.51 (employment), § 106..53 (recruitment of employees), and § 106.55(a) (job classification and structure).

For reasons listed above, Houston Baptist University requests exemption from the designated sections of Title IX. It is my understanding that this request, during its pendency, relieves the University of the necessity of completing the data request included in your letter of September 2, 1988.

Should you have any questions concerning this request, please contact me at (713)995-3450 or my counsel, Dr. Don R. Byrnes, at (713)995-3214.

Sincerely yours,

E. D. Hodo
President

EDH:pl
Certified Mail
Return Receipt Requested

Huntington College

Office of the President

April 18, 1988

Mr. Don R. Pollar
United States Department of Education
Office of Civil Rights - Region V
401 South State Street, 7th floor
Chicago, IL 60605

Dear Mr. Pollar:

Thank you for your recent phone call pertaining to our March 10, 1988 request for an exemption from particular sections of Title IX. I am now in receipt of a letter and an appropriate enclosure from Dr. Mary Frances O'Shea as a follow-up to our phone call.

The sections we requested exemption from were the following: 86.21(c); 86.30(b)(1) and (5); 86.57(a)(1)(b)(c)(d); 86.70(a). After looking at my notes, those sections should have read as follows: 86.21(c); 86.40(b)(1)and (5); 86.57(a)(1)(b)(c)(d); 86.60(a).

After review of the recodification sent to me (45 Fed. Reg. 30802), the requested exemption sections now read as follows: 106.21(c); 106.40(b)(1) and (5); 106.57(a)(1)(b)(c)(d); and 106.60(a).

Please let me know if I can provide anything further for you. Thank you for your assistance.

Sincerely,

Eugene B. Habecker
President

EBH:cg

2303 College Avenue
Huntington, IN 46750-1299
(219) 356-6000

IMMACULATA COLLEGE
IMMACULATA, PENNSYLVANIA 19345

Statement Identifying the Provisions of Part 86
Which Conflict with a Specific Tenet of Religious Doctrine
of the Roman Catholic Church

Sections 86.40(b) and 86.57(b)
"Termination of pregnancy" is
contrary to the religious teach-
ing of the Roman Catholic Church;
therefore, this institution could
not condone such action.

Immaculata College

November 8, 1976

Sister Marie Antoine, I.H.M.
President

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Immaculata College - Pennsylvania
(insert name of Applicant or Recipient)
(hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

Since Immaculata College is a private institution of undergraduate higher education, we believe that Title IX does not apply to admissions under 16.81(a)[1].

In addition, the college has traditionally and continually from its establishment admitted only women.

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

N/A[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

_____
(name of employee)

_____
(office address)

215-647-4400
(telephone number)

N/A[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

N/A [ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

N/A [ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

N/A [ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ (insert date).

N/A [ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: November 8, 1976

Immaculata College
(Insert name of Applicant)

By Sister Marie Antoinette I.H.M.
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

GPO 906-517

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

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ATTN PRESIDENT

IMMACULATA COLLEGE *

IMMACULATA PA 19345

ATTN PRESIDENT *1104

OFFICE OF THE PRESIDENT

MARION COLLEGE
4201 SO WASHINGTON STREET, MARION, INDIANA 46952, TELEPHONE (317) 674-6901

McKinney 7/22

June 28, 1976

Mr. Peter E. Holmes
Director of the Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Holmes:

Marion College has reviewed its current policies and practices in regard to full compliance with the provisions of Title IX. Action has been taken to fully comply with the requirements of Title IX including steps to modify any practice or action required to bring the institution into full compliance in all parts of the act not covered by exemption.

Pursuant to the provision of section 86:12 of Title IX I request exemption of Marion College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the act are inconsistent with the special directions and the general rules of The Wesleyan Church by which Marion College is controlled.

The special directions of The Wesleyan Church for its members published in the 1972 Discipline of The Wesleyan Church require a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it (see the Discipline p. 51 paragraph 187 (5). Further the general rules of the church require (1) the preservation of the sanctity of the home (see the Discipline p. 36 paragraph 131(11) and (2) the high regard of marriage vows (see the Discipline p. 36 paragraph 131 (14). The Discipline also requires appropriate discipline for violators (see Discipline p. 37 paragraph 132).

While it is the expectation of Marion College to apply college rules and regulations equally to men and women there may be occasions in the instance of pregnancy out of wedlock where the evidence against the father may be insufficent to meet due process requirements whereas such would not be the case with the woman. To deal with neither party because we could not deal with both would be tantamount to sanction of a moral situation which violates a tenet of our church.

Received
SEP 14 1976
(T-91

Further, I request exemption of Marion College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress. The specific tenet of the church with which the requirements of Title IX may be insistent is found in the church's general rules on dress (see Discipline paragraph 131 (8). The application of this tenet does require some differences in the dress code in specific circumstances for example the acceptable style of swim suits for men would be different than the acceptable style of swim suits for women.

It is our understanding that Title IX permits separation of housing by sex (86:32 (b), separation of restroom facilities (86:33), and special requirements for employment such as a women to be resident director in a women's dormitory (86:61). If our understanding of these sections should be in error or at anytime these sections should be interpreted as prohibiting administration based on sex Marion College would desire the opportunity to request specific exemption in these areas, also.

The provision of Title IX for the request of specific exemptions based on religious tenets is appreciated, as is your favorable consideration of these requests.

Sincerely,

Woodrow Goodman

Woodrow Goodman
President

INDIANA
WESLEYAN
university

February 16, 1993

Ms. Eleanor Baker
U. S. Department of Education
Office of Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Ms. Baker:

Thank you for your assistance today with reference to Title IX religious exemptions for Indiana Wesleyan University (Marion College).

Enclosed are copies of items relating to our change in name from Marion College to Indiana Wesleyan University which became effective July 1, 1988.

Again, thank you for your help in sending copy of the letter which granted the exemptions.

Sincerely,

Mary Ellen Martin

(Miss) Mary Ellen Martin
Secretary to President Barnes

Enclosures 3

Office of the President
4201 South Washington ▲ Marion, Indiana 46953-9980 ▲ (317) 677-2100

Recess: The Board recessed at 10:05 to 10:20.

Changing of College Name: A motion was made and supported to change the name of Marion College to Indiana Wesleyan University and submit the same for a vote at a special called full board meeting on Saturday, March 5, 1988.

Carried

Executive Session: The Board recessed for executive session.

Respectfully submitted,

Burdette Shattuck, Secretary

Recess: The Board recessed from 10:05 to 10:20.

Changing the Name of Marion College to Indiana Wesleyan University: Where as: 1) A new name will more accurately reflect our denominational and theological heritage; 2) This institution of higher learning is offering more graduate programs; 3) A name change will increase recognition and visibility; 4) Changing the name will help avoid confusion between Marion College and Marian College in Indianapolis; 5) The Executive Committee of Marion College, on January 30, 1988, supported the change of name of Marion College to Indiana Wesleyan University. Be it therefore recommended that the name of Marion College be changed to Indiana Wesleyan University.

Adopt New Name: A motion was made and supported to formally adopt the new name change as of July 1, 1988, to Indiana Wesleyan University.

Carried

One Year Grace Period: A motion was made and supported to give one year of grace which may be an advantage to the institution or its constituents concerning the name change usage.

Carried

Adjournment: The meeting adjourned at 11:00 a.m. with prayer by Dr. Lee Haines.

Respectfully submitted,

Burdette Shattuck, Secretary

THE JEWISH THEOLOGICAL SEMINARY OF AMERICA
3080 BROADWAY • NEW YORK, NEW YORK 10027
212 RIVERSIDE 9-8000

DEC 6 1977
Received & Logged
JL

November 29, 1977

Mr. Howard Bennett
Office of Civil Rights
Department of Health, Education and Welfare
P. O. Box 8214
Washington, D. C. 20024

Re: Title IX -
Assurance of Compliance

Dear Mr. Bennett:

On November 23, 1977, I wrote you as per copy enclosed and enclosed therewith a copy of the Assurance which I thought I had signed and sent you some time ago.

Since that date we received the blank form of Assurance which you sent to Rabbi Michael Greenbaum, who turned it over to me for further attention.

Accordingly, I enclose herewith the Assurance of Compliance which I have signed and with which there is enclosed a statement by Dr. Gerson D. Cohen, our Chancellor and the highest ranking official of the Seminary, with reference to Item B of Article I.

Please acknowledge receipt upon a copy hereof and return in the envelope enclosed.

Thanking you, I am,

Sincerely,

David S. Galton

David S. Galton
Assistant Secretary

dsg:mka
enc.

DEC 6 1977

Received & Logged

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

The Jewish Theological Seminary of America
(Name of Applicant or recipient

3080 Broadway
(address)

New York, New York 10027
(city, state, zip code)

13-0887640
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) This exemption is applicable to its Rabbinical and Cantorial Schools only.

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. (X) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional - Rabbinical; Cantorial

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1685.) This assurance does not apply as to the Seminary's Rabbinical and Cantorial Schools.

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity* are not discriminating on the basis of sex against these students or employees.

* Other than programs or activities involving the Seminary's Rabbinical and Cantorial Schools.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity* and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

* See footnote to Item 2 of Article III.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. (x) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

The only assistance received by the Seminary is that provided by the National Direct Student Loan program.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. (X) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976. It is our belief the assistance herein referred to does not refer to the National Direct Student Loan program.

Date: November 28, 1977

The Jewish Theological Seminary of America
(Insert name of Applicant)

By David S. Golston
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Assistant Secretary
(Insert title of authorized official.)

David L. Eubanks, President

Telephone (615) 573-4517

Johnson Bible College

Founded in 1893

KNOXVILLE, TENNESSEE 37998

April 12, 1985

RECEIVED
1985 APR 15 PM 2:47
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

William H. Thomas, Regional Director
United States Department of Education
101 Marietta Tower
Atlanta, GA 30323

Dear Mr. Thomas:

I appreciate your recent letter concerning our request for religious exemption from certain sections of Title IX of the Education Amendments of 1972. In it you indicated we had provided sufficient information regarding the religious tenets that are followed by our institution and the sections of the regulation from which we have requested exemption, but that we did not specify the religious organization that controls our institution. I called Mr. Ken Gross about this matter and he suggested that I write this letter to you.

Johnson Bible College is affiliated with the non-denominational fellowship of Christian Churches, also called in some parts of the country Churches of Christ (not to be confused with the Churches of Christ which refrain from the use of musical instruments in worship), but it is not controlled by any structure of that body of churches. Although these churches constitute collectively one of the larger church groups in the U.S.; cooperate voluntarily in many national and international endeavors; and meet annually in the North American Christian Convention, one of the largest church conventions held each year in the U.S.; we still do not have a structure that controls our churches or our institutions. These congregations are locally autonomous.

Most of our gift support, which is vital to the ongoing of the college, comes from these churches or members of them. The greater number of our students come from these churches, although membership in one of them is certainly not necessary to admission. All of the trustees who constitute the governing board of the college are members of these churches, and several of the board members are ministers of these churches.

Our church movement dates back to the early 19th century in America. If necessary, I can show nearly two centuries of church history as evidence of the conservative religious convictions that prompted our request for exemption from certain sections of Title IX. Although we are not controlled by a church organization beyond our board of trustees, we are so integrally tied to congregations of the Christian Churches/Churches of Christ, their members, and to our churches collectively that we must seek exemption from the sections of Title IX that infringe on our religious convictions.

Sincerely yours,

David L. Eubanks

sj

No 639 With this letter, file letter with Dean Gum.

DAVID L. EUBANKS, President

Johnson Bible College

KIMBERLIN HEIGHTS STATION ■ KNOXVILLE TENNESSEE 37920

JOHN M. LOWE
Dean of Students

Telephone (615) 573-4517

FOUNDED IN 1893 FOR THE PURPOSE OF EDUCATING FAITHFUL MINISTERS OF THE GOSPEL

Office for Civil Rights
Department of Health, Education, and Welfare
P.O. Box 8214
Washington, D.C. 20024

RE: HEW Form 639 A (3/77), Article I.B., Claiming a Religious Exemption under 45 CFR 86.12(b).

Section 86.21(c)(1)(2)(3)(4) Pre-Admission Marital or Parental Status. An unmarried, pregnant applicant would not be admitted as a student. If the father were known, he would not be admitted either. Married applicants who are pregnant are welcome.

Unmarried pregnancy is treated as a sin, not as a "temporary disability". Because of the seriousness of the consequences of sexual immorality, pre-admission inquiries as to the marital or parental status of applicants is vital to the faith and practice of our religious community.

Therefore, we request an exemption from Section 86.21(c)(1)(2)(3)(4), basing the request on the religious tenet of sexual immorality which is condemned by scriptures such as the following: Matthew 15:19-20; I Corinthians 5:9-13; Galatians 5:19; Ephesians 5:3-12; I Timothy 1:8-11; Hebrews 13:4; Jude 7: Revelation 2:14; 21:8; 22:15.

Section 86.40(a)(b)(1)(2)(3)(4)(5) Marital or Parental Status of Students. Disciplinary action is taken against unmarried pregnant students. If the father is known and he is a student, disciplinary action would be taken against him, too. No disciplinary action is taken against married pregnant students.

We request an exemption from Section 86.40(a)(b)(1)(2)(3)(4)(5), basing the request on the same religious tenet as given above for Section 86.21(c)(1)(2)(3)(4).

Section 86.57(a)(b)(c)(d) Marital or Parental Status of Employees. This area relates to the issue of sexual morality on the part of faculty, staff, and administration. The college treats unmarried pregnancy among its employees the same as it treats students or applicants who are unwed and sexually promiscuous.

We request an exemption from Section 86.57(a)(b)(c)(d), basing the request on the same religious tenet as given above for Section 86.21(c)(1)(2)(3)(4) and Section 86.40(a)(b)(1)(2)(3)(4)(5).

DAVID L. EUBANKS, President

Johnson Bible College

KIMBERLIN HEIGHTS STATION ■ KNOXVILLE TENNESSEE 37920

JOHN M. LOWE
Dean of Students

Telephone (615) 573-4517

FOUNDED IN 1893 FOR THE PURPOSE OF EDUCATING FAITHFUL MINISTERS OF THE GOSPEL

Section 86.60(a) Pre-employment Inquiries of Marital Status.
This section also relates to the issue of sexual morality on the part of faculty, staff, and administration.

We request an exemption from Section 86.60(a), basing the request on the same religious tenet as given above for Section 86.21(c)(1)(2)(3)(4), Section 86.40 (a)(b)(1)(2)(3)(4)(5), and Section 86.57(a)(b)(c)(d).

Section 86.31(d)(1)(2)(i)(ii) Programs Not Operated By Recipient.
Our preaching students are encouraged to participate in summer internships. The programs are operated by independent, locally autonomous Christian Churches and Churches of Christ which, for the most part, discriminate between the leadership roles of men and women in the church, basing their discrimination on scriptures such as the following: I Corinthians 14:34,35; I Timothy 2:11-3:13; Titus 1:5-9; 2:4,5.

Therefore, we request an exemption from Section 86.31(d)(1)(2)(i)(ii) in order that we may continue to encourage our preaching students to participate in summer internships, in spite of the fact that men will have more opportunities than women to participate.

The above problem areas are intended to be illustrative, but not necessarily exhaustive. If continuing self-evaluation, as allowed for by Article III.4 of HEW Form 639 A (3/77), reveals other areas of conflict between Title IX regulations and our religious tenets, we reserve the right to request other exemptions.

Although the above claims for exemption imply our acceptance of coming under the Title IX umbrella, we do not concede that 20 U.S.C.A. 1681 and subsequent sections related by implication therein are applicable to Johnson Bible College generally. We reserve the right to assert exception under 1681 (a)(3).

Sincerely yours,

David Eubanks

David L. Eubanks
President

DLE:sm

9-2-572

JOHN WESLEY COLLEGE

The World ...Our Parish

2314 North Centennial Street
High Point, North Carolina 27260
(919) 889-2262

May 5, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Exemption Application

Ladies and Gentlemen:

John Wesley College 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).

John Wesley College is established as a four year interdenominational, co-educational, evangelical, Bible college and accredited by the American Association of Bible Colleges. The College is controlled by John Wesley College Incorporated (the "Corporation"), a non-profit religious corporation which was incorporated in the State of North Carolina in 1932 as a Christian institution of higher education under the control of the Board of Trustees, is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c) (3) of the Internal Revenue Code. 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. The Charter of the Corporation and the catalogs 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 its Board of Trustees and receives financial support from religious organizations who espouse the same religious doctrine and faith as the Corporation. 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

aabc Accredited Member

morality and practice in far too many places and forms to be identified comprehensively in this letter; however, see for example, Exodus 20:6; John 14:15, 21, 23; Deuteronomy 10:12; Psalm 97:10; Genesis 6:2, 5; Deuteronomy 7:4; Matthew 19:9; Romans 7:2,3; I Corinthians 7:11.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationship and provide a moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interprets its moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds (see, for example, I Cor. 5:7; Col. 3:5, II Cor. 6:14 ff; Malachi 2:14b-16a; Matthew 5:31) and offending person cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices as described above.

The College hereby requests 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: 34 C.F.R. (Sections 106.21(c), 106.40, 106.57 and 106.60.

There are a 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 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

APR 30 1979

kenrick
office of the rector

April 11, 1979

Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Madison:

Father Hugh O'Donnell is no longer the President-Rector of Kenrick Seminary. I am now the President.

The information you requested in your letter of March 1, 1979 is enclosed: A copy of the Kenrick Seminary catalog giving pertinent background information which demonstrates the institution falls within the definition of a religiously controlled institution as set forth in the explanation of the Title IX Assurance of Compliance Form, particularly pages 6-8 and 15-16. The specific religious tenet and provision of the regulation that we believe we are in conflict with is: admission of women to our program since the Roman Catholic Church does not admit women as ordained ministers within the Church.

Sincerely,

(Rev.) A. L. Trapp, C.M.
President

ALT/mcw

enc.

7800 kenrick road st. louis, missouri 63119 (314) 961-4320

TITLE IX WAIVER STATEMENT

Kettering College of Medical Arts is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

Kettering College of Medical Arts is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United Stated Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

Kettering College of Medical Arts believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Kettering College of Medical Arts is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

Kettering College of Medical Arts claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57 (b), and 86.31, insofar as they conflict with Church teachings and practices on morality, deportment, and appearance.

Copy: W. H. Beaven, Ph.D.
M. H. Schaffner, M. D.

Mailed to: U.S. Dept. of Health, Education and Welfare
Office of Education
Washington, D. C. 20202

7/19/76

070054

OCR

KETTERING COLLEGE
OF MEDICAL ARTS

3737 SOUTHERN BOULEVARD KETTERING, OHIO 45429 513 294-1711

Kresy 8/27

TITLE IX WAIVER STATEMENT

Kettering College of Medical Arts is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

Kettering College of Medical Arts is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United Stated Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

Kettering College of Medical Arts believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Kettering College of Medical Arts is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

Kettering College of Medical Arts claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57 (b), and 86.31, insofar as they conflict with Church teachings and practices on morality, deportment, and appearance.

Smt 7/30

85-003-001

601 BROAD STREET
LAGRANGE, GEORGIA 30240-2999

(404) 882-2911

March 27, 1985

RECEIVED
1985 MAR 29 AM 11:56
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. William H. Thomas, Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

In reference to your letter of March 25, 1985, the regulations in Title IX for which LaGrange College requests exemption are paragraphs 106.21; 106.22; and 106.23, all of which regard admissions and recruitment; and paragraphs 106.32 and 106.33 which are paragraphs regarding housing and facilities; and paragraph 106.41 which is in regard to athletics.

Thank you for your kind attention to our request.

Cordially,

Walter Y. Murphy
President

vb

85 007-107

LaGrange College

601 BROAD STREET
LAGRANGE, GEORGIA 30240-2999

(404) 882-2911

April 17, 1985

Mr. William H. Thomas, Regional Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

I am in error concerning our institution's request for exemption from Sections 106.32, 106.33 and 106.41. Please withdraw this paragraph from our request.

This leaves Sections 106.21, 106.22, 106.23, 106.32, 106.33, and 106.41.

Thank you.

RECEIVED
1985 APR 19 AM 10:30
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Sincerely,

Walter Y. Murphy

Walter Y. Murphy
President

vb

LANCASTER BIBLE COLLEGE

901 Eden Road, Lancaster, PA 17601 (717) 569-7071

Gilbert A. Peterson, Ed.D.
President

Ray A. Naugle, Ed.D.
Vice President

√ PES
10/26
AS sig
cy: AS
DASP (LEWIS)

September 28, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Exemption Application

Dear Sir:

Lancaster Bible College 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).

Lancaster Bible College is a regionally accredited Bible college, offering courses of instruction in the humanties, arts and sciences, and the Bible. The College is controlled by the Corporation and the Board of Trustees of Lancaster Bible College, a non-profit religious corporation which was incorporated in the State of Pennsylvania in 1933 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. The directors 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. The Charter of the Corporation and the catalogs 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. 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 Romans 1: 26-32, I Corinthians 6:9 and Galations 5: 19-21.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, Leviticus 20: 10-24 and Matthew 5: 27-28.

The College hereby requests exemption from the application of the following provisions of Title IX regulations, to the extent that they conflict with the College's religious tenets and traditions as described above: 34 C.F.R. Sections 106.40, 106.57 and 106.60 (treatment based on marital and parental status).

There are a 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 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 tenets 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 and practice are consistent with the Christian tenets, principles and traditions accepted by the College and the Corporation.

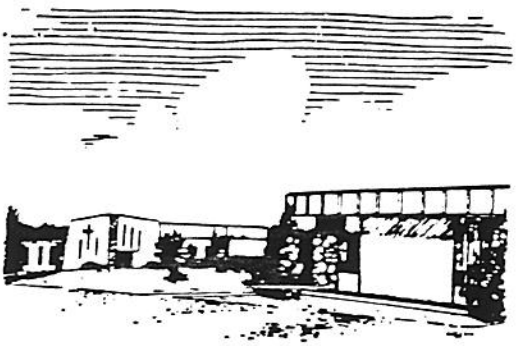
In the event of future amendments to Title IX or the regulations thereunder, or changes in the applicaiton thereof or the facts surrounding the operation of the College and the burden of such statute and regulations on the College's ability to pursue its religious mission, the College reserves its right to apply to the Department of Education for an amendment to its exemption or an addiitonal 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. Gilbert A. Peterson, who is the President of the College, at 901 Eden Road, Lancaster, PA 717-560-8278.

Very truly yours,

Gilbert A. Peterson
President

GAP:kb



Latin American Bible Institute

10822 FM Rd. 1560
SAN ANTONIO, TEXAS 78254
Phone: 512-688-3101

RECEIVED IN OCR
SEP 29 1988
REGIONAL DIRECTOR'S OFFICE

September 1, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of the Latin American Bible Institute (the "Institute") to claim exemption for the Institute from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The Institute is controlled by a religious organization

The Institute is a four-year educational institution that is controlled by the Gulf Latin American District Council of the Assemblies of God ("District Council"). The District Council is an association of churches in the States of Texas, Arkansas, Louisiana, and Oklahoma, and it is a member of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Council (enclosure 3), which will demonstrate conclusively that the District Council is a religious organization.

Further, the Constitution and Bylaws (enclosure 4) of the Institute demonstrate that the Institute is controlled by a religious organization (the District Council):

> The Latin American Bible Institute is administered by the Gulf Latin American District Council of the Assemblies of God, Inc. (Constitution, Article II)
>
> The Board of Directors shall consist of the president and vice-president of the Latin American Bible Institute and five executive

> members from the Gulf Latin American District of the Assemblies of God, Inc. (Constitution, Article IV)
>
> The Executive committee shall consist of the president and vice-president of the Latin American Bible Institute and the superintendent of the Gulf Latin American District Council. (Constitution Article IV)
>
> The Board of Directors is subject to and responsible to the Gulf Latin American District Council of the Assemblies of God, Inc., in all matters of transcendental importance . . . . (Bylaws, Article I)

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the Institute with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the Institute with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the Institute and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the Institute that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the Institute.

In summary, compliance with the anti-discrimination provisions referenced above would force the Institute to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the Institute with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

Manuel R. De La Cruz
President

MRD:je

Enclosures

cc: Ms. Maye Miller-Bozeman
Richard R. Hammar, Esq.

LDS
Business College

November 12, 1975

Hon. David Matthews
Secretary of Health,
Education and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Re: Notification that the LDS Business College is exempt from certain Title IX Regulations

Dear Mr. Secretary:

This letter will serve as official notification that the LDS Business College considers itself exempt from portions of the provisions of Sections 86.21(c), 86.40(b), 86.57(b) and 86.31(b)(5) of the regulations published under Title IX of the Education Amendments of 1972 because such sections conflict with the religious teachings of the Church of Jesus Christ of Latter-day Saints, which sponsors this institution.

For example, all students and employees at the LDS Business College, male and female, agree to abide by the moral teachings of the Church as embodied in the College's enclosed "Code of Honor." We object to portions of these regulations because they would prevent us from advocating and practicing this religious standard of morality, including sexual morality, among the employees and students of the College. Portions of these regulations would bar our taking notice of or acting upon flagrant violations of this moral code. We intend to continue to practice our moral code, which applies on the same basis to men and women.

So far as we know, the sections of the Title IX regulations referred to above are the only ones which conflict with the Church's religious teachings. However, if other regulations are later interpreted in such a way as to bring them into conflict with our religious beliefs, we will notify you of our objections to such sections.

We assure you that the LDS Business College does not claim the right to discriminate against members of either sex. None of our policies or activities has the purpose or effect of promoting greater opportunity for members of one sex than the other or implying in any way that either sex is inferior to the other.

7511170004

Enclosed is a copy of a notice entitled "Notification of Brigham Young University Policy of Nondiscrimination on the Basis of Sex;" which has been published in local newspapers as required by section 86.9 of the regulations. The notification states that this is also "the position of ... LDS Business College." You will note from this publication that the LDS Business College considers most, if not all, of the Title IX regulations to be unlawful as applied to its programs, most of which receive no direct federal funding. Nevertheless, this notice proclaims our determination to maintain policies which are consistent with the regulations, except for the instances noted in the publication.

We do not concede that the Department of Health, Education and Welfare has the power to review our claim of exemption on the ground of religion. Our rights to the free exercise of religion are granted and fully protected by the United States Constitution, which prohibits any government inquiry into the truth of our religious principles or the sincerity of our belief in them. Title IX also exempts religious institutions.

We do not wish to be seen as defying the authority given to the Department of Health, Education and Welfare under Title IX or other civil rights statutes. We fully support the goal of equal opportunity for all persons. I am certain that as you review the enclosed notice you will see that the LDS Business College does not discriminate unlawfully against members of either sex and that a reasonable interpretation of Title IX and the regulations would find us in compliance.

I would be happy to correspond further with you and to confer with members of your department concerning the information contained in this letter.

Very truly yours,

R. F. Kirkham
President

rr
Enclosures (2)

cc: Peter E. Holmes
Rulon Garfield
Joe Maldonado
Kenneth H. Beesley

OFFICE OF THE PRESIDENT

PEPS
2/27
Dear Director
AS

January 30, 1996

PLEASE CONTROL TO PEPS
B

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Norma V. Cantu'
Assistant Secretary for Civil Rights
U.S. Department of Education
330 C Street NW
Room 5000
Washington, D.C. 20202

RE: Lee College, Cleveland, Tennessee

Dear Ms. Cantu':

This letter is an official request for the exemption of Lee College, Cleveland, Tennessee from the requirements of 20 USC 1681 as allowed under Section (a) (3).

Lee College is a private, four-year liberal arts college, affiliated with the Church of God, Cleveland, Tennessee. Lee College has approximately 2,500 undergraduate students and has begun a graduate program in the field of music. Other graduate programs are being investigated and it is anticipated that other graduate programs will be implemented in the near future.

From the time it was founded in 1918, Lee College has been directly associated with the Church of God, Cleveland, Tennessee. A significant portion of its students are in training to become ministers in the Church of God and other denominations. The Church of God selects the college's Board of Directors.

The Church of God is a Protestant evangelical denomination whose basic tenets come directly from the Holy Bible, as interpreted generally by the Church of God. Included in these basic tenets are fundamental religious beliefs concerning morality and proper living. They encompass abstention from certain forms of immorality, including but not limited to pre-marital sex, adultery, homosexuality, and other practices which may fall within such definitions. Beyond teachings and doctrinal commitments propounded by the Church of God, the Church of God also encourages its members to follow certain practical commitments of spiritual disciplines, church commitment, stewardship, and moral purity.

CLEVELAND, TENN. 37311 (615) 472-2111

Within the broad concept of "moral purity", the Church of God and Lee College adhere to certain beliefs regarding conduct which may be acceptable to some members of society, but which are not so accepted by the Church of God or Lee College. A firm definition of "immorality" may be impossible, in light of changes in society and its patterns and habits. Therefore, while a strict definition of "immorality" or "moral purity" may not be easy to obtain, certain practices such as sexual involvement either before marriage or with someone other than the marriage partner after the marriage is strictly forbidden by the Church of God, as it interprets scripture. Also included in this definition would be a prohibition against adultery or homosexual behavior.

In light of the above and because of its close ties to the Church of God and in particular, its belief in the right of an institution connected with a religious body to adhere to any and all biblical tenets as interpreted by it and the Church of God, Lee College hereby requests official exemption from the above statutory provisions, and other rights to which it is entitled under applicable law to the extent these practices would be considered discriminatory.

If you require further information or assistance, please do not hesitate to contact me.

Cordially,

C. Paul Conn

Charles Paul Conn, President
Lee College
Cleveland, Tennessee

LEE COLLEGE

COPY

Office of the President

March 5, 1996

Honorable Norma V. Cantu'
Assistant Secretary for Civil Rights
U.S. Department of Education
330 C. Street NW - Room 5000
Washington, D.C. 20202

SUBJECT: Lee College, Cleveland, Tennessee

Dear Miss Cantu':

This letter is to serve as an amended official request for exemption of Lee College, Cleveland, Tennessee, under the provisions of 20 USC 1681 (a) (3).

Lee College is a private, four-year liberal arts college, affiliated with the Church of God, Cleveland, Tennessee. Lee College has approximately 2,500 students and also has begun a graduate program in the field of music. Other graduate programs are being investigated and planned.

From its original organization in 1918, Lee College has been directly associated with the Church of God, Cleveland, Tennessee. A significant portion of its students are in training as ministers in the Church of God and other denominations. The Church of God selects the college's Board of Directors.

The Church of God is a Protestant evangelical denomination basing its basic tenets directly from the Holy Bible, as interpreted generally by the Church of God. Included in these basic tenets are fundamental religious beliefs concerning morality and proper living. These basic tenets encompass such things as abstention from certain forms of immorality, including but not limited to pre-marital sex, adultery, homosexuality, and other practices which may fall within such definitions. Beyond teachings and doctrinal commitments propounded by the Church of God, the Church of God also encourages its members to follow certain practical commitments of spiritual disciplines, church commitment, stewardship, and moral purity.

Cleveland, Tennessee 37320-3450 • (423) 478-7027 Fax (423) 478-7041

The college adheres to biblical tenets as its standard of faith and practice. The tenets require the college to act in ways which may conflict with specific Section IX regulations. The faculty, employees, and students of the college are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The college requires, for instance, Christian sexual conduct on the part of its employees and student body. The college's religious tenets for instance, would not permit the college to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability. The college expects its personnel to be Christian role models and an employee or student living with a member of the opposite sex out of wedlock would be considered morally delinquent. The college has religious tenets regarding human sexuality, proper living environments, respect for the institution of marriage, language, and modest attire. Scholarship funds, and career offerings related to ministerial training students may be provided differently on the basis of sex. The college also offers sex-separate organizations to students. The college deems it necessary to minister in unique ways to men as compared to women in preparing students to fulfill their roles as mothers and fathers in the context of religious beliefs in the sanctity of the home.

Therefore, this college requests an exemption from 34C.F.R. section 106.21© (Marital or parental status of applicants for admission); 106.40 (Marital or parental status of students); 106.51 (b)(6) (Granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy, child care); 106.57 (Marital or parental status of employees); and 106.60(a) (Preemployment inquiries as to marital status).

Further, this institution requests an exemption to 106.31 for membership practices in student organizations which are required by religious tenets to be limited on the basis of sex. We request exemption to 106.36 regarding counseling and use of appraisal and counseling materials to the extent the college's religious tenets will require differentiating counseling between sexes. We request an exemption for 106.39 (Student health and insurance benefits and services).

For those employment positions which are restricted on the basis of sex in accordance with the college's religious tenets we request an exemption to 105.1 (Employment); 106.52 (Employment criteria); 106.53 (Recruitment of employees); 106.55 (Job classification and structure); and 106.59 (Advertising).

To the extent that counseling, scholarship funds and career funding related to ministerial training students are provided differently on the basis of sex and the requirement that certain sex-separate clubs and organizations exist, the college requests an exemption from 106.31 (Education programs and activities); 106.34 (Access to course offerings); 106.36 (Counseling and use of appraisal in counseling materials); 106.37 (Financial assistance); 106.38 (Employment assistance to students); and 106.14 regarding membership practices of certain organizations.

If you require further information or assistance, please do not hesitate to contact me.

Cordially,

Charles Paul Conn

Charles Paul Conn, President
Lee College
Cleveland, Tennessee

CPC:scg

RELIGIOUS EXEMPTION IN CONNECTION WITH TITLE IX COMPLIANCE

Lees Junior College was founded in 1883 as Jackson Academy, becoming S.P. Lees Collegiate Institute in 1892 and Lees Junior College in 1927. In 1906 Lees became and has continued to be related to the Synod of Kentucky, Presbyterian Church in the United States (now merged into the Synod of the Mid-South, PCUS, and the Synod of the Covenant, the United Presbyterian Church in the United States of America).

Lees Junior College has no intention of discriminating against its students or its employees on the basis of sex. Because of the principles upon which it was founded however, Lees Junior College asserts its exemption as a religious organization to the extent the Regulations contained in Part 86 are inconsistent with the religious tenets of the Christian religion. In particular Lees Junior College asserts its exemption from those provisions of 86.40 which would require Lees Junior College not to exclude any unmarried student from its education program or any activity because of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom and the provisions which appear to require Lees Junior College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person in the same manner and under the same policies as any other temporary disability.

Lees Junior College claims exemption from those provisions of Section 86.57 which appear to prevent the College from excluding any unmarried employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy and termination of pregnancy and appears to require the College to treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom of an unmarried person as any other temporary disability.

Lees Junior College claims exemption from the provisions of Section 86.60 which appear to require the College not to make any pre-employment inquiry as

to the marital status of an applicant for employment, including whether such applicant is married or unmarried.

Adhering to the ethical and moral principles of Christianity, pregnancy out of wedlock, both on the part of the male and female who participated in its cause, cannot be treated as any other temporary disability. Members of the faculty of Lees Junior College are expected to constitute role models for the students and in such roles - stable, moral family relationships are extremely important in adhering to the principles of Christianity. It is therefore, essential that Lees Junior College knows in advance of employment whether prospective faculty members have a good family relationship or whether, at the other extreme, such prospects indulge in acts which would be detrimental to good family relationships.

Troy R. Eslinger

Dr. Troy R. Eslinger, President

LEES JUNIOR COLLEGE

September 28, 1976

Loma Linda University

The President
Loma Linda, California 92350
714/824-4540

October 22, 1985

RECEIVED
OCT 25 1985
PROGRAM REVIEW & MANAGEMENT
SUPPORT DIVISION
OFFICE FOR CIVIL RIGHTS/REGION IX/SF

Mr. Harry M. Singleton
Assistant Secretary for Civil Rights
U. S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Mr. Singleton:

Since assuming the presidency of Loma Linda University just over one year ago, I have discovered that this institution may not have applied for or received the exemptions available to educational institutions controlled by religious organizations as provided by 34 C.F.R. Section 106.12(b) of the regulations for Title IX of the Education Amendments of 1972.

Loma Linda University hereby makes a formal request for exemption from certain provisions of the Title IX regulations because they conflict with the religious tenets of the Seventh-day Adventist Church, controlling organization under which Loma Linda University operates.

Specifically, Loma Linda University requests exemption from the following regulations based on the religious tenets cited below:

Regulations - 34 C.F.R.

Section 106.21 - Admissions; Section 106.40 - Marital or parental status (students) and Section 106.57 - Marital or parental status (employees).

Explanation

The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the Ten Commandments points out sin" (S.D.A. Church Manual, page 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages (Reasons for Which Members Shall Be Disciplined," S.D.A. Church Manual, page 247). The S.D.A. Church Manual comments: "The Church cannot

afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indescretion and other grievous sins" (page 249).

It is our understanding that an exemption for appearance codes (formerly 45 C.F.R. Section 86.31) is unnecessary as that provision was deleted from the regulation in 1982.

Loma Linda University, as an institution of the Seventh-day Adventist Church, is obligated to uphold the above religious standards in its relationships with its students and employees. Loma Linda University believes it complies with the requirements of Title IX because it applies its religious principles and standards equally to students and employees of both sexes.

The Seventh-day Adventist Church operates a number of universities and senior colleges in the United States, to provide for its youth the opportunity to take advanced studies within the context of the Church's world view and sense of mission. Loma Linda University is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The University is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501 (c) (3) tax exemption. In addition, the Board of Directors for the University are members of the Seventh-day Adventist Church, as are its faculty and full-time staff.

Your prompt attention to this matter is greatly appreciated.

Sincerely,

Norman J. Woods
President

NJW:aj

✓xc: John E. Palomino,
Acting Director, Region IX

בע"ה

LONG ISLAND SEMINARY OF JEWISH STUDIES
FOR WOMEN

ADMINISTRATIVE OFFICES
444 BEACH 6th STREET
Far Rockaway, N. Y. 11691
GRanite 1-8444 – GR 1-5003

540 JARVIS AVENUE
FAR ROCKAWAY, N.Y. 11691

May 3, 1977

Director
Office of Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21 (a)
(b) Section 86.31 (a)
(c) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

PLACERITA CANYON ROAD • NEWHALL, CALIFORNIA 91321 • PHONE 805 259 3540

HAMLIN 10/86

LOS ANGELES BAPTIST COLLEGE
JOHN R. DUNKIN, TH.D. PRESIDENT
C. LLOYD BUTTON, PH.D. DEAN

September 30, 1976

Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Ave., S.W.
Washington, D.C. 20201

Dear Mr. Gerry,

On behalf of the Administration and Board of Trustees of Los Angeles Baptist College, we respectfully submit the accompanying claim for exemptions as provided under Section 86.12 (a) and (b) of Title IX of the Education Amendment of 1972.

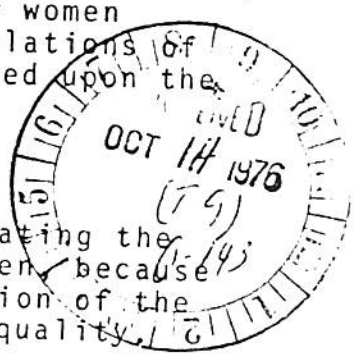
Los Angeles Baptist College is a Christian college of arts and sciences, offering majors in Bible, Christian Education, and eight liberal arts fields. The College was founded for the purpose of educating young people from evangelical and conservative churches in the fundamentals of Biblical Christianity and preparing them for places of leadership in the church and secular pursuits. It is therefore essential to the continuence of that purpose that the Bible continue to be the sole basis of our faith and patterns of conduct.

Los Angeles Baptist College is approved annually by the General Association of Regular Baptist Churches on the basis of its continuence of the program as stated above.

In view of these commitments we respectfully request exemption from the following requirements set forth in Title IX.

Admissions - 86.21 (c) 1,2,4. 86.40 (a) (b) 1,4,5. 86.57 (a)1. (b) (c)

Los Angeles Baptist College does exclude from its program, activities, or employment, unmarried, pregnant women. The College must reserve the right to suspend or exclude, men or women students or employees who violate the rules and regulations of the institution which the college believes to be based upon the moral standards contained in the Bible.



Educational Programs and Activities - 86.31 (b) 5.

Los Angeles Baptist College does have policies regulating the appearance and dress code separately for men and women because of Biblical injunctions relative to the differentiation of the sexes. This differentiation does not negate their equality.

Marital Status for Dormitory Residence - 86.21 (c) 1,4.
86.32 (a) (b) (c)

Los Angeles Baptist College does have a policy relative to dormitory residence which requires us to ask about the marital status of an applicant. Because of the Biblical injunction against divorce, L.A.B.C. does limit the dormitory to unmarried persons.

Access to course offerings - 86.34

L.A.B.C. does have certain courses relative to the preparation for the ministry which are designed and offered men students in view. Because only men are ordained in the ministry of the General Association of Regular Baptist Churches, the college reserves the right to structure its ministerial courses with men in view.

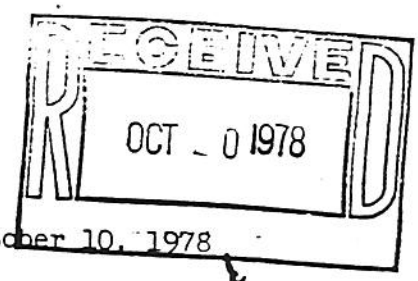
The above exemption statements have been reviewed and approved by Los Angeles Baptist College administration and the Board of Trustees. While it is the intent of Los Angeles Baptist College to continue to provide equal opportunity to members of both sexes in compliance with the provisions of Title IX regulations, continuation of policies relating to the above exemption statements are considered essential to the purpose and programs of the institution.

John R. Dunkin
Chief Administrative Officer

Jerry Smith
Chairman, Board of Trustees

LOUISIANA COLLEGE

Office of the President



October 10, 1978

Here 11/8 cy to Dallas

Director of Office for Civil Rights
U. S. Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) "Title IX of the Education Amendments of 1972 Prohibiting Sex Discrimination," this letter is to advise you that Louisiana College, Pineville, Louisiana, is a private institution of higher education which is owned by the Louisiana Baptist Convention and controlled by a Board of Trustees chosen by the Convention.

In accord with 86.12(b) of the Regulations Implementing the Education Amendments of 1972, I am claiming on behalf of Louisiana College the exemptions authorized in paragraph (b) of Section 86.12, and am hereby identifying the provisions of the regulations which are not consistent with the tenets of the Southern Baptist Convention generally, and, in particular, those that are not consistent with the tenets of the Louisiana Baptist Convention, the denominational agency which owns and operates Louisiana College.

Section 86.14 Membership Practices of Certain Organizations.
Sexual immorality, whether on the part of man or woman, is contrary to the tenets of Southern Baptists. Regulations requiring Louisiana College to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability are in conflict with the tenets of Southern Baptists. These inconsistent regulations include 86.21(c); 86.39; 86.40; 86.51(b)(6); 86.57(a)(1), (b), (c); 86.60(a).

Section 86.37(a), (b); 86.51; 86.53; 86.55(a).
Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches. The College requests that it be exempted from the regulations of equal number of male and female students selecting church-related vocations and receiving equal scholarship assistance for these church-related vocations.

Louisiana College has made a conscientious effort to comply with those parts of Title IX regulations which are not inconsistent with the religious tenets of the Louisiana Baptist Convention and will have on

record the results of our study, evidence of our modifications of policies and practices, and the proper grievance procedure for complainants.

Respectfully yours,

Robert L. Lynn

Robert L. Lynn
President

RLL/h

Lourdes College

6832 Convent Boulevard
Sylvania, Ohio 43560
Phone: 882-2016

Office of the President

August 3, 1977

Claiming Religious Exemption Under 45 C.F.R. 86.12

Lourdes College is a private two-year liberal arts college conducted by the Sisters of St. Francis of Sylvania, Ohio. Lourdes College receives a significant amount of financial support from the controlling religious organization. Members of the governing body of the college as well as the majority of the faculty are appointed by the religious organization. Since members of the religious community of women constitute the largest segment of the 'employees' we are seeking exemption in the area concerned with the hiring of employees.

Sister M. Rosaria Petra, President
Aug. 3, 1977

Sylvania, Ohio 43560-2898

Office of the President

LOURDES COLLEGE

419/885-3211

August 19, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
300 South Wacker Drive - 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern,

As requested by your office, I am formally withdrawing the request of a Lourdes College President in 1977 for religious exemption. I trust that the file will now be closed on this request.

Thank you.

Sincerely,

Sister Ann Francis

Sister Ann Francis
President

SMAF/kaw

LOYOLA MARYMOUNT UNIVERSITY

Office of the President

March 15, 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Madison,

In response to your letter of February 27, 1979, concerning Loyola Marymount's assurance of compliance with the provisions of Title IX, I am enclosing the attached copy of our original Statement Claiming Exemption under Title IX of the Education Amendments of 1972.

It should be noted that we claim an exemption for a very small part of our total operation, some few courses and programs designed by and administered by our three sponsoring religious communities, the Jesuits, Religious of the Sacred Heart of Mary, and Sisters of St. Joseph of Orange. Each group has young members of their order studying on campus and at off-campus centers and a few classes are given by an order member and restricted to students of that order.

So the "tenet" of Roman Catholicism that we believe is in conflict with <u>all</u> our classes and programs being open to students with regard to sex, is that the training of priests and Sisters is not in all aspects coeducational, at least in these college-level programs. These few programs constitute in effect a "school or department of divinity."

As to the second point you raise, the religious control, I believe that the reference under (1) at the end of the explanation of the Title IX Assurance of Compliance Form is sufficient. Some few programs are under the direct control of the religious orders, though accredited through the University, these, being "specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation," are exempted.

Sincerely,

Donald P. Merrifield, S.J.

Rev. Donald P. Merrifield, S.J.
President

Enclosure

LOYOLA MARYMOUNT UNIVERSITY

Office of the President

STATEMENT CLAIMING EXEMPTION UNDER TITLE IX OF
THE EDUCATION AMENDMENTS OF 1972

45 CFR - Part 86

Loyola Marymount University is claiming a religious exemption for the following reasons: Although we have a non-discriminatory policy with respect to admission and access to educational programs at this institution we are, however, affiliated with three religious organizations, the Society of Jesus which is limited or restricted in its membership to males only, the Religious of the Sacred Heart of Mary and the Sisters of St. Joseph of Orange which admit females only. This institution offers some programs and courses which are designed to further the education of members of these religious communities. These programs and courses are directed by the corresponding religious communities and participation may be restricted to members of these communities. Further, some of campus residences are restricted to members of these communities. Occasionally, the University may also offer or sponsor workshops or conferences for Catholic priests or for religious brothers or sisters. To the extent that any of this may be in conflict with 45 CFR 86.14 we claim the right to be considered exempt from the application of that section, since these particular programs constitute in effect a "school or department of divinity."

Donald P. Merrifield, S.J.

Rev. Donald P. Merrifield, S.J.
President

LOYOLA UNIVERSITY
NEW ORLEANS, LA. 70118
OFFICE OF THE PRESIDENT

April 8, 1986

JPES
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cy file

Ms. Alicia Coro
Acting Assistant Secretary
for Civil Rights
U. S. Department of Education
Washington, D. C. 20201

Dear Ms. Coro:

I am advised by the Vice President for Student Affairs of Loyola University that the Office of Civil Rights, U.S. Department of Education, is presently conducting a compliance review of various universities and colleges situated in Region VI in order to determine whether their policies and practices conform with the requirements of Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex. Specifically, I am informed that this review centers around the offering of student health insurance, and whether such insurance offered by the University complies with the provisions of Title IX and the regulations relating thereto.

Loyola University is desirous of complying with the provisions of Title IX in offering accident and health insurance for students and their dependents, and is willing to modify the coverage afforded thereby so as to provide maternity and pregnancy benefits as part of its basic plan of insurance to the extent that pregnancies and related conditions would be treated as any other temporary disability.

However, the language of Title IX and the implementing regulations, [45 C.F.R. 92], contain various references to benefits relating to "termination of pregnancy or recovery therefrom." To the extent that these provisions or their application are inconsistent with the religious tenets and beliefs and the policies of Loyola University, I hereby claim, on behalf of the University, an exemption from the applicability of the following provisions of the federal regulations which conflict with the policies of the University and which are premised upon specific teachings of the Roman Catholic Church. This claim is made pursuant to Section 86.12(b) or 45 C.F.R. 92.

Specifically, the provisions of the Regulations which we deem to be inconsistent with University policy regarding termination of pregnancy are as follows:

106.21(c)(2)(3); 106.39; 106.40(b)(1)(4); 106.57(b)(d)

The University's claim to exemption under Section 86.12 is based upon the fact that Loyola University is a non-profit corporation which is controlled and governed by a Board of Trustees of not less than twenty nor more than thirty-five members, the composition of which shall be comprised of not less than fifty per cent nor more than sixty per cent members in good standing of the Society of Jesus. The Articles further provide that the President of the institution must be a member of the Society of Jesus. The Society of Jesus is a religious order affiliated by virtue of such membership with the Roman Catholic Church throughout the world. I am enclosing a copy of the Articles of Incorporation and By-laws of the University, which set forth in greater detail the governing structure of the institution. To that extent, it is the position of the University that its governance meets the requirements of Section 86.12.

The specific religious belief or tenet which is being claimed as the basis for exemption from the above cited provisions of the Title IX regulations is found in the long-established teaching of the Catholic Church through its various Councils, Papal Encyclicals and other teaching authorities which define the intentional termination of pregnancy through means of abortion as the wrongful taking of human life contrary to the natural and moral law of the Church.

To that extent, the exception which is being claimed is limited to the provisions of Title IX and the regulations which would require the offering of counseling or the providing of medical or surgical benefits through a policy of student insurance for the purpose of reimbursing costs incurred in connection with the performance of an abortion. Likewise, those provisions of the regulations which would prevent the University from implementing policies with respect to admissions, disciplinary action, or termination of employment on the basis of student or personal conduct related to termination of pregnancy by abortion should also be considered as included in this claim of exemption.

Furthermore, the University would likewise claim exemption under the above referred to sections with respect to the providing of any benefits or the adoption of policies relating to non-therapeutic sterilization, which is likewise contrary to the established teachings and dogma of the Roman Catholic Church and the policies of Loyola University.

Assuring you of our cooperation with the government in the University's desire to comply with the provisions of Title IX in all other respects, I remain,

Very sincerely yours,

James C. Carter, S.J.
President

JCC/jbb

cc: Mr. Ted Crim

Enclosures

LUBBOCK CHRISTIAN COLLEGE

5601 WEST 19TH STREET / LUBBOCK, TEXAS 79407 / TELEPHONE 806/792-3221

W. JOE HACKER, JR., D.R.E.
PRESIDENT

September 24, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

Enclosed is Form 639, Compliance to Title IX, for Lubbock Christian College, Lubbock, Texas. We have completed our self-evaluation and have made proper corrections as directed by Title IX. Grievance procedures have been written and publicized for both students and staff.

As Title IX permits, we are filing with this form a list of exemption requests which violate our religious convictions. Lubbock Christian College is a church related institution, and, therefore, must reflect the convictions and doctrine of the churches of Christ throughout America. This Biblical doctrine is distinctive to our existence and is, therefore, important to our constituency and students.

Sincerely,

W. Joe Hacker, Jr.
President

pb

Enclosures

Lubbock Christian College is applying for exemption under the Title IX religious provision tenets section in the following areas for the reasons given in each case:

Areas relating to the Bible Department and to religious activities on the campus:

A. Lubbock Christian College states in its current catalog:

> Lubbock Christian College is a private senior Christian college emphasizing academic quality and Christian ideals.
>
> Persons of any race, color, national or ethnic origin, or economic status who are serious in purpose and in sympathy with the ideals and purposes of the college are encouraged to apply for admission to the college.

B. Lubbock Christian College is under a charter issued by the state of Texas which contains the following statements in Article II as a statement of the purposes of the college.

> . . .the establishment and maintenance of a private school offering instructions from the pre-school to senior college classes, both inclusive, or so many of such grades and/or classes as the Board of Trustees, shall from time to time, deem advisable, and in which the Holy Scripture shall always be taught, together with such other courses of instruction as shall, from time to time, be deemed advisable by the Board of Trustees, each of whom shall be a member, in good standing, of a congregation of the Church of Christ, which takes the New Testament as its only and sufficient rule of faith to worship and practice, as Churches of Christ are generally known in Texas as of the date of this charter.

C. The administration of the college is directed by the charter and by the Trustees to use only male teachers in the Bible classes. It is a violation of our conscience and in our judgment a violation of our rights of the first amendment of the Constitution for an agency of the federal government to require us to do otherwise.

1. The New Testament clearly expresses the dignity of women in many passages of scripture. This is not an issue with us.

2. Women in the New Testament church were equal to men in the essential purpose of Christianity--redemption. Paul said, "There can be no male or female in Christ."[1] This is not an issue with us. We agree with the contemporary historian Will Durant.

> Women were admitted to the congregations and rose to some prominence in minor roles; but the Church required them to shame the heathen by lives of modest submission and retiremnt.[2]

3. Durant, as well as scholars of the New Testament text and of New Testament church history agree that the church followed the instructions of Paul to the Corinthian church and to the preacher Timothy regarding the role of woman in teaching publicly.

   a. W. F. Adeney says,

   > There were no women apostles. The elders were all men, in accordance with the invariable custom of the synagogue. It is given as a sign of the 'contempt' into which religion had fallen in the 5th century that women were found to be acting as priests at the altars, a complaint implying that this was an innovation previously unheard of.[3]

   b. A. T. Robinson, commenting on Paul's injunction to the Corinthians that women keep silent in all the churches (I Corinthians 14:33-36) says,

   > Keep silence in the churches (en tais ekkesiais sigatosan). The same verb used about the disorders caused by speakers

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[1]Galatians 3:28.

[2]Will Durant, The Story of Civilization, Vol. III (New York: Simon and Schuster, 1950), p. 596.

[3]W. F. Adeney, A Dictionary of the Bible, Vol. IV (New York: Charles Scribner's Sons, 1902), p. 936.

> in tongues (verse 28) and prophets (30). For some reason some of the women were creating disturbance in the public worship by their dress (11:2-16) and now by their speech. This is no doubt at Paul's meaning here. In the church the women were not allowed to speak (lalein) nor even ask questions.[4]

c. Paul further clarifies this point in a later work when he wrote to Timothy, "Now to teach I do not permit to woman, nor to exercise authority over a man, but to be in quietness."[5] R. C. H. Lenski has commented,

> . . .'but to be in quietness.' Those who are taught sit in quietness and learn; the one who teaches as the master who is to be heard, heeded, and obeyed. Because of its very nature his is the dominant position and function; the rest are there quietly to receive and to be directed. Nor is Paul speaking of ordinary schoolroom teaching, where secular knowledge is imparted by one who is in authority enough in some branch of learning to sit at the teacher's desk. A learned woman may discourse to a whole class of men.
>
> Paul refers to teaching SCRIPTURE and not to imparting intellectual secular information to the mind. . .[6]

4. Therefore we shall, because of religious conviction, continue to use male teachers in Bible classes and must request exemption. Female teachers may teach classes which have only female pupils. The Churches of Christ in Texas have never permitted the practice of females teaching coeducational Bible classes and will not do so now. The reasons given apply also to training courses for preacher training, or training for the ministry, specifically: Speech 336,

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[4]A. T. Robinson, Word Pictures in the New Testament, Vol. IV (Nashville: Broadman Press, 1931), p. 185.

[5]I Timothy 2:12.

[6]R. C. H. Lenski, The Interpretation of St. Paul's Epistles to the Colossians, to the Thessalonians, to Timothy, to Titus and to Philemon (Minneapolis: Augusburg Publishing House, 1956), p. 563-564.

337; Bible 311, 411, 437, 468, 336, 432, 437; Home Economics 110. Therefore, the above courses are requested for an exemption.

5. We also ask exemption in order that women may not be permitted to preach and to have public roles in Bible lectureships and other religious activities on campus where Christian worship or devotion occurs.

President

cc

Needed
1. Data Ba
2. Reg Code S.
Cod
6/16/77

KP
file
6-16-77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Lutheran Bible Institute
(Name of Applicant or recipient

13016 Greenwood Ave N
(address)

Seattle, Wa. 98133
(city, state, zip code)

~~OE# 013525~~ 53029019
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. (x) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee: (see attached)

2. Lloyd R. Nelson
(name of employee)

3. Lutheran Bible Institute
13016 Greenwood N. Seattle, Wa. 98133
(office address)

4. (206) 364-0400
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: April 20,1977

Lutheran Bible Institute
(Insert name of Applicant)

By _____

Conrad E. Lund
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

LBI Seattle

25 July 1985

Mr. Gary Jackson
Regional Director
Office for Cival Rights - Region X
United States Department of Education
M/S 106 - Third & Broad Building
2901 Third Avenue
Seattle, WA 98121

RECEIVED
1985 JUL 26 AM 11:
DOE-OCR

Dear Mr. Jackson:

This letter is in reference to a request made by The Lutheran Bible Institute of Seattle in 1977 for "religious exemption" from Title IX of the Education Amendments of 1972 and specifically in response to your letter of March 22, 1985, in which you sought clarification about this request.

This request was made under a previous administration at this institution, namely that of the late Rev. Conrad E. Lund, who served as president from 1971-1981. Frankly, your letter to us, revealing such a request on the part of Seattle LBI, came as a surprise to our present administration. None of our current administrators were in office in 1977.

That fact is, that as a school affiliated with several syonds of the Lutheran church in this country---a church that has upheld and fought for cival rights, especially those of women and has pioneered in the ordination of women as pastors (not all synods), we cannot understand the motivation for requesting exemption from these statutes on the basis of our particular religious beliefs. It goes against all we stand for.

That is to say that The Lutheran Bible Institute of Seattle does not wish exemption from any portion of the Title IX regulations. Further, after examination of the past, it is clear we have always been in compliance.

Please forgive the great delay on our part in responding to your letter. I trust, however, that your receipt of this letter will resolve the matter. Thanks for your help and for your work.

Sincerely,

Joseph D. Bjordal
Executive Director for
Public Relations and Admissions

The Lutheran Bible Institute of Seattle
Providence Heights, Issaquah, Washington 98027
(206) 392-0400

4/5/78

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

6/8/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

McCormick Theological Seminary
(Name of Applicant or recipient

5555 South Woodlawn Avenue
(address)

Chicago, Illinois 60637
(city, state, zip code)

001721
(identifying code-FICE, OE, or IRS)
17001721

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Mr. Don S. Hasty, Vice President for Business Affairs
(name of employee)

McCormick Theological Seminary

3. 5555 S. Woodlawn Ave., Chicago, IL 60637
(office address)

4. (312) 241-7800
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. (x) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by May 31, 1977 (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 18, 1977

McCormick Theological Seminary
(Insert name of Applicant)

By

Jack L. Stotts
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

MAR 13

McCORMICK THEOLOGICAL SEMINARY
5555 SOUTH WOODLAWN AVENUE
CHICAGO 60637
(312) 241-7800

OFFICE OF THE PRESIDENT

March 7, 1979

Mr. Benjamin Saunders
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Saunders:

In accordance with our telephone conversation of March 7, 1979, this is to confirm that McCormick Theological Seminary is not claiming a religious exemption under 45 C.F.R. Section 86.12(b) of the regulation issued under Title IX of the Education Amendments of 1972.

Very truly yours,

Barbara Prasse

The Reverend Mrs. Barbara Prasse
Director of Student Services

BP:mlp

cc: Dr. Jack L. Stotts
President, McCormick Seminary

McM

McMURRY COLLEGE

OFFICE OF THE PRESIDENT

August 24, 1988

Mr. George D. Cole
Division Director Elementary and Secondary
Education Division II
Department of Education
1200 Main Tower Building
Dallas, TX 75202

Reference: 06882135

Dear Mr. Cole:

I am happy to write this letter as a result of our telephone conversation of August 10, 1988, and your letter of August 11, 1988. I am also grateful for the extension of the deadline for this letter to about September 10, 1988.

McMurry College respectfully requests an exemption from the provision of a general health insurance coverage for pregnancy for the students of McMurry College. We seek this exemption based on religious grounds.

1. The Northwest Texas and the New Mexico Annual Conferences of the United Methodist Church control McMurry college. McMurry College operates within the basic religious tenets of the annual conferences and the document of basic beliefs of our denomination entitled The Book of Discipline, 1984. In The Book of Discipline, 1984, paragraph 71 (p. 90) under the family and marriage section, the position of the United Methodist Church is that we honor the institution of the family, and we do not condone sex outside of marriage. Given this position of the church, McMurry College does not wish to offer coverage for pregnancy in our health insurance program to unmarried students.

2. We request exemption from section 106.40 paragraph b, (4). Paraphrased, pregnancy is to be treated in the same manner and under the same policies as any other temporary disability. I understand the complaint your office received alleges that the student health insurance plan made available by McMurry College is in violation of section number 106.40 paragraph b, (4).

McMURRY STATION ABILENE, TEXAS 79697
915-691-6209

The student insurance is for full-time students, dependent coverage is not required and maternity coverage is optional. If maternity coverage were not optional, additional premiums would be required by unmarried males and females. The tenet from The Book of Discipline of the United Methodist Church that covers this request for exemption is "Although men and women are sexual beings whether or not they are married, sex between a man and a woman is only to be clearly affirmed in the marriage bond." This is found on page 90 of The Book of Discipline.

In summary, McMurry College requests exemption from section 106.40 paragraph b, (4) for the following reasons:

1. McMurry College is a United Methodist Church related institution.
2. The United Methodist Church does not condone sex outside the marriage bond.
3. The overwhelming majority of the students of McMurry College are unmarried.
4. If McMurry College were to issue maternity coverage in its student health insurance to all students routinely, we would be tacitly condoning sex outside marriage. Such a practice is against our religious belief.

Sincerely,

Thomas K. Kim

Thomas K. Kim
President

TKK:mb
Enclosure: Student health plan application

Not received

בית המדרש זכרון מלך

בה

Mesivta of Eastern Parkway Rabbinical Seminary

~~426 East 45th Street, Brooklyn, N.Y. 11203~~ ~~Telephone IN 9-7740~~

3121 Kings Highway, Brooklyn, N.Y. 11234 Tel:- 338-6100

DIRECTOR CORRESPONDENCE BRANCH
AUG 23 5 52 PM '77

August 18, 1977

3600963

Director
Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Samuel Teitelbaum

Rabbi Samuel Teitelbaum
Executive President

Rabbinical College of Sanz
1420 50th Street
Brooklyn, N.Y. 11219

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

RD 214-85
Lab

TEL. (201) 867-8690

ב"ה

מתיבתא צאנז אף האדסאן קאנטי

כנשיאות כ"ק אדמו"ר הרהנה"צ מרן יקותיאל יהודה הלברשטאם שליט"א אב"ד דק"ק צאנז (קלויזענבורג)

MESIVTA SANZ OF HUDSON COUNTY

UNDER THE DIRECTION OF GRAND RABBI S. L. HALBERSTAM, THE (SANZ) KLAUSENBERG RABBI

3400 NEW YORK AVENUE UNION CITY, N. J. 07087

BOARD OF DIRECTORS

Rabbi Shlomo Goldman
Juda Frankel
Sidney Greenwald
Solomon Katz
Mechel Lieber
Hershel Mashinsky
Leibish Morgenstern
Erno Nussenzweig
Benzion Reich
Moses Rosenberg
Aron S. Spitzer
Baruch Tessler
Sanel Waks

October 10, 1985

The Acting Regional Director
Office for Civil Rights
U.S. Dept. of Education; Region II
Federal Building
26 Federal Plaza
New York, NY 10278
Attention: Mr. Stanley Seidenfeld

RECEIVED
OCT 15 1985
O C R
REGION II

Dear Sir:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemptions from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely,

Rabbi Shlomo Goldman
Dean

SG/lg

ב"ה

Mesivta Yeshiva Rabbi Chaim Berlin

מתיבתא ישיבה רבי חיים ברלין

November 24, 1975 (copy)

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21 (a)
(b) Section 86.31 (a)
(c) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Bezalel Reifman
Executive Vice-President
For the President of the Faculty

ABRAHAM COHEN ז"ל
SOLOMON COOPER ז"ל
ALEX FRUCHTHANDLER ז"ל
ISAAC MEISLIN ז"ל
MORRIS MELTZER ז"ל
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Vice-President, Yeshiva Ketana
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Vice-President, Mesivta High School
MOSHE YANOFSKY
Vice-President, Camp Morris
YITZCHOK KATZENSTEIN
Vice-President, Gemilath Chesed
ALTER KEVELSON
Vice-President, Dinner
SHMUEL HOCH
MENDEL SCHECHTER
Co-Treasurer
SHMUEL WOLMAN
Secretary
YITZCHOK KREPEL
Executive Secretary

Yeshiva Elementary School
Mesivta High School
Rabbinical Academy
Gur Aryeh Institute for Advanced Jewish Scholarship
Prof. Nathan Isaacs Memorial Library
Camp Morris
Bais Hamedrash Ohr Eliyahu, Jerusalem
Gemilath Chesed
Gur Aryeh Publications

1593 Coney Island Avenue, Brooklyn, N.Y. 11230 • (212) 253-2660 (Kollel Offices)
Executive Offices: 1223 Elm Avenue, Brooklyn, N.Y. 11230 • (212) 336-8500

מתיבתא תפארת ירושלים
Mesivtha Tifereth Jerusalem of America
141-7 East Broadway / New York, N.Y. 10002
(212) 964-2830

Rabbi Yisrael H. Eidelman
Executive Director

Statement Attached to H.E.W. Form 639A,
Article 1B

TO WHOM IT MAY CONCERN:

The undersigned, being the chief administrative officer of Mesivtha Tifereth Jerusalem of America, maintained as an Orthodox Jewish Seminary with preparatory departments in accordance with the Jewish Orthodox faith with all its phases, facets, facilities and Governing Trustees in strict conformance with the tenets of the Orthodox Jewish Religious faith, respectively submits that the following provisions of Part 86 of the H.E.W. Regulations implementing Title IX of the Education Amendments Act of 1972 are in conflict with the specific tenets of the Orthodox Jewish Religion governing our institution:

a. Section 86.21(a)
b. Section 86.31(a)
c. Section 86.32(a)
d. Section 86.34
e. Section 86.51
f. Section 86.52
g. Section 86.55(a)
h. Section 86.7
i. Section 86.22
j. Section 86.23(a)
k. Section 86.23(b)
l Section 86.53
m. Section 86.59

Sincerely yours,

MESIVTHA TIFERETH JERUSALEM

Yisrael H. Eidelman

Rabbi Yisrael H. Eidelman
Executive Director

YHE:cf

Coded 2nd 6/15/77
6/14/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mesivtha Tifereth Jerusalem of
(Name of Applicant or recipient *America*

141-7 East Broadway
(address)

New York, N.Y. 10002
(city, state, zip code)

OE -003974
(identifying code-FICE, OE, or IRS)
36003974

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). *see attached sheet*
(If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. (x) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (*x*) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. *Rabbi Jerome Brick*
(name of employee)

3. *141-7 East Broadway, N.Y.C. 10002*
(office address)

4. *212-964-2830 ext. 15*
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: 6/2/77

Mesivtha Tifereth Jerusalem
(Insert name of Applicant)

By
Israel H. Lebman
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Executive Director
(Insert title of authorized official.)

Office of the President
Kenneth O. Gangel, Ph.D.
(305) 685-7991

FEB 9 1979

Miami Christian College

2300 N.W. 135th Street
Miami, Florida 33167

February 6, 1979

Mr. Waite H. Madison, Jr.
Acting Director, Div. of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of HEW
Office of the Secretary
Washington, D. C. 20201

Dear Mr. Madison:

Enclosed please find a copy of the religious exemption form we filed May 1977. You will note it states that there are no specific areas of conflict at the present time. We did want to identify however that the college is committed to a basic doctrinal statement which is signed by all faculty and members of the Board of Trustees.

Also we have enclosed copies of pages from our catalog identifying our commitment to a specific religious position.

I hope this information meets with your approval.

Cordially,

Kenneth O. Gangel

KOG:mw

Michigan Christian College
(313) 651-5800
800 WEST AVON ROAD
ROCHESTER, MICHIGAN 48063

September 17, 1976

Martin H. Gerry
Director
Office for Civil Rights
Department of Health, Education and Welfare
Office of the Secretary
Washington, D.C. 20201

To Whom it May Concern

Michigan Christian Junior College would like to claim a religious exemption regarding compliance with Title IX.

Michigan Christian Junior College is fostered by members of the Churches of Christ and obtains the major portion of its financial support from them. The Articles of Incorporation of the College, Article II, number 5, states that the Board of Directors, administration and faculty shall be members, in good standing, of the Church of Christ. These limitations and their implications constitute the basis for a religious exemption.

Further, it is the doctrinal position of Churches of Christ that women may not preach at public meetings of the Church, nor serve as preachers of the Church. Accordingly, the college does employ only men to teach Bible or religion courses. Teachers are hired without discrimination in teaching other disciplines. A religious exemption, based on doctrinal grounds, is requested which will permit the policy described above to continue.

Cordially yours

Don Gardner

Don Gardner
President

kk

tenets not cite

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Michigan Christian Junior College (insert name of Applicant or Recipient) Michigan (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

26002288

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Cynthia Scharr
(name of employee)

800 W. Avon Road, Rochester, MI
(office address)

313-651-5800
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept 16, 1976

Michigan Christian Junior College
(Insert name of Applicant)

By Don Gardner
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

MID-AMERICA BIBLE COLLEGE
(formerly Gulf-Coast Bible College)
3500 S.W. 119th Street
Oklahoma City, OK
73170-9797

August 20, 1985

Mr. Taylor D. August, Director
Region VI
Office of Civil Rights
Department of Education
1200 Main Tower Building
Dallas, Texas 75202

Dear Mr. August:

In a further attempt to clarify our needs for exemptions, and since I have been assured that Title IX does not refer to sexual preference, I am now able to simplify.

We must ask for exemptions on Marital and Parental status areas, Abortion areas, and pre and extra sexual activity.

Both staff and students would be asked to leave if they engaged in pre-marital sex or extra marital sex. If either staff or student had an abortion without being married, they would be asked to leave.

The sections which we would ask for exemption from adherence would be Sections 106.21c; 106.40 and 106.57.

Sincerely,

Dr. John W. Conley
President

405/691-3881

Gulf·Coast Bible College

CHRISTIAN LEADERSHIP FOR TODAY'S WORLD

June 1, 1977

Mr. Albert T. Hamlin,
Acting Director
OFFICE FOR CIVIL RIGHTS
Department of Health, Education, and Welfare
P.O. Box 8214
Washington, D.C. 20024

Dear Mr. Hamlin:

Enclosed are two copies of the HEW form 639A assuring our compliance with Title IX, and also a letter from our president citing areas of exemption under provision section 86.12.

I would appreciate very much if you would keep us informed as to the development in the definitions and implications of the Title IX program. We have been watching very closely the effect of your program and find the interpretation of many of the sections as varied as those who wish to comment. There are certain basic underlying principles of conduct between people for which legislation cannot remedy. We trust your administration of this program will be considerate of these principles and would be cognizant of our moral responsibility to each other.

Should you have a service available that will provide us with up-to-date information as to the progress of the administration of this program, we would appreciate knowing of it so that we might keep current with our compliance.

Thanks for your patience,

Roy W. Cline
Vice President
for Financial Affairs

RWC/cls

911 WEST 11TH STREET / HOUSTON, TEXAS 77008 / 713-869-6689 869-5706

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mid-South Bible College
(Name of Applicant or recipient

2485 Union Avenue
(address)

Memphis, Tenn. 38112
(city, state, zip code)

62-6001209
(identifying code-FICE, OE, or IRS)
H70009982

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Dr. Roger Clapp
(name of employee)

3. 2485 Union Avenue
(office address)

4. (901) 458-7526
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: June 1, 1977

Mid-South Bible College
(Insert name of Applicant)

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

MID-SOUTH BIBLE COLLEGE

Attachment for HEW Form 639A

Mid-South Bible College Identifying Code No: 62-6001209

We claim a religious exemption under 45 C. F. R. 86.12(b) under the following subsections:

1. 86.51(b)(4) - Job Assignments

   Based on our religious tenets and that of the churches with which we are associated, our female faculty members do not have teaching assignments relating professionally to pastoral ministries. Female faculty members are assigned teaching resonsibilities for all other courses which we offer.

2. 86.34

   Female students are accepted for all academic courses offered by the school with the exception of those relating professionally to pastoral ministries.

Mid-South Bible College

By

Dr. James B. Crichton, President

85-805-452

Mid-South Bible College

Phone (901) 458-7526

ROBERT J. HILGENBERG, Th.D.
President

2485 UNION AVE. • P.O. BOX 12144 • MEMPHIS, TENN. 38182-0144

July 23, 1985

RECEIVED
1985 JUL 29 PM 1:01
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Dr. William H. Thomas
Regional Civil Rights Director
United States Department of Education
Region IV
101 Marietta Tower
Atlanta, Georgia 30323

BOARD OF TRUSTEES
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Dear Dr. Thomas:

Thank you for your letter of July 3, 1985, concerning our request for an exemption under Title IX of the Educational Amendments of 1972.

Since our educational programs and policies have changed substantially over the past several years, we no longer desire an exemption from Title IX and wish to withdraw our request.

Sincerely,

Robert J. Hilgenberg

Robert J. Hilgenberg
President

RJH/pb

COUNCIL OF REFERENCE
DAVID H. CLARK, D.D.
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ADRIAN ROGERS, B.D., D.D.
HARLAN J. ROPER, D.D.
JOHN F. WALVOORD, M.A., Th.D.

THE ENTRANCE OF THY WORDS GIVETH LIGHT

Sarah Persky Rabbinical College

ב"ה

Mirrer Yeshiva

BETH MEDRASH
POST GRADUATE SCHOOL
KOLEL

Central Institute

HIGH SCHOOL
SEPHARDIC DIVISION
TEACHERS INSTITUTE

GEN. ADMINISTRATIVE OFFICE: 1791-5 OCEAN PARKWAY BROOKLYN, N. Y. 11223

RABBI SHRAGE MOSHE KALMANOWITZ
RABBI SHMUEL BERENBAUM
Roshei Yeshiva

NI 5-0536-7

מיסודו של
מרן הגאון
ר' אברהם קלמנוביץ זצ"ל

Founded by
RABBI ABRAHAM KALMANOWITZ זצ"ל

April 15, 1977

Director
Office of Civil Rights
Department of Health, Education and Welfare
330 Independence Ave S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our Institution.

1. I am the Chief Administrative Officer of this Institution.

2. Mirrer Yeshiva Central Institute was charted and in maintained as an Orthodox Jewish Seminary. Its trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. The Institution today continues to operate under, and adhere to, these policies.

3. The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our Institution:

   a. Section 86.21 (a)
   b. Section 86.31 (a)
   c. Section 86.32 (a)
   d. Section 86.34
   e. Section 86.51
   f. Section 86.52
   g. Section 86.55 (a)
   h. Section 86.7
   i. Section 86.22
   j. Section 86.23 (a)
   k. Section 86.23 (b)
   l. Section 86.53
   m. Section 86.59

Sincerely yours,

MIRRER YESHIVA CENTRAL INSTITUTE

Rabbi Chaim Stern

6/13/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mirrer Yeshiva Central Institute
(Name of Applicant or recipient

1791 Ocean Pkwy
(address)

Brooklyn, NY 11223
(city, state, zip code)

111-2225336
(identifying code-FICE, OE, or IRS)
36004798

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (X) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (x) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Rabbi Abraham Persky
(name of employee)

3. 1791 Ocean Parkway Bklyn, NY 11223
(office address)

4. 212-645-0536
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: April 15, 1977

Mirrer Yeshiva Central Institute
(Insert name of Applicant)

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rabbi Abraham Persky
(Insert title of authorized official.)
Financial Aid Administrator

Mississippi College
CLINTON, MISSISSIPPI 39058

Office of the President

Telephone (601) 925-3201

3/17
cy: PES
AS (Daniels)
OHSP (Lewis)

February 16, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Re: Title IX Religious Exemptions

Dear Sir:

At the outset, I would indicate to you that Mississippi College was established in the year 1826 and that the College has been owned by the Mississippi Baptist Convention since 1850. Thus, you may readily observe that Mississippi College is a "controlled" (and owned and supported) institution of the Mississippi Baptist Convention and has been for some 139 years. The tenets of the Baptist Faith and the Mississippi Baptist Convention, in particular, have played a vital part in the life of Mississippi College all of these years and we are committed to give careful attention to those expressions as we relate to the regulations of the law. Any different interpretation that might arise in consideration of the two arise out of our Christian beliefs, most, if not all of which are set forth in the Baptist Faith and Message Statement, a copy of which is enclosed. This same doctrinal statement had been adopted by the Southern Baptist Convention as early as 1925 with reaffirmation of the same being expressed by the Convention in 1963 and at other times during the 1970's and 1980's.

Within the context of the above, Mississippi College claims her exemptions 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).

Mississippi College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College was chartered by the State of Mississippi in 1826 and is owned by the

Mississippi Baptist Convention and is operated by a Board of Trustees elected by and from the membership of the Mississippi Baptist Convention. The College is exempt from federal income taxation as a not-for-profit institution under Section 501(c)(3) of the Internal Revenue Code. The Trustees of the College and the faculty, students and employees are all expected to espouse a personal belief in the religious tenets of the Christian faith as understood and practiced by the Mississippi Baptist Convention and her member churches. The catalog and other official publications of the College contain explicit statements of the fact that the College is committed to the doctrines of the Christian religion, and the college is completely governed by and receives a significant amount of its financial support from the religious organization of the Mississippi Baptist Convention and her member churches and the members of those churches. The College maintains its religious tradition, standards and beliefs in accordance with the teachings and tenets of those supporting bodies.

The College educates in the broad range of liberal arts, in which it 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, being the divinely inspired Word of God, sets forth the standards for Christian morality and practice in far too many places and forms to be identified or quoted comprehensively in this letter but Mississippi College is modeled after the teachings of the Bible and our Lord and adheres to the tenets of the Baptist Faith and Message as adopted by the Southern Baptist Convention referred to earlier.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, courtship, marriage and residential living environments and standards. It specifically holds religious standards for personnel and students in matters conducive to the fostering of proper and Christian 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 modest attire. Thus, Mississippi College takes particular exception to those paragraphs of Section 86.40 of the regulations, insofar as

it might be interpreted to require that pregnancy, childbirth, or the termination of pregnancy of an unmarried woman be all treated as normal illnesses or temporary disabilities. It is noted, specifically, that the Civil Rights Restoration Act makes express exceptions in reference to abortions, but within the spiritual convictions and religious tenets of the College, it is deemed worthy of particular mention here. Similar thoughts and concerns are to be found or may be said to arise out of Sections 86.21, 86.39, 86.51, 86.57, and 86.60 as they, and the same sections, under the new numbers, as listed elsewhere in this letter of claimed exemptions, express the same or similar thoughts relative to unmarried students or employees. Essentially, the College reserves the right at all times to exclude students whose conduct or academic standing it regards as undesirable or contrary to the tenets of the College and her owner-sponsor Denomination.

The college adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Holy Scripture and its teachings about moral behavior.

The College had previously communicated with the Department of Education (Department of Health, Education and Welfare) concerning her religious exemptions from certain of the provisions of Title IX and the Final Regulations issued in connection therewith. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX, as it may be effected by that Act, and the regulations thereunder that may be thought to be applicable to the college, this repeated, reaffirmed, and additional claim of her exemptions is being submitted at this time in order to solidify and to clarify the scope of the exemptions claimed by the college.

Thus, the college hereby claims and continues to claim, by way of affirmation, exemptions from the application of the following provisions of Title IX regulations, whether under the original Title IX or under that same Act as amended or as affected by later or more recent congressional enactments, inasmuch as they conflict with the college's religious tenets and traditions.

With express notice of the terms of Section 86.12 which declare that the provisions of this part of the regulations doe not apply to an educational institution which is controlled by a religious organization to the extent that application of this part would not be consistent with the religious tenets of that organization, and with the clear and long standing relationship that Mississippi College has with the Mississippi Baptist Convention, we do claim exemptions from the original Final Regulations under Title IX as follows:

Section 86.14
Section 86.15
Section 86.21
Section 86.22
Section 86.23
Section 86.31
Section 86.32
Section 86.34
Section 86.36
Section 86.37
Section 86.38
Section 86.39
Section 86.40
Section 86.51
Section 86.52
Section 86.53
Section 86.55
Section 86.57
Section 86.59

From the more recent Code of Federal Regulations - 34 CFR wherein, in Section 106.12 it continues to be declared that this part does not apply to an educational institution which is controlled by a religious organization to the extent that application of this part would not be consistent with the religious tenets of that organization, and with the clear and long standing relationship that Mississippi College has with the Mississippi Baptist Convention, we do claim exemptions from the revised or new regulations to Title IX as follows:

Section 106.14
Section 106.15
Section 106.21
Section 106.22
Section 106.23
Section 106.31
Section 106.32
Section 106.34
Section 106.36
Section 106.37
Section 106.38
Section 106.39
Section 106.40
Section 106.51
Section 106.52
Section 106.53
Section 106.55
Section 106.57
Section 106.59

The religious tenets relevant to marital and parental status are biblically derived. In order to live within

commonly perceived Christian meanings of human relationships and provide a moral and biblical ethos for the Mississippi College community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practices of the Mississippi Baptist Convention as it, and we interpret its moral standards. Mississippi College maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others, including the larger family of the college itself. Where such conduct violates biblical norms (e. g. cohabitation without marriage, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical basis (see e. g. I. Cor. 5-7; Col 3:5; 2. Cor 6:14ff; Mal. 2: 14b-16a; Matt. 5:31)) and offending persons cannot be reconciled to biblical standards, the college reserves her right to exercise her discretion for the remedy appropriate to the circumstances consistent with her religious beliefs and practices.

There are a number of other 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 exemption is required. For example, the college understands that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not, by the dictates of Congress, be construed to require that the college provide or pay for any benefit or service, including the use of facilities, related to an abortion and such is certainly within the spirit and framework of the religious tenets and beliefs and traditions of the college. 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 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. In any event, if the college is mistaken in the understandings set forth above, then express exemptions are claimed in reference to each on behalf of the College as an arm of the Mississippi Baptist Convention and upon her own foundation as the religious college that she is.

The College specifically claims her right to exercise a religious preference in her employment practices and decisions, pursuant to Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the Unites States 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 and practices are consistent with the Christian tenets of the College and the Mississippi Baptist Convention, and the principles, traditions and tenets of either the College or the Baptist Convention.

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 her mission, the college expressly reserves her right to claim an amendment to her exemptions or her rights to claim any additional exemption in order to fully protect the First Amendment Religious Freedoms or religious tenets, practices and traditions of the College.

Thank you for your assistance and for your prompt consideration of this matter.

Sincerely,

Lewis Nobles

Lewis Nobles, President

MISSOURI
BAPTIST COLLEGE

PCPS
4/24
Awaiting
Sig

April 1, 1996

U. S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

This letter shall constitute Missouri Baptist College's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. Section 106.12. The College requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the College.

Missouri Baptist College is an institution of the Missouri Baptist Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Missouri. The College is controlled by the Missouri Baptist Convention. All members of the Board of Trustees of Missouri Baptist College are elected by the Convention. Trustees must be resident members of Baptist churches affiliated with the Convention. The Convention fosters the College and provides it substantial financial support. I am satisfied that the nature of the Missouri Baptist convention and its relationship with the College establish that Missouri Baptist College is "controlled by a religious organization" as required for exemption under Section 106.12.

The College adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the College's Christian understanding of the Scriptures. The College is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the College is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances, the tenets require the College to act in ways which may conflict with specific regulations under Title IX.

Office of the President
Missouri Baptist College • One College Park Drive • St. Louis, Missouri 63141-8698 • (314) 434-1115 • Fax 434-7596

The faculty, employees and students of the College are expected to conduct themselves in a matter consistent with the tenets of the Christian faith. The College required, for instance, that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be a violation of the College's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of her condition as required by 34 C.F.R. Sections 106.40(b) and 106.51 (b).

The College expects its students and employees to be Christian role models. For example, it is a violation of the College's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The College's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the College with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from Sections 106.51 (employment); 106.52 (employment criteria): 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The College requests an exemption from sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquires as to marital status and sex) insofar as these regulations prohibit the College from applying standards of Christian moral conduct in the selection and discipline of its employees.

The College provides an education to a significant number of students who are training for the gospel ministry. The College may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular significance is the College's role in preparing those who would become wives, mothers, husbands and fathers and encouraging their adherence to the College's religious tenets regarding the family and the sanctity of marriage.

Therefore, this College request an exemption from 34 C.F.R. Sections 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This institution requests an exemption from 34 C.F.R. Section 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex as required by religious tenets. The College requests exemptions from the following sections insofar as ministerial students are concerned: Sections 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from Section 106.36 regarding counseling and use of appraisal and counseling materials is requested to the extent the College's religious tenets require differentiating between counseling services on the basis of sex.

Finally, we request an exemption from Section 106.39 regarding student health and insurance benefits and services to the extent that regulation would require the College to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,

R. Alton Lacey, Ph.D
President

cc: Jason Rogers
Doug Copeland

MOUNT ANGEL SEMINARY
ST. BENEDICT, OREGON 97373
TELEPHONE: (503) 845-3030

Mount Angel Seminary is a private institution owned and operated by a religious organization for the training of students for the Catholic priesthood. Presently the Church does not allow the ordination of women and thus we may accept only males into our program for priestly training. We thus claim a religious exemption under 45 C.F.R. 86. 12(b). We comply with Title IX and all other requirements of part 86.

Date 4/6/79

Rev. James M. Ribble
President-Rector

7/20/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Rev. James Ribble
(Name of Applicant or recipient

Mt. Angel Seminary
(address)

St. Benedict, OR 97373
(city, state, zip code)

003-203
(identifying code-FICE, OE, or IRS)
41003203

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

James Ribble

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

COMPLETED

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. (x) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. (x) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee: NOT APPLICABLE

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated. NOT APPLICABLE

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86. NOT APPLICABLE

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices. NOT APPLICABLE

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
NOT APPLICABLE insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976. NOT APPLICABLE

Date: 4/6/79

Mt. Angel Seminary

St. Benedict, Oregon 97373

(Insert name of Applicant)

By James M. Ribble

Rev. James M. Ribble

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President-Rector

(Insert title of authorized official.)

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

AUG 3 1985

The Reverend J. Terrence Fitzgerald
President - Rector
Mt. Angel Seminary
St. Benedict, Oregon 97373

Dear Reverend Fitzgerald:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. We have reviewed your response to our letter of March 22, 1985, in which you describe a policy practiced at Mt. Angel Seminary as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain portions of the regulation implementing Title IX absent a religious exemption. You supplied information in your letter of April 12 that establishes that Mt. Angel Seminary is controlled by the Catholic Church and that tenets followed by the Church conflict with specific portions of the Title IX regulation. Therefore, I am granting Mt. Angel Seminary an exemption to the section of the Title IX regulation specified in your letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Mt. Angel Seminary. Mt. Angel Seminary is hereby exempted from the requirements of the following section of the Title IX regulation: 34 C.F.R. § 106.21.[1] The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Mt. Angel Seminary is owned and operated by the Catholic Church for the training of students for the Catholic priesthood. This relationship between the Catholic Church and Mt. Angel Seminary adequately establishes that Mt. Angel Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the Catholic Church does not allow the ordination of women or married men. Thus, only unmarried males are accepted into your program for priestly training. Based on this principle, Mt. Angel Seminary has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21 (Admissions).

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1 The regulation implementing Title IX of the Education Amendments of 1972 was recodified with the establishment of the Department of Education in 1980. The regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

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 Mt. Angel Seminary, 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 Mt. Angel Seminary are not based on the religious tenets of the Catholic Church, OCR is obligated to contact the Catholic Church to verify those tenets. If the Church provides an interpretation of tenets that has a different practical impact than that described by Mt. Angel Seminary, or if the Church denies that it controls the institution, this exemption will be rescinded.

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

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,

Harry M. Singleton
Assistant Secretary
for Civil Rights

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

a)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Mount Mercy College
(Name of Applicant or recipient

1330 Elmhurst Drive NE
(address)

Cedar Rapids, Iowa 52402
(city, state, zip code)

42-0681046
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

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2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

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A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Reverend Robert L. Ferring
(name of employee)

3. Mount Mercy College
(office address)

4. (319) 363-8213
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

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C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 8, 1979

Mount Mercy College
(Insert name of Applicant)

By Thomas R Reed
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

JOSEPH C. ALDRICH
PRESIDENT

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

MULTNOMAH
8435 NORTHEAST GLISAN STREET, PORTLAND, OREGON 97220 503-255-0332

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 ministration 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,

Joseph C. Aldrich

Joseph C. Aldrich
President

JCA:ek

Enclosures

ישיבת נר ישראל

NER ISRAEL RABBINICAL COLLEGE
MT. WILSON LANE / BALTIMORE, MARYLAND 21208 / 484-7200

May 27, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted, and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Herman N. Neuberger
Vice President

HNN:jsk

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

fee 6/11/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Ner Israel Rabbinical College
(Name of Applicant or recipient

400 Mt. Wilson Lane
(address)

Baltimore, Maryland 21208
(city, state, zip code)

002087 (OE)
(identifying code-FICE, OE, or IRS)
24002087

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

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1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (X) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: May 27 - 77

NER ISRAEL RABBINICAL COLLEGE
(Insert name of Applicant)

By _____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Vice President
(Insert title of authorized official.)

Reg'd Check with Mich

DON ARGUE
President

NORTH CENTRAL BIBLE COLLEGE 910 Elliot Ave So., Minneapolis, Minn. 55404 | 612-332-3491

December 6, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of North Central Bible College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by the Minnesota District Council of the Assemblies of God, the Wisconsin/Northern Michigan District Council of the Assemblies of God, the Northern Missouri District Council of the Assemblies of God, the Illinois District Council of the Assemblies of God, the Indiana District Council of the Assemblies of God, North Dakota District Council of the Assemblies of God, South Dakota District Council of the Assemblies of God, Nebraska District Council of the Assemblies of God, Iowa District Council of the Assemblies of God, and the Michigan District Council of the Assemblies of God, ("District Councils"). The District Councils are associations of churches in the States of Minnesota, Wisconsin, Michigan, Missouri, Illinois, North Dakota, South Dakota and Indiana, and they are members of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2 million members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District Councils are religious organizations.

Further, the articles of incorporation (enclosure 4) and

bylaws (enclosure 5) of the College demonstrate that the College is controlled by religious organizations (the District Councils) through a board of regents.

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

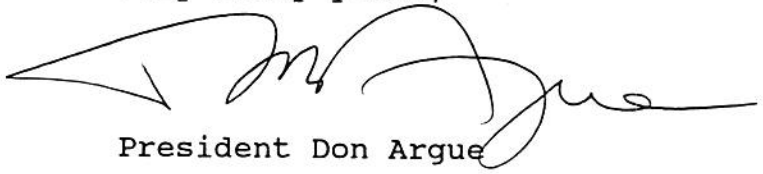
At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and

employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,



President Don Argue

DA:je

Enclosures

cc: Richard R. Hammar, Esq.

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Northeastern Christian Junior College (insert name of Applicant or Recipient) (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

42003307

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

John M. Barton, Vice President
(name of employee)

1860 Montgomery Avenue; Villanova, PA 19085
(office address)

525-6780
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by October 30, 1976 (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept. 30, 1976

Northeastern Christian Junior College
(Insert name of Applicant)

By John M. Barton
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Vice President
(Insert title of authorized official.)

GPO 906-517

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

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HEW–391

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U.S.MAIL

ATTN PRESIDENT

*1103
*
NORTHEASTERN CHRISTIAN JC* 791
1860 MONTGOMERY AVE
VILLANOVA PA 19085

ATTN PRESIDENT *1104

Northeastern Christian Junior College
1860 Montgomery Avenue • Villanova, Pa. 19085 • 215-525-6780
Office of the President

August 15, 1985

Mr. Dewey E. Dodds, Director
Office for Civil Rights
Region III
U.S. Department of Education
3535 Market Street, P.O. Box 13716
Philadelphia, PA 19101

Dear Mr. Dodds:

Thank you for your recent letter requesting documentation for the request filed by my predecessor for an exemption from certain requirements of the Title IX regulations.

Upon review of the relevant portions of the legislations, I have determined that Northeastern does not want at this time to request exemptions from Title IX.

Sincerely,

C. Larry Roberts

C. Larry Roberts
President

CLR/mf

RECEIVED
1985 AUG 19 PM 2:06

Religious Exempt
Code JS
CK CMJ
8/18/77

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Northwest Baptist Seminary
(Name of Applicant or recipient
4301 North Stevens
(address)
Tacoma Washington 98407
(city, state, zip code)
23-7395606 IRS
(identifying code-FICE, OE, or IRS)
53012601

YCP
4-3-78

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. ( ) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Thomas R. Sutton
(name of employee)

3. Assistant to the President
(office address)

4. 759-6104
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: 4 Aug 77

NORTHWEST BAPTIST SEMINARY
(Insert name of Applicant)

By Thomas K. Sutton
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Business Manager
(Insert title of authorized official.)

Northwest College
of the Assemblies of God

Dr. D.V. Hurst, President

RES
8/22
(OASP s/o on yellow)

AS sig
cy: AS
OASP ltr

July 29, 1988

Ms. LaGree Daniels
Assistant Secretary for Civil Rights
United States Department of Education
330 C Street, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application
Northwest College of the Assemblies of God,
a Washington non-profit corporation

Dear Ms. Daniels:

I am writing in my capacity as the highest ranking administrative official of Northwest College of the Assemblies of God, a Washington non-profit corporation.

Northwest College of the Assemblies of God (the "College") 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 is controlled by a religious organization. The College is a regionally accredited Christian college, endorsed by the American Association of Bible Colleges and the General Council of the Assemblies of God. The College offers degrees in Certificate in Christian Studies, Associate of Arts, Bible Diploma and Bachelor of Arts. The College is owned and controlled by the Northwest District Council of the Assemblies of God (Washington and Northern Idaho), the Montana District Council of the Assemblies of God, the Southern Idaho District Council of the Assemblies of God, and the Wyoming District Council of the Assemblies of God. The District Councils are associations of churches in these states, and they are members of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District councils, and 2 million members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code. The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches.

P.O. Box 579 Kirkland, Washington 98083-0579 Telephone: (206) 822-8266

The Directors of the College 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. The Articles of Incorporation and By-Laws [enclosure "A" & "B"], the catalog [enclosure "C"] and other official publications of the College contain explicit statements that the College is committed to the doctrines of the General Council, and the College is completely governed by the Assemblies of God. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the College and the General Council.

Compliance with Title IX would conflict with specific tenet(s) of the Assemblies of God. The College adheres to biblical tenets for matters of faith and practice, following its religious tradition and denomination. The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of 16 fundamental doctrinal precepts. The College's articles of incorporation and constitution and bylaws also adopt these doctrinal precepts. Accordingly, 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 Holy Bible and the "Statement of Fundamental Truths" sets forth the standards for Christian morality and practice in far too many places and forms to be identified comprehensively in this letter. However, two tenets that are especially pertinent are:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy." Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict directly with these tenets of the College and its controlling religious organization. These provisions of Title IX prohibit discrimination based on pregnancy or childbirth in student

recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and our church's view on sanctification. The conflict could occur in a number of ways. Consider the following:

1) an unmarried female student becomes pregnant;
2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or,
3) a married female student becomes pregnant because of an adulterous relationship with another student or third party.

In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In addition, the College, pursuant to its required tenets of faith, maintains its religious freedom to make certain gender distinctions in matters of moral behavior, pregnancy, marriage and residential living environments, and other moral standards. These religious standards are held for personnel and students and are matters conducive to the fostering of proper moral behavior and the discouragement of inappropriate behavior as required by the religious tradition, tenets of faith of its controlling religious organization and Biblical truth. Such standards also include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language and attire. At the College matters of moral behavior, including the misuse of human sexuality, is adjudicated in accordance with scriptural teaching about moral behavior.

The College requests exemption from the application of the Title IX regulations since such regulations specifically conflict with the tenets of our controlling religious organization.

The College also 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). The College shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs and practices are consistent with the Christian tenets, principles and traditions accepted by the College and our controlling religious organization.

In the event of any future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the College, the College reserves its right to apply to the Department of Education for an amendment to this exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the College and our controlling religious organization.

Thank you for your assistance and for your prompt confirmation of our exemption. If you have any questions or require any further information, please contact Dr. Randall K. Barton, Vice-President for Development, Northwest College of the Assemblies of God, (206) 822-8266.

Very truly yours,

Dr. D.V. Hurst, President
Northwest College
of the Assemblies of God

DVH:jw

Enclosures

Northwestern College

3003 North Snelling Avenue, St. Paul, Minnesota 55113 (612) 631-5100

March 16, 1989

Mr. Kenneth A. Mines
Regional Director
United States Department of Education
Office for Civil Rights
401 South State Street, 7th Floor
Chicago, IL 60605

Re: Title IX Exemption Application

Dear Mr. Mines:

In past correspondence with you seeking exemption from Title IX regulations, we were asked to provide further information on the religious tenets of our institution and which sections of the Title IX regulations conflict with those tenets.

As was mentioned in our letter to you dated June 23, 1988, Northwestern College is not affiliated with a particular denomination, but rather is controlled by Northwestern College, Incorporated, a non-profit religious corporation which was incorporated in the State of Minnesota in 1902 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code.

Enclosed please find a copy of Northwestern College's "Doctrinal Statement" which sets forth the religious tenets held by this institution.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest attire.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The College maintains that it must be able to deal,

on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentent in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor. 6:14ff; Mal. 2: 14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

Believing the Scriptures to be the infallible authority in all matters of faith and conduct, Northwestern College hereby requests exemption from the following provisions of the Title IX regulations to the extent that they conflict with Scriptural teaching:

Section 106.21 (c)(2) "Shall not discriminate against or exclude any person on the basis of...termination of pregnancy..."

Section 106.21 (c)(3) "Shall treat disabilities related to... termination of pregnancy...in the same manner and under the same policies as any other temporary disability or physical condition."

Section 106.40 (b)(1) "A recipient shall not discriminate against any student...on the basis of...termination of pregnancy..."

Section 106.40 (4) "A recipient shall treat...termination of pregnancy...in the same manner and under the same policies as any other temporary disability..."

Section 106.40 (5) "In the case of a recipient which does not maintain a leave policy for its students...a recipient shall treat...termination of pregnancy...as a justification for a leave of absence..."

Section 106.51 (a) "No person shall, on the basis of sex...be subjected to discrimination in employment, or recruitment, consideration or selection therefor...under any education program or activity operated by a recipient..."

Section 106.51 (b)(6) "Granting and return from leaves of absence... for...termination of pregnancy..."

Section 106.53 (a) "A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees..."

Section 106.55 (a) "A recipient shall not classify a job as being for males or for females;"

Section 106.57 (2)(b) "A recipient shall not discriminate against or exclude from employment...on the basis of...termination of pregnancy..."

Section 106.57 (2)(c) "A recipient shall treat...termination of pregnancy...as any other temporary disability..."

Section 106.57 (d) "In the case of a recipient which does not maintain a leave policy for its employees...a recipient shall treat...termination of pregnancy...as a justification for a leave of absence..."

Section 106.59 "A recipient shall not in any advertising related to employment indicate preference...based on sex"

Section 106.60 (b) "A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if...the results of such inquiry are not used in connection with discrimination..."

There are a 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 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 tenets 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 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 claim 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 my office at (612) 631-5249.

Sincerely,

Donald O. Ericksen
President

DE:gb
Enclosure: Doctrinal Statement

Northwestern College
3003 North Snelling Avenue, St. Paul, Minnesota 55113 (612) 631-5100

June 23, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Northwestern College hereby requests an exemption from the requi of Title IX of the Education Amendments of 1972 ("Title IX") as herein fied, pursuant to Sections 901(a)(3) and 908 of Title IX and 34 C.F.R. 106.12(b). The College believes that it has in the past received, and currently receiving, indirect federal aid within our understanding of t Supreme Court opinion in Grove City College v. Bell, 465 U.S. 555(1984)

Northwestern College is a regionally accredited liberal arts col offering courses of instruction in the humanities, arts and sciences. College is controlled by Northwestern College, Inc. (the "Corporation"), non-profit religious corporation which was incorporated in the State of Minnesota in 1902 as a Christian institution of higher education under t control of a board of directors, and is exempt from federal income taxat as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The directors of the Corporation, faculty, stude and employees of the College are all required to espouse a personal beli the religious tenets of the Christian faith. The Charter of the Corpora the catalogs and other official publications of the College contain expl statements that the College is committed to the doctrines of the Christi religion, and the College is completely governed by and receives its ent financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards ar 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 disciplin matters, as well as in the performance of any religious role or office in which gender distinctions may be required.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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. The College adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Scriptural teaching about sexual behavior. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, social behavior, language and attire.

The College hereby requests exemption from the application of the Title IX regulations, to the extent that they conflict with the College's religious tenets as described above. Please refer to the enclosed letter dated May 25, 1973, from the U.S. Department of Education.

Sincerely,

Donald Ericksen
President

DE:gb
Enclosure

(a)

No tenet cited

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Northwestern College, Orange City, Iowa 51041
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[x] Undergraduate (including junior and community colleges)
[x] Vocational or Technical
[x] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

Date 11-10

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[ ] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Philip Patton
(name of employee)

Assistant Dean of Academic Affairs
(office address)

712-737-4821, Ext. 17 (8-12), Ext. 39 (1-5)
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[x] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 10, 1976

Northwestern College, Orange City, IA 51041
(Insert name of Applicant)

By H.V. Rowenhorst
H.V. Rowenhorst
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Notre Dame Seminary
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[✓] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

22002022

[ ] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[✓] Graduate
[ ] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[✓] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (X) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: April 11, 1977

Notre Dame Seminary
(Insert name of Applicant)

By (Rev.) J Edgar Bruns
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

85-105-003

OAKWOOD COLLEGE HUNTSVILLE, ALABAMA 35896 (205) 837-1630

ADMINISTRATION & DEVELOPMENT

RECEIVED
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U.S. DEPT. OF ED
OFFICE FOR CIVIL RIGHTS
REGION IV

August 6, 1985

Mr. William H. Thomas, Regional Director
United States Dept. of Education
Region IV
101 Marietta Tower
Atlanta, GA 30323

Dear Mr. Thomas:

This is in reference to your letter of March 25, 1985 and our request for religious exemption from Title IX of the Education Ammendments of 1972. The following are the bases for our request:

The name of the religious organization that controls Oakwood College is the Seventh-day Adventist Church, incorporated as the General Conference of Seventh-day Adventists. The address of this organization is 6840 Eastern Avenue, Northwest, Washington, DC 20012.

As the College's parent body, the General Conference of Seventh-day Adventists owns all the buildings, property, deeds and titles. As an institution of higher education, Oakwood College is the educational arm of the church -- and is governed by the doctrines, policies, and practices of its religious organization --the Seventh-day Adventist Church.

The following is a brief description of the tenets of our faith. Seventh-day Adventists believe:

1. In the entire Bible as the inspired Word of God. II Tim. 3:16; II Peter 1:19-21.

2. In the Godhead as mentioned in Matt. 28:19, 20.

3. In Jesus Christ as the only Way of Salvation. John 3:16; 14:6; Acts 4:12; Rom. 3:20-26.

4. In the imminent, personal, visible, and soon return of Jesus in the clouds. Matt. 24; Luke 21; John 14:1-5.

5. In Salvation by grace through faith in Jesus Christ; not by our works in keeping the law of God. Eph. 2:8-10; I John 5:11, 12.

6. In obedience as the fruitage of faith. James 2:17-20; Gal. 5:22, 23.

7. In regeneration, the new birth, Bible conversion, true sanctification and holiness of life. John 3:1-6; Acts 3:19; II Cor. 5:17.

8. In the ten commandments, the Law of God, as the standard of the judgment of God and of the daily life. Ex. 20:1-7; Eccl. 12:13, 14.

9. In the original Seventh-day Sabbath, Saturday as the true Lord's Day. Gen. 2:1-3; Ex. 20:8-1; Isa. 58:13, 14.

10. In the followers of Christ shunning worldly pleasures and follies that unfit them for heaven. Abstaining from fornication. In Christian conduct that is manifested by modesty and simplicity in dress and appearance. I Thes. 4:3, 7; 5:23; I Peter 2:21; Isa. 3:16-24.

11. In the indwelling of the Holy Spirit in the body temple and that the Christian should not defile it with alcoholic beverages, tobacco in any form, narcotics or foods that are not in harmony with God's Word. I Cor. 6:18; 9:24-27; Rom. 12:1, 2; I Thes. 5:23; Lev. 11; Deut. 14.

12. In death as a sleep without consciousness and that the dead rest in their graves until the resurrection, for the dead know not anything. Eccl. 9:5, 6.

13. In the gifts of the Holy Spirit; in the presence of the gift of prophecy which is one of the identifying marks of the remnant church. I Cor. 1:5-7; 12:1-28; Amos 3:7; Rev. 12:17.

14. In Baptism by immersion. Matt. 28:18-20; Col. 2:12; 3:1-4.

15. In support of the gospel through tithes and offerings. Lev. 27:30; Mal. 3:7-12; Matt. 23:23.

Finally, we feel that Sections 106.21c-2, 106.40b-1, and 106.57-2-b are in conflict with our belief that fornication or sexual

relations before marriage is a sin. (See numbers 10 and 11). Therefore, if an unmarried employee or student were to become involved in such a relationship which resulted in pregnancy we could not permit the parties (male and female) to remain employed at or enrolled in our institution. These individuals are also disfellowshiped from the church body. When and if they re-enter the church through re-baptism, they can be readmitted to the institution, if they so desire.

It is our understanding that Section 106.31b-5 regarding appearance has been deleted from the Regulation and need not be addressed herein.

We believe that this letter clarifies our position relative to our Title IX Waiver request dated May 31, 1977. If you have further questions, please do not hesitate to contact us.

Sincerely,

Rosa T. Banks

Dr. Rosa T. Banks, Vice President
Administration & Development

RTB:lgw

cc: Ken Gross

"Sowing Seeds of Life"

Ohio Valley College
College Parkway
Parkersburg, West Virginia 26101
(304) 485-7384

HAMELIN 11/4

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

The purpose of this letter is to claim religious exemptions for certain provisions of Title IX of the Education Amendments of 1972. First, I wish to explain briefly the background for these claims.

Ohio Valley College is a liberal arts junior college operated as a Christian institution. It is independent of specific control by any church but is controlled and staffed by trustees and educators who are members of the churches of Christ. It is therefore very deliberately related to the churches of Christ and controlled by the tenets of that church insofar as religious matters are concerned.

The churches of Christ are a "fundamentlist" group which relies solely upon the Bible for its creed. Each congregation is fully autonomous under its own leadership and there is no central authority of any kind. Rather, the churches are bound by common respect for, and interpretation of, the Bible as well as mutual interest in missions activity. Other strong bonds include some widely circulated religious journals and support for several junior and senior colleges among this brotherhood. Financial support to this college, however, comes from individuals rather than congregations.

In view of the lack of central structure as cited above, there is to be found some variety in interpretations and opinions among churches of Christ. There is, however, strong agreement on basic principles of doctrine, including the respective roles of men and women.

Men and women are considered spiritual equals in the sight of God. Each has distinctive obligations in the home and church, and it is to honor our churches' concept of the Biblical sense of distinctiveness that I am submitting the following requests for religious exemption.

1. Section 86.51. There are many occasions for college personnel to speak in local congregations. Preaching and public teaching in churches of Christ are to be done by males. Our of respect for these beliefs, men must fill the following positions:

    a. College President
    b. Bible Department Chairman
    c. Bible faculty
    d. Majority of admissions counselors

2. Section 86.34. Courses specifically designed for preacher training are for men only for the same reasons as mentioned in Paragraph 1.

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3. Section 86.34. The college's course on marriage and family relations will be taught from the Biblical perspective emphasizing distinctive, complementary roles for men and women.

4. Section 86.31 (b) (5). We will maintain distinct dress codes for men and women, but the force and effect of the codes will be comparable. The codes stress modest dress and neat appearance.

5. Section 86.34. Swimming classes will be conducted separately in line with the requirement for modesty.

6. Section 86.31. Scholarship funds which have been designated for men in preacher training must be awarded as designated.

7. Section 86.21 (c) and 86.57. We must determine marital status and reserve the right for disciplinary measures for both men and women in cases of divorce and sexual immorality. Otherwise, we lose our force of example before our constituency.

8. Section 86.41. Because we are quite small (153 full time students in the Fall, 1976), we must yet give considerable evaluation to whether we can provide separate women's teams in contact sports or drop the program altogether. We must claim the right to demand modest athletic apparel relating to both Section 86.41 and 86.31.

We appreciate the fact that Title IX has provisions for latitude in regard to religious tehets. Once again, it must be stressed that our philosophy on these matters is to esteem and preserve the uniqueness of men and women. Our view is that practice of Christian principles and ethics is the highest-guarantee of just, equitable, and appreciative treatment of any person. With the explanations noted above, we have long maintained equal opportunity for achievement while affording a climate for men and women to reach a self-image that is emotionally healthy and conducive to harmonious social relationships.

Thank you for your consideration in these matters.

Sincerely,

Justin B. Roberts

Justin B. Roberts
President

JR/kj

Ohr Hameir Theological College

3 BOULEVARD, NEW ROCHELLE, NEW YORK 10801 · TELEPHONE NE 2-6192

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

PRESIDENT

Ohr Hameir Theological Seminary

TIFERETH ISRAEL HIGH SCHOOL OF OHR HAMEIR

914-632-6192 • 3 BOULEVARD, NEW ROCHELLE, NEW YORK 10801 • 212-828-6520

August 26, 1985 בע"ח

RECEIVED
AUG 28 1985
O C R
REGION II

U.S. Department of Education
Office for Civil Rights
26 Federal Plaza
New York N.Y. 10278
ATT: MR. STANLEY SEIDENFELD
Deputy Director

Dear Mr. Seidenfeld :

In response to your letter of August 7, supplementary to the exemption imformation that we filled with the U.S. Department of Education in May 1977, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets.

Based on our review and understanding of 34 C.F.R. part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52 , 106.53, 106.55 and 106.59.

Exemtion from those sections renders inapplicable all other provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rabbi Israel E. Kanarek
PRESIDENT

mf:IEK

אור שמח
Ohr Somayach
The Joseph & Faye Tanenbaum
Centre of Judaic Studies
Jerusalem • Tel Aviv • Rehovot
Zichron Yaakov • New York • Toronto

RD 1598-85
SS Marilyn Rabinowitz
Mr. Singleton
cy PES
AS sig
8/21
cy file
New York

RECEIVED
AUG 2 1985
OCR
REGION II

July 22, 1985

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking officer of this institution.

2) The institution is controlled, conducted, and operated by the Orthodox Jewish Religion.

3) The following provisions of part 86 as they apply to our institution conflict with specific tenents of the Orthodox Jewish Religion governing our institution:

a) Section 86.21 (a)
b) Section 86.31 (a)
c) Section 86.32 (a)
d) Section 86.34
e) Section 86.51
f) Section 86.52
g) Section 86.55 (a)
h) Section 86.7
i) Section 86.22
j) Section 86.23 (a)
k) Section 86.23 (b)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Emil Tauber
President

ET/ch

Ohr Somayach Institutions/Central Campus
22-24 Shimon Hatzadik St.
P.O.B. 18103, Jerusalem, Israel/(02) 810315

Ohr Somayach Institutions
142 Route 306 P.O. box 334, Monsey, N.Y. 10952
(914) 425-1370 (212) 689-3113

OKLAHOMA CHRISTIAN COLLEGE

Oklahoma City Oklahoma 73111 • (405) 478-1661

July 30, 1985

Mr. Taylor D. August
Director, Region VI
U. S. Department of Education
Regional Office
1200 Main Tower Building
Dallas, TX 75202

Dear Mr. August:

In response to your letter of June 3, 1985, we are re-submitting the request we first filed on September 30, 1976, for certain exemptions from the Title IX Regulations, based on the religious affiliation of Oklahoma Christian College. While we are in agreement with and conform to almost all of the aspects of Title IX stipulating equal treatment of the sexes, there are a few points on which the understanding of the Bible by our constituency require us to seek exception. We will appreciate your assistance on these matters.

Oklahoma Christian College is affiliated with the churches of Christ, an un-denominational group which seeks to re-establish the church of the first century in all essential respects. This means that the scriptures are, in effect, our statement of principles and we have no other. In following these principles, the churches of Christ have no hierarchy of any kind. There is no conference, no legislative body, no higher authority than each local congregation. Oklahoma Christian College, then, is a college established by this brotherhood primarily to serve the needs of young people of this brotherhood. Its control is vested in a Board of Trustees which is composed entirely of persons who must be members in good standing of this church brotherhood and who, therefore, understand the view held by the various congregations of which they are a part. This Board has the responsibility of seeing that the College follows the views of the brotherhood on matters pertaining to religious and scriptural matters.

As expressed in the scriptures, the views of our religious constituency are that men and women hold equal standing in the church, each independently acceptable before God. At the same time, however, the scriptures place somewhat differing responsibilities on the two, giving men certain roles of leadership in worship and responsibility (I Corinthians 14:33-37, I Timothy 2:8-15). It is in view of these scriptures that we make the attached requests for certain exceptions to the Title IX Regulations.

We will appreciate your granting these requests.

Sincerely,

J. Terry Johnson

Enclosure

JTJ/mgc

NEW 7-30-85

REQUESTS FOR EXCEPTION TO THE TITLE IX REQUIREMENTS FROM OKLAHOMA CHRISTIAN COLLEGE

1. Swimming Classes. According to paragraph 106.34 of Subpart D, "a recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex." Because of the prevailing view in the church, we request that we be able to provide separate classes for men and women in swimming. These classes shall be equal in every respect but shall be separate because of the problem of controlling the swimwear in harmony with what our Board of Trustees considers modest dress (I Timothy 2:9).

2. Participation of women in leading religious services. Paragraph 106.31 (b) (8) states that an institution should not "limit any person in the enjoyment of any right, privilege, advantage, or opportunity. Because of the biblical injunction that women are not to take the leading role in conducting religious worship services, the College requests that it not be required to assign such roles to them (I Corinthians 14:33-37). The College does provide many opportunities to women for religious activities and leadership. It has a special group for women called "Gleaners" in which they meet to conduct religious services and provide many useful services in the community. Women, likewise, have many opportunities for leadership in clubs, student government, and other activities in which they have equal standing with the men. It is only the matter of conducting public worship that we seek the exception.

OKLAHOMA CHRISTIAN COLLEGE

Oklahoma City, Oklahoma 73111 • (405) 478-1661

September 30, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education & Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

Enclosed please find Assurance of Compliance form for Oklahoma Christian College and a copy of our "Claim for Religious Exemption."

Please let us know if additional information is needed.

Sincerely yours,

J. Terry Johnson
President

JTJ:lp

Enclosure

OLD 9-30-76

A CLAIM FOR RELIGIOUS EXEMPTION

Oklahoma Christian College respectfully requests exemption from Title IX of the Education Amendments of 1972, as amended in the following areas:

1. Swimming Classes. All of our physical education classes are open to both men and women with the exception of swimming classes. The College has never allowed mixed swimming in any of the activities which it sponsors, and this action has been enforced because of the position on what is "modest attire."

2. Participation of women in leading religious services. The position in our entire religious brotherhood is that "women are not permitted to teach or have dominion over men" in religious affairs. None of our churches, for example, have women who speak in their pulpits or who teach adult classes with men present. The role of the woman, of course, is active in other types of activities. In view of this position, we do not ask women to lead in our chapel services, but do have other types of religious activities in which they are very active. In this same connection, funds which have been given us for scholarships for ministers are given only to men students.

3. Dress code. Our dress code is basically the same for men and women with a similar level of modesty expected for both. There is a specified length of hair for men and a specified skirt length for women. Neither sex is permitted to wear shorts on the campus except for active participation in athletics in which case there is a standard specified. These standard uniforms include both shirts and shorts for men and women, although the design is slightly different to accommodate normal variations in build and standards of modesty accepted among our church constituency.

4. Pregnancy treated as temporary disability. Oklahoma Christian College will treat pregnancy as a temporary disability for female employees with the opportunity for the employee to return after the child has been born; however, the college will not recognize "temporary disability" status if pregnancy occurs outside of wedlock. Pregnancy outside of wedlock will be grounds for dismissal. A male employee who is a party to pregnancy outside of wedlock will also be subject to immediate dismissal from the college.

Oklahoma Christian College is governed by the churches of Christ. All full-time faculty appointments are members of this church body and, by stipulation in the Articles of Incorporation and By-Laws, all trustees must also be a member of this religious body.

Code E KLH

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Oral Roberts University
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

4000 3965

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[X] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[X] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II--PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III--TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Don Ford
(name of employee)

7777 South Lewis, Tulsa, Oklahoma
(office address)

918-492-6161
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: January 14, 1977

Oral Roberts University
(Insert name of Applicant)

By Carl D. Hamilton

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Provost & Executive Vice President for Academic Affairs
(Insert title of authorized official.)

OUACHITA BAPTIST UNIVERSITY

ARKADELPHIA, ARKANSAS

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 3

To Elenor Baker	From ED/Rg VI
Co. ED/OCR	Co. OCR
Dept. Room 5315	Phone # 214-767-3959
Fax #	Fax # 214-767-6509

Dal 5/6 AAS sig

ristian Excellence
—Our Vision

Office of President

RECEIVED IN OCR
APR 09 1993
REGIONAL DIRECTOR'S OFFICE

March 31, 1993

U. S. Department of Education
Office of the Assistant
Secretary for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

To Whom It May Concern:

This letter shall constitute Ouachita Baptist University's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. Section 106.12. The University requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations which are inconsistent with the religious tenets of the University.

Ouachita Baptist University is an institution of the Arkansas Baptist State Convention. The Convention is composed of messengers from cooperating Baptist churches within the State of Arkansas. The University is controlled by the Arkansas Baptist State Convention. All members of the Board of Trustees of Ouachita Baptist University are elected by the Convention. Trustees must be resident members of Baptist churches affiliated with the Convention. The Convention fosters the University and provides it substantial financial support. I am satisfied that the nature of the Arkansas Baptist State Convention and its relationship with the University establish that Ouachita Baptist University is "controlled by a religious organization" as required for exemption under Section 106.12.

The University adheres to certain biblical tenets as its standard of faith and practice. These religious tenets are based upon the University's Christian understanding of the Scriptures. The University is compelled by Scripture to be faithful to these religious tenets. To the extent that its religious tenets permit, the University is committed to compliance with the spirit and letter of all federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances,

the tenets require the University to act in ways which may conflict with specific regulations under Title IX.

The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, that all employees and students refrain from conduct of a sexual nature which is in conflict with strict standards of Christian morality. It would be in violation of the University's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges inspite of her condition as required by 34 C.F.R. Subsection 106.40(b) and 106.51(b).

The University expects its students and employees to be Christian role models. For example, it is a violation of the University's religious principles for an employee or student to live with a member of the opposite sex who is not a relative by blood or marriage. The University's religious tenets concern issues such as human sexuality, cohabitation, the institution of marriage, language, and physical appearance/attire.

In keeping with religious beliefs, some employment positions within the University with certain religious or ministerial functions may be restricted on the basis of sex. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from Subsection 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classification and structure); and 106.59 (advertising). The University requests an exemption from Sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquires as to marital status and sex) insofar as these regulations prohibit the University from applying standards of Christian moral conduct in the selection and discipline of its employees.

The University provides an education to a significant number of students who are training for the gospel ministry. The University may provide different scholarship assistance and job placement services to ministerial students on the basis of sex. Sex separate organizations are offered to students. The University deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular significance is the University's role in preparing those who would become wives, mothers, husbands, and fathers and encouraging their adherence to the University's religious tenets regarding the family and the sanctity of marriage.

Therefore, this University requests an exemption from 34 C.F.R. Subsection 106.21(c) and 106.40 which prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This

institution requests an exemption from 34 C.F.R. Section 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds and placement services often differ on the basis of sex. In addition, the entire student body is affected by limitations placed on membership opportunities in certain student organizations on the basis of sex as required by religious tenets. The University requests exemptions from the following sections insofar as ministerial students are concerned: Subsection 106.34 (access to course offerings); 106.37 (financial assistance) and 106.38 (employment assistance to students). An exemption from Section 106.36 regarding counseling and use of appraisal and counseling materials is requested to the extent the University's religious tenets require differentiating between counseling services and on the basis of sex.

Finally, we request an exemption from Section 106.39 regarding student health and insurance benefits and services to the extent this regulation would require the University to make maternity coverage available to its single female students.

Thank you for your attention to these requests. Please contact me if you have any questions.

Sincerely,

Ben M. Elrod
President
Ouachita Baptist University

COPY

Pacific
Union
College

June 13, 1989

William L. Smith, Acting Assistant
Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Smith:

As the President and highest ranking official of Pacific Union College, I hereby apply, on its behalf, for the exemptions available to educational institutions controlled by religious organizations as provided by 34 C.F.R. Section 106.12(b) of the Regulations for Title IX of the Education Amendments of 1972 (20 U.S.C.S. Section 1681) on the grounds certain provisions of the Title IX Regulations conflict with the religious tenets of the Seventh-day Adventist Church, the controlling organization under which Pacific Union College operates. It was believed a prior administration had applied for the exemption but upon checking the records, no such application or approval thereof was found.

Specifically, Pacific Union College requests exemption from the following regulations based on the religious tenets cited below:

Regulations - 34 C.F.R.

1. Section 106.21(c) - Admissions, Prohibitions Relating to Marital or Parental Status;

2. Section 106.39 - Health and Insurance Benefits and Services;

3. Section 106.40 - Marital or Parental Status (Students);

4. Section 106.57 - Marital or Parental Status (Employees); and

5. Section 106.60(a) - Pre-employment Inquiries re Marital Status.

Explanation

A. The First Fundamental Belief of the Seventh-day Adventist Church states, in part: "The Holy Scriptures are the infallible revelation of His will. They are the standard of character, the test of experience, the authoritative revealer of doctrines, and the trustworthy record of God's acts in history." (S.D.A. Church Manual, 1986 ed., page 23)

B. The Eighteenth Fundamental Belief of the Seventh-day Adventist Church states, in part: "The great principles of God's law are embodied in the Ten Commandments and exemplified in the life of Christ. They express God's love, will, and purposes concerning human conduct and relationships and are binding upon all people in every age." (Exodus 20:1-17, see especially 20:14, S.D.A. Church Manual, 1986 ed., page 28)

C. The Twenty-first Fundamental Belief of the Seventh-day Adventist Church states, in part: ". . . our bodies are the temples of the Holy Spirit, we are to care for them intelligently. Along with adequate exercise and rest, we are to adopt the most healthful diet possible and abstain from unclean foods identified int he scriptures. Since alcoholic beverages, tobacco, and the irresponsible use of drugs and narcotics are harmful to our bodies, we are to abstain from them as well." (S.D.A. Church Manual, 1986 ed., page 29)

D. The Twenty-second Fundamental Belief of the Seventh-day Adventist Church states, in part: "Marriage was divinely established in Eden and affirmed by Jesus to be a lifelong union.... Regarding divorce, Jesus taught that the person who divorces a spouse, except for fornication, and marries another, commits adultery." (Exodus 20:12, (S.D.A. Church Manual, 1986 ed., page 30)

The Seventh Commandment, Exodus 20:14, states: "Thou shalt not commit adultery." The Church interprets this commandment along with the other Fundamental Beliefs set forth above, to cover adultery, fornication, various perversions, and certain remarriages (Reasons for Which Members Shall Be Disciplined, S.D.A. Church Manual, 1986 ed., page 162). The S.D.A. Church Manual comments: "The Church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its actions. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins...." (page 162)

E. The P.U.C. CAMPUS LIVING brochure states as follows on pages 3 and 4 thereof:

COLLEGE REGULATIONS

Since Biblical principles underlie the ideals of Pacific Union College, members of the academic community are expected to live as Seventh-day Adventist Christians. Membership in the collegiate community precludes dishonesty, including stealing or possessing stolen goods, cheating, lying; gambling; dancing; using, possessing or furnishing to others alcoholic beverages, tobacco products, and other non-prescribed or illegal drugs; attending entertainments which are morally destructive; engaging in extra-marital sex.... By enrolling at Pacific Union College students agree to abide by the policies and regulations described in the COLLEGE BULLETIN, the CAMPUS LIVING brochure, and as announced officially. The college reserves

right to place on restriction, probation, suspension or to dismiss students involved in the activities above.

F. PACIFIC UNION COLLEGE BULLETIN, 1988-1989:

HISTORY (Page 11)

In 1882 the Seventh-day Adventist Denomination, recognizing the need for a center of higher education for its youth of the Pacific Coast, established Healdsburg College at Healdsburg, California. In 1906 the College was transferred to its present site, then the Angwin Resort.

PHILOSOPHY AND OBJECTIVES (Page 11)

Spiritual

As a Seventh-day Adventist institution, Pacific Union College places great emphasis upon the role of spiritual values and the personal lives of its students. It seeks to establish in them an unswerving allegiance to the principles of the Christian faith, and a sense of personal responsibility to participate in the mission outreach of the Church.

RELIGIOUS LIFE (Page 14)

Students are expected to attend regularly a specified number of the daily worship services, chapels and Sabbath services which are planned to stimulate growth and maturity and Christian living.

G. The Re-stated Articles of Incorporation (March 10, 1986) states as follows in relevant part: "It [Pacific Union College] is organized under the Nonprofit Religious Corporation Law primarily for religious purposes. More specifically, the purposes of this corporation are to found, manage, and operate institutions of learning primarily for the religious instruction of students of both sexes in the Holy Scriptures, as well as instruction in the arts and sciences, languages,... as part of the system of educational institutions established and operated throughout the world by the Seventh-day Adventist Church."

H. The Bylaws of Pacific Union College states as follows in Article IV, in relevant part: "Pacific Union College is a corporation which is wholly operated and controlled by Pacific Union Conference of Seventh-day Adventists as an educational institution of the Seventh-day Adventist Church. The particular objectives for which this institution was formed are set forth in the Articles of Incorporation and include the establishment, maintenance, and conduct of Seventh-day Adventist institutions of higher education as part of the system of educational institutions established and operated throughout the world by the Seventh-day Adventist Church." Article

VI, Section 1 states as follows in relevant part: "All members of the Board of Trustees shall be members of the Seventh-day Adventist Church in good and regular standing."

Pacific Union College, therefore, as an institution of the Seventh-day Adventist Church, upholds the above religious standards in its relationships with students and employees. Pacific Union College believes it is in compliance with the requirements of Title IX because the same religious principles and standards apply to all of its employees and students of both sexes.

The Seventh-day Adventist Church operates a number of universities and senior colleges in the United States, such as Pacific Union College, to provide for its youth the opportunity to take advanced studies within the context of the Church's world view and sense of mission. Pacific Union College is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The college is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501.(c)(3) tax exemption. In addition to the Board of Directors for the college being members of the Seventh-day Adventist Church, so are its faculty and full-time staff.

Your prompt attention to this matter is greatly appreciated.

Sincerely,

D. Malcolm Maxwell, Ph.D.
President

a

xc: John E. Palomino, Regional Civil Rights Director
Office of Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor
San Francisco, CA 94105

Gordon Madgwick, Board of Higher Education
6840 Eastern Avenue, NW
Washington DC 20012

Carole Hann, Malott, Pedder, Stover & Hesseltine
P. O. Box 479
Lafayette, CA 94549

A SEVENTH-DAY ADVENTIST EDUCATIONAL CENTER

PACIFIC UNION COLLEGE

Angwin, California 94508 / Telephone (707) 965-6211

Office of the President

August 31, 1976

Dr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Dr. Gerry:

Religious Exemption Statement

Pacific Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

Pacific Union College is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United States Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

Pacific Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

Pacific Union College is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

Pacific Union College claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(b), and 86.31, insofar as they conflict with Church teachings and practices on morality, deportment, and appearance.

Sincerely,

J. W. Cassell, Jr.
President

JWC:bb
Enc.

PALM BEACH ATLANTIC COLLEGE

August 18, 1994

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202

Dear Ms. Cantu:

In November 1988, Palm Beach Atlantic College submitted a letter requesting religious exemption for the College from certain sections of the regulation implementing Title IX of the Education Amendments of 1972. Accompanying our 1988 letter was our charter and by-laws which supplied information establishing that religious tenets followed by the College conflict with specific sections of the Title IX regulation. The College was granted exemption from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.34, 106.38, 106.40, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60 (copy of the letter enclosed for your reference). Since that time, the College has continued to follow religious principles that conflict with the sections of the Title IX regulation mentioned previously.

Palm Beach Atlantic College is in the process of considering restatement of our charter and revision of our by-laws. I am submitting a copy of the proposed restatement and changes for your review, should that be appropriate. The proposed restatement and changes maintain the pervasive religious nature of our institution, control by a board of trustees who are committed to a religious faith statement, and operating philosophy which will continue to fulfill its strong religious purposes following religious tenets which conflict with certain sections of the Title IX regulation. Prior to acting on the proposals, our board would like to inquire as to whether the proposed changes would in any way affect our exemption status.

If you have any questions regarding this inquiry, feel free to contact my office at (407) 835-4400. I would appreciate hearing from you concerning this matter at your earliest convenience. Thank you for your attention to this matter.

Very sincerely yours,

Paul R. Corts
President

PRC:tbw

Enclosures

901 South Flagler Dr., P.O. Box 24708
West Palm Beach, FL 33416-4708

Rita: pls file 9-0-610
ATL
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DAB (LEWIS)
PES

November 8, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Sir:

Palm Beach Atlantic College hereby claims 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).

Palm Beach Atlantic College is a regionally accredited liberal arts college, offering courses of instruction in the humanities, arts and sciences. The college is a non-profit corporation incorporated in the State of Florida in 1968 as a Christian institution of higher education under the control of a Board of Trustees which is selected by the Palm Lake Baptist Association, and is exempt from federal income taxation as a not-for-profit institution under Section 501(c)(3) of the Internal Revenue Code. The members of the Board of Trustees of the corporation, the faculty and the employees of the college are all required to espouse a personal belief in the religious tenets of the Christian faith. The Articles of Incorporation of the corporation and the catalogs 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 its Board of Trustees and receives a significant amount of its financial support from the Baptist Churches and from the members of the Baptist Churches which are members of the Palm Lake Baptist Association. The college maintains its religious traditions, standards and beliefs in accordance with the requirements of the Articles of Incorporation, By-Laws and policies of the Board of Trustees of the corporation.

US DEPT OF EDUCATION
1988 NOV 22 PM 1:50
RECEIVED

PALM BEACH ATLANTIC COLLEGE
P. O. BOX 3353, WEST PALM BEACH, FL. 33402-3353 305.650.7700

The college educates in the broad range of liberal arts, in which it 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, 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

> Matthew 5:27-28; I Timothy 2:9-12; I Corinthians 7; I Peter 3:1-5; Ephesians 5:1-7; Ephesians 4:25-32; Romans 14:21; Exodus 20; and Matthew 18:15-17.

The college seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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

> I Corinthians 6:18-20; I Corinthians 5; and Romans 1:24-32.

The college may have previously communicated with the Department of Education concerning a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the college's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the college, this additional exemption notice is being submitted at this time in order to clarify the scope of the exemption claimed by the college.

The college hereby claims 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, 34 C.F.R.

Sections 106.21(c), 106.57 and 106.60, Section 106.34 and 106.51, together with any application of Sections 106.38, 106.53, 106.55 or 106.59 that relates to such employment opportunities that are limited to one gender by the religious beliefs of the college.

There are a 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 106.32, inclusive, do not apply to the college because it is a private institution of undergraduate 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 faciltities 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 tenets 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 and practice are consistent with the religious 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 the regulations on the college's ability to pursue its religious mission, the college reserves its right to claim 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 futher information, please contact Dr. Claude H. Rhea who is the President of the college at 1101 South Olive Avenue, West Palm Beach, FL 33401.

Very truly yours,

Dr. Claude H. Rhea
President

CHR:sp

cc: Donald E. Warren, M.D.
L. Foster Harwell, Ed.D.
HLC

Pepperdine University

September 27, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Re: TITLE IX EXEMPTIONS

Dear Mr. Gerry:

The purpose of this letter is to inform you that Pepperdine University does not discriminate on the basis of sex in administration of its educational policies, admissions, employment, or other educational programs and activities except when full compliance with the Regulations under Title IX would be inconsistent with specific religious tenets held by the controlling religious organization. This letter submits exemptions for those requirements which the controlling religious organization holds are incompatible with the Biblical interpretations by which it is guided.

Pepperdine University is a Christian institution, operated and controlled by members of the churches of Christ, who believe that God made some distinctions between the roles of man and woman in the home and church, while maintaining their equal worth before Him.

There are two principal religious tenets which are inconsistent with the Title IX Regulations. The first such tenet is the belief that women should not serve in positions of authority or leadership over men in public worship, religious instruction, or in the home. The second such tenet is the belief that God approves sexual relationships only between male and female in holy wedlock.

Therefore, pursuant to Section 86.12, Pepperdine University submits the following exemptions from the provisions of Part 86:

1. Section 86.31 - Education Programs and Activities.

   Pepperdine University reserves the right to exclude women from: public preaching; leading of devotionals in mixed audiences in daily chapel, the annual lectureship, or similar programs; or any activities or programs which are offered exclusively for students preparing for the preaching ministry.

2. Section 86.37 - Financial Assistance.

Pepperdine University reserves the right to exclude women from scholarships, loans, or awards designated now or in the future exclusively for students preparing for the preaching ministry.

3. Section 86.38 - Employment Assistance.

Pepperdine University reserves the right to refuse employment placement assistance to women seeking employment as preaching ministers.

4. Sections 86.40(b) and 86.57(b) - Pregnancy and Related Conditions.

Pepperdine University reserves the right to take disciplinary action without regard to sex against persons determined by the University under its established procedures to be involved in heterosexual relationships outside the holy union of wedlock or in homosexual relationships.

5. Section 86.51 - Employment.

Pepperdine University reserves the right to exclude women from consideration for employment in jobs considered by the University to conflict with religious tenets regarding leadership or authority in public worship, religious instruction, or the home.

Pepperdine University maintains a policy of non-discrimination on the basis of sex in all situations which do not conflict with the religious tenets held by the institution's controlling religious organization. The University reserves the right to supplement and amend this listing of exemptions as unforeseen circumstances occur in the future.

Sincerely yours,

William S. Banowsky
President and Chief Executive Officer

WSB:gl

PCB

Celebrating God's Faithfulness

1913 • 1988

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cy. AS
OASP (LEWIS)

November 18, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Religious Exemption

Dear Sir:

Philadelphia College of Bible hereby claims 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).

Philadelphia College of Bible is a regionally accredited college, offering courses of instruction in Bible, the humanities, arts and sciences and professions. The College is a non-profit corporation which was incorporated in the State of Pennsylvania in 1915 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 institution under Section 501(c)(3) of the Internal Revenue Code. The board of trustees 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. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Bylaws.

The College adheres to biblical tenets for matters of faith and practice, following its religious tradition. It

pls

OFFICE OF THE PRESIDENT

Philadelphia College of Bible

Langhorne Manor, Langhorne, PA 19047/(215) 752-5800

Accredited regionally by Middle States Association of Colleges and Schools, and nationally and professionally by the American Association of Bible Colleges, the Council on Social Work Education, the National Association of Schools of Music and the Association of Christian Schools International.

specifically utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common 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, the following "Community Life and Standards" as taken from the College's Student Handbook, pages 41-44.

Community Life and Standards

Philadelphia College of Bible is a community of students, faculty, staff and administration who are joined together for the purposes of academic enrichment, personal development, spiritual growth and preparation for Christian ministry. Relationships and responsibilities in this community are built upon (1) the teachings and principles of the inerrant and authoritative Word of God (2 Tim. 3:16, 17), (2) the personal accountability of each member to a loving and sovereign God (1 Peter 1:17), and (3) the inner resources and attributes of the Holy Spirit to guide and minister to each other in all relationships (John 16:13, 14).

The PCB family community seeks first and foremost to achieve the goal of 1 Corinthians 10:31: "Whether you eat or drink or whatever you do, do all to the glory of God." All activities and relationships should seek to accomplish this ultimate objective.

In relationship with each other, members are to be guided by the following scriptural admonitions:

LOVE, 1 John 3:11
"For this is the message that ye heard from the beginning, that we should love one another."

EDIFICATION, Romans 15:1, 2
"We then that are strong ought to bear the infirmities of the weak, and not to please ourselves. Let every one of us please his neighbor for his good to edification."

BEARING ONE ANOTHER'S BURDENS, Galatians 6:2
"Bear ye one another's burdens, and so fulfill the law of Christ."

SPEAKING THE TRUTH IN LOVE, Ephesians 4:15
"But speaking the truth in love, may grow up into Him in all things, which is the head, even Christ."

RESPONSIBILITY TO OTHER BELIEVERS, 1 Corinthians 8:9
"But take heed lest by any means this liberty of yours become a stumblingblock to them that are weak."

RESTORATION AND RESTITUTION, Galatians 6:1
"Brethren, if a man be overtaken in a fault, ye which are spiritual restore such an one in the spirit of meekness; consider thyself, lest thou also be tempted."

The following standards and expectations apply to all students of PCB:

1. The Lord's Day (Sunday) is set apart primarily for worship, fellowship, ministry and rest for God's people. Therefore, College programs, services and athletic events are not sanctioned and encouraged except where absolutely necessary.

2. Scripture specifically prohibits stealing, sexual immorality, lying, cheating, gossiping, evil speakings against one another, profane language, occult practices and attitudes such as pride, lust, bitterness, jealousy and an unforgiving spirit. These prohibitions are clearly understood to be biblical commands that are binding upon every Christian believer.

3. Since there is great danger to one's physical and psychological well-being with the use of certain elements, one is to refrain from the use of tobacco, alcoholic beverages, hallucinogenic drugs and substances (including marijuana) or narcotics not authorized by a physician. Under no circumstances are the above to be used, possessed or distributed on or away from campus. Attendance at night clubs, bars and similar places is to be avoided.

4. Gambling is viewed as an unwise use of God-given resources and therefore is not acceptable in any form. Students are not attend places where gambling is the source of business or entertainment. Playing cards

normally associated with gambling are not permitted in College facilities, on College grounds or off-campus at College-sponsored activities.

5. Because a significant number of evangelical Christians view social dancing as a morally questionable activity, society dancing is not permitted on or away from the campus. Choreography in drama and musical productions is permitted.

6. Pornographic materials are destructive and immoral and are not to be used, possessed or distributed on or away from campus.

7. The College expects it members to be sensitive regarding the Christian testimony of their personal lives in representing the Church of Jesus Christ and Philadelphia College of Bible.

   Students are to be highly selective in their choices of entertainment and recreation including television, video cassettes, sports, reading materials and music. Biblical standards, especially those in reference to immorality, worldly values, violence, profanity, sexuality and nudity, should serve as guidelines in making personal discretionary decisions in these areas. In addition, personal responsibilities in the areas of academics, employment and finances should also influence decisions concerning entertainment.

   There are varying attitudes among Christians regarding attendance at movie theaters. That being the case, the College desires not to be offensive to the conscience of any believer. Students are not permitted to attend movie theaters while registered for an academic semester. At other times students are free to make discretionary decisions in these areas, while being sensitive and submissive to the standards of their local church and family.

8. Any kind of demeaning gesture, threat of violence or physical attack directed toward another person will not be tolerated. Vandalism and stealing of property, services or goods are also unacceptable.

9. Because of the biblical teaching concerning the dignity and worth of every person, discrimination against others

on the basis of race, national origin, sex or handicap is not acceptable.

10. Students are subject to the responsibility of academic integrity which demands honesty and giving credit to the proper sources.

STUDENT RESPONSIBILITY

For the welfare of the entire community, it is important that each member act responsibly. This entails a concern for all members of the body. When a student is aware that another student has violated the standards of conduct, the former should approach the latter in a spirit of humility and concern and encourage that person to acknowledge any wrongdoing to the Lord and to the proper College authority, thus seeking restoration. It is the responsibility of both students to ensure that the matter is resolved with the College. If the student who has committed the wrong is unwilling to admit the infraction to College authorities, the student who has expressed concern has the responsibility to discuss the matter with one of the student development deans, after first informing the erring party of such intention (Galatians 6:1-5)

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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, the following "Couples' Decorum" as taken from the College's Student Handbook, pages 44-45.

Couples' Decorum

The College is sincerely anxious that all of its students maintain wholesome relationships with members of the opposite sex as God intended. It is also recognized that we live in a society that minimizes the interpersonal

aspects of such relationships and perverts God's intentions by emphasizing only the physical.

The College believes that dating serves several positive biblical purposes. First, it develops the individual's ability to communicate with others while also developing social and cultural interests, skills, and personal attractiveness. Second, the total personality of the individual is recognized, developed and reined as a result of varied dating experiences. Third, through the dating process those who eventually marry will select their life's partner. The process of dating gives the individual opportunity to follow the principles outlined in the Scriptures for the selection of a life partner.

In order to accomplish these goals, it is imperative that PCB students in training for vocational Christian ministries remember that an overemphasis upon the physical attraction of one's date will have detrimental effects. Because the Christian's body is the temple of the Holy Spirit, the College expressly forbids physical displays of personal affection (other than the holding of hands) in all College areas and at all College activities. This includes physical contact such as back rubs. All contacts known as "petting" are forbidden under any circumstance.

The College hereby claims exemption from the application of the Title IX regulations, to the extent that they conflict with the College's religious tenets and traditions as described above.

There are a 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 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 tenets 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 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 claim 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 Kenneth A. Kaighn, who is the senior vice president for administrative affairs of the College, at (215) 752-5800.

Very truly yours,

W. Sherrill Babb

W. Sherrill Babb, Ph.D.
President

WSB/clw

716 Franklin Street • Winston-Salem, North Carolina 27101-5197

Piedmont Bible College

Phone: 919/725-8344

PE
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cy: PE

September 29, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Re: Title IX, Exemption Application for
Piedmont Bible College
Winston-Salem, North Carolina

Dear Sir:

Piedmont Bible College hereby requests 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 CFR, Section 106.12(b). We believe we may be construed to have received indirect "Federal Aid" in the form of student aid such as: Pell Grants, Guaranteed Student Loans, Work-Study Programs and others.

Piedmont Bible College is an accredited member of the American Association of Bible Colleges, a member of the Evangelical Teacher Training Association, the Association of Christian Schools International, and is a

candidate for accreditation by the Southern Association of Colleges and Schools. The College is also recognized by the State of North Carolina for Teacher Certification.

The courses of instruction are organized into three divisions: the Division of Biblical Education (which includes the Department of Biblical Studies, the Department of Theological Studies, and the Department of Historical Studies); The Division of General Education (which includes the Department of Communication Arts, and the Department of Liberal Arts); and the Division of Christian Ministries (which includes the Department of Christian School Education, the Department of Missions, the Department of Missionary Aviation, and the Department of Music).

The College was chartered by the State of North Carolina as a non-profit educational institution on February 7, 1947, and is governed by a Board of Trustees elected in accordance with its Constitution and By-laws, which includes a provision that every trustee and every faculty member subscribe to the religious Doctrinal Statement of the College before they take office. All students must sign a statement that they are in essential agreement with the same doctrinal statement. The official catalog of the school describes the College:

"Although independent in operation, Piedmont Bible College is Baptist in polity and doctrine, premillennial (pretribulational) in interpretation, evangelical in practice, missionary in emphasis, and cooperative in spirit. In addition to the tenets of the college, the standards of Christian conduct call for a life of devotion and consistent separation unto God from the things of the world."

Piedmont Bible College is exempt under Federal Income Taxation as a not-for-profit religious institution under Section 501 (C)(3) of the Internal Revenue Code.

High standards of Christian ethics are required of each student. Each class begins with prayer, each student is given a weekly Christian work assignment to be faithfully fulfilled, each semester has a special day of prayer, and daily chapel attendance is required. Moreover, attendance at a mid-winter Bible conference and at Thursday evening sessions of the annual Missionary Conference is compulsory. Students whose general conduct and influence are out of harmony with the standards deemed essential to the academic, spiritual and social welfare of the college may be expelled, suspended, or refused admission.

The college is supported by its tuition, by grants from private donors, by matching gifts from

corporations, and by contributions from individual churches.

Piedmont Bible College adheres to the literal teaching of the Bible. The catalog is explicit:

> "We believe in accepting the literal teaching of the Word. 'When the plain sense of scripture makes common sense, seek no other sense.' Therefore, every declaration is to be taken in its primary, ordinary, literal and its most obvious meaning unless the facts of the context and the well-defined laws of language clearly indicate the terms either to be symbolic or figurative and not literal. Whatever is not literal must be explained in the light of other passages which are literal."

The College specifically utilizes a religious preference in employment practices in order to ensure that faculty and staff adhere to a common understanding of the religious belief, values and purposes that guide the educational mission of the College. Disputes and matters of discipline for employees and students are resolved in accordance with religious standards. General distinctions are made in the Pastoral Training program in keeping with the doctrine of the College that only males should serve as pastors.

The Holy Bible, by which the College's entire educational mission is governed, is explicit in its statements respecting:

Divorce and remarriage: Matthew 19:3-12; Romans 7:1-4; I Corinthians 7:10-17,

Abortion: Luke 1:41,44; Psalm 139:13-16; Exodus 20:13; Psalm 51:5,

Homosexuality: I Corinthians 6:9,10; Jeremiah 23:14; Leviticus 18:22; 20:13,

Gender distinction in the pastorate: I Timothy 1:9-11; 3:1-2; Titus 1:6-7,

Premarital sex: I Corinthians 6:9, 13-20,

Sexual abstinence outside the marriage bond: Hebrew 13:4; Exodus 20:17; I Corinthians 6:9; 13-20

The College seeks to maintain its religious freedom to make gender distinctions in its course offerings, in matters of moral behavior, marriage, and residential living accommodations and standards, in admissions, and in the assignment of Christian work. 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 in the concepts in the religious tenets embraced by the College. Such standards include matters relating to expression of human sexuality, living environment, respect for the rite of marriage, language, and attire. We deem these required by the following scriptures, among others:

Romans 1:24,25; I Corinthians 6:18; 10:8; Matthew 19:6; Ephesians 5:31; I Timothy 2:9; 6:1; and Exodus 20:7

The College hereby requests 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 as described above:

34 CFR § 106.21 (c)
34 CFR § 106.31 (a), (b), and (d)
34 CFR § 106.32 (c)
34 CFR § 106.34
34 CFR § 106.40
34 CFR § 106.51 (a)
34 CFR § 106.55
34 CFR § 106.57 (a), (b), (c), and (d)
34 CFR § 106.60 (a)

There are a 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 CFR, 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 higher education. Finally, the College understands and Sections 106.23 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 specifically claims its rights to exercise a religious preference in its employment decisions, pursuant to Section 702 of Title VI 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. 2852 (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 and practice are consistent with the Christian tenets, principles and traditions acceptable by the College and the Corporation.

In the event of future amendments to Title XI or the regulations thereunder, or changes in the application thereof, or the facts surrounding the operation of the College and the burden of such statutes

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 Piedmont Bible 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 the undersigned.

Yours very truly,

Piedmont Bible College, Inc.

By: Donald K. Duke
President

P. Howard Wilkinson

פנימי' בית יעקב

מכון גבוה לחנוך הבנות להשתלמות אקדמאית ומקצועית

P'nimia Teachers College

EDUCATIONAL SYSTEM FOR GIRLS • A RESIDENT SCHOOL

PREPARATORY NATIONAL INSTITUTE FOR MASTER INSTRUCTORS

BAIS YAAKOV CAMPUS, FERNDALE, N.Y. 12734 (U.S.A.)

OFFICE TEL.: (914) 292-8193 • STUDENTS-RESIDENCE TEL.: (914) 292-9350 • 292-9370

כל כבודה בת מלך פנימה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

   (a) Section 86.21(a)
   (b) Section 86.31(a)
   (c) Section 86.32(a)
   (d) Section 86.34
   (e) Section 86.51
   (f) Section 86.52
   (g) Section 86.55(a)
   (h) Section 86.7
   (i) Section 86.22
   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Received + Logged in:
NOV 28 1977
JW.

Pursuant to 45 C.F.R. 86.4:

PNIMIA TEACHERS COLLEGE
(Name of Applicant or recipient

(address)

Ferndale, N.Y. 12734
(city, state, zip code)

36 011694
(identifying code-FICE, OE, or IRS)

not rec'd non Printout
ICF 11-30-77

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF* INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Sofer
(name of employee)

3. Ferndale, N.Y. 12734
(office address)

4. 212-447-7221
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

POPE JOHN XXIII NATIONAL SEMINARY

WESTON, MASSACHUSETTS 02193

RICHARD CARDINAL CUSHING
FOUNDER

REV. JAMES W. DE ADDER
RECTOR

STATEMENT

Relative to claiming a religious exemption under 45 C. F. R. 86. 12 (b) Pope John XXIII National Seminary is an institution for educating students to be ordained priests in the Roman Catholic Church and thus Pope John XXIII National Seminary accepts as full-time students only males who profess the Roman Catholic Faith.

August 5, 1977

James W. DeAdder

Rev. James W. DeAdder
Rector

Religious Exempt
Code 8/19
DS
CK -
CMF

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

acc 9/1/77

Pursuant to 45 C.F.R. 86.4:

RE

Pope John XXIII National Seminary
(Name of Applicant or recipient

558 South Avenue
(address)

Weston, Mass. 02193
(city, state, zip code)

FICE 002202
(identifying code-FICE, OE, or IRS)

25002202

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

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A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (X) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (X) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (X) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Reverend James W. DeAdder
(name of employee)

3. 558 South Avenue
(office address)

4. 617 - 899 - 5500
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (X) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: August 5, 1977

Pope John XXIII National Seminary
(Insert name of Applicant)

By James W DeAdder

Rev. James W. DeAdder
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rector
(Insert title of authorized official.)

PRESENTATION COLLEGE
1500 NORTH MAIN · PHONE (605) 225-0420
Aberdeen, South Dakota 57401

OFFICE OF THE PRESIDENT

July 16, 1976

Peter E. Holmes, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Mr. Holmes:

The final Title IX Regulation Implementing Education Amendments of 1972 states in Subpart B, 86.12 Educational institutions controlled by religious organizations:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Director a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

Presentation College, a Catholic college owned and operated by the Sisters of the Presentation, has adopted a Right to Life Statement which includes acceptance of Catholic teaching on abortion. It is in conflict with this Statement to assure compliance with the following sections of the Regulation as they relate to "termination of pregnancy": Subpart C, 86.21, (c), (2) and (3); Subpart D, 86.40, (b), (1), (4), and (5); and Subpart E, 86.57, (b), (c), and (d).

I am, therefore, claiming exemption for Presentation College from these provisions so that we have freedom to make judgments in accord with our philosophy in particular cases relating to termination of pregnancy.

Sincerely,

Sister Francis Mary Dunn

Sister Francis Mary Dunn
President

SFM:jmb

Enclosure: Statement of Philosophy, Presentation College

Rabbinical College Beth Shraga
SADDLE RIVER ROAD
MONSEY NEW YORK 10952

OFFICE OF THE DEAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

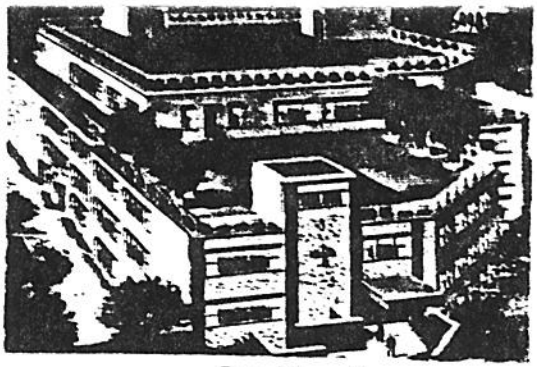
Sincerely yours,

ישיבה ומתיבתא חתן סופר

RABBINICAL SEMINARY

YESHIVAS CH'SAN SOFER

1876-50th STREET · BROOKLYN, N.Y. 11204



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HERMAN PREISS
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RABBI MEIR SCHUCK
EDMOND STERN
JONAS STERN
MILTON TOMBER
RABBI SOLOMON TRAU
JEROME WOHLSTADTER
CHARLES ZIMMERMAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Samuel Fischer

(212) 236-1171

RD 1934-85
SS
Kab

Rabbinical College
Ch'san Sofer of New York

1876 50TH STREET BROOKLYN, N. Y. 11204

OFFICE OF THE DEAN

September 11, 1985

RECEIVED
SEP 17 1985
OCR
REGION II

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region 11
Department of Education
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption infromation that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

The above stated policy, we believe, meets all the requirements for a favorable determination in our request for religious exemption from Title IX of Education Amendments of 1972.

Sincerely yours,

Mordechai Stuhl

Mordechai Stuhl
Administrator

MS/ct

ULster 3-7170

Rabbinical College
Kamenitz Yeshivah of America

1315 – 43rd Street
Brooklyn, N. Y. 11219

OFFICE OF THE DEAN

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title 1X of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

851-4735

RD 199785
SS
MR

Rabbinical College
Kamenitz Yeshivah of America

1650 – 56th Street
Brooklyn, N. Y. 11204

RECEIVED
SEP 19 1985
OCR
REGION II

OFFICE OF THE DEAN

OFFICE OF THE DEAN

September 9, 1985

Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights
Department of Education, Region II
26 Federal Plaza, Rm. 33-130
New York, New York 10278

Dear Mr. Seidenfeld:

In response to your letter of July 11, 1985, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

מתיבתא נחלת יעקב דקהל עדת יראים
תחת נשיאות אדמו"ר הרה"ג המפורסם כש"ת
מוהר"ר עזריאל יודא לעבאוויטש שליט"א
אב"ד וריש מתיבתא דק"ק עדת יראים ברוקלין יע"א

Mesivta Nachlas Yakov of K'hal Adas Yereim
185 Wilson Street, Brooklyn, N. Y. 11211
(212) 388-1751

בס"ד

GRAND RABBI E. LEBOWITS
Dean

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Emil Weiss—*Toronto*

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

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(e) Section 86.51
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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

RABBINICAL COLLEGE OF LONG ISLAND 201 Magnolia Blvd / Long Beach, N.Y. 11561 Phone (516) 431-730

RABBI YITZCHOK FEIGELSTOCK
Rosh Yeshiva

RABBI CHAIM ZELIKOWITZ
Dean

RABBI SHLOMO LESIN
Executive Vice President

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

RD-1773-8
Seidenfeld
M.R.

RABBINICAL COLLEGE OF LONG ISLAND 201 Magnolia Blvd/Long Beach, N.Y. 11561 Phone (516) 431-730

RABBI YITZCHOK FEIGELSTOCK
Rosh Yeshiva

RABBI CHAIM ZELIKOWITZ
Dean

RABBI SHLOMO LESIN
Executive Vice President

August 21, 1985

RECEIVED
AUG 26 1985
O C R
REGION II

United States Department of Education
Region II
Federal Building
26 Federal Plaza
New York, New York 10278

Attn: Mr. Stanley Seidenfeld

Dear Mr. Seidenfeld:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

Rabbi Shlomo Lesin
Executive Vice-President

SL:rl

ישיבת בתר תורה
RABBINICAL COLLEGE OF QUEENS
141-20 Grand Central Parkway / Briarwood, N.Y. 11435
(212) 291-1335

DEAN
Rabbi Elyakim G. Rosenblatt
RABBINICAL CONSULTANTS
Rabbi Shneur Kotler
Rabbi Henach Leibowitz
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Chairman
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Solomon Berger, Esq.
Rabbi Herbert Sheinfeld

בס"ד

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

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   (d) Section 86.34
   (e) Section 86.51
   (f) Section 86.52
   (g) Section 86.55(a)
   (h) Section 86.7
   (i) Section 86.22
   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

Rabbi Elyakim G. Rosenblatt

בס"ד

ישיבת כתר תורה
YESHIVA KESSER TORAH
RABBINICAL COLLEGE OF QUEENS
141-20 Grand Central Parkway, Briarwood, N.Y. 11435 • Phone 291-1335
RABBI ELYAKIM G. ROSENBLATT, Rosh Hayeshiva

October 3, 1985.

U.S. Dept. of Education
Region II
Federal Plaza
26 Federal Plaza
New York, New York 10278
Attention: Marilyn Rabinowitz

Dear Ms. Rabinowitz:

As per our telephone conversation of this morning, the Rabbinical College of Queens is, indeed, still interested in receiving a religious exemption.

In response to your letters and supplementary to exemption information that we filed in the 1970's, we hereby state that the Rabbinical College of Queens is an institution which is governed by the tenets of the Orthodox Jewish Religion. According to those tenets, only a male is permitted to become a Rabbi. Therefore, our religious tenets require us to admit only male students and to hire only male faculty, since our program leads towards achievement of Rabbinical Ordination.

According to our understanding, then, we request exemption from all sections or portions of Title IX of the Education Amendments of 1972 which assume admission of students of both sexes or employment of faculty of both sexes.

Thank you for your consideration,
Sincerely,

Elyakim G. Rosenblatt

Rabbi Elyakim G. Rosenblatt
Dean

TEL.: 854-0302
774-0900

Rabbinical College
of the
Bobover Yeshiva Bnei Zion Inc.

1533 - 48TH STREET - BROOKLYN, N. Y. 11219

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

B. Sanfeld

RD 197585
SS
MR

OFFICE: 438-2018

STUDENTS NO. 438-9775
438-8411

Rabbinical College
of the
Bobover Yeshiva Bnei Zion Inc.

1577 - 48TH STREET
BROOKLYN, N.Y. 11219

RECEIVED
SEP 23 1985
OCR
REGION II

בס"ד

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Dean

RABBI NAFTALI HALBERSTAM
President

RABBI ZOLTAN FOLLMAN
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RABBI CH. B. GRUNFELD
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ISAAC M. BRUNNER
ABRAHAM REINHOLD

September 18, 1985

Mr. Charles J. Tejada
Regional Director
Office for Civil Rights, Region II
U.S. Department of Education
26 Federal Plaza
New York, NY 10278

Dear Mr. Tejada:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely yours,

B. Grunfeld

Rabbi B. Grunfeld
Executive Director

BG/ys

RABBINICAL SEMINARY M'KOR CHAIM
1571 FIFTY-FIFTH STREET/BROOKLYN, N.Y. 11219/PHONE (212) 494-6884

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Benjamin Ladner

S.S.
M.R.

RABBINICAL SEMINARY M'KOR CHAIM

1571 FIFTY-FIFTH STREET/BROOKLYN, N.Y. 11219/PHONE 718-851-0183

Aug. 23, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region 11
26 Federal Plaza
New York, N.Y.

RECEIVED
SEP 10 1985
O C R
REGION II

Dear Mr. Seidenfeld,

In response to your letter of August 7... supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106,53 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Sincerely,
Benjamin Lederer
Benjamin Lederer
Vice President

ישיבת רבנו יצחאל מאיר הכהן
(כעל חפץ חיים זצ"ל)
RABBINICAL SEMINARY OF AMERICA
92-15 69th Avenue
Forest Hills, New York 11375
(212) 268-4700

RABBI A H LEIBOWITZ
President and Rosh Haveshiva

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בס"ד

August 19, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights, Region II
Department of Education
Federal Bldg., 26 Federal Plaza
New York, NY 10278

Dear Mr. Seidenfeld,

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.53, 106.55, and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

Thank you for your courtesy in handling this sensitive matter. We appreciate your time and the sensitivity you have shown.

Respectfully yours,

Rabbi Abraham Ginzberg
Asst. to the Dean

AFFILIATES

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Forest Hills, N Y
YESHIVA TIFERETH MOSHE
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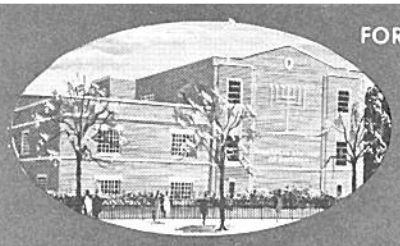
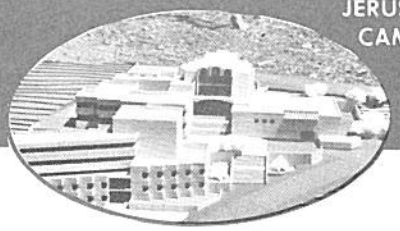
HEBREW ACADEMY OF WEST QUEENS
Jackson Heights, N Y
YESHIVA KESER TORAH
Briarwood, N Y
HEBREW ACADEMY OF SUFFOLK COUNTY
COMMUNITY DEVELOPMENT PROGRAMS
DALLAS, TEXAS
EAST NORTHPORT, L I
TUCSON, ARIZONA

RABBINICAL SEMINARY OF AMERICA



FOREST HILLS BRANCH

JERUSALEM CAMPUS



ישיבת רבינו ישראל מאיר הכהן
YESHIVATH RABBI ISRAEL MEYER HACOHEN

92-15 69th AVENUE • FOREST HILLS, N.Y. 11375 • (212) 268-4700

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RABBI A.H. LEIBOWITZ

Assistant to the Dean
RABBI ABRAHAM GINSBERG

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RABBI SHALOM LEEDER
ABRAHAM OKUN

August 24, 1976

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S. W.
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(h) Section 86.7
(i) Section 86.22
(j) Section 86.23 (a)
(k) Section 86.23 (b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi A. Henach Leibowitz,
President

Rabbinical Seminary of Mumkacs

1377—42ND STREET • BROOKLYN, N. Y. 11219 • 438-5246

MAILING ADDRESS: P.O. BOX 240 • BROOKLYN, N. Y. 11218

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(l) Section 86.53
(m) Section 86.59

Sincerely yours,

EMS 1919 SS
SS

Rabbinical Seminary of Munkacs

1377—42nd STREET • BROOKLYN, N.Y. 11219 • 438-5246
MAILING ADDRESS: P.O. BOX KK • BROOKLYN, N.Y. 11219

September 12, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office of Civil Rights, Region II
Department Of Education
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Seidenfeld:

In response to your letter of August 7th, supplementary to the exemption information that we filed with the United States Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty for our Talmudic Studies Program.

We claim exemption from all regulations or portions thereof which are inconsistent with those tenets.

Based on our review and understanding of 34CFR Part 106, those regulations include without limitation: Sections 106.21, 106.22, 106.23, 206.51, 106.52, 106.53, 106.55 and 106.59.

Exemption form those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes for our Talmudic Studies Program.

Sincerely,

Chaim Rosenberg,
Director

CR:dk

Rabbinical Seminary of New Square

15 ROOSEVELT AVENUE NEW SQUARE SPRING VALLEY, N.Y. 10977
TELEPHONE: (914) 354-5591

RABBI S.A. WEISSMANDL
DIRECTOR

RABBI JACOB MOSHEL
REGISTRAR

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

COPY

March 24, 1998

Ms. Norma Cantu
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Cantu:

Subject: Request for Religious Exemption from Title IX Regulation: 34 CFR § 106.21 (Admissions) and 34 CFR § 106.23 (Recruitment)

The purpose of this letter is to provide the United States Department of Education with official notification that Ricks College, located in Rexburg, Idaho, (hereinafter referred to as "Ricks" or the "College") considers itself exempt from the application of 34 CFR § 106.21 and 34 CFR § 106.23, to the extent described in this correspondence, which regulations are also published pursuant to Title IX of the Education Amendments of 1972, 20 USC § 1681 et. seq., a federal statute prohibiting sex discrimination in educational programs. Ricks expressly requests the Department to recognize formally that Ricks is exempt from the application of these sections because their provisions are in conflict with religious teachings, tenets, and practices of The Church of Jesus Christ of Latter-day Saints (hereinafter sometimes referred to as the "Church" or the "LDS Church"), a religious organization which sponsors and controls Ricks.

In 1985 your office granted other Ricks requests for exemption from other sections of 34 CFR. Specifically, the College was ". . . exempted from the requirements of the following sections of the Title IX regulations: 34 CFR §§ 106.21, 106.31, 106.32, 106.36, 106.39, 106.40, and 106.57." (The exemption with reference to 106.21 concerned prohibitions relating to marital or parental status.) The basis for these exemptions was ". . . that Ricks College is controlled by The Church of Jesus Christ of Latter-day Saints in that Ricks College practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and the College adequately establishes that Ricks College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulations." (Correspondence of June 24, 1985, from Harry M. Singleton, Assistant Secretary for Civil Rights, United States Department of Education to Dr. Bruce C. Hafen, president of Ricks College.)

In our application letter of May 7, 1985, we noted, in part, that the Church originally created the College in 1888 and since that time the Church has been continuously and ultimately responsible for the College's operation. The College's Board of Trustees consists of persons appointed by the governing board of the Church. The majority of the College's operating budget is derived from appropriations from the Church.

The Church of Jesus Christ of Latter-day Saints is a major international Christian religion, having a fully developed theology, a well-known history spanning nearly two centuries, and a worldwide membership presently numbering approximately ten million. Its members believe that the Church and its doctrine contain the fullness of the gospel of Jesus Christ, restored by direct revelation from God to Joseph Smith, who was called as a prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Quorum of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets. While accepting the King James Version of the Bible as holy scripture, the Church also regards the Book of Mormon as another testament of Christ and as holy scripture. In addition, the Church also accepts prophetic writings as scripture and regards the teachings of current Church leaders as religious doctrine.

Within this general framework, and with specific reference to this request for an exemption, the Church teaches that marriage between a man and a woman and the family unit are of basic theological significance. Thus, the Church teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all of its members, male and female, to obtain as much education as possible and to participate fully in the communities in which they live.

Attached hereto as Exhibit A is a copy of an official pronouncement of the First Presidency and Quorum of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints dated September 23, 1995. This "Proclamation on the Family" makes the position of the Church with respect to the matters addressed in it abundantly clear and reaffirms certain beliefs concerning marriage and the family to be principles of Church doctrine, which are binding on the Church, its controlled organizations, like Ricks College, and the Church membership.

In order to promote marriage and family as religious values, Ricks College seeks to maintain an appropriate balance of males and females in its student body. It is believed that a more gender balanced and proportional student body is critical to allow for healthy social interaction between males and females, which is conducive to marriage and family, and to promote a healthy balance between the genders in the composition of College ecclesiastical units and congregations. Accordingly, Ricks seeks to prefer males over females or females over males

as circumstances dictate in an attempt to achieve enhanced gender equity and the optimal environment for promoting the religious values of marriage and family at the College.

College efforts to reach an appropriate gender balance, however, may come into conflict with the gender neutral provisions of Sections 106.21 and 106.23. Accordingly, Ricks College requests that an exemption be granted to it from 106.21 and 106.23 of the Title IX regulations to allow it to give preferential treatment on the basis of gender in admissions and recruitment to support its religious value of promoting marriage and family.

The College is a distinctive, religiously based institution with a serious commitment to the values, doctrines, and mission of its sponsoring Church at the heart of its educational mission. Your prompt attention in evaluating this notice will be greatly appreciated. If I, or any members of the College administration, can be of any assistance to you in completing your review, or if you require additional information, please contact me.

Sincerely,

David A. Bednar
President

DAB/bao

bpc: Michael R. Orme

Attachment: Proclamation on the Family

dab\can2m98

OFFICE OF THE PRESIDENT

RICKS COLLEGE

May 7, 1985

RECEIVED
1985 MAY -9 PM 1:01
DOE-OCR

Mr. Gary Jackson
Regional Director
Office for Civil Rights
Region X
U.S. Department of Education
M/S 106 Third & Broad Building
2901 Third Avenue
Seattle, WA 98121

Re: Title IX Religious Exemption

Dear Mr. Jackson

On November 17, 1975, my predecessor, Henry B. Eyring, sent a letter with certain enclosures to David Mathews, who was then Secretary of Health, Education, and Welfare. These materials constituted the official notification to HEW that Ricks College considered itself exempt from certain provisions of the then applicable regulations promulgated under Title IX of the Education Amendments Act, by application of the statutory religious exemption in Title IX. On December 10, 1975, Secretary Mathews acknowledged receipt of our letter and indicated that Martin H. Gerry, Acting Director of the Office for Civil Rights, would respond to our letter. On September 28, 1976, President Eyring filed with HEW a routine Assurance of Compliance with Title IX in which the religious exemption previously claimed was reiterated.

Reservations other than those pertaining to the religious exemption were also claimed by Ricks College in this correspondence, primarily having to do with our view that only programs or activities receiving direct federal assistance are covered by Title IX and that certain forms of student aid do not create federal jurisdiction for purposes of Title IX enforcement. Reference was also made to the right claimed by the College to identify future claims for a religious exemption, and to our view that the Constitution does not allow a government agency to inquire into the truth of our religious principles or the sincerity of our belief in them. At the same time, our materials also stated our commitment to equal educational opportunity and our commitment to comply with federal law.

Following the receipt by Secretary Mathews of my predecessor's 1975 letter, no further communication to Ricks College from HEW or the Department of Education was forthcoming on the subject of our claim to a religious exemption under Title IX, until your letter of March 22, 1985.

Your letter states, "there is no record that OCR adequately acknowledged" our request for a religious exemption. Other than Secretary Mathews' brief acknowledgment of having received our letter in 1975, there has been no response at all. I understand from telephone conversations with members of your staff within the past month that you are now very anxious to receive our reply to your March 22 letter and to process our claim for an exemption. We are grateful for your willingness to attend now to this matter and hope to supply you with any needed information as completely as we can. However, this is a matter of sufficient importance that we wish to ensure adequate deliberation on our part, as well as yours. It will not surprise me to learn that considerable time and correspondence are necessary to enable us to reach a mutually satisfactory agreement about the application of the religious exemption to Ricks College. We do not wish to be understood as challenging the authority of the U.S. Department of Education under Title IX or other laws. We fully support the goal of equal opportunity. However, because Ricks College is a church-related college with a serious religious commitment at the heart of its educational mission, and because many interpretations to Title IX and its regulations are yet to be resolved, I hope you can understand the need we feel to protect our vital interests against the possibility of future adverse determinations. Also, our desires for a careful and deliberative process spring only from the significance we attach to the subject matter.

Before proceeding with our response to your request for additional information, I would like to ask some questions about your view concerning the meaning and application of the Title IX religious exemption, in order to guide our understanding in both our current and future relationships with your office. Your answers to these questions may influence our decision to make additional claims for exemption, beyond those discussed below.

1. Does our assurance of compliance with Title IX, subject to the religious exemption, in any way limit our right to claim in some later proceeding that the free exercise of religion clause in the First Amendment allows broader latitude to a college having a religious mission than is represented by the current statutory exemption in Title IX?

2. What is the meaning of the phrase "religious tenets of such organization" in the current statutory exemption? Would "religious tenets" include the practical interpretation or specific application of some doctrinal teaching, as determined by the duly constituted authorities of the church that controls a church-related college, or does it refer only to theoretical and general religious doctrines?

3. What role is played by a governmental agency in determining the nature and meaning of religious doctrines? Is a good faith claim by

> an educational institution having a bona fide religious mission entitled to a presumption of validity? If so, what circumstances would lead to rebuttal of the presumption? If not, why not? Will doubts about the presence and/or meaning of a religious tenet be resolved in favor of such an educational institution? If not, why not?

For the purpose of providing an initial response to your March 22 letter, I am assuming (1) that our assurance of compliance under Title IX and our discussions with you about the religious exemption do not limit our right subsequently to claim a broader free exercise right before a judicial body; (2) that "religious tenets" in Title IX's religious exemption includes practical and specific religious teachings by duly constituted authorities; (3) that our good faith claims about the existence and meaning of a religious doctrine are entitled to a presumption of validity; and (4) that governmental agencies should not assume the role of determining the nature and meaning of religious doctrines.

Your first request was to provide "the name of the religious organization that controls the institution and a brief description of how the organization controls the institution." Ricks College is owned and operated by the Church of Jesus Christ of Latter-day Saints. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created the College in 1888 and has always been ultimately responsible for its operation. Our Board of Trustees consists of persons appointed by the governing board of the Church and approximately 70% of our operating budget is funded directly by appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and welcome to apply for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church. In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behavior; to respect the personal and property rights of others; to obey the law of the land; to avoid the use of alcoholic beverages, tobacco, tea, coffee, and illegal drugs; to observe prescribed standards of dress and grooming; to abstain from sexual relations outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who choose not to accept these standards are not eligible for admission as students or for employment at the College. Both historically and at present, over 90% of our students and our employees are members of the Church.

Your second question asks for "a brief description of the religious tenets of the controlling organization that are followed by the institution." The Church of Jesus Christ of Latter-day Saints is a major Christian religion having a fully developed theology, a well-known

history of some 165 years, and a worldwide membership presently numbering over 5 million. Its members believe the Church and its doctrines contain the fulness of the Gospel of Jesus Christ, restored by direct revelation from God to a young man called as a Prophet in the Biblical sense in 1820. The governing Board of the Church consists of a First Presidency of three, along with a Council of Twelve Apostles, all of whom are regarded by the Church membership as apostles and prophets in the Biblical sense. While accepting the Bible as holy scripture, the Church also accepts certain other prophetic writings as scripture, and regards the teachings of the current Church leaders as religious doctrine. Central to the Church's theology is the view that, through the Atonement of Christ, all mankind may be saved by obedience to the laws and ordinances taught by Christ.

Within this general framework, the Church teaches not only the doctrine of individual eternal life, but also the doctrine that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives, and children, are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant. At the same time, the Church has a remarkable record of encouraging all its members--male and female--to obtain as much education as possible and to participate fully in the economic, political, and social life of the communities in which they live. The very existence of Ricks College, with women representing more than half of its students, attests to this commitment to educational opportunity. The mission of Ricks College is essentially an educational mission, but the College would not exist were it not for the opportunity of fully and freely blending the teachings and influence of the Church within both the curriculum and the extracurricular environment on the campus.

Your third question asks for a statement of those provisions of the regulations implemented under Title IX from which exemption is requested, together with an indication of the religious tenet in conflict with the provision. I will attempt to list some of the Title IX regulatory provisions with which we have concerns, but assume, as mentioned earlier, that this listing will not foreclose our opportunity to claim further exemptions as needed.

1. §§ 106.21(c), 106,40, and 106.57(b). Ricks College claims exemption from these regulations to the extent that they prohibit certain inquiries into or actions based upon the marital or parental status or the pregnancy or termination of pregnancy of present or prospective students or employees. The Church which sponsors the College

teaches strict adherence to the highest Christian standards of sexual morality on the same basis for both sexes, as indicated above.

2. § 106.31. Ricks College claims exemption from this regulation to the extent that it may prohibit the enforcement of the College's rules of appearance, which differ for men and women because of the teaching of the sponsoring Church that differences between the dress and grooming of men and women are proper expressions of God-given differences in the sexes.

3. § 106.36. Ricks College claims exemption from this regulation to the extent that it may inhibit our teachers or counselors from talking with students about ways in which marriage may be compared to career choices or when other questions arise concerning the planning by students of their educational or career plans. The sponsoring Church teaches that marriage and childrearing are significant religious obligations and that mothers naturally have greater involvement especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and counseling for women.

4. § 106.32. Ricks College claims exemption from this regulation to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house Ricks College students. The regulation allows sex-segregated housing when provided by the recipient, but appears to prohibit such segregation in off-campus housing. The teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities. For this same reason, the College claims the right under the religious exemption to interpret "separate housing on the basis of sex," as allowed by the regulation for on-campus housing, to mean separate buildings and not merely separate apartments, in both on and off-campus housing.

5. § 106.14. Ricks College claims exemption from this and related sections regarding membership practices to the extent that it interferes with the operation of extracurricular student activities in organizations sponsored by the Church. The regulation exempts the "membership practices of social fraternities and sororities" as well as certain national youth service organizations. However, exemptions should also extend to the membership activities and other practices of religious organizations for students. For example, over 30 student congregations (called "wards" according to Church nomenclature) are organized and maintain an active campus program through the ecclesiastical channels of the sponsoring Church.

Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt.

The foregoing are the specific claims for religious exemption Ricks College wishes to make at the present time.

I stress again that we desire to cooperate with your office in every way. If I have misunderstood anything about the intent of your letter or the nature and application of the regulations, I will welcome the opportunity to obtain clarification.

Sincerely,

Bruce C. Hafen

Bruce C. Hafen
President

A30BH2/eef

COPY

LAW OFFICES OF
HANSEN, BOYLE, BEARD & MARTIN
CHARTERED
JUDICIAL CENTER BUILDING
683 NORTH CAPITAL AVENUE
POST OFFICE BOX 501
IDAHO FALLS, IDAHO 83402-0501

TELEPHONE 523-5171
AREA CODE 208

JOHN D. HANSEN
LARRY M. BOYLE
WINSTON V. BEARD
SIMON S. MARTIN
JOHN G. ST. CLAIR
MICHAEL R. ORME
KENT A. HIGGINS

November 12, 1985

Mr. Gary D. Jackson
Regional Director
U.S. Department of Education
Region X
M/S 106, 2901 Third Avenue
Seattle, Washington 98121

Re: Ricks College

Dear Mr. Jackson:

In your correspondence to former President Bruce Hafen of Ricks College, Rexburg, Idaho of March 22, 1985, you requested additional information from the College to allow for processing of Ricks College's religious exemption for Title IX of the Education Amendments of 1979 (Title IX). A copy of this request is attached as item 1.

Dr. Hafen responded to you in correspondence of May 7, 1985, a copy of which is attached as item 2, which Dr. Hafen identified as an "initial response" (p. 3, paragraph 2 of Hafen correspondence) and which identified some of the Title IX regulatory provisions for which an exemption was requested, without foreclosing the opportunity to claim further exemptions as needed (p. 4, paragraph 3 of Hafen correspondence). Of particular significance were the requested exemptions identified in subparagraph 1 of page 4 of Dr. Hafen's letter. Exemptions from the identified regulations were claimed to the extent they prohibit certain inquiries or actions based upon the marital or parental status or the pregnancy or termination of pregnancy of present or prospective students or employees. In addition, Dr. Hafen noted that the Church of Jesus Christ of Latter-day Saints, which sponsors the college, teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both religously significant and that the Church teachings about such matters as marriage, chastity, abortion and the roles of husbands, wives and children are fundamental religious doctrines (p.4, paragraph 2 of Hafen correspondence). As you know, these requested exemptions were allowed. (See correspondence of Frederick T. Ciuffi to Dr. Hafen of June 24, 1985, attached as item 3.)

LAW OFFICES OF
HANSEN, BOYLE, BEARD & MARTIN
CHARTERED

Ricks College now requests that, based upon the information supplied in the correspondence of May 7, 1985, that an exemption to 12 CFR 106.39 be extended to the College effective retroactive to the College's initial request for exemption of November 17, 1975.

Best Regards,

HANSEN, BOYLE, BEARD & MARTIN, CHARTERED

Michael R. Orme

kmt:3669f

Enclosures

cc: Bruce Hafen

RIKA BREUER TEACHERS SEMINARY FOR GIRLS

95-103 BENNETT AVENUE

NEW YORK, N. Y. 10033

LO 8-6200

RABBI DR. JOSEPH BREUER
CHAIRMAN, BOARD OF EDUCATION

RABBI JOSEPH ELIAS
PRINCIPAL

Office for Civil Rights
Department of Health, Education and Welfare
P.O.B. 8214
Washington, D.C. 20024

June 3, 1977

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institutions.

1) I am the chief administrative officer of this institution.

2) Rika Breuer Teachers Seminary was charted and is maintained as an Orthodox Jewish Seminary. Its trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. The Institution today continues to operate under, and adhere to, these policies.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

a) Section 86.21(a)
b) Section 86.31(a)
c) Section 86.32(a)
d) Section 86.34
e) Section 86.51
f) Section 86.52
g) Section 86.55(a)
h) Section 86.7
i) Section 86.22
j) Section 86.23(a)
k) Section 86.23(b)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Rabbi Joseph Elias
Administrative Dean - Principal

RJE/sl

Roberts
Wesleyan
College

Office of the President ROCHESTER, NEW YORK 14624

September 29, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

The provision in H.E.W. Form 639 for claiming a religious exemption [45 CFR 86.12 (b)] obligates the applicant to identify specific provisions of the law in question which are in conflict with specific religious tenets of the sponsoring religious denomination of the applicant. This presents the applicant with a most difficult task since, in the practice of most religious groups, governing statements are broadly drawn, and, for interpretation they rely to a considerable degree on an understanding of the denomination's history, tradition, and religious practice. The most explicit statements are usually discovered in those areas of governance which are matters of procedure determined solely by the legislative body of the denomination. That specificity stands in marked contrast to the more general statements of moral and spiritual expectations for the members of that specific religious group, expectations which are derived from interpretation of Scripture and which are made operative through denominational norms of Christian experience. In other words, the emphasis is upon the spirit of the document rather than upon precise statements of prescription or prohibition.

It may well be that action by the instrumentalities of Federal or State government may force more legalistic statements into the practice of religious denominations. At least it is true that the Board of Bishops of the Free Methodist Church of North America has provided an explicit statement on the question of abortion that would formerly have been considered by the denomination as a logical corollary to the denomination's position on marriage and on the family. That position emphasizes the positive values of Christian marriage and the responsibilities of partners each to the other as well as their responsibilities as parents. In the spirit of that position, actions involving illicit sexual relationships are treated as if express prohibitions existed in legal form.

Attached to this is the statement submitted by this college to H.E.W. in response to the requirements of Title IX. This statement attempts to state unequivocally that:

(1) The essential character of discrimination based on sex, race, and national origin has been absent from the Free Methodist Church, and

the schools it has established, since its founding in 1866.

(2) Church membership has no such barriers as referred to in (1), nor has this college in admissions and employment.

(3) The religious purpose of the college does compel consideration of factors which bear significantly on the attainment of those religious purposes.

The factors which the college identified for consideration in relation to Title IX were:

1. Inquiry in regard to marital status.
2. Treating pregnancy as any other temporary inconvenience.
3. Treating abortion as any other temporary inconvenience.
4. Discrimination (differentiation?) in regard human sexuality.

In regard to 1. above, marital status, no specific denominational directive is available. However, Par. 329, Page 50 of the 1974 edition of the Book of the Discipline of the Free Methodist Church covers the denomination's position on Marriage and Divorce (see attached exhibit). In the context of that statement, it should be clear that proper marriage and family relationships are indispensable to the achievement of the religious objectives and ideals of the college. Pre-employment or pre-admission inquiry into marital status is not a question of race, sex, or national origin, but a question of character. The present preponderance of women on campus should demonstrate that this inquiry is not a device for excluding women.

Item 2. above, pregnancy, also has no specific church statement to which to appeal. The treatment of Marriage and Divorce already referred to clearly indicates that the Free Methodist Church affirms the sacredness of the human sexual experience, of family relationships, and the unacceptability of pre-marital intercourse or sex acts outside the marriage bond. Pregnancy within the marriage bond is no problem, but pregnancy out of wedlock is a most serious breach of morals for both parties involved.

Item 3., abortion, is one to which the ruling of the Bishops (previously referred to and attached as an exhibit) does apply. This ruling clearly states the unacceptability of induced abortion except in those cases where responsible and competent persons have judged the life or sanity of the mother to be at stake. In any other terms, the Free Methodist Church regards induced abortion as a serious crime whether or not it is punishable by the legal authorities.

Item 4. of those listed, human sexuality, has no specific

denominational directive to which to refer. Those directives attached as exhibits declare the denomination's commitment to treating every person according to Christian ideals and his or her personhood. Since, to the best of our knowledge, no present campus practice constitutes discrimination, as defined by Title IX, this may not be a problem area.

Faithfully yours,

Paul L. Adams
President

PLA:mjv
Enclosures

June 18, 1977

Office of the Higher Education Director
Department of Health, Education and Welfare
Washington, D.C. 20201

Attn: Mr. Kenneth Haddock

Dear Mr. Haddock:

Re: Assurance of Compliance with Title IX (Form 639A)

Thank you for your prompt assistance in providing us with the necessary documents to file the Seminary request for religious exemption under the provisions of Part 86 of C.F.R. 45.

Although our preparation of the documentation has been completed, signing of the documents must wait for the return of Father Bernard Harrington, Rector, President of the Seminary.

May we ask your indulgence for another week?

Sincerely yours,

Raymond L. Poissant
Statistician

June 25, 1977

Documents signed and posted.

rlp

Sacred Heart Seminary
2701 Chicago Boulevard
Detroit, Michigan 48206

OFFICE OF THE RECTOR

July 22, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
300 South Wacker Drive - 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern:

Sacred Heart Seminary College wishes to withdraw the request for exemption from compliance with Title IX of the Education Amendments of 1972.

Thank you very much.

Sincerely yours,

F. Gerald Martin

(Very Rev.) F. Gerald Martin
Rector/President
Sacred Heart Seminary College

203 324-4578
324-7098

Saint Basil's College

FOUNDED 1939

Stamford, Connecticut 06902

Received + Logged — 11/30/77 J.W.

OFFICE OF THE DEAN

November 28, 1977

Office For Civil Rights
Department of Health, Education and Welfare
Post Office Box 8214
Washington, D. C. 20024

Gentlemen:

St. Basil's College is a Catholic College Seminary. The college only accepts male students who have the qualifications and sincere intention to become Cat olic Priests to serve in parishes in communities of Ukrainian Catholics.

Sincerely yours,

Msgr. S.J. Chrepta

Monsignor Stephen J. Chrepta

SAI

Saint Bernard's Institute

1100 South Goodman Street • Rochester, New York 14620-2545 • 716 271-1320

October 2, 1985

Mr. Stanley Seidenfeld
Acting Regional Director
Office for Civil Rights
U.S. Department of Education
26 Federal Plaza
Room 33-130
New York, New York 10278

Dear Mr. Seidenfeld:

Thank you for your recent correspondence concerning the 1977 request of St. Bernard's Seminary for an exemption to Title IX regulations.

Please be advised that St. Bernard's Seminary has been closed and a new charter has been issued to its successor, St. Bernard's Institute. St. Bernard's Institute is not involved in the formation program for candidates for the Roman Catholic priesthood. Therefore, the request for exemption submitted by our predecessor (St. Bernard's Seminary) is no longer needed.

Please be further advised that St. Bernard's Institute receives no federal financial assistance. Please be assured, however, that St. Bernard's Institute does not discriminate on the basis of sex in any of its programs or activities.

Sincerely,

Deirdre M. Hetzler

Deirdre M. Hetzler
Administrative Assistant

DMH/cjm

Saint Bernard's Seminary

DEC 6 1977

Received & Logged

Comp Req 12/7/77

November 29, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
P. O. Box 8214
Washington D.C. 20024

Dear Sir or Madam:

St. Bernard's Seminary is a postgraduate theological school, the primary purpose of which is the training of candidates for the Roman Catholic priesthood.

The tenets of the Roman Catholic Church prohibit the ordination of females. Consequently, it is submitted that Title IX and its regulations are irrelevant and inappropriate for an institution such as St. Bernard's, and it hereby claims an exemption under 20 U.S.C. Section 1681 (a) (3).

Sincerely,

Frank E. Lioi

Very Rev. Frank E. Lioi
Rector

FEL/hm

Acceptable in lieu of 639A per call Pelletier/Hagen 12/6/77

RCE 360028/S

OFFICE OF THE RECTOR
~~716-254-7340~~

2260 LAKE AVENUE • ROCHESTER, NEW YORK 14612 • 716 254-1020

Affidavit for Religious Exemption under Title 1X

County of Stearns)
State of Minnesota) s. s.

The undersigned being first duly sworn, deposes and says: He is the Abbot of the Order of Saint Benedict, Collegeville, Minnesota, and the Chancellor of Saint John's University, Collegeville, Minnesota;

1. That Saint John's University is owned and operated by the Order of Saint Benedict which is a community of male religious; that one tenet under which the University is operated is that as many members of Saint John's Abbey as possible be active in the University; that Saint John's considers itself exempt from compliance under Title 1X as to those persons.

2. Affiant further states that the School of Divinity of Saint John's University is a seminary for the preparation of men for ordination to the Priesthood of the Roman Catholic Church; that the school is operated under the tenets of Canon Law of the Roman Catholic Church; that admission thereto and employment therein is regulated by those tenets and directed specifically to the purpose of the School; that said School is exempt in its entirety from compliance with Title 1X of the Education Amendments of 1972, regulations issued thereunder or any other legislation or regulations of the Federal Government.

+John Eidenschink, OSB

Subscribed and sworn to before the undersigned this 27 day of Sep, 1976.

Charles W. Greene
CHARLES W. GREENE
Notary Public, Stearns County, Minn.
My Commission Expires March 15, 1983

SAINT MARY OF THE LAKE SEMINARY
MUNDELEIN, ILLINOIS 60060

June 23, 1977

Mr. Albert T. Hamlin
Acting Director
Office Civil Rights
Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Sir:

I am writing in response to the communication issued through your office entitled "Assurance of Compliance under Title IX of the Education Amendments of 1972," (April 4, 1977.)

Saint Mary of the Lake Seminary is a school of theology attended by seminarians training for the Roman Catholic priesthood in the Archdiocese of Chicago. The Seminary only admits seminarians pursuing the vocation for priesthood; and keeping with the teachings, traditions and tenets of the Roman Catholic faith only males are admitted and allowed to study for the priesthood. In light of these facts, it seems clear that the H. E. W. Title IX regulations, is completely dispositive of the issues raised by your April 4, 1977 communication.

Sincerely yours,

Reverend Thomas J. Murphy
President

TJM/dl

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

HEW Form 639 A, Article I, B - Religious Exemption

Saint Mary's College is owned and operated by the Sisters of the Holy Cross, an Order of the Roman Catholic Church. Saint Mary's College was chartered as an institution for women and it has continued to adhere to that restriction. It is the intention of the College to continue to discriminate in enrollment on the basis of sex, limiting its admission to women as allowed in Section 86.15 (e).

As a Catholic institution operated solely for women, there are some positions for which either religion or sex, or both, will be a job qualification; i.e., the President of the College should be a member of the Catholic Church while the Dean of Students should be both a woman and a Catholic. As a woman's institution, we expect that a significant portion of our faculty will be women. Thus, where two or more applicants are equally qualified, preference will be given to the female applicant.

6/2/77
Date

John M. Duggan
John M. Duggan
President
Saint Mary's College
Notre Dame, Indiana

Saint Mary's College
NOTRE DAME • INDIANA

August 7, 1985

Linda A. McGovern
United States Department of Education
Office for Civil Rights - Region V
300 South Wacker Drive - 8th Floor
Chicago, Illinois 60606

Dear Ms. McGovern:

This letter is in response to your request of July 18, 1985, for information regarding the request of Saint Mary's College for religious exemption.

Saint Mary's College is owned and operated by the Sisters of the Holy Cross, an Order of the Roman Catholic Church. The degree to which the Sisters of the Holy Cross "control" the College can be best understood by looking at four areas:

1. composition of the Board of Regents;
2. the degree to which the Sisters of the Holy Cross influence administrative decisions;
3. the number of Sisters on faculty, staff and administration;
4. the percent of financial support annually provided by the Sisters of the Holy Cross.

As stated in the Saint Mary's College Governance Manual (see Appendix A), the College is governed by a two-tiered board, i.e., the Board of Regents and the Administrative Members. The Board of Regents, chaired by a Sister of the Holy Cross if the President is a lay person, consists of one-third membership from the Sisters of the Holy Cross. The Administrative Members, which consists of seven Sisters of the Holy Cross, are the "top tier" of the Governance structure. Their authority and responsibility are outlined in Appendix A.

Within the faculty and administration of the College, special effort is made to identify, hire and place Sisters of the Holy Cross in influential positions within the College (e.g., Senior Officers, administrative and faculty department heads). In 1984-85, Sisters of the Holy Cross held a number of significant positions in the College, e.g., Dean of Students, Director of Libraries,

Director of Institutional Research, Assistant to Vice President for College Relations, Special Assistant to the President, and chairs of three academic departments. The annual financial contribution of the Sisters of the Holy Cross was $920,470 for the 84-85 fiscal year. This figure represents one-half of the College Sisters' salaries returned annually to the College for scholarships, and the return of annual building and property rental. In 1984-85, the Sisters of the Holy Cross also contributed $100,000 to inaugurate a Center for Spirituality on campus. Saint Mary's College depends heavily on the financial support of the Sisters of the Holy Cross for its operations.

The religious tenets of the Sisters of the Holy Cross are listed in the Philosophy of Education Statement and in the Statement of Philosophy and Purpose of Saint Mary's College (see Appendix B). Each Division of the College submits bi-annual reports to the President evaluating the ways in which these beliefs are being implemented in the education of the women of Saint Mary's. The President, in turn, presents and discusses these reports with the Board of Regents and the Administrative Members.

Saint Mary's College was chartered as an institution for women and it has continued to adhere to that restriction. It is the intention of the College to continue to discriminate in enrollment on the basis of sex, limiting its admission to women, as allowed in Section 86.15 (E). As a women's institution, we expect that a significant portion of faculty and administrators will be women; thus where two or more applicants are equally qualified, preference will be given to the female applicant.

As a Catholic institution there are some positions for which religion will be a job qualification, i.e., the President of the College, the Dean of Students, the Chairman of the Religious Studies Department, and the Director of Campus Ministry. As a Catholic institution, we also expect that a significant portion of faculty and administrators will be Catholic. Thus, where two or more applicants are equally qualified, preference is given to the Catholic applicant.

Since Saint Mary's College was founded and continues to present itself as a Catholic liberal arts college for women, sponsored by the Sisters of the Holy Cross, it is necessary to the future of Catholic higher education that a strong "Catholic women's presence" be maintained. It is for this reason that Saint Mary's College requests religious exemption.

If you have any questions regarding the enclosed information, please do not hesitate to call.

Sincerely,

William A. Hickey
Acting President

WAH/cm
enclosure

SAINT MARY'S COLLEGE, Winona, Minnesota 55987

OFFICE OF THE PRESIDENT

September 3, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

Saint Mary's College is a Catholic, Liberal Arts College. As such it claims a partial religious exemption under 45 C.F.R., Paragraph 86.12(b). In its bylaws, the Board of Trustees provides that the chief executive officer be a Christian Brother. Exemption is also claimed in hiring for those positions which are responsible for the teaching of theology.

Sincerely,

Peter Clifford FSC

Peter Clifford, F.S.C.
President

PC:md

St. Paul Bible College

St. Bonifacius, Minnesota 55375-9001
Telephone (612) 446-4100

March 22, 1989

Chicago (R.V)
4/14
AS pig
cy: AS
DASP
PES

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Sir:

St. Paul Bible College hereby claims 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).

St. Paul Bible College is a regionally accredited Bible college, offering courses of instruction in Bible & Theology, Business Administration, Christian Education, History, Missiology, Music, Pastoral Ministry and Teacher Education. The College is controlled by The Christian and Missionary Alliance, herein referred to as the Corporation. The Christian and Missionary Alliance was incorporated in the state of New York in 1897 as a not-for-profit religious organization. St. Paul Bible College also is a not-for-profit religious corporation and was incorporated in the state of Minnesota in 1945 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 institution under Section 501(c)(3) of the Internal Revenue Code, thus enjoying the same tax exempt status as the Corporation. The trustees, faculty, students and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs 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 a significant amount of its financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The College educates in the broad range of Christian doctrine, in which it 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 the statement of faith and College lifestyle statement enclosed.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, 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 modest 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, I Corinthians 6:9-10 in the New American Standard Version of the Holy Bible.

> "Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate by perversion, nor homosexuals, nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers, shall inherit the kingdom of God."

The College, being controlled by the Christian and Missionary Alliance, is governed by their policy relating to divorced persons. It follows:

> "No person who is divorced and remarried, or who is married to a divorced person, shall be engaged as a faculty member or administrator in an Alliance college or graduate school."

The College hereby claims exemption from the application of Title IX and the regulations thereunder (including, without limitation, 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status -- see further explanation below.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly moral and biblical ethos for the College community, moral standards are maintained consistent with the precepts of the Holy Bible and the religious customs and practices that interpret its

moral standards. The College maintains that it must be able to deal, on religious grounds, with those members of the College community who, for whatever reasons, are unreconcilable and unrepentant in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [see, e.g., I Corinthians 6:15-17; Colossians 3:5; II Corinthians 6:14ff; Malachi 2:14b-16a; Matthew 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and practices, as described above.

There are a 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 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 tenets 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 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 claim 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 feel free to contact me.

Very truly yours,

Bill W. Lanpher
President

BWL:nf
Enclosures: 1 Lifestyle Statement
1 Statement of Faith

THE SAINT PAUL SEMINARY

2260 Summit Avenue, Saint Paul, Minnesota 55105

Telephone (612) 698-0323

April 7, 1977

Director, Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

Dear Sirs:

The St. Paul Seminary is constituted as a theological seminary, a school of divinity at the first professional graduate level, to prepare men for the priesthood in the Roman Catholic Church. The priesthood is restricted by the Roman Catholic Church to men. By reason of this, enrollment in our programs for priestly ministry are restricted to men and the athletic and other physical facilities are designed principally with men in mind. Since it is a professional school for priesthood, the majority of the staff will be priests and therefore male.

In the above respects we claim a religious exemption under 45 C.F.R. 86.12(b).

Sincerely yours,

Msgr. William Baumgaertner,
Rector/President

WB/jr
encl.

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

File 6/7/77

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

27002384

ST. PAUL SEMINARY
(Name of Applicant or recipient

2260 Summit Avenue
(address)

St. Paul, Minnesota 55105
(city, state, zip code)

002384
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (x) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. (x) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. (x) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (x) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Mr. James W. Ryan, Registrar
(name of employee)

3. St. Paul Seminary
(office address)

4. (612) 698-0323 Ext. 6
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (x) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____ (insert date).

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: 4/7/1977

St. Paul Seminary
(Insert name of Applicant)

By Msgr. John Baumgartner
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rector - President
(Insert title of authorized official.)

The
Saint Paul
Seminary

2260 Summit Avenue • Saint Paul, Minnesota 55105 • (612) 698-0323

August 7, 1985

Ms. Linda A. Cornelius
Acting Regional Civil Rights Director
Region V
300 South Wacker Drive, Fifth Floor
Chicago, Illinois 60606

Dear Ms. Cornelius:

After reviewing your recent letter and the provision of Title IX, I would resubmit the request of my predecessor for an exemption from those sections of Title IX that conflict with the laws of the Roman Catholic Church regarding education for ordained priesthood. While The Saint Paul Seminary has recently opened its academic degree programs to qualified men and women seeking graduate theological training, it still maintains a distinct program of preparation for priesthood candidates. According to Church Law only single men are eligible to apply for admission to programs leading to ordination. Furthermore, those laws also insist on distinct arrangements for housing and aspects of education and counseling specific to priesthood candidates. There are also scholarship and institutional financial aid programs which have been established in the past for priesthood students; dispersal of those program funds is thereby limited to priesthood students. Finally, the Roman Catholic Church also specifies that certain positions on the faculty must be filled by priests and that all personnel must meet certain personal standards as specified by Church Law.

In light of these restrictions of our religious tradition, I ask for exemptions to the following sections of Title IX:

106.21 - Admissions
106.22 - Preference in Admissions
106.23 - Recruitment
106.31 - Education Programs and Activities
106.32 - Housing
106.34 - Access to Course Offerings
106.35 - Counseling and Use of Appraisal and Counseling Materials
106.37 - Financial Assistance
106.40 - Marital and Parental Status
106.51 - Employment

106.52 - Employment Criteria
106.53 - Recruitment

If I need to provide any further information or documentation in regard to this request, I would be happy to do so.

One further matter should be noted. The Saint Paul Seminary is currently in discussion with the College of St. Thomas regarding an affiliation of our seminary with their liberal arts college. Nothing has been finalized at this date. The College of St. Thomas, located at 2115 Summit Avenue, St. Paul, has already submitted its analysis of Title IX questions and that report is on record with your office.

Sincerely yours,

Reverend Charles Froehle
Rector

CF:em

2-3-363

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To ELENOR BAKER	From LAMAR DANIEL
Co. HQ OCR	Co. REGION OCR
Dept. US DOE	Phone 404/331-5910
Fax 202/205-9862	Fax 404/331-7819

1991-92

US DEPT. OF EDUCATION

SAMFORD UNIVERSITY
SESQUICENTENNIAL

For God • For Learning • Forever

April 29, 1992

Assistant Secretary
Department of Education
c/o Mr. Archie B. Meyer, Sr.
Regional Civil Rights Director
Office for Civil Rights
PO Box 2048, 04-3010
Atlanta, GA 30301-2048

RE: **Application for Institution Exemption from Certain Provisions of Title IX of the Education Amendments of 1972**

Dear Mister or Madam Secretary:

Samford University ("Samford"), pursuant to 34 C.F.R. 106.112(b), hereby requests exemption from application of certain of the regulations promulgated under Title IX of the Education Amendments of 1972. In support of such exemption, Samford states as follows:

1. Samford, incorporated by Act of the Legislature of Alabama as Howard College on December 19, 1841, is an entity of The Alabama Baptist State Convention (the "Convention").

2. The Convention is a religious organization, incorporated under the laws of the State of Alabama, whose purpose is:

> to offer an agency of cooperation for the churches, to promote the preaching of the gospel in Alabama and throughout the world, to support ministerial and Christian education, to publish and distribute Christian literature including the Bible if desirable and organize and promote all phases of work fostered by the Convention and the Southern Baptist Convention, and to aid any benevolent or moral movements it may deem promotive of God's kingdom. (Article II of the Constitution of the Alabama Baptist State Convention).

3. Samford University's relationship to the Convention is expressed in Article III of the Convention's Constitution:

> The Convention shall have ultimate control of any literary, theological, eleemosynary, or other institutions which have been acquired by or originated in this body.

4. The members of the Board of Trustees of Samford are elected by the Convention and must hold membership in a Baptist Church in Alabama which cooperates with the Convention. (Articles III and XIV of the Constitution of The Alabama Baptist State Convention.)

5. The Convention contributed approximately $4,000,000 to the operating budget of Samford this fiscal year.

6. Samford seeks exemption from the below listed regulations, as they are inconsistent with the religious tenets of The Alabama Baptist State Convention, the Convention's member churches located within the State of Alabama, or the Southern Baptist Convention:

34 CFR 106.21
34 CFR 106.31
34 CFR 106.32
34 CFR 106.36
34 CFR 106.37
34 CFR 106.38
34 CFR 106.39
34 CFR 106.40
34 CFR 106.51
34 CFR 106.52
34 CFR 106.53
34 CFR 106.55
34 CFR 106.57
34 CFR 106.60

7. The specific religious tenets with which the Regulations conflict are as follows:

(a) Regulations 106.21, 106.31, 106.37, 106.39, 106.40, 106.57 and 106.60 would, if applicable, generally require Samford to ignore the sex, marital or parental status of employment applicants, faculty, staff and students in the offering of employment, educational programs and services, and health insurance. Such requirements interfere with the ability of Samford to provide role models of Christian moral character and to make decisions consistent with Baptist tenets concerning Christian sexual conduct, the sanctity of male-female marriage and the primacy of the nuclear family.

(b) Regulations 106.32, 106.34, 106.38, 106.51, 106.52, 106.53 and 106.55 would, if applicable, generally require Samford to ignore its religious purpose and the religious tenets of the Convention, its member churches and The Southern Baptist Convention, insofar as their tenets allow and indeed, require the individual member churches of the Convention to ordain and license clergy, which, as a result of these and other tenets, results in appointment of predominantly male ministers. This basic tenet of the Baptist faith requires that the academic, scholarship, employment, recruitment, housing and other programs and practices of Samford be unconstrained by the above cited regulations in order to properly serve Samford's religious educational mission. Be assured, however, that Samford shall not discriminate on the basis of sex where such is not required by the aforementioned religious tenets.

In summary, Samford and the Convention adopt the principal of equality among God's children of all races, both male and female, and will endeavor to operate Samford University in accordance with this principal. Our concern is that the regulations from which we seek exemption might somehow be interpreted and enforced in such a way as to require Samford to ignore religious tenets in order to comply with the law. We believe that 34 C.F.R. 106.12(a), which enables the religious exemption sought herein, and the First Amendment of the United States Constitution, ensure that Samford should not be subject to such conflicts.

We appreciate your consideration and understanding of our request and trust that the requested exemptions will be promptly granted.

Very sincerely yours,

Thomas E. Corts
President

/ewh

REE

REC
not specific

4/15/78

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, SAMFORD UNIVERSITY - Alabama
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

01001036

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.) (See attached request)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[X] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[X] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Faculty and Academic Affairs:
Ruric E. Wheeler
Vice President for Academic Affairs
205-870-2718

Staff and Student Affairs:
H. Evan Zeiger
Vice President for Financial Affairs
205-870-2811

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ .
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 28, 1976

Samford University
(Insert name of Applicant)

By _____

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

800 Lakeshore Drive
Birmingham, Alabama
35209

GPO 906-517

In accordance with Section 86.12(b) of the Rules and Regulations implementing the Educational Amendments of 1972, we are hereby identifying the provisions of the rules and regulations which are not consistent with tenets of the Alabama Baptist Convention, the denominational agency which owns and operates Samford University. Although the possibility of a conflict between these rules and regulations and the tenets of the Alabama Baptist Convention in the day-by-day operation of Samford University is very small, we do note the possibility of a conflict. Thus, we are requesting an exemption from the following regulations in case a conflict should materialize in the future.

Section 86.21	Section 86.38
Section 86.22	Section 86.40
Section 86.23	Section 86.51
Section 86.31	Section 86.52
Section 86.32	Section 86.53
Section 86.34	Section 86.55
Section 86.36	Section 86.57
Section 86.37	Section 86.59

85-005-280

Samford University
Birmingham, Alabama 35229 U.S.A.
THE PRESIDENT 205-870-2727

August 16, 1985

Mr. William H. Thomas
Regional Civil Rights Director
Region IV
Office for Civil Rights
United States Department of Education
101 Marietta Tower
Atlanta, GA 30323

Dear Mr. Thomas:

As promised in my letter of July 30, 1985, I am responding more specifically to your letter which was received in our office on July 8, 1985.

Because of the passage of time, Samford University does not now insist on the granting of its July 7, 1976 application for exemption from certain Title IX regulations. We, of course, reserve the right to renew our application in the future should a need arise for such exemptions.

We appreciate your calling to our attention the current status of this matter.

Very sincerely yours,

Thomas E. Corts
President

kr

cc: Atley Kitchings
Gerald A. Macon
Laverne Farmer
Ruric E. Wheeler
Martha A. Cox

no RSC Assurance

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Seminary of St. Pius X – Kentucky (insert name of Applicant or Recipient) (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[x] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

21008917

[x] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[x] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[x] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Mrs. Phyllis Chandler
(name of employee)

Financial Aid Office-Seminary-Erlanger, Ky. 41018
(office address)

606-371-4448
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[x] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____ (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: August 2, 1976

Seminary of St. Pius X
(Insert name of Applicant)

By William G. Glover
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

Rector (President)
(Insert title of authorized official.)

GPO 906-517

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

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ATTN PRESIDENT

SEMINARY OF SAINT PIUS X

ERLANGER KY 41018

SETON HALL UNIVERSITY
South Orange · New Jersey 07079

OFFICE OF THE PRESIDENT
JOHN A. COLE, M. B. A., LITT. D.
TREASURER

September 20, 1976

Mr. Martin H. Gerry
Director of Office of Civil Rights
Department of Health, Education
and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

I am submitting herewith certificate of Assurance of Compliance with Title IX of the Education Amendments of 1972.

Attached you will also find an Application for Specific Exemption under Section 86.12.

Sincerely yours,

John A. Cole

John A. Cole
Treasurer
and
Acting President

JAC:vk
Encl.

SETON HALL UNIVERSITY
South Orange · New Jersey 07079

OFFICE OF THE PRESIDENT
JOHN A. COLE, M. B. A., LITT. D.
TREASURER

APPLICATION FOR SPECIFIC EXEMPTION

UNDER SECTION 86.12

Seton Hall University hereby applies for exemption from the provisions of Part 86 of Title IX in the specific area of staffing the Divinity School of the University.

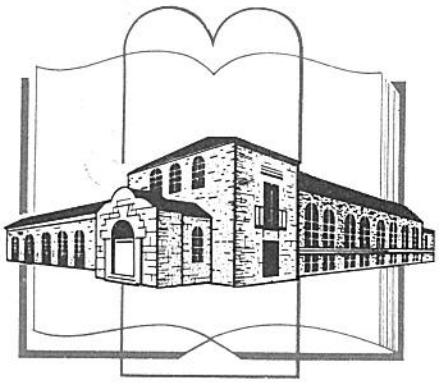
The Divinity School is operated to initiate the training of candidates for the priesthood, primarily for the Roman Catholic Archdiocese of Newark, under which aegis Seton Hall was founded in 1856, but also for the other Roman Catholic dioceses in the State of New Jersey.

The program of the Divinity School is specifically for the education of students to prepare them to become priests of the Roman Catholic Church.

Canons 108 and 968 of the Code of Canon Law of the Roman Catholic Church limits the sacred orders of bishop, priest, and deacon to males.

September 20, 1976

John A. Cole
Acting President



בית מדרש
שאר ישוב

SH'OR YOSHUV

Rabbinical College-Institute for Jewish Studies

1284 CENTRAL AVENUE,
FAR ROCKAWAY, N.Y. 11691
327-2048

RABBI SHLOMO FREIFELD, DEAN

May 3, 1977 ב"ה

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Shlomo Freifeld

85-004-022

Southeastern Bible College

205/251-2311
2901 Pawnee Avenue, Birmingham, Alabama 35256-2699

April 4, 1985

Mr. William H. Thomas, Regional Director
United States Department of Education
101 Marietta Tower
Atlanta, Georgia 30323

Dear Mr. Thomas:

The following is in response to your letter of March 25, 1985, regarding our request of July 21, 1977, for exemption from certain provisions of Title IX.

1. Southeastern Bible College is a non-denominational institution serving various independent churches and protestant denominational groups.

   Some of the religious groups represented in our Board, our faculty and our student body are:

   Independent Fundamental Churches of America
   Southern Baptists
   Presbyterian Churches of America
   Christian Missionary and Alliance
   Freewill Baptists
   Brethren
   Mennonite

   The college is governed by a self-perpetuating board consisting of twenty members including the President of the college. Board members are chosen from constituent churches. Approximately ten different churches are represented on the board presently. The board is the policy-making body of the institution.

2. Southeastern Bible College would be considered theologically conservative and evangelical. Attached is a copy of the college's doctrinal statement.

3. We are seeking exemption under provisions in paragraph 86.12 for two issues.

   A. Educational Programs
      Study programs in our Pastoral Theology Department are limited

aabc American Association of Bible Colleges
Accredited Member

50th Anniversary

Evangelical Council for Financial Accountability ECFA Charter Member

to male students. We believe the Scriptures provide for men only to be in the office of the pastor of a church. The position has been maintained since the inception of the program. It is consistent with the views of the majority (perhaps all) of our constituent churches. A change in position by our college would cause the loss of support from many of these same churches. It is assumed that you are not asking for a detailed Biblical argument for the college's position at this point. Such a presentation can be made if necessary.

In light of these facts we ask exemption from paragraphs 103.31 and 106.34 as they would relate to our pastoral studies program.

B. Employment

Consistent with our theologically conservative position, we hold that the Scriptures require that women are not to be in the position of teaching men in matters of Biblical instruction and theology. Again this has been the historical position of the college from the beginning and it would reflect the practice of the churches we serve.

In light of this we request exemption from the provisions of paragraph 106.51 only in matters related to Biblical and Theological instruction of men by women.

If documentation of these views is needed from representative churches within our constituency we will be happy to secure it.

Yours truly,

James G. Kallam, Ph. D.
President

JGK/je

4-2-587

SOUTHEASTERN BIBLE COLLEGE

3001 Highway 280 East, Birmingham, Alabama 35243-4181 205/969-0880

May 8, 1989

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D. C. 20202

RECEIVED DO
1989 MAY 15 AM 11: 35
US DEPT. OF ED, OCR

Re: Title IX Exemption Application

Dear Sir:

Southeastern Bible College 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 102.12(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).

Southeastern Bible College is an accredited Bible college, offering courses of instruction in the humanities, arts and sciences with a minor in Missions, Pastoral Studies, Christian Education, Teacher Education and a major in Bible and Theology. The College is controlled by Southeastern Bible College, Inc. (the "Corporation"), a non-profit religious corporation which was incorporated in the State of Alabama in 1935 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501(c)(3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. 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, I Cor. 11:1-16, 13:34-39; Eph. 5:22-6:9; Col. 3:18-41, I Tim. 2:8-15, 3:1-14; I Cor. 5:1-13, 6:12-20; I Peter 2:11-25; II Peter 2:20-26.

The College seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, I Cor. 5:1-13, 6:12-20; I Peter 2:11-15.

The College has previously applied for and received a religious exemption from certain of the provisions of Title IX. However, in light of the passage of the Civil Rights Restoration Act of 1987 and the College's current understanding of the provisions of Title IX and the regulations thereunder that are applicable to the College, this additional request for exemption is being submitted at this time in order to clarify the scope of the exemption granted to the College.

The College hereby requests 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: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status), Section 106.34 (access to course offerings in ministerial or pre-ministerial programs limited by religious tenets to students of one gender) and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.53 (recruitment), 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.

The religious tenets relevant to marital and parental status are biblically derived. In order to live within commonly received Christian meanings of human relationships and provide a moral and biblical ethos for the college community, moral standards are maintained consistent with the precepts of the Bible and the religious custom and practice that interpret its moral standards. The college maintains that it must be able to deal, on religious grounds, with those members of the college community who, for whatever reasons, are unreconcilable and unrepentent in matters of moral conduct and whose actions are detrimental to themselves, their families and others. Where such willful conduct expressly violates biblical norms (e.g. cohabitation, homosexual behavior, promiscuous conduct outside of wedlock, or marriage or divorce without biblical grounds [(see, e.g., I Cor. 5-7; Col. 3:5; 2 Cor. 6:14ff; Mal. 2: 14b-16a; Matt. 5:31]) and offending persons cannot be reconciled to biblical standards, the College reserves its right to exercise its discretion for the remedy appropriate to the circumstances consistent with its religious beliefs and

practices, as described above.

There are a 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 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 tenets 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 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 Mr. Leon Gillaspie who is the Vice President of the College, at Southeastern Bible College.

Very truly yours,

John D. Talley, Jr., D.Min.
President

JDT/je

SOUTHEASTERN CHRISTIAN COLLEGE

WINCHESTER, KENTUCKY 40391
PHONE (606) 744-6212

May 5, 1977

STATEMENT claiming religious exemption for TITLE IX under 45 C.F.R. 86.12(b).

Southeastern Christian College is a Liberal Arts Junior College, owned and operated by a Board of Directors chosen by cooperating Churches of Christ. While offering a Liberal Arts curriculumn, this school places strong emphasis on the teaching of the Bible and the living of a Christian life. The introductory sentence of its statement of purpose as found printed in the Catalogue, page 6, reads:

> "The over-all purpose of Southeastern Christian College is to provide each student with a program of Christian education including religious, academic, social, physical and vocational experiences which will result in Christ-centered living."

It is the conviction of this school and of its supporting churches that the Bible does not condone women as "Preachers", or "Ministers of the Gospel" or "Pastors".

In view of this, Southeastern Christian College does not employ women to be teachers of Bible and/or Religion. Nor does it invite women preachers to speak at religious assemblies of the college. (Sec. 86.51(a)(1&2); Sec.86.53(a&b).)

This does not mean that women cannot take any Bible or Religion course which is offered. In fact, we have several women currently enrolled with Bible majors. However, as a rule, women do not attempt to enroll in certain courses such as homiletics (sermon preparation).

This position does not rule out women from being teachers in other subjects, including directing of the school choir which sings mainly religious music. Our present choir director is in fact, a woman.

As a consequence of the above stated belief regarding women preachers, one student extra-curricular activity known as the "Timothy Club" (a club of young men aspiring to be preachers of the Gospel and who preach as opportunity provides) is limited to men. The women on campus have a counterpart in the "Dorcas Club" which seeks ways of service to the church in keeping with their understanding of God's Word. The staff advisor in that case would also be a woman. (Sec. 86.31(a) ..."extracurricular"...)

We have studied all the requirements of the Rules and Regulations per FEDERAL REGISTER of June 4, 1975 Volume 40 Number 108 Part II, and find that in all other aspects we are in compliance with Title IX.

Sincerely,

Victor N. Broaddus, President

Hall C. Crowder, Chairman of Board

Southern Baptist College

"The Campus of Christian Purpose"

OFFICE OF THE PRESIDENT

WALNUT RIDGE, ARKANSAS

72476

August 23, 1976

Kleay
N.A.

Director of the Office for Civil Rights
U. S. Dept. of Health, Education, & Welfare
Washington, D. C. 20201

Dear Sir:

The following is published and submitted in accord with Section 86.12(b) of the "Title IX Regulation Implementing Educational Amendments of 1972 Prohibiting Sex Discrimination in Education". Southern Baptist College is a two-year co-educational institution which is owned and operated by the Arkansas Baptist State Convention.

Identified below are provisions of the regulations which are not consistent with or which may yield to interpretations which are not consistent with the religious tenets of the Arkansas Baptist State Convention:

Section 86.6	Section 86.38
Section 86.11	Section 86.39
Section 86.21	Section 86.40
Section 86.31	Section 86.51
Section 86.32	Section 86.53
Section 86.34	Section 86.55
Section 86.36	Section 86.57
Section 86.37	Section 86.60.

I, therefore, in accordance with Section 86.12 respectfully request the exemption of Southern Baptist College from the rules and regulations specified above.

Sincerely,

D. Jack Nicholas

D. Jack Nicholas
President

DJN:gr

SOUTHERN CALIFORNIA COLLEGE

Office of the President

1988 SEP 26 AM 11:40

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

August 3, 1988

RECEIVED
1988 SEP 29 P 12:29

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Southern California College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

Fifty-Five Fair Drive, Costa Mesa, California 92626 • (714) 556-3610

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. The College is controlled by a religious organization

The College is a four-year educational institution that is owned and controlled by the Southern California District Council of the Assemblies of God ("District Council"). The District Council is an association of some 1,046 Assemblies of God churches in the State of California, and it is a member of the General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2,000,000 members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the Southern California District Council (enclosure 3), which will demonstrate conclusively that the District Council is a religious organization.

Article III of the College's Bylaws (enclosure 4) specifies that "Southern California College is and shall be at all times owned and controlled by the Southern California District Council of the Assemblies of God. The execution of policy and administration of the College may be delegated to the appropriate officers designated by the board of directors, but the Southern California District Council of the Assemblies of God shall have control over all phases of the College." This provision clearly demonstrates that the

College is owned and controlled by a religious organization (the District Council).

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organization (the District Council).

The Constitution of the District Council adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. Article IV of the College's Bylaws also adopts these doctrinal precepts. The "Statement of Fundamental Truths" contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and

employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

Wayne E. Kraiss

President Wayne E. Kraiss

WEK:je

Enclosures

cc: Ms. Maye Miller--Bozeman
Richard R. Hammar, Esq.

86-001-483

SOUTHERN COLLEGE
OF
SEVENTH-DAY ADVENTISTS
Collegedale, Tennessee 37315

A LIBERAL ARTS COLLEGE

(615) 238-2000

OFFICE OF THE PRESIDENT

October 31, 1985

RECEIVED
1985 NOV -4 PM 4:20
U.S. DEPT. OF ED.
OFFICE FOR CIVIL RIGHTS
REGION IV

Mr. Louis Bryson
Department of Education
Suite 2704
101 Marietta Towers
Atlanta, GA 30323

Dear Mr. Bryson:

In the Title IX assurance form, previously filed with the Department of Health, Education, and Welfare, Southern Missionary College (name changed to Southern College of Seventh-day Adventists in February, 1982) requested that it be granted exemption as provided for in 34 C.F.R. Section 106.11, from certain provisions of Title IX regulations because they appear to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Southern College of Seventh-day Adventists is an integral part. Specifically, Southern College of SDA requested exemptions from the following regulations on the grounds hereinafter stipulated: 34 C.P.R. Sections 106.21, 106.40, and 106.57 which pertain to marital and parental status.

The eighth fundamental belief of the Seventh-day Adventist Church states that, "The law of the ten commandments points out sin," Church Manual, p. 33. The seventh commandment, Exodus 20:14 states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("reasons for Which Members Shall be Disciplined," Church Manual, p. 247). The Church Manual comments, "The church cannot afford to deal lightly with such sins nor permit personal considerations to affect its actions. It must register its decisive, emphatic disapproval of the sin of fornication, adultery, all acts of moral indescretions and other grevious sin," p. 249. Thus, pregnancy outside of marriage is considered immoral conduct inappropriate for a student in a Seventh-day Adventist educational institution.

Southern College of Seventh-day Adventists, as a church institution, is obligated to uphold the above religious standards in its relationship with its students and employees.

Southern College of Seventh-day Adventists believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Southern College of SDA.

The Seventh-day Adventist Church in the United States operates two universities, seven senior colleges, and one medical arts college to provide for its youth the opportunity to do advanced study within the context of the church's world view, sense of mission, and theological positions. Southern College is owned and operated by the SDA church and is therefore an integral part of the church and as such is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the church's basic 501C3 tax exemption. In addition, members of its constituency and Board of Trustees are Seventh-day Adventists, as are its faculty and staff.

Sincerely,

John Wagner

John Wagner
President

jd

APR 2 1979

Southwestern Adventist College
Keene, Texas 76059 817-645-3921

Donald R. McAdams
President

March 26, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, DC 20201

Dear Mr. Waite:

The following is in response to your letter of March 1, 1979.

In the Title IX assurance form previously filed with the Department of Health, Education, and Welfare, Southwestern Adventist College requested that it be granted exemptions, as provided for in 45 CFR §86.11, from certain provisions of Title IX regulations because they appeared to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Southwestern Adventist College is an integral part. Specifically, Southwestern Adventist College requested exemptions from the following regulations on the grounds hereinafter stipulated.

45 CFR §§86.21 (a)(1), 86.40, and 86.57 which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall Be Disciplined," Church Manual 247). The Church Manual comments: The church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins" (p. 249).

45 CFR § 86.31 (b)(5) which deals with regulations governing student appearance: The Seventh-day Adventist Church adheres to basic Biblical teachings that wearing apparel should be modest, that jewelry should not be worn, and that there should be distinctions between men's and women's clothing. (1 Tim. 2:9 and Deut. 22:5) For more than one hundred years the writings of Ellen G. White, considered to be divinely inspired, have guided the church in interpreting the above mentioned Biblical principles ("Clothing"

and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the Holy Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Southwestern Adventist College, as a church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Southwestern Adventist College believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Southwestern Adventist College.

Background information demonstrating that Southwestern Adventist College is religiously controlled: The Seventh-day Adventist Church in the United States operates two universities, eight senior colleges, and one medical arts junior college to provide for its youth the opportunity to do advanced study within the context of the church's world view and sense of mission. Southwestern Adventist College is one of those eleven institutions, and as such is more than a church-related college. It is an integral part of the church, and, as such, is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the church's basic 501 (c) (3) tax exemption. In addition, the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff.

Sincerely yours,

Donald R. McAdams

Donald R. McAdams
President

lh

SOUTHWESTERN UNION COLLEGE • KEENE, TEXAS 76059 • 817-645-8811

OFFICE OF THE PRESIDENT

July 14, 1976

The Office of Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

In accordance with Title IX of the Education Amendment Acts of 1972, Southwestern Union College submits the following statement as the official notice that Southwestern Union College does not discriminate on the basis of sex.

This statement includes two additional paragraphs not included in the statement mailed on June 16. This longer statement supersedes the previous statement and should be filed as the official statement from Southwestern Union College.

> Southwestern Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.
>
> The college is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. Southwestern Union College is in substantial compliance with the requirements issued by the United States Department of Health, Education & Welfare under Title IX of the Educational Amendments Act of 1972.
>
> Southwestern Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.
>
> Southwestern Union College is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the church.. It also is obligated to apply the standard with respect to appearance including those differentiating between men and women.

Southwestern Union College claims exemption from those provisions of Title IX such as regulations 86.21, 86.40, 86.57 (b), 86.31. insofar as they conflict with church teachings and practices on morality, deportment, and appearance.

Donald R. McAdams
President

Board Chairman

Southwestern Assemblies of God College
1200 SYCAMORE • WAXAHACHIE, TEXAS 75165 • TELEPHONE 214-937-4010

OFFICE OF THE PRESIDENT

August 4, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Southwestern Assemblies of God College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. <u>The College is controlled by a religious organization</u>

The College is a four-year educational institution that is owned and controlled by the Arkansas District Council of the Assemblies of God, the Louisiana District Council of the Assemblies of God, the Missisippi District Council of the Assemblies of God, the New Mexico District Council of the Assemblies of God, the Oklahoma District Council of the Assemblies of God, the North Texas District Council of the Assemblies of God, the South Texas District Council of the Assemblies of God, and the West Texas District Council of the Assemblies of God, ("District Councils"). The District Councils are associations of churches in the States of Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas, and they are members of The General Council of the Assemblies of God ("General Council")--an association of 11,000 churches, 57 District Councils, and 2 million members in the United States. The General Council has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). The General Council also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). I am enclosing the Constitution and Bylaws of the District Councils (enclosure 3), which will demonstrate conclusively that the District Councils are religious organizations.

Further, the articles of incorporation (enclosure 4) and bylaws (enclosure 5) of the College demonstrate that the College is controlled by religious organizations (the

District Councils) through a board of regents.

2. Compliance with Title IX would conflict with a specific tenet of the controlling religious organization

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations (the District Councils). The constitution of each of the District Councils adopts the General Council's "Statement of Fundamental Truths"--a listing of fundamental doctrinal precepts. The statement of fundamental truths contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict

the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

President J. Paul Savell

JPS:je

Enclosures

cc: Ms. Maye Miller--Bozeman
Richard R. Hammar, Esq.

Southwestern College

Southwestern Conservative Baptist Bible College 2625 East Cactus Road, Phoenix, AZ 85032 (602) 992-6101

July 15, 1988

Mr. C. Mack Hall
Director of Postsecondary Education Division
Regional Office
221 Main Street, 10th Floor
San Francisco, CA 94105

RECEIVED
JUL 19 1988
PROGRAM ... T
OFFICE FOR CIVIL RIG... 10/SF

Dear Mr. Hall,

Enclosed is our appeal for an exemption from the complaint relating to participation in a student health insurance plan which treats pregnancy and related medical conditions differently than other types of temporary disabilities with respect to coverage, benefits, or costs. Southwestern has no problem applying this coverage to married students. However, in the case of providing this coverage for single students, we would be in violation of our religious tenets. Sex outside of marriage is prohibited.

The student handbook states:

> "The Word of God is the final authority in all matters of faith and conduct. Therefore, items forbidden in Scripture are not acceptable for members of the Bible college community. These include acts such as drunkenness, stealing, lying, using slanderous or profane language, premarital sex, adultery, and homosexual behaviour."

Southwestern Conservative Baptist Bible College is a denominational college. The control which is exercised by the denomination is included in the enclosed appeal for a religious exemption.

Thank you for your help in expediting this matter.

Sincerely,

Wesley A. Olsen, Ed.D.
President

WAO:rf

RECEIVED
JUL 19 1988
PO SECON... ...ISION
OFFICE FOR CIVIL RIGHTS...

Southwestern College

Southwestern Conservative Baptist Bible College 2625 East Cactus Road, Phoenix, AZ 85032 (602) 992-6101

July 15, 1988

Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Re: Title IX Exemption Application

Dear Sir:

Southwestern Conservative Baptist Bible College (also known as Southwestern College) hereby requests an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to 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).

Southwestern College is an accredited Bible college, offering courses of instruction in the Bible, General Education, and Professional Education. The college is controlled by the Board of Trustees who are elected by the Arizona Baptist Convention. The Arizona Baptist Convention is a part of the Conservative Baptist Association of America. Southwestern College is a non-profit religious corporation which was incorporated in the State of Arizona in 12/1/60 as a Christian institution of higher education under the control of a board of directors, and is exempt from federal income taxation as a not-for-profit religious institution under Section 501 (c) (3) of the Internal Revenue Code. The directors 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. The Charter of the Corporation and the catalogs 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. 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 Ephesians 4:17-32.

The college seeks to maintain its religious freedom to make certain gender distinctions in matters of moral behavior, 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, I Thessalonians 4:3-8.

The college hereby requests exemption from the application of the following provisions of the Title IX regulations under the provisions of 34 C.F.R. - 106.12 (b) to the extent that they conflict with the college's religious tenets and traditions as described above. The provisions in Title IX amendments that gives Southwestern College particular difficulty is 34 C.F.R. Sections 106.21 and 106.57, which are in specific conflict with our religious tenets. Sex outside of the marriage bond is specifically prohibited. Pregnancy in the case of a single person would be morally reprehensible. Any medical insurance provided by the college for pregnancy benefits for a single student would compromise that conviction. See page 7 of our student handbook.

There are a 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 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 tenets 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 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. Wesley A. Olsen, who is the President of the college, at (602) 992-6101.

Very truly yours,

Wesley A. Olsen, Ed.D.
President

WAO:rf

SOUTHWESTERN UNION COLLEGE • KEENE, TEXAS 76059 • 817-645-8811

OFFICE OF THE PRESIDENT

July 14, 1976

The Office of Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

In accordance with Title IX of the Education Amendment Acts of 1972, Southwestern Union College submits the following statement as the official notice that Southwestern Union College does not discriminate on the basis of sex.

This statement includes two additional paragraphs not included in the statement mailed on June 16. This longer statement supersedes the previous statement and should be filed as the official statement from Southwestern Union College.

> Southwestern Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.
>
> The college is committed to equal educational and employment opportunities for men and women and does not discriminate on the basis of sex among its students or employees or among applicants for admission or employment. Southwestern Union College is in substantial compliance with the requirements issued by the United States Department of Health, Education & Welfare under Title IX of the Educational Amendments Act of 1972.
>
> Southwestern Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.
>
> Southwestern Union College is responsible for applying to both men and women employees and students Biblical principles of morality and deportment as interpreted by the church.. It also is obligated to apply the standard with respect to appearance including those differentiating between men and women.

Southwestern Union College claims exemption from those provisions of Title IX such as regulations 86.21, 86.40, 86.57 (b), 86.31. insofar as they conflict with church teachings and practices on morality, deportment, and appearance.

Donald R. McAdams
President

Board Chairman

St. Alphonsus College
REDEMPTORIST FATHERS
SUFFIELD, CONN. 06078

May 4, 1977

Director
Office for Civil Rights
Department of Health, Education & Welfare
P.O. Box 8214
Washington, D.C. 20024

To the Director:

Saint Alphonsus College, the College seminary of the Redemptorists of the Baltimore Province and the Vice Province of San Juan, has been organized for the sole purpose of training young men for the Redemptorist priesthood and brotherhood.

We claim religious exemption under 45 C.F.R., 86.12 because the Roman Catholic Church does not ordain women to the priesthood. Moreover, by its very nature, the Redemptorist brotherhood excludes reception of women into its ranks.

Very Rev. David J. Sharrock, C.SS.R.
President of the College
Rector of the Seminary

DJS:gh

St. Charles Borromeo Seminary

August 4, 1976

[illegible]
[illegible] Health, Education, and Welfare
[illegible] 20201

[illegible]

[illegible] Charles Borromeo Seminary is a Roman Catholic seminary operated by the Archdiocese of Philadelphia. It exists to train Roman Catholic men for the Catholic priesthood. Complying with the directives of Section 86:12, I wish to state that the seminary because of religious tenets can not accept non-Catholic students nor female students. There is no racial discrimination.

Trusting this information is satisfactory, I am

Sincerely yours,

(Rev. Msgr.) Vincent L. Burns
President

VLB/[illegible]

Saint Francis de Sales College
3501 South Lake Drive Milwaukee, Wisconsin 53207 (414) 744 - 5450

June 1, 1977

Mr. Albert T. Hamlin
Acting Director
Office for Civil Rights
Department of Health, Education and Welfare
Post Office Box 8214
Washington, D. C. 20024

Dear Mr. Hamlin:

St. Francis de Sales College is a liberal arts college. It is the collegiate component of a twelve-year seminary program (high school, college, professional school) of the Roman Catholic Archdiocese of Milwaukee. As such its purpose and objective are to prepare for ordination to the Catholic priesthood Catholic young men who signify such an interest.

Since the Roman Catholic Church ordains only men, St. Francis de Sales College admits only men as full-time students. Unclassified students, that is, students who take a limited number of courses in regular classes with other students but who are not candidates for ordination, are enrolled without regard to sex.

Therefore, pursuant to the purpose and objective of St. Francis de Sales College, we respectfully submit our request, in accordance with 45 C.F.R. 86.12 (a)(b), for exemption from Subpart C of 45 C.F.R. (86.21 through 86.23).

Sincerely yours,

Wm. E. Puechner

Rev. William E. Puechner
President

ST. HYACINTH COLLEGE AND SEMINARY
CONVENTUAL FRANCISCAN FRIARS
GRANBY, MASSACHUSETTS 01033

TELEPHONE 413 467 7191

OFFICE OF THE PRESIDENT

August 1, 1977

Office for Civil Rights
Department of Health, Education, and Welfare
Post Office Box 8214
Washington, D.C. 20024

To Whom It May Concern:

Since St. Hyacinth College and Seminary is a Roman Catholic liberal arts college and seminary for Conventual Franciscan Friars and Postulants whose major is Philosophy, we are requesting an exemption from Title IX of the Education Amendments of 1972.

All students who attend St. Hyacinth College and Seminary must be affiliated to the Order of Friars Minor Conventual, a male Roman Catholic religious community. Therefore, women are not accepted as students at St. Hyacinth College and Seminary.

Thus, we request an exemption from Title IX of the Education Amendments of 1972.

Sincerely,

Claude Jarmakiewicz

(Rev.) Claude Jarmakiewicz, OFM Conv.
President - Academic Dean

STILLMAN COLLEGE 1-4-2131

A College of the Presbyterian Church (U.S.A.)

A Member of the College Fund/UNCF

Office of the President

July 4, 2001

RECEIVED BY
01 JUL 12 PM 3:50
US DEPT. OF ED, OCR

Thomas Falkinburg, Esquire
United States Department of Education
Office of Civil Rights
Atlanta Office, Southern Division
61 Forsyth Street, S.W.
Atlanta, GA 30333

Re: Title IX Exemption

Dear Attorney Falkinburg:

Pursuant to 34 C.F.R. Section 106.12 (b) Educational Institutions Controlled by Religious Organizations, Stillman College is requesting a Title IX exemption regarding the housing of unwed pregnant students in the residence halls (34 C.F.R. Section 106.32 (a).

Stillman College has a history and covenantal affiliation with the Presbyterian Church (U.S.A.) with more than 51% of its Board of Trustees being members of the Presbyterian Church. The College recognizes that sexual relations are sacred and should be a joyful expression of intimacy between married persons. The College does not condone behaviors that may result in pregnancy among its unmarried student population. The sharing of sexual intimacy between unmarried persons is antithetical to its Christian tradition and to Stillman's concept of the Stillman man and woman. The presence of unmarried pregnant women in College-owned housing would conflict with Stillman's belief that the sexual act is a sacred act that occurs within the confines of marriage.

I would be happy to provide additional information you might need.

Sincerely,

Ernest McNealey

Ernest McNealey
President

Post Office Box 1430 • Tuscaloosa, Alabama 35403
Telephone 205-366-8808 • Fax 205-758-0821

(a)

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, St. John's College, Winfield, KS 67156
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

20001942

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Fred J. Wippich, Coordinator
(name of employee)

Registrar, St. John's College, Winfield, KS
(office address)

316-221-4000, X41
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by June 1, 1977.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

St. John's College
(Insert name of Applicant)

Date: September 30, 1976

By M. J. Stelmachowicz
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Attachment to HEW Form 639, Article I

RE: Religious Exemption

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

M. J. Stelmachowicz, President

St. John's College
Winfield, KS 67156

FEB 22 1979

ST. JOHN'S SEMINARY
127 LAKE STREET · BRIGHTON, MASSACHUSETTS 02135 · TELEPHONE: 617-254-2610

OFFICE OF THE RECTOR

February 14, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Washington, D.C. 20201

Dear Mr. Madison:

I am writing in response to your letter of January 26, 1979, in which you request information in support of our school's request for a religious exemption under Title IX regulations.

Since I first submitted our assurance form, I decided not to request any exemption. I am under the impression that I submitted a second form in which no exemption was requested.

Thank you for your attention.

Sincerely yours,

Rev. Robert J. Banks
Rector

RJB:MFF

ST. JOHN'S SEMINARY
LAKE STREET
BRIGHTON, MASS. 02135

OFFICE OF THE RECTOR

Kreasy 9/15

August 18, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Dept. of Health, Education & Welfare
Washington, D.C., 20201

Dear Mr. Gerry:

Ms. Deborah O'Leary of the Office for Civil Rights in Boston has advised me to write to you concerning an exemption from compliance with Title IX.

St. John's Seminary, an eight-year institution of higher education, is a Roman Catholic seminary for the education of candidates for the Roman Catholic priesthood. The educational policies of the school, its community life, its admission policies, its employment of faculty, and even to a certain extent the employment of other workers are shaped by the one goal of preparing candidates for the priesthood.

As you may know, the priesthood of the Roman Catholic Church is restricted by Church law to celibate men. This means that the Roman Catholic seminary does take into consideration the sex, not only of applicants, but also of all those who are involved in the education and life of a celibate community. Therefore, in some cases women are excluded from certain aspects of the seminary program (e.g. women cannot be candidates for the priesthood), and in other cases preference is given to priests (employment of faculty), and in every instance some note is taken of the sex of a person who will be working within our celibate community.

I, therefore, request that St. John's Seminary be granted general exemption from the provisions of Part 86.

Thank you for your attention and assistance.

Sincerely yours,

Robert J. Banks

Rev. Robert J. Banks
Rector

RJB:MFF

RECEIVED
SEP 14 1976
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ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015
388-8101

September Fourteenth
19 77

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Post Office Box 8214
Washington, D. C. 20024

Attention: Mr. John Hodgdon

Gentlemen:

In compliance with Article I Subsection B this statement is made by the undersigned as the highest ranking official of

ST. JOHN'S SEMINARY IN CALIFORNIA,

namely the President of said corporation. On behalf of St. John's Seminary we hereby claim the religious exemption under45 C.F.R. 86.12 (b) and we identify the following specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the Roman Catholic Church. The Roman Catholic Church controls St. John's Seminary. The provisions which conflict with Catholic religious tenets are the following:

Subpart C, Section 86.21 (b), (i), (ii), (iii); Section 86.21 (c), (1), (4); 86.23 (a); 86.31 (a); 86.40 (a); 86.51 (a), (1), (2), (3), (4); 86.53 (a); 86.55 (a); 86.57 (a), (1); 86.60 (a).

The basic tenet violated by the sections mentioned above is the rule of the Roman Catholic Church that only males may be priests, and therefore a seminary, which is the school for the training of priests, prohibits the admission of women as students at said school.

If you need any further information we shall be pleased to try to supply it.

Yours very truly,

Timothy Cardinal Manning
Roman Catholic Archbishop of Los Angeles, and
President of St. John's Seminary in California

B

ST. JOHN VIANNEY MINOR SEMINARY
ARCHDIOCESE OF MIAMI
2900 S. W. 87TH AVENUE
MIAMI, FLORIDA 33165

August 14th, 1976

Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Sirs:

Concerning our claiming religious exemption under 45 C.F.R. #86.12(b), we do so only in the sense that as a seminary with the sole objective of training young men for the Roman Catholic priesthood, we may enroll only males.

With regard to employees, including professors, we do hire women.

Sincerely,

Rev. Monsignor John J. Nevins
President

JJN/oa
Encl.

St. Louis-Chaminade Education Center

St. Louis High School · Chaminade College of Honolulu

3140 Waialae Avenue
Honolulu, Hawaii 96816
Telephones 732-1471 · 734-1904

September 10, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

Enclosed is Chaminade College of Honolulu's "Assurance of Compliance with Title IX Statement."

Because our college is affiliated with a religious congregation, the Marianist priests and brothers, we wish to claim a religious exemption under 45 C.F.R. (86.12 [b]). Under our charter the President of Chaminade College is required to be a Marianist. Further, all things being equal, should a qualified Marianist apply for a faculty or administrative post, we prefer to hire him rather than lay faculty, since members of our congregation render us contributed services.

However, in actual practice, Marianists constitute only a handful of our total faculty. In every other respect, Chaminade College does not discriminate on the basis of sex, religion, race, color, national or ethnic origin, or handicap. Minor modifications to assure compliance with Title IX regulations have already been taken.

Yours very truly,

Charles J. Lees

Rev. Charles J. Lees, S.M.
President

enc.

Juis Rabbinical College

OLIVE STREET ROAD • ST. LOUIS, MISSOURI 63130 • (314)727-1379

Rabbi M. H. Eichenstein
Chief Rabbi of United Orthodox Jewish Community
Rabbi Yitzchok Kleiman
Rosh Yeshiva
Rabbi Reuben Axelrod
Associate Rosh Yeshiva

ישיבה גדולה דקהל לואיס

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.57
(m) Section 86.59

Sincerely yours,

Rabbi Reuben Axelrod

COPY

September 27, 1976

Mr. Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D. C, 20201

Dear Mr. Gerry:

Please find enclosed Assurance of Compliance with Title IX of the Education Amendments of 1972. St. Mary's Dominican College is a Catholic liberal arts college primarily for women. Even though we are not required by law because of the mission for which the institution was founded, we are submitting this Compliance Form because we believe that we should abide by the regulations of our Government.

If any further information is required, please do not hesitate to contact us.

Sincerely,

Sister Mary Eugene, O.P.
President

SME:mr

SAINT MICHAEL'S MONASTERY
UNION CITY, N.J. 07087
201-863-7474

July 23, 1976

Department of Health, Education and Welfare
Office of the Secretary
Washington, D.C. 20201

To Whom it may Concern:

We are a religious organization and we educate our own Seminarians for priesthood.

We claim religious exemption, in the sense that, at this time, no woman can be ordained to the Roman Catholic priesthood.

Our own educational system is limited to a small number of seminarians.

We are not receiving any Federal Aid.

Very truly yours,

Damian Towey, C.P.

[V. Rev] Damian Towey, C.P.,
President

NOTE: TITLE IX ASSURANCE SENT TO P.SMITH 9/7

cy of ltr to Region and Kresy

STONEHILL COLLEGE

NORTH EASTON · MASSACHUSETTS 02357

OFFICE OF THE PRESIDENT

HOLY CROSS FATHERS

PES 5/13 ASAP cy AS file

April 17, 1986

Patricia A. Healy
Assistant Secretary for Civil Rights
United States Department of Education
Mary E. Switzer Building
330 C Street SW
Mail Stop 2516
Washington, D. C. 20202

Re: Stonehill College; Claim for Exemption under 34 CFR 106.12

Dear Ms. Healy:

As President of Stonehill College of North Easton, Massachusetts, a private educational institution founded by the Congregation of Holy Cross, a Catholic religious order, and pursuant to 34 CFR 106.12(b), I hereby claim, on behalf of Stonehill College, an exemption from application of Part 106 of 34 CFR as provided by 34 CFR 106.12(a) to the extent application of this part would not be consistent with the religious tenets of the Congregation. In particular, I claim exemption from 34 CFR 106.39 and 106.40(b) (4), to the extent such sections would require that the health insurance plan available to Stonehill students include coverage for pregnancy, the termination thereof, and related disabilities. As the Congregation of Holy Cross is a Catholic order, any statute or regulation mandating insurance coverage for the health care related to pregnancies out of wedlock, or abortions regardless of marital status, is obviously inconsistent with the religious tenets of this Congregation. Therefore, we believe the College is entitled to an exemption from these regulations, and this letter should be considered a formal request for such exemption.

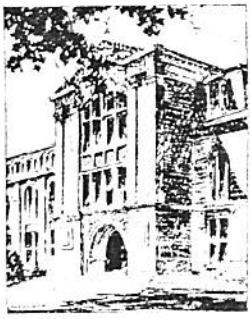
Sincerely,

Bartley MacPhaidin, C.S.C.

(Rev.) Bartley MacPhaidin, C.S.C.
President

dff

cc: C. James Cleary, Executive Vice President
Jeffrey M. Freedman, Esq.



ST. PATRICK'S SEMINARY

OFFICE OF THE RECTOR

320 Middlefield Road • Menlo Park, California 94025 • (415) 325-5621

January 4, 1978

David S. Tatel
Director, Office for Civil Rights
Dept. of Health, Education and Welfare
Washington, D.C.

Dear Mr. Tatel:

Pursuant to the enclosed assurance form, the following is in answer to Article 1 B.

St. Patrick's Seminary does claim a religious exemption, based on the fact that our program exists for the purpose of training candidates to the Roman Catholic priesthood. For this reason such applicants must be men.

We intend to voluntarily adhere to the spirit of other provisions of Title IX, even though we have only a few men receiving any type of federal assistance, (guaranteed loans).

Yours sincerely,

Joseph J. Bonadio, 55

Reverend Joseph J. Bonadio, S.S.
President-Rector

JJB:ls

Enc.

St. Paul's College CONCORDIA, MISSOURI 64020

September 27, 1976

SUBJECT: Title IX; Religious Exemption

FROM: Dr. Walter Rosin, President

RE: St. Paul's College and High School

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. S86.12(b) to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

Check

OFFICE OF THE PRESIDENT
St. Thomas Seminary
467 Bloomfield Avenue
Bloomfield, Connecticut 06002

April 20, 1977

To Whom It May Concern:

On behalf of St. Thomas Seminary, I wish to claim a religious exemption from the requirements of Title IX concerned with admissions.

The main purpose of St. Thomas is the preparation of young men for Roman Catholic priesthood. Based on traditional norms and recent pronouncement by the Catholic Church, women are not accepted as candidates for priesthood; therefore, they are not admitted to St. Thomas Seminary.

Sincerely,

John J. Kiely

Reverend John J. Kiely
President

JJK:jw

1900000288A1

SULPICIAN SEMINARY OF THE NORTHWEST
KENMORE, WASHINGTON 98028

September 17, 1976

Student Affairs Coordinator
Higher Education Division
Office of Civil Rights
Department of Health, Education & Welfare
Washington, D. C. 20201

Dear Sir:

St. Thomas Seminary claims exemption from the prohibition of sex discrimination (Title IX) because it is a religiously controlled institution. Sex prohibition is inconsistent with the religious tenets of St. Thomas.

This exemption is based upon Title IX, Section 901, (a) (3).

Sincerely,

Melvin L. Farrell, S.S.

Rev. Melvin L. Farrell, S.S.
President - Rector

MLF:mro

Enclosure

Talmudical Institute of Central Jersey

P. O. Box 7 ◆ Adelphia, N. J. 07710 ◆ (201) 431-9292

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Dean of Faculty

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RABBI YAAKOV MUELLER
Comptroller

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

   (a) Section 86.21(a)
   (b) Section 86.31(a)
   (c) Section 86.32(a)
   (d) Section 86.34
   (e) Section 86.51
   (f) Section 86.52
   (g) Section 86.55(a)
   (h) Section 86.7
   (i) Section 86.22
   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

ב"ה

TALMUDICAL YESHIVA OF PHILADELPHIA

6063 DREXEL ROAD, PHILADELPHIA, PA. 19131 • GR 7-1000

Rabbi Elya Svei
Rabbi Shmuel Kamenetsky
Roshei Yeshiva

Rabbi Shalom Siegfried
Executive Director

July 20, 1977

Director
Office for Civil Rights
Department of Health, Education & Welfare
330 Independence Ave., S.W.
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) *I am the Rosh Hayeshiva (Dean) of this institution.*

2) *The Talmudical Yeshiva of Philadelphia was charted and is maintained as an Orthodox Jewish Seminary. Its Trustees are mandated to conduct all its operations in strict accordance with Orthodox Jewish religious tenets. The institution today continues to operate under and adhere to these policies.*

3) *The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:*

a) *Section 86.21(d)*
b) *Section 86.31(a)*
c) *Section 86.32(a)*
d) *Section 86.34*
e) *Section 86.51*
f) *Section 86.52*
g) *Section 86.55(a)*
h) *Section 86.7*
i) *Section 86.22*
j) *Section 86.23(a)*
k) *Section 86.23(b)*
l) *Section 86.53*
m) *Section 86.59*

Sincerely yours,

Elya Svei

Rabbi Elya Svei
Dean

RES:sm

ב"ה

ישיבת טעלז - סניף שיקגו

TELSHE YESHIVA CHICAGO

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Administrative Director
RABBI AVROHOM M. ALTER
Director of Development

3535 WEST FOSTER AVENUE · CHICAGO, ILLINOIS 60625 · (312) 463-7738

RABBI AVROHOM C. LEVIN
Rosh Hayeshiva
RABBI CHAIM D. KELLER
Rosh Hayeshiva
RABBI CHAIM SCHMELCZER
Dean

November 13th, 1985

Ms. Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights - Region V
United States Department of Education
300 South Wacker Drive, 8th Floor
Chicago, IL 60606

Dear Ms. McGovern:

RE: TITLE IX RELIGIOUS EXEMPTION CLAIM

This is in response to your letter of October 16 regarding the claim of religious exemption made by our Yeshiva.

Upon receiving your letter, I got in touch with Agudath Israel of America, a New York based national Orthodox Jewish organization to whom we look for assistance in government related matters. Agudath Israel has been in direct contact with Harry M. Singleton, Assistant Secretary for Civil Rights in the U.S. Department of Education, regarding the nature and extent of the information that schools such as ours are obliged to provide OCR when claiming a Title IX religious exemption. As you surely will appreciate, that question raises some sensitive First Amendment considerations that cannot be taken lightly.

Agudath Israel has forwarded to us copies of three letters, two of which were authored by Mr. Singleton, and I pass them along to you herewith. The first is a letter from Rabbi Morris Sherer, President of Agudath Israel, to Mr. Singleton, setting forth a specific proposal regarding exemption claims advanced by rabbinical schools such as ours; the second is Mr. Singleton's affirmative response to Rabbi Sherer's proposal; and the third is a letter from Mr. Singleton to Rabbi A.H. Leibowitz, President and Rosh Hayeshiva of the Rabbinical Seminary of America (an institution much like ours), acknowledging that school's exemption.

2/.....

Ms. Linda A.McGovern
Office for Civil Rights

November 13th, 1985

Telshe Yeshiva - Chicago is controlled, conducted and operated by the Orthodox Jewish religion. We reiterate that our religious tenets require us to admit only male students and hire only male faculty, and that we claim exemption from all regulations or portions thereof which are inconsistent with those tenets. As Mr. Singleton;s letters make clear, the foregoing is sufficient for purposes of obtaining exemption from 34 C.F.R. sections 106.21, 106.22, 106.23, 106.51 106.52 106.53, 106.55 and 106.59. As we noted in our letter of September 6, exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employment of faculty of both sexes.

I trust this resolves the concerns expressed in your letter of October 16.

Sincerely yours,

Rabbi Shmuel Adler
Administrative Director

RSA:mrp
Encl.

(216) 943-5300

בס"ד

תשל"ה תרל"ה

1875 – TELSHE YESHIVA CENTENNIAL YEAR – 1975

הישיבה הגדולה והקדושה דטעלז • קליוולאַנד אָהייא

TELSHE YESHIVA

RABBINICAL COLLEGE OF TELSHE, INC.

28400 EUCLID AVENUE • WICKLIFFE, OHIO 44092

RABBI MORDECAI GIFTER RABBI BORUCH SOROTZKIN
ROSHEI HAYESHIVA

RABBI ABBA ZALKA GEWIRTZ
VICE-PRESIDENT

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RECORDING SECRETARY

ABBA SPERO
FINANCIAL SECRETARY

RABBI MOSHE HELFAN
ADMINISTRATIVE DIRECTOR

RABBI MAYER Z. MANN
OFFICE DIRECTOR

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Rabbi Mordecai Gifter

Beth Hamedrash

הישיבה הגדולה והקדושה דטעלז

קליוולאַנד אָהייא

בס"ד

TELSHE YESHIVA

RABBINICAL COLLEGE OF TELSHE, INC.

FIFTY ACRE CAMPUS

28400 EUCLID AVENUE

WICKLIFFE, OHIO 44092

(216) 943-5300

RABBI MAYER Z. MANN
Executive Director

RABBI MORDECAI GIFTER
Rosh Hayeshiva

RABBI ABBA ZALKA GEWIRTZ
Vice-President

August 20, 1985

Ms Linda A. McGovern
OCR Regional Office
Region 5
300 South Wacker Drive
Chicago, IL 60606

Dear Ms McGovern:

In response to your letter of August 7, supplementary to the exemption information that we filed with the U.S. Department of Education in the 1970's, we state that our religious tenets require us to admit only male students and to hire only male faculty. We claim exemption from all regulations or portions thereof which are inconsistent with those tenets. Based on our review and understanding of 34 C.F.R. Part 106, those regulations include without limitation: sections 106.21, 106.22, 106.23, 106.51, 106.52, 106.55 and 106.59. Exemption from those sections renders inapplicable all other regulatory provisions that assume admission of students of both sexes or employmnet of faculty of both sexes.

Sincerely yours,

Mordecai Gifter

Rabbi Mordecai Gifter
President

MG:ab

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GERSON ADLE, Financial Secretary
RABBI ARI WOI, Director, Administrative Servic

TITLE IX RELIGIOUS EXEMPTION REQUEST

In response to correspondence received by our school from William H. Thomas of the United States Department of Education dated March 25, 1985, and July 3, 1985, we respectfully submit that the following religious tenets of our controlling organization conflict with Title IX Regulations:

1. Section 106.34 of the Regulations conflicts with our conviction that physical education classes must be segregated on the basis of sex. Our conviction is based upon the Holy Bible, which teaches that the woman is a weaker (meaning precious) vessel (I Peter 3:7) and also should be dressed modestly (I Timothy 2:9). Such modesty would be difficult to maintain if competing with men in physical activities. We submit that this distinction is recognized in part by §106.34(c) of the Regulations which allows separation by sex of students within physical education classes or activities which involve contact sports.

2. Section 106.51 of the Regulations also conflicts with our conviction that women should not exercise authority over men in Biblical interpretation. Based upon this conviction, we do not allow women to teach Bible classes or homiletics at our school. Our position is based on the Holy Bible, specifically I Timothy 2:12 which states: "But I suffer not a woman to teach, nor to usurp authority over the man." This verse refers specifically to the teaching of Biblical tenets.

For the foregoing reasons, we request that our educational institution be granted an exemption from the above-referenced Title IX Regulations, pursuant to 20 U.S.C.A. §1681(a)(3).

This 25th day of July, 1985.

J. R. Faulkner

President, Tennessee Temple University

The Catholic University of America
Washington, D.C. 20064

Office of the President
(202) 635-5100

July 18, 1985

The Honorable Harry M. Singleton
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Secretary:

Thank you for your letter of June 18 granting The Catholic University of America exemptions to Sections 106.21 (c), 106.39, 106.40, 106.51, 106.56, and 106.57 of the regulations issued pursuant to Title IX of the Education Amendments of 1972.

Please consider this a request to exempt the University's Seminary Program (which is known here as Theological College) under Section 106.31. The University cannot accept women into the Seminary Program, nor can it accept non-Catholics into the Program, as it provides for the spiritual formation and personal integration necessary for ordination to the priesthood in the Roman Catholic Church. We hereby request activity, as outlined in your letter.

Thank you for your consideration of this matter.

Sincerely,

William J. Byron, S.J.
President

OFFICE OF THE PRESIDENT

(202) 635-5100

THE CATHOLIC
UNIVERSITY
OF AMERICA
WASHINGTON D.C. 20064

McK
Jan P.H.
12/5

November 13, 1975

Mr. Peter Holmes, Director
Office of Civil Rights
U. S. Department of Health, Education and Welfare
Washington, D. C. 20201

Dear Mr. Holmes:

The Catholic University of America has long been committed to a policy of equal opportunity in admissions, employment, and programs. Consequently it subscribes to the fundamental principles embodied in Title IX of the Education Amendments of 1972.

I preface what follows by noting that the Regulations are not the law and may, indeed, misrepresent--possibly inadvertently--what Congress intended. To illustrate: In Paragraph 86.12, HEW uses a "loaded" word in the very title of the paragraph when it refers to "Educational institutions controlled by religious organizations" (emphasis mine).

This University is controlled by an elected and autonomous Board of Trustees. This University is fully accredited. It possesses more formal independence than many state universities. Its faculty operate with all the traditional rights and privileges enjoyed by faculties in higher educational institutions throughout the country.

The Catholic University of America is a "sponsored" institution. As an institution sponsored by the Roman Catholic Church, it will not subscribe to certain of the Regulations issued by the Department of Health, Education and Welfare. Specifically, the University cannot and will not provide health or medical insurance coverage for abortions, nor be held to any other regulation which would countenance the practice of abortion by members of the University community, nor will it be party to regulations whose practical impact is to encourage premarital sexual relations.

Accordingly, under Paragraph 86.12 of the Regulations, The Catholic University of America claims exemption on religious grounds from the following Paragraphs:

86.31, 86.39, 86.40, 86.51, 86.56, 86.57,

11/18/75 mba

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insofar as these--or any other of the Regulations--may mandate or be interpreted to require the provision of insurance or other benefits to students or employees for the voluntary termination of pregnancy, or to prohibit the University from adopting and following policies designed to discourage such unacceptable practice.

Sincerely,

Clarence Walton

Clarence C. Walton
President

בית המדרש לתורה

THE HEBREW THEOLOGICAL COLLEGE
7135 NORTH CARPENTER ROAD
SKOKIE, ILLINOIS 60077
(312) 267-9800

OFFICE OF THE PRESIDENT

בס"ד

September 9, 1985

Linda A. Cornelius
Acting Regional Civil Rights Director
Region V
Office for Civil Rights
United States Department of Education
300 South Wacker Drive-8th Floor
Chicago, IL 60606

Dear Ms. Cornelius:

The Hebrew Theological College wishes to request religious exemption from Title IX of the Education Amendments of 1972 and its implementing regulation, 34 CFR Part 106. Pursuant to this request, the following information is provided.

> The Hebrew Theological College is under the control of the Board of Directors of the Hebrew Theological College which is bound by its constitution to all the tenets of the Orthodox Jewish faith. The Board of Directors sets policy and through the chief executive officer, the president, exercises control over the institution.
>
> The Hebrew Theological College follows the religious tenets of the Orthodox Jewish faith as set down in the Torah (Old Testament), Talmud and Jewish law that has been established for centuries.

The relationship between the Hebrew Theological College and the Orthodox Jewish faith establishes that Hebrew Theological College is controlled by a religious organization as is required for consideration for exemption under section 106.12 of the Title IX regulation.

The Hebrew Theological College maintains a program to train men for ordination as rabbis in the Orthodox Jewish faith and also offers a doctorate and a masters degree in Pastoral Counseling open only to ordained rabbis. Based on the above the Hebrew Theological College requests an exemption from section 106.21 regarding admissions to these two programs only. The Hebrew Theological College does not request exemption for admissions in all other programs which are open to men and women: Bachelor in Hebrew Literature, Master in Hebrew Literature, Doctor in Hebrew Literature, Master in Religious Education and Doctor in Religious Education. However, since classes and facilities for these programs are segregated by sex in accordance with our religious tradition, we request to be exempted from the prohibition against programs operated separately on the basis of sex found at section 106.34. For the programs restricted to men, we are also requesting exemptions from two other sections of the regulation: section 106.22 (Preference in Admission) and section 106.23 (Recruitment).

In addition to these exemptions, the College only can offer housing for the male students in its nonrabbinical degree programs since housing is shared with rabbinical students. Therefore, we wish to apply for an additional exemption under section 106.32.

Finally, in employment matters, all instructors in the rabbinical program are required to be ordained rabbis. Therefore, we wish to request an exemption under section 106.51 for hiring academic staff, under section 106.52 for requiring ordination as an employment criterion, under section 106.53 (Recruitment), under section 106.55 (Job Classification and Structure) and under section 106.59 (Advertising).

Thank you for your consideration.

Sincerely yours,

THE HEBREW THEOLOGICAL COLLEGE

Don Well

Rabbi Don Well
President

DW/csf

THE REFORMED PRESBYTERIAN THEOLOGICAL SEMINARY
7418 Penn Avenue Pittsburgh, Pennsylvania 15208

Office of the President
Bruce C. Stewart, M.A., D.D.

August 14, 1985

Mr. Dewey E. Dodds, Director
Office for Civil Rights
Region III
U. S. Department of Education
3535 Market Street, P.O. Box 13716
Philadelphia, Pennsylvania 19101

Dear Mr. Dodds:

In response to your letter regarding the granting of a religious exemption to the Reformed Presbyterian Theological Seminary from the Title IX regulations, we claim the following religious exemption as provided for in the Federal Register, Vol. 45, No. 92, Section 86, 12 (b):

> As a matter of religious conviction, the Reformed Presbyterian Theological Seminary does not offer classes in homiletics to women. This is the only exemption we claim. Women may take any other courses that we offer.

The Reformed Presbyterian Theological Seminary is controlled by the Reformed Presbyterian Church of North America. Its professors are elected by the Synod of the Reformed Presbyterian Church. Its Board of Trustees must be elders in the Reformed Presbyterian Church and are elected by the Synod of the Reformed Presbyterian Church. According to the Constitution of the Seminary, "The purpose of the Seminary shall be to provide a succession of godly men for the Gospel ministry, by instructing candidates for this ministry, and others who may be preparing for special lines of Christian service, in the Scriptures and the doctrines found therein. This system of doctrine is summarily exhibited in the Standards of the Reformed Presbyterian Church of North America."

The Reformed Presbyterian Church does not allow the ordination of women to the ministry nor does it permit women to preach. The following citation is taken from the Constitution of the Reformed Presbyterian Church of North America, the Form of Church Government, Chapter IV, paragraph 2 (page 246): "Young men are to be encouraged to devote their lives to the ministry. Presbyteries shall receive as students of theology such men as are members

in good standing in the Reformed Presbyterian Church....In respect to scholastic attainments, a full collegiate course shall be required in all ordinary cases." Subsequent paragraphs speak of progress in the Seminary, of Licensure to preach, and of Ordination. No provision is made for the ordination of women or their participation in preaching.

Section 106. 34 is the section from which exemption is requested. Consistent with the policy of the Reformed Presbyterian Church which controls the Reformed Presbyterian Theological Seminary, the Seminary does not give access to women to courses in homiletics. This is the only restriction we place upon women; they are free to take any other courses we offer.

I trust that this is the information you requested. If you have further questions, please let me know.

Cordially,

Bruce C. Stewart

Bruce C. Stewart
President

BCS/ms

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE
EDUCATION AMENDMENTS OF 1972 AND THE
REGULATION ISSUED BY THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE IN
IMPLEMENTATION THEREOF

RG
OK
9/10/7

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

Reformed Presbyterian Theological Seminary
(Name of Applicant or recipient

7418 Penn Ave.
(address)

Pittsburgh PA 15208
(city, state, zip code)

FICE - 003358
(identifying code-FICE, OE, or IRS)

COMPLETED

42 003358 cm

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. (✓) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

(If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. (✓) Professional

RTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the pplicant for the period during which Federal financial assistance is xtended to it by the Department.

RTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

. Comply, to the extent applicable to it, with Title IX of the Education nendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, ıd 1685 (hereinafter, "Title IX"), and all applicable requirements imposed / or pursuant to the Department's regulation issued pursuant to Title IX, 5 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance 'th Title IX and Part 86, no person in the United States shall, on the ısis of sex, be excluded from participation in, be denied the benefits , or be otherwise subjected to discrimination under any education 'ogram or activity for which the Applicant receives or benefits from deral financial assistance from the Department. (This assurance does t apply to sections 904 (proscribing denial of admission to course of udy on the basis of blindness) and 906 (amending other laws) of Title IX, , U.S.C. 1684 and 1686.)

Assure itself that all contractors, subcontractors, subgrantees others with whom it arranges to provide services or benefits to its udents or employees in connection with its education program or tivity are not discriminating on the basis of sex against these udents or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. (✓) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. Dr. Clark Copeland, Dean
(name of employee)

3. 7418 Penn Ave., Pittsburgh, PA 15208
(office address)

4. (412)-731-1300
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. (✓) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept. 2, 1977

Reformed Presbyterian Theological Seminary
(Insert name of Applicant)

By Bruce G. Stewart
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

no REC statement

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Trinity Christian College - Illinois (insert name of Applicant or Recipient) (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[xx] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

17001771

[**] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

** See attached institutional position paper

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

[xx] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[xx] Professional

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[xx] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Mr. Stanley J. Koster, Academic Dean
(name of employee)

6601 College Dr., Palos Heights, IL 60463
(office address)

(312) 597-3000 ext. 36
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[xx] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by January 1, 1977 (insert date).

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: October 4, 1976

Trinity Christian College
(Insert name of Applicant)

By Dennis Hoekstra
Dennis Hoekstra

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

College President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

Trinity Evangelical Divinity School
Bannockburn, Deerfield, Illinois 60015 312/945-6700

Thursday
September 30, 1976

Mr. Martin H. Gerry, Director
Office of Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

Dear Mr. Gerry:

As indicated in the accompanying Assurance of Compliance (HEW 639) under Title IX of the Educational Amendments of 1972, our institution has completed its self-evaluation and has not found it necessary to modify any policies or practices to come into compliance with Part 86.

We are, however, requesting a religious exemption under the provision of 45 C.F.R. 86.12. Our request for exemption is related to 86.21 "Admission" and 86.38 "Employment Assistance to Students". These sections forbid a school from inquiring into the marital or parental status of applicants or from aiding our graduates in placement with organizations which discriminate on the basis of sex. Trinity Evangelical Divinity School does accept students into any program or course without discrimination on the basis of sex, marital or parental status. However, our students are affiliated with approximately sixty different denominational groups. While these groups vary a great deal, many would practice congregational form of church polity or autonomy of each local church. The majority would also hold to a high view of the Bible as authoritative in governance of the local church. Thus, on the basis of such Scriptural passages as I Timothy 3:1-13 or Titus 1:5-9 most churches seeking Trinity graduates for the role of elder-pastor in the local church would believe that role is limited to men. Further, many churches on the basis of the same Scriptures plus those dealing with divorce (i.e. Mark 10:2-12) would feel divorce would disqualify a person from this office. While Trinity admits divorced persons for study, we feel it necessary to counsel them on the possible difficulty in placement following study and therefore need to inquire into their marital status in their application for admission. It should not be necessary to document this case further in as much as the past and present practice of the Christian Church is so well known as evidenced by an exclusively male priesthood in the Roman Catholic Church and the recent well-publicized struggle within the Episcopal Church in ordaining women. Trinity Evangelical Divinity School therefore requests an exemption from Sections 86.38 (a) (1) and (2) and from 86.21 (c) (4) on the basis of the above discussion. We believe this to be a valid request for exemption under 86.12.

Sincerely,

Kenneth M. Meyer
President

Truett-McConnell College

Office of the President

Att: AS reg. 5/3 AS 5/6 cy AS DAS RCPS

RECEIVED DD
1994 APR 11 PM 1:48
US DEPT. OF ED. OCR

March 21, 1994

U.S. Department of Education
Office of the Assistant Secretary
for Civil Rights
400 Maryland Avenue, S.W.
Washington, D.C. 20202

This letter shall constitute Truett-McConnell College's request for exemptions from Title IX of the Education Amendments of 1972. The exemptions are requested pursuant to 34 C.F.R. § 196.12. The College requests exemptions from Title IX regulations insofar as those regulations impose duties and obligations that are inconsistent with the "Statement of Purpose" of the College and the religious tenets of the institution and the Baptist Convention of the State of Georgia.

Truett-McConnell College is an institution of the Baptist Convention of the State of Georgia. The Convention is composed of messengers from cooperating Baptist churches within the State of Georgia. The College is controlled by the Baptist Convention of the State of Georgia. All members of the institution's Board of Trustees are elected by the Convention. Trustees must be resident, active members of Baptist churches affiliated with the Convention. The Convention fosters the College and provides it substantial financial support. I am completely satisfied that the nature of the Baptist Convention of the State of Georgia, and its relationship with the College, establish that Truett-McConnell College is "controlled by a religious organization" as required for exemption under Section 106.12.

The College and the Convention adhere to certain biblical tenets as their standard of faith and practice. These religious tenets are based upon the College's and the Convention's Christian understanding of the Scriptures. The College is compelled by Scripture to be faithful to these religious tenets. To the extent these religious tenets permit, the College is committed to compliance with the spirit and the letter of all applicable federal laws regarding equal opportunity and nondiscrimination, including Title IX. However, in some instances, these religious tenets require the College to act in ways that may conflict with specific regulations under Title IX.

Cleveland, Georgia 30528 • 706-865-2134 • FAX 706-865-7566

The faculty, employees and students of the College are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. For example, the College requires that all employees and students refrain from conduct that is in conflict with strict standards of Christian morality. It would be in violation of the College's religious tenets to compel it to treat an unmarried woman's pregnancy, childbirth, or termination of pregnancy as a temporary disability, or to compel it to award certain benefits or privileges in spite of her condition, as required by 34 C.F.R. §§ 106.40(b) and 106.51(b).

The College and its controlling organization's religious tenets are directly related to issues such as human sexuality, cohabitation, the institution of marriage, language, and other subjects of a moral character or dimension. The College expects its students and employees to be Christian role models. For example, it is a violation of the College's religious principles and stated policy for employees to engage in any conduct that would call into question its religious tenets, such as use of public profanity or cohabitation with a non-relative of the opposite sex outside of marriage.

In keeping with its religious beliefs, some positions of employment within the institution may be restricted on the basis of gender. Therefore, with respect to positions of employment which carry with them religious or ministerial qualifications and/or functions, we request an exemption from §§ 106.51 (employment); 106.52 (employment criteria); 106.53 (recruitment of employees); 106.55 (job classifications and structure); and 106.59 (advertising). The College requests an exemption from sections 106.57 (marital or parental status of employees) and 106.60 (pre-employment inquiries as to marital status and gender) insofar as these regulations prohibit the College from applying standards of Christian moral conduct in the selection and discipline of its employees.

The College provides an education to a significant number of students who are training for the gospel ministry. The College may provide different scholarship assistance and academic and professional advising to ministerial students on the basis of gender. Dormitory arrangements are segregated by gender. The College deems it necessary to minister in unique and different ways to men and women in encouraging and preparing them to fulfill their roles as committed Christian citizens. Of particular relevance and significance is the institution's role in encouraging those intending to marry and become parents to adhere to the College's and the Convention's religious tenets regarding the Christian view of the sanctity of marriage and the importance of family life.

Therefore, this College requests an exemption from 34 C.F.R. §§ 106.21(c) and 106.40 that prohibit inquiring into the marital or parental status of applicants for admission and treating students differently on the basis of such status. This institution requests an exemption from 34 C.F.R. § 106.31 because, to the extent ministerial students are involved, counseling, scholarship funds, job placement, and academic and professional advising often differ on the basis of gender. The College requests exemptions from the following sections insofar as ministerial students are concerned: §§ 106.34 (access to course offerings); 106.37 (financial assistance); and 106.38 (employment assistance to students). An exemption from § 106.36 regarding counseling and use

of appraisal and counseling materials is requested to the extent that religious tenets require differentiating between counseling services on the basis of sex.

Finally, the College requests an exemption from § 106.39 regarding student health services to the extent that this regulation would require the institution to make maternity benefits available to its single female students.

Thank you for your attention to these requests. Please contact me if you need elaboration or clarification on points covered by this letter, or if you have any general or specific questions about the institution and its constituencies.

Sincerely,

T. Clark Bryan

Dr. T. Clark Bryan
President
Truett-McConnell College

ns

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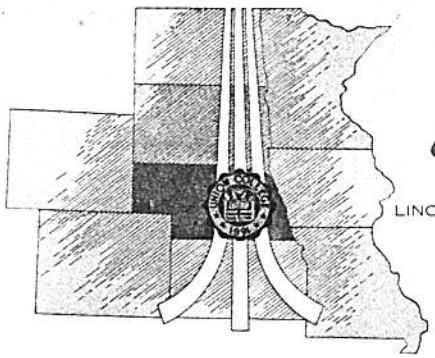


UNION COLLEGE
LINCOLN, NEBRASKA 68506 ■ (402) 488-2331

Kresy
A.H.

July 18, 1976

Office of the Secretary
Department of Health, Education and Welfare
Education Division
Office of Education
Washington, D.C. 20202

Dear Sirs:

Herewith I am enclosing a statement which articulates the policy of Union College relative to Title IX and discrimination in general. Our position is as follows:

"Union College is a co-educational institution of higher learning, established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of its teaching ministry.

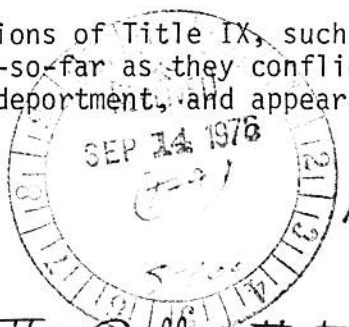
"Union College is committed to equal educational and employment opportunities for men and women and does not disciminate on the basis of sex among its students or employees or among applicants for admission or employment. The College is in substantial compliance with the requirements issued by the United States Department of Health, Education and Welfare under Title IX of the Educational Amendments Act of 1972.

"Union College believes the interpretation and implementation of Title IX regulations are subject to constitutional guarantees against unreasonable entanglement with or infringement on the religious teachings and practices of the Seventh-day Adventist Church.

"Union College is responsible for applying to both men and women employees and students biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. It also is obligated to apply Church standards with respect to appearance, including those differentiating between men and women.

"Union College claims exemption from those provisions of Title IX, such as Regulations 86.21, 86.40, 86.57(B), and 86.31, in-so-far as they conflict with Church teachings and practices on morality, deportment, and appearance."

SEP 14 1976



AUG 16 1976

I believe that this statement of policy is required to be submitted to your office by July 19, 1976.

Sincerely,

Myrl Manley
President

MM:sv

July 22, 1976

Director of the Office for Civil Rights
U. S. Department of Health, Education & Welfare
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12 (b) of "Title IX of the Education Amendments of 1972 Prohibiting Sex Discrimination in Education," this letter is to advise you that Union University of Jackson, Tennessee, is an educational institution which is owned by the Tennessee Baptist Convention, that we do not receive federal financial grants, but our students do participate in federally financed student aid programs, and that the following portions of the above mentioned regulations are not consistent with the religious tenets of such organization:

1. Sexual immorality, whether on the part of a man or woman, is contrary to the tenets of Southern Baptists. In so far as these regulations require Union University to treat the pregnancy, childbirth, false pregnancy or termination of pregnancy of an unmarried woman as a mere temporary disability, such regulations conflict with the tenets of Southern Baptists. Such regulations pertaining to unmarried women, whether students or prospective students, or employees, or prospective employees are inconsistent with the policies of the University and Southern Baptists, and this institution requests exemption on this basis. These inconsistent regulations include Sec. 86.21(c); 86.39; 86.40; 86.51 (b) (6); 86.57 (a)(1), (b), (c); 86.60(a).

2. Southern Baptists do not ordinarily practice the ordination of women to serve as pastors of local churches. The college requests that it be exempt from the regulations of equal number

of male and female students selecting church-related vocations and receiving equal scholarship assistance for these church-related vocations. Sections 86.37(a)(b); 86.51; 86.53; and 86.55(a) of such regulations are inconsistent with this Southern Baptist tenet.

Union University has tried to comply with other parts of the Title IX regulations and will have on record the results of our study, evidence of our modifications of policies and practices, and the proper grievance procedures for complainants.

Respectfully submitted,

Robert E. Craig
President

eg

United
Talmudical Academy
"Torah V'Yirah"

ישיבה ומתיבתא
תורה ויראה
דסאטמאר

ב"ה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

MAIN OFFICE: 82 LEE AVENUE · BROOKLYN, N.Y. 11211 · TEL: 963-4100

united wesleyan college

LEHIGH VALLEY'S COLLEGE OF THE BIBLE
AND CHRISTIAN JUNIOR COLLEGE

1414 EAST CEDAR ST., ALLENTOWN, PA. 18103 • (215) 439-8709

September 2, 1976

HAMelin 9/30

Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education,
and Welfare
Washington, D. C. 20201

Dear Mr. Gerry:

United Wesleyan College has reviewed its current policies and practices with regard to full compliance with the provisions of Title IX. The College has taken the appropriate action to fully comply with the requirements of Title IX in all parts of the Act not covered by exemption.

In light of the provision of section 86:12 of Title IX, I request exemption of United Wesleyan College from the provisions of sections 86:21 (c); 86:40 (a) and (b); and 86:57 to the extent that they may deal with pregnancy out of wedlock. The sections of the Act noted are not consistent with the special directions and general rules of The Wesleyan Church by which United Wesleyan College is controlled.

In the 1972 Discipline of The Wesleyan Church, special directions are published requiring a standard of moral purity opposing sexual promiscuity and all factors and practices which promote it (Discipline p. 51 paragraph 187 (5). Further the general rules of the church require (1) the preservation of the sanctity of the home (Discipline p. 36 paragraph 131 (11), and (2) the high regard of marriage vows (Discipline p. 36 paragraph 131 (14). The Discipline also requires appropriate discipline for violators (Discipline p. 37 paragraph 132).

United Wesleyan College expects to apply college rules equally to men and women, but there may be occasions in the instance of pregnancy out of wedlock where the evidence against the father may be insufficient to meet due process whereas such would not be the case with the woman. Not to deal with either party because we could not deal with both would sanction a moral situation which violates a tenet of the church.

Further, I request exemption of United Wesleyan College from the provisions of section 86:31 to the extent that appropriate differences may be required between the sexes in regulations concerning dress (see the Discipline paragraph 131 (8). The application of this church tenet does require some differences in the dress code in specific circumstances.

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3-331

It is our understanding that Title IX permits separation of housing by sex (86:32 (b), separation of restroom facilities (86:33), and special requirements for employment such as a woman to be resident director in a women's dormitory (86:61). If our understanding of these sections should be in error or at anytime these sections should be interpreted as prohibiting administration based on sex United Wesleyan College would desire the opportunity to request specific exemption in these areas, also.

Thank you for your consideration of these requests as provided for in Title IX.

Sincerely,

Earle L. Wilson, D.D.
President

ELW/en

UNITED WESLEYAN COLLEGE

1414 East Cedar Street, Allentown, Pennsylvania 18103 Telephone (215) 439-8709

Mr. Singleton
(ltr)
✓ Cy PCS
AS reg
(FR)
11/22
Cy file
(ltr)
cy Phil.

October 28, 1985

Mr. Harry M. Singleton
Assistant Secretary
for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Singleton:

I thank you for your response to the exemption requests presented by Dr. Earle L. Wilson the former president of United Wesleyan College.

In regard to the regulation 106.61 regarding sex as a bona-fide occupational qualification for hiring only women as resident directors for women's dormitories, please be advised that the standards for its educational institutions adopted by The Wesleyan Church require that the occupancy and supervision of dormitories must be separated according to sex. As a result we are requesting an exemption based on religious tenets of our controlling denomination.

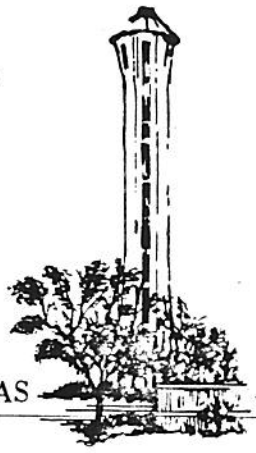
I appreciate your quick response to our request.

Yours truly,

John P. Ragsdale

John P. Ragsdale
President

JPR:dp



UNIVERSITY OF DALLAS · Irving, Texas 75061 (214) 438-1123

October 6, 1976

Mr. Albert P. Hamlin
Chairperson, Title IX Test Group
Office for Civil Rights
Health, Education, and Welfare
330 Independence, SW
Washington, D.C. 20201

Dear Mr. Hamlin:

Enclosed is the compliance report for the Title IX for the University of Dallas. I trust you will put it in the proper hands.

A phone call to HEW suggested that I write to you directly concerning the religious exemption area which we did check. We are not claiming the exemption for the whole University, however, but only for a specific program, that is the Master of Divinity program within the Braniff Graduate School of the University. The program prepares men for the Roman Catholic priesthood.

The report directions cover this kind of exemption but I am not sure how to make clear that this is just for this program, not the whole institution.

Please let me know what form we should do this in. Thank you for your help.

Sincerely,

(Mrs.) Sybil Novinski
Associate Academic Dean
and Registrar

SN:mh
Enclosure: Description of Master of Divinity program from the 1976-77 University of Dallas catalog. Founding statement from the same catalog.

Valley Forge
CHRISTIAN COLLEGE

Office of the President

October 13, 1988

Ms. LaGree Daniels
Assistant Secretary for
Civil Rights
Office for Civil Rights
United States Department
of Education
330 C Street, SW
Washington, DC 20202

Re: Claim of Exemption from Title IX Coverage

Dear Ms. Daniels:

I am writing, in my capacity as the highest ranking administrative official of Valley Forge Christian College (the "College") to claim exemption for the College from the application of Title IX of the Education Amendments of 1972, pursuant to the provisions of 34 C.F.R. section 106.12, which provides:

> (a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.
>
> (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

This section lists two preconditions to exemption: (1) the educational institution seeking exemption "is controlled by a religious organization," and (2) application of Title IX to the educational institution would conflict with a specific tenet of the religious organization. I will demonstrate compliance with each precondition in turn.

1. <u>The College is controlled by a religious organization</u>

The College is a four-year educational institution that is controlled by The General Council of the Assemblies of God ("General Council") and various District Councils of the Assemblies of God. The General Council is an association of 11,000 churches, 57 District Councils, and 2 million members in the United States. It has been recognized by the Internal Revenue Service to be exempt from federal income taxation as a religious organization described in section 501(c)(3) of the Internal Revenue Code (enclosure 1). It also has obtained a group exemption ruling from the Internal Revenue Service, recognizing the exempt status of all of its affiliated District Councils and churches (enclosure 2). District Councils are regional associations of Assemblies of God churches. I am enclosing the Constitution and Bylaws of the General Council (enclosure 3), which will demonstrate conclusively that the General Council is a religious organizations.

Further, the bylaws (enclosure 4) of the College demonstrate that it is controlled by religious organizations (the General Council and various District Councils).

2. <u>Compliance with Title IX would conflict with a specific tenet of the controlling religious organization</u>

Compliance by the College with Title IX would conflict with specific tenets of the controlling religious organizations. The General Council's "Statement of Fundamental Truths," a listing of fundamental doctrinal

precepts with which the College has agreed to be bound, contains sixteen tenets, of which the following two are most pertinent:

> The Scriptures, both the Old and New Testaments, are verbally inspired of God and are the revelation of God to man, the infallible, authoritative rule of faith and conduct.
>
> Sanctification is an act of separation from that which is evil, and of dedication unto God. By the power of the Holy Ghost we are able to obey the command: "Be ye holy, for I am holy."
>
> Sanctification is realized in the believer by recognizing his identification with Christ in His death and resurrection, and by faith reckoning daily upon the fact of that union, and by offering every faculty continually to the dominion of the Holy Spirit.

At a minimum, compliance by the College with 34 C.F.R. sections, 106.20(c), 106.40(b), and 106.57 would conflict with the tenets of the College and its controlling religious organization. These provisions prohibit discrimination based on pregnancy or childbirth in student recruitment and employment, and in educational programs and activities. These requirements conflict directly with the relevant tenets quoted above, since compliance would in some cases contradict the Bible and the church's view on sanctification. The conflict could occur in a number of ways. Consider the following: (1) An unmarried female student becomes pregnant; (2) a female applicant for admission informs the College that she is pregnant or has one or more biological children but has never been married; or, (3) a married female student becomes pregnant because of an adulterous relationship with another student or third party. In the first and third examples, the student would be dismissed. In the second example, the applicant would not be admitted to the College.

In summary, compliance with the anti-discrimination provisions referenced above would force the College to violate some of the most fundamental Biblical and moral precepts ever established, and upon which Western civilization has been predicated.

I trust that I have adequately demonstrated compliance on the part of the College with the requirements for exemption from provisions of Title IX of the education amendments of 1972. Please confirm our exemption in writing at your earliest convenience.

Very truly yours,

Wesley Smith

Dr. Wesley Smith, President

WS:je

Enclosures

OFFICE OF THE PRESIDENT

Wadhams Hall

OGDENSBURG, NEW YORK 13669
DIAL 393-4231
393-6404
AREA CODE 315

April 26, 1976

McK
5117

Mr. Peter E. Holmes
Director-Office for Civil Rights
Department of Health, Education and Welfare
Washington, DC 20201

Dear Mr. Holmes:

Wadhams Hall would like to apply for exemption from certain provisions of Title IX of the Education Amendments of 1972.

Wadhams Hall is a seminary-college located in Ogdensburg, New York. It was founded in 1924 with its primary purpose to prepare men for the Roman Catholic priesthood. The Regents of the University of the State of New York have amended its charter as a four-year liberal arts college empowered to grant bachelor of arts (B.A.) degrees to its qualified graduates.

Our purpose has limited our growth and we have been continuously a single-sex institution since our establishment in 1924.

We are applying for exemption from certain provisions of the act because any changes would be inconsistent with the basic religious tenets of the school. We are applying for exemptions in the areas of admissions, housing, educational programs and activities, counseling and guidance, financial aid, and athletics and physical education.

We are also applying for exemption for one aspect of our employment practices. Our purpose dictates that a certain percentage of our faculty be priests. These priests perform their priestly duties as part of the formational aspect of Wadhams Hall. This would include spiritual counseling, attendance at spiritual exercises, etc.

For these reasons we would like to be able to advertise certain job openings as limited to priests. As of October we had thirty-six employees and of this number twelve were priests.

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If additional information is needed concerning our application for exemption, please feel free to contact our institution. Thank you.

Sincerely,

(Rev.) Peter R. Riani
President

PRR:ep

APR

WALLA WALLA COLLEGE

COLLEGE PLACE, WASHINGTON 99324
PHONE (509) 527-2121

March 21, 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

Your recent letter regarding our request for exemption from certain provisions of the Title IX regulation has been studied and the enclosed attachment represents our position.

I believe we have answered the specific religious tenets and provisions of the regulation that are in conflict, and we have also provided background information indicating our church affiliation.

Should you require additional explanation or clarification, please do not hesitate to advise us. Thank you for your understanding in this matter.

Sincerely,

N. Clifford Sorensen
PRESIDENT

NCS:rlp
Enclosure

WALLA WALLA COLLEGE STATEMENT OF CONFLICT

REGARDING PROVISIONS OF TITLE IX

In the Title IX assurance form previously filed with the Department of Health, Education, and Welfare, Walla Walla College requested that it be granted exemptions, as provided for in 45 CFR §86.11, from certain provisions of Title IX regulations because they appeared to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Walla Walla College is an integral part. Specifically, Walla Walla College requested exemptions from the following regulations on the grounds hereinafter stipulated.

45 CFR §§86.21, 86.40, and 86.57 which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall be Disciplined," Church Manual 247). The Church Manual comments: The church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins" (p. 249).

45 CFR §86.31 which deals with regulations governing student appearance: The Seventh-day Adventist Church adheres to basic Biblical teachings that wearing apparel should be modest, that jewelry should not

be worn, and that there should be distinctions between men's and women's clothing (1 Tim. 2:9 and Deut. 22:5). For more than one hundred years the writings of Ellen G. White, considered to be divinely inspired, have guided the church in interpreting the above-mentioned Biblical principles ("Clothing and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the Holy Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Walla Walla College, as a church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Walla Walla College believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Walla Walla College.

Background information demonstrating that Walla Walla College is religiously controlled: The Seventh-day Adventist Church in the United States operates a number of universities and senior colleges to provide for its youth the opportunity to do advanced study within the context of the church's world view and sense of mission. Walla Walla College is owned and operated by the Seventh-day Adventist Church and is, therefore, an integral part of the church. Walla Walla College is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution

and thus comes under the church's basic 501 (c) (3) tax exemption. In addition the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff.

WASHINGTON BIBLE COLLEGE · CAPITAL BIBLE SEMINARY ·

OFFICE OF THE PRESIDENT

December 21, 1988

PEG
1/18

Ms. LeGree S. Daniels
Assistant Secretary for Civil Rights
U. S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Daniels:

With reference to the next-to-last paragraph of the attached letter of September 21,1988, we are hereby requesting a waiver from certain provisions of the Civil Rights Restoration Act of 1987 that would require us to treat pregnancy/maternity in the same manner as any other temporary disability under our health and accident insurance plans which we make available to our students.

While our institution is not under the direct control of a religious organization, our purpose is to serve Christ and His church by providing undergraduate and graduate biblical and professional education that will equip men and women for Christian ministry worldwide; and by serving as a biblical and theological resource center for the equipping of Christian laymen and for the continuing education of pastors, missionaries, and other Christian workers. Each year the Board of Trustees, administrative officers, and the faculty subscribe to and sign the statement of doctrine which underlies our purpose.

Our request for waiver is predicated on the basis that application of the regulation would not be consistent with the religious tenets of the Washington Bible College/Capital Bible Seminary. We believe that the Holy Bible, central to all of our undergraduate and graduate educational programs, prohibits sex outside of the marriage relationship. Consequently, we do not want to be viewed as sanctioning it as a result of being required to include pregnancy/maternity benefits in the health and accident insurance plans offered to our female students, most of whom are unmarried.

We do want to be able to make available to married female students insurance plans with pregnancy/maternity benefits, but with the option of an additional cost premium.

6511 Princess Garden Parkway, Lanham, Maryland 20706 (301) 552-1400

WASHINGTON BIBLE COLLEGE
CAPITAL BIBLE SEMINARY

OFFICE OF THE PRESIDENT

We understand that the law does not require us to offer health and medical insurance to students, but that if we do, we cannot discriminate in application of the program. So an obvious solution to our problem, if we were denied a waiver, would be not to make such programs available to students. This, however, would not be in the best interest of our overall student body.

Therefore, we request that you grant this institution a waiver from the applicable provision of the 1987 CRRA that would (1) not require us to treat pregnancy/maternity like any other temporary disability, and (2) permit us the option of offering pregnancy/maternity insurance benefits at an additional cost premium.

Enclosed are the current catalogs for both our College and Seminary. If you need additional information in evaluating our request for waiver, please do not hesitate to contact me.

Respectfully submitted,

Harry E. Fletcher, D. Min.
President

HEF/mm

Enclosures

cc: Dr. Robert A. Smallwood
Regional Civil Rights Director

6511 Princess Garden Parkway, Lanham, Maryland 20706 (301) 552-1400

OFFICE OF THE PRESIDENT

WAYLAND
BAPTIST UNIVERSITY

May 27, 1992

U. S. Department of Education
Office of the Assistant Secretary for Civil Rights
400 Maryland Avenue, Southwest
Washington, D. C. 20202

Dear Sir:

This letter shall constitute Wayland Baptist University's request for religious exemption from Title IX of the Education Amendments of 1972. The exemption is requested pursuant to section 106.12 of the Title IX regulations at 34 C.F.R. Part 106. The request for exemption is to the extent the policies practiced by the University because of its commitment to its religious tenets would be interpreted to violate certain sections of the regulations implementing Title IX absent a religious exemption.

This institution is a University of the Baptist General Convention of Texas. The Baptist General Convention of Texas is composed of messengers from cooperating Baptist churches within the state of Texas. The Convention fosters this institution and substantially supports it financially. The University is controlled by the Baptist General Convention of Texas. All members of the Board of Trustees of this institution are elected by the Convention and they must be resident members of Baptist churches affiliated with the Convention. I am satisfied that the nature of the Baptist General Convention of Texas and the relationship between Wayland Baptist University and the Baptist General Convention of Texas establishes that Wayland is "controlled by a religious organization" as is required for exemption under Section 106.12 of the Title IX regulations.

The University adheres to biblical tenets as its standard of faith and practice. The tenets require the University to act in ways which may conflict with specific Section IX regulations. The faculty, employees and students of the University are expected to conduct themselves in a manner consistent with the tenets of the Christian faith. The University requires, for instance, Christian sexual conduct on the part of its employees and student body. The University's religious tenets, for instance, would not permit the University to treat pregnancy, childbirth, or termination of pregnancy of an unmarried woman as a temporary disability. The University expects its personnel to be Christian role models and an employee or student living with a member of the opposite sex out of wedlock would be considered morally delinquent. The University has religious tenets regarding human sexuality, proper living environments, respect for the institution of marriage, language, and modest attire.

Scholarship funds, and career offerings related to ministerial training students may be provided differently on the basis of sex. The University also offers sex separate organizations to students. The University deems it necessary to minister in unique ways to men as compared to women in preparing students to fulfill their roles as mothers and fathers in the context of religious belief in the sanctity of the home.

Therefore, this University requests an exemption from 34 C.F.R. section 106.21(C) (Marital or parental status of applicants for admission); 106.40 (Marital or parental status of students); 106.51(b)(6) (Granting leaves of absence for employees for pregnancy, childbirth, false pregnancy, termination of pregnancy, child care); 106.57 (Marital or parental status of employees); and 106.60(a) (Preemployment inquiries as to marital status).

Further this institution requests an exemption to 106.31 for membership practices in student organizations which are required by religious tenets to be limited on the basis of sex. We request exemption to 106.36 regarding counseling and use of appraisal and counseling materials to the extent the University's religious tenets will require differentiating counseling between sexes. We request an exemption for 106.39 (Student health and insurance benefits and services).

For those employment positions which are restricted on the basis of sex in accordance with the University's religious tenets we request an exemption to 105.1 (Employment); 106.52 (Employment criteria); 106.53 (Recruitment of employees); 106.55 (Job classification and structure); and 106.59 (Advertising).

To the extent that counseling, scholarship funds and career fundings related to ministerial training students are provided differently on the basis of sex and the requirement that certain sex separate clubs and organizations exist, the University requests an exemption from 106.31 (Education programs and activities); 106.34 (Access to course offerings); 106.36 (Counseling and use of appraisal in counseling materials); 106.37 (Financial assistance); 106.38 (Employment assistance to students); and 106.14 regarding membership practices of certain organizations.

Sincerely,

Wallace E. Davis
President

West Coast Bible College

6901 N. Maple Ave. • Fresno, Ca. 93710 • Phone (209) 299-7205

RECEIVED
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April 13, 1979

Mr. Waite H. Madison, Jr.
Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Dear Mr. Madison:

A recent letter from your office requested specifics concerning our request for a religious exemption from certain provisions of the Title IX regulation. On April 13, 1977, these specifics were provided in a letter to your office.

As a religious institution we would like to be exempt from the following provisions for religious reasons: 86.21 (c), 86.31 (b) (5), 86.40 (b), 86.51 (b) (6), 86.57 (a) (2) and 86.60 (a) . These provisions clearly interfere with our denominational positions with regard to abortion, divorce, and standards of dress for men and women. The law was not absoultely clear, but it appears to interfere with our religious position concerning fornication and adultery, particularly as it deals with extra-marital pregnancies. We attempt to avoid discrimination in these matters by dealing equally with men and women who are found to be responsible either for an extra-marital pregnancy or for the termination of a pregnancy.

The provisions of Title IX which are cited above clearly conflict with the traditional moral standards of christianty and with the life style taught by our denomination, the Church of God.

Sincerely,

WEST COAST BIBLE COLLEGE

Horace S. Ward, Ph.D.
President

HSW:sp

(All references by number and letter refer to Part 86, Subtitle A, Title 45 of the Code of Federal Regulations, which appeared in the Federal Register, June 4, 1976.)

1. 86.31 (b) (5) In this clause, the regulations require that colleges not discriminate against any person in the application of any rules of appearance.

We believe that it is within the purview of a college such as ours to require students and employees to abide by certain rules of appearance. Such rules are properly designed on the basis of differing expectations of the sexes. The Bible does give us guidelines concerning modesty as well as sex-related appropriate grooming and attire. Therefore, we believe that the college should be exempt from 86.31 (b) (5).

2. 86.34 This section denies the college the option of providing any academic course to one sex only.

We believe that women should be excluded from Pastoral Studies courses--simply put, that we will not prepare women for the ordained ministry. Therefore, the college should seek exemption from 86.34 with respect to Pastoral Studies classes only.

3. 86.40 (b) (1), (4), (5) The regulations state that the college may not discriminate against or exclude any student on the basis of pregnancy or termination of pregnancy. They further require that pregnancy, false pregnancy, childbirth, termination of pregnancy, and recovery therefrom be treated as any other temporary disability with respect to student health insurance. In addition, it is required that the college treat pregnancy as justification for a leave of absence for as long as medically necessary, with the student reinstated to the status she held when the leave began.

We believe that the college has the right to suspend any student, male or female, involved in practices defined by scriptures as sexual immorality. We also believe that the school has the right to take other appropriate disciplinary actions, which may include forfeiture of academic credit for a given semester in which such infraction occurs. Therefore, we would recommend that the school apply for exemption from 86.40.

4. 86.51 (a) (1), (2) These portions of the regulations require the college to end discrimination between sexes in all hiring. Their effect is to end the school's right to select men only for certain teaching and administrative positions.

We believe that the New Testament indicates that men ought to take the positions of leadership and teaching in the church. By extension, we have thought it fitting that men only be involved in teaching Bible, teaching Pastoral Studies, and taking responsibilities in administrative leadership for the college. Therefore, we should apply for exemption from 86.51 for those particular positions.

5. 86.55 (a) This paragraph of the regulations states that the college cannot classify a job as being for males or females.

We believe on the basis of the arguments set forth for number (4) above that the school should request exemption from 86.55 (a).

6. 86.57 Again, the regulations prohibit discrimination in employment based upon pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. These paragraphs also require that the college treat pregnancy as a temporary disability, and as sufficient justification for a leave of absence with guaranteed reinstatement privileges.

We believe that the principles regarding morality and marital status as qualifications for Christian service are clearly set forth in the Bible. In addition, the Bible provides injunctions concerning marital status for those who would be Christian leaders. Therefore, we would deem it advisable to request exemption from 86.57.

7. 86.60 This section, parallel to (6.) above, prohibits any inquiry of prospective employees concerning marital status.

We believe that arguments set forth in (6.) above are sufficient to request exemption from this part.

CONCLUSION

Western Baptist Bible College wishes to comply fully with the provisions of Part 86, except those sections violating our religious tenets. Finally, we wish to note that while we agree that Christian institutions of higher education ought to be obligated to provide equal opportunities to members of both sexes, we do not believe that it is within the scope of the law to require such institutions to seek eradication of all distinctions between the sexes. Therefore, our internal committee has made careful examination of the regulations and has recommended these areas for requests for exemption.

Date: 4-18-77

Western Baptist Bible College
5000 Deer Park Drive, S.E.
Salem, Oregon 97302

W. T. Younger

Dr. W. T. Younger
President

Westminster Theological Seminary

Chestnut Hill, Philadelphia, Pennsylvania 19118
887-5511

August 9, 1977

In the document "Explanation of HEW Form 639A (3/77)" page 4 you state that an applicant will normally be considered to be controlled by a religious organization if it is a schoolor department of divinity. This is the case with Westminster Theological Seminary. Our educational programs are specifically to prepare students to become ministers of religion, to teach theological subjects or to enter other religious vocations. As stated in our charter and catalogue, Westminster Seminary is committed to the doctrines of the Presbyterian form of the Christian religion as summarized in the historic Westminster Confession of Faith. Westminster serves and is supported by a number of religious denominations, including the Orthodox Presbyterian Church, The Presbyterian Church in America, and the Christian Reformed Church, who hold to presbyterian and reformed ecclesiastical polity. These denominations do not ordain women to the pastoral ministry. They hold that the injunction of the Apostle Paul recorded in the New Testament continues to be authoritative for the Christian church: "I permit not a woman to teach, nor to have dominion over a man, but to be in quietness" (I Tim. 2:12). We recognize that this position, maintained through centuries of Christian tradition, is now challenged by some denominations of Christians. Yet we believe that it is grounded in profound Biblical teaching regarding role differentiation between the sexes. When this differentiation is perceived in the setting of God's law of love it is not oppressive but liberating.

Biblical limitations on the exercise of authority by women over men in the ecclesiastical setting do not, however, mean that the gifts of women are not to be recognized and gratefully received in the Christian community.

In our teaching program at Westminster, therefore, we provide theological instruction for men and women alike and we have actively sought to recruit women as well as men as students. We offer the Th.D.; Th.M.; D.Min.; M.Div.; and M.A.R. degrees. Only two of these are designed specifically for professional preparation for the pastoral ministry. These are the Master of Divinity and Doctor of Ministry degrees. We do not admit women to certain pastoral courses in these programs, nor do we seek to recruit women as candidates for these degrees.

In all other respects women students are given every privilege, including scholarship assistance. On at least two occasions the faculty has rejected protests by a few male students concerning the full privileges granted to women. We regarded these protests as exaggerations or misapplications of the Biblical principles alluded to above.

A woman serves as our registrar and is a voting member of our committee on administration. Women have lectured and taught classes. A distinction must be made, however, to the degree that authorized ecclesiastical teaching is engaged in. It would not be proper, in terms of our religious convictions, to seek women for certain teaching positions where dogmatic theology is involved.

Since we seek to operate our institutions in a way that is consistent with our theological viewpoint, including our convictions about role differentiation between men and women, we recognize the possibility that some of our policies or practices might be regarded as out of compliance with 45 C.F.R. 86.4, especially if that is interpreted from different assumptions. On the other hand, we do recognize the real danger of prejudicial discrimination; and we realize, too, that theological principle may sometimes be invoked as a cover for prejudice. To the best of our present knowledge we are in compliance with the statute except as noted above, and we are willing to examine our policies and practices regularly to avoid prejudicial actions.

[signature], president
August 9, 1979

WHEATON COLLEGE
Wheaton, Illinois 60187 • *Since 1860 "For Christ and His Kingdom"*

OFFICE OF THE PRESIDENT • 312-682-5002

312-260-5000

July 20, 1976

Kresy
8/13

Mr. Martin Gerry
Director, Office for Civil Rights
Dept. of Health, Education & Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Dear Mr. Gerry:

In accordance with Section 86.12 of the regulations issued under Title IX of the Education Amendments of 1972, Wheaton College hereby claims exemption from the application of Title IX in the areas described below on the grounds that enforcement in these areas would be contrary to the religious tenets of the institution:

Section 86.51 et. seq.

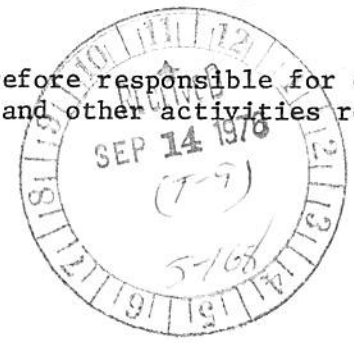
It is the policy of Wheaton College to have a male President who is ordained or has an equivalent spiritual commissioning. This policy is based upon our understanding of the Scriptures that relate to the male role in the performance of the ministry.

In addition to his general duties as chief executive officer of the College, the President is also required to preside over and speak at chapels, occupy pulpits in churches, perform other spiritual duties and is charged with the responsibility of carrying out the total spiritual program of the College in the interests of Christian commitment and Biblical teaching in accordance with the College's motto: "For Christ and His Kingdom."

Section 86.51 et. seq.

It is the policy of Wheaton College to have a male Chaplain who is ordained or has an equivalent spiritual commissioning. This policy is supported by the Scriptures which we believe relate to the male role in the performance of the Chaplain's ministry.

The Chaplain serves as campus pastor and is therefore responsible for chapel services, the observance of the Holy Communion, and other activities requiring the services of a clergyman.



Sections 86.21(c); 86.31; 86.32; 86.40

It is the policy of Wheaton College to have its students and employees adhere to the moral laws of God as set forth in the Bible.

Inquiry concerning marital or parental status or prior conduct is made equally of men and women for the sole purpose of determining whether the individual's life standard is consistent with the moral laws of God as set forth in the Bible. Such inquiry may result in exclusion or dismissal of an individual if that person's relationship with the opposite sex violates God's moral law.

Rules relating to standards of behavior and sanctions on dress and appearance are applied equally to both sexes except that different standards may apply if the individual's conduct or appearance is in conflict with God's moral law.

The College has completed the initial required Self-Study and, based upon our present understanding of the law and regulations, we believe the items noted above are the only ones in conflict with the regulations cited; however, subsequent interpretation or modification of the regulations may require an additional claim, and we will notify you if such a claim is necessary.

Wheaton College, established "For Christ and His Kingdom" in 1860, has been a co-educational institution since its inception. We assure you that we support the basic goal of providing equal opportunity for both men and women in education. We are concerned, however, that in some areas the regulations issued under Title IX appear to go beyond the scope and intent of the law and also raise basic constitutional issues under the religious freedom clause of The First Amendment. Every effort will be made by the College to comply with the regulations as issued. We reserve the right, however, to raise these basic legal issues if the regulations are subsequently interpreted or applied in a way that would require the College to modify its basic aims and goals.

Sincerely yours,

Hudson T. Armerding

HUDSON T. ARMERDING
President

HTA:lh

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, Detroit Bible College (insert name of Applicant or Recipient) _____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[X] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

2252

[X] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[X] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Harold Wm. Berk
(name of employee)

27800 Franklin Road, Southfield, MI 48034
(office address)

(313) 356-8200
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[X] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by July 31, 1977.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: Sept. 29, 1976

Detroit Bible College
(Insert name of Applicant)

By Kendell H. Johnston
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

Explanation Of

HEW FORM 639, ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. §2000e *et seq.*); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h–9 and 298b–2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 is binding on a recipient for the period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

HEW—639
(7/76)

DETROIT BIBLE COLLEGE
27800 Franklin Road
Southfield, MI 48034

STATEMENT OF POLICY

TITLE IX PROVISION	DBC TENET
86.31 (a) General. Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance.	We believe that leadership in the Christian community normally is a responsibility of Christian men and our programs, courses, and policies, while not denying educational opportunity on the basis of sex, will be so cast as to reflect this belief.
86.34 A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.	
86.40 Marital or parental status. (b) Pregnancy and related conditions. (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.	Marital or parental status, or the fact of pregnancy, per se, are not criteria for determining educational opportunity or institutional relationship at this college. We believe there are standards of conduct appropriate in Christian community, and that there is therefore social behavior which is acceptable and that which is not acceptable. We reserve the right to interpret individual behavior, its contexts, its consequences and social relationships in this light and make decisions on the basis of behavioral standards, not sex.

TITLE IX PROVISION	DBC TENET
86.53 Recruitment	
(a) Nondiscriminatory recruitment and hiring. A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.	In light of our belief that leadership in the Christian community and particularly in the church normally is the responsibility of Christian men, we believe that authoritative instruction in the areas of doctrine and governance of the church normally are also the responsibility of Christian men. Therefore our recruiting and hiring practices for key faculty responsibilities in these areas would reflect these beliefs.

Wendell G. Johnston

Wendell G. Johnston, President
Detroit Bible College

Wisconsin EVANGELICAL LUTHERAN Synod

OFFICE OF THE PRESIDENT

Rev. Oscar J. Naumann

3512 West North Avenue Milwaukee, Wisconsin 53208

Office: 445-4022 Residence: 463-6071

July 21, 1976

Kresy
8/16
414-771-6119
stewardship office

Mr. Martin Gerry
Acting Director, OCR
HEW Building North
330 Independence Avenue SW
Washington, DC 20201

Dear Mr. Gerry:

With this letter we desire to claim a religious exemption from Title IX - Prohibition of Sex Discrimination. This claim is made on behalf of the Wisconsin Evangelical Lutheran Synod and its constituent schools on all levels of education. Supported by the congregations of the Synod are 293 elementary schools, eleven secondary schools, four preparatory schools (secondary), one junior college, two pastor-teacher training colleges, and one seminary. We submit this claim on the basis of our religious philosophy with respect to the principles, purpose, and objectives of Christian education and secondly on the basis of our understanding of scriptural principles set forth in the Bible, by which we are guided with respect to the role of women in the church.

Title IX states: "Sec. 901. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Exception three reads: "(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization." The religious tenets of our church follow.

These tenets are summarized in "A Statement on the Philosophy and Purpose of the Christian Day Schools of the Wisconsin Evangelical Lutheran Synod" (Exhibit 1). The purpose and aim of education in our church according to this statement is to carry out a "program of unified Christian training." In carrying out this program it is our conviction that "in the Holy Scriptures, as God's inspired and inerrant Word, we have an infallible norm and guide for everything that pertains to Christian faith and life." According to our means and methods, "these truths are not merely expounded in the direct study of God's Word, but are constantly treated as truths and are permitted to stand and function as truths throughout every phase of instruction and training in the school."

"While this Gospel is to be clearly unfolded for the child in daily devotions and in special courses which involve a direct study of God's Word, it is also to be commended to the individual child through the Christian personality, example, and testimony of Christian instructors; and directly or indirectly this Gospel message is permitted to cast its illuminating light upon all subject matter, facts, happenings, activities, judgments, principles, interests and habits with which the child is confronted in the school's curricular and extra-curricular activities."

With respect to the scope of Christian education in our schools the congregations "strive to equip their schools with adequate facilities and to provide for a properly trained teaching personnel."

To the end that the schools of our church may have properly trained personnel to carry out our philosophy and to attain our objectives, we have maintained for 91 years a terminal teacher training school, Dr. Martin Luther College of New Ulm, Minnesota. A copy of its current catalog for the 1976-77 school year is submitted as Exhibit 2.

On page 12 of this catalog the pedagogical principles of the Wisconsin Evangelical Lutheran Synod, based on the Word of God, the Bible, are stated as follows: "These (principles) declare that education is inseparable from religion. They demonstrate that all knowledge in all areas of human thought and endeavor is worthy of inquiry when viewed in the light of human sin and divine grace. They assert that such evaluation of all things is granted alone through the God-revealed Wisdom of the Bible, the God-man Jesus Christ. They affirm that education, a basic function of the Christian home, is also a concern of the church, namely, to equip the entire person in mind, body, and spirit for time and for eternity."

The purpose of Dr. Martin Luther College is to serve the church, specifically the Wisconsin Evangelical Lutheran Synod, "by educating men and women exclusively for the teaching ministry in keeping with its expressed philosophy, principles, and purposes. Its students are specially prepared for the ministry of the Word in the Christian day schools of the Wisconsin Evangelical Lutheran Synod."

Within this purpose, the first objective of this teacher training school of our church is to "inculcate as a primary qualification a consecrated spirit of love to Christ and the fellowman which is gained alone through searching the Scriptures, the faithful record of God's will to save all men."

It is our conviction, then, that the teachers - both men and women - in our schools are trained to be and need to be ministers of religion.

That there is no sex discrimination in the recruitment of men and women to prepare for roles as ministers of religion in the educational program of the church is clearly stated in the Dr. Martin Luther College catalog under "Admissions," page 20. "The college gives primary consideration to qualified applicants who intend to prepare for the teaching ministry in the Wisconsin Evangelical Lutheran Synod. The college is also dedicated to receiving

qualified applicants who intend to prepare for the teaching ministry in church bodies or congregations which publicly share the doctrinal position of the Wisconsin Evangelical Lutheran Synod."

"In view of the fact that the Bible teaches that 'God is no respecter of persons' (Acts 10:34) and that 'there is neither Greek nor Jew, circumcision nor uncircumcision, Barbarian, Scythian, bond nor free: but Christ is all, and in all' (Colossians 3:11) and in view of the fact that the sole purpose of this college is to educate students for the teaching ministry of the Wisconsin Ev. Lutheran Synod, this institution cannot and does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs."

Upon completion of their preparation as ministers of religion the graduates of Dr. Martin Luther College do not apply for specific positions in the church; rather they agree upon admission to the school (DMLC catalog, page 20) that "they will as graduates submit to the decision of the assignment committee of the Wisconsin Evangelical Lutheran Synod and assume their calling in the church wherever assigned unless as members of a church body in fellowship with the Wisconsin Evangelical Lutheran Synod they are to be assigned by their own church body."

Even after the issuance of their first call by the Assignment Committee of the Synod our teachers do not transfer to another school or position except by a specific call through the calling body, either a congregation or a group of congregations. The procedure for such calling is outlined in Article XI - Vacancies, in the Constitution for the Districts, page 41 (Exhibit 3). "In case of a vacancy in the pastorate...the president of the district...shall also counsel the congregation in the filling of its vacancy. Similar notice shall be given and counsel requested in case a congregation is calling a teacher for its school."

The procedure in the placement of teachers is as follows. A congregation (local church) informs the president of that geographical district of its particular needs. With advice from the Synod's Board for Parish Education, where resumes of all qualified candidates are filed, the president submits to the congregation a list of candidates from which the voters of the congregation elect one. The congregation's "call" may either be accepted or declined by the called person.

All of the above clarifies, we hope, the peculiar role of the teachers as ministers of religion in the schools of our church. Only if teachers continue to fill these roles will these schools be distinctive and have a reason for their existence. Only then will our philosophy be maintained, our purposes be fulfilled, and our objectives be attained.

Even though our men teachers and women teachers without distinction are called ministers of religion, they are not used without discrimination with respect to sex in the administrative and teaching positions of our schools. Policies and procedures in this respect also are in accord with our religious philosophy.

The following is taken from "A Statement on the God-Ordained Relationship Between Men and Women," a document which reflects the historical position of the Lutheran church and specifically of the Wisconsin Evangelical Lutheran Synod with respect to the relationship between men and women.

This document states: "In the life of the church also, according to express statements in the Scriptures, God's holy, immutable will concerning the leadership role of men and the auxiliary role of women is to be respected. Any conduct which tends to undermine or overthrow the God-ordained relationship between men and women is displeasing to God (I Corinthians 11:3-16). Women are therefore to refrain from any activity that involves exercising authority over men 'But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence' (I Timothy 2:12). Addressing, questioning, and teaching men in public gatherings of the church are specifically mentioned as examples 'Let your women keep silence in the churches: for it is not permitted unto them to speak; but they are commanded to be under obedience, as also saith the law. And if they will learn any thing, let them ask their husbands at home: for it is a shame for women to speak in the church. What? came the word of God out from you? or came it unto you only? If any man think himself to be a prophet, or spiritual, let him acknowledge that the things that I write unto you are the commandments of the Lord' (I Corinthians 14:34-37; I Timothy 2:11,12 - cf. above). But all speaking, teaching, and service which does not overthrow the divinely established relationship between the sexes has God's approval when it is carried on in a spirit of thankful love to the glory of God (Acts 18:24-26; Romans 16:1-4; Romans 16:16; Romans 16:2, II Timothy 1:5; II Timothy 3:15; Titus 2:3-5)."

The scriptural position stated above will indicate why women are not eligible according to our scriptural convictions for any positions in the church or its schools in which they will have to exercise authority over men. Thus the administrative roles are retained exclusively for the men. Certain duties in the school and in the congregation which would involve exercising authority over men are reserved for men rather than for women.

It is on the basis of these convictions that we wish to claim exemption from Title IX with respect to equal opportunity, Subpart E, Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited.

All of the foregoing will also indicate why teachers, as well as pastors, in relation to their congregations are not in employee-employer relationships. They all are called ministers of religion serving in educational programs maintained by the calling bodies of Christian congregations.

There are situations - for example, a "call" to teach in a self-contained fourth grade classroom, with no other congregational or parish duties outlined in the "call" - in which the work done either by a male or a female teacher may be the same. There the work may be equal. We have subscribed to the philosophy of equal pay for equal work and have adjusted our salary scale accordingly. The following resolution was adopted by the Wisconsin Evangelical Lutheran Synod in convention in August of 1975:

"WHEREAS an equitable salary schedule is being proposed for synodically supported schools and for schools in synodically supported congregations; and

WHEREAS the Equal Pay Committee has assured the Synod that it did not concede that the U.S. Department of Labor has jurisdiction in determining or regulating the salaries paid by religious bodies to their called ministry (cf. BoRaM, p. 140; and letter of Equal Pay Committee, dated May 13, 1975, to all pastors and principals, page 2); and

WHEREAS there is nothing in Holy Scripture that militates against the principle of equal pay for equal work; therefore be it

Resolved, That we concur in the application of the principle of equal pay for equal work in the proposed salary schedule for synodically supported schools and for schools in synodically supported congregations."

We trust that all of the above will indicate clearly enough that our claim for an exemption from Title IX with respect to "hiring" teachers is based on religious tenets. We trust also that the above will offer sufficient reasons why you may not consider it necessary to investigate our "employment" practices.

Yours in the interest of a strong America, which will continue to uphold freedom of religion and the freedom to educate with all vigor and strength as it enters upon its third century under God,

Sincerely,

Oscar J. Naumann

Oscar J. Naumann, President
WISCONSIN EVANGELICAL LUTHERAN SYNOD

OJN/rbs

CC: Mr. Lawrence P. Washington, Chief
Elementary and Secondary Education Branch (Chicago)
Office for Civil Rights
300 South Wacker Drive
Chicago, Illinois 60606

בס"ד

ישיבה ומתיבתא אור ישראל

YESHIVA & MESIVTA OHR YISROEL

66-20 THORNTON PLACE / FOREST HILLS 74, NEW YORK / BO 3-6242

YESHIVA ELEMENTARY SCHOOL
JACK PARKER HIGH SCHOOL

RABBI E. JOSHUA GELDZAHLER
DEAN
RABBI JOSEPH S. BISTON
EXECUTIVE DIRECTOR
RABBI YAAKOV GOLDSTEIN
PRINCIPAL

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31(a)
(c) Section 86.32(a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55(a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

Tel. EN 2-1435-6

הישיבה הגדולה חפץ חיים מראדון

Yeshivah Chofetz Chaim of Radun

346 WEST 89th STREET NEW YORK, N. Y. 10024

בע"ה

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

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(m) Section 86.59

Sincerely yours,

Meir Gottesman

Yeshivah Nachlas Haleviyim
INSTITUTE FOR ADVANCED STUDIES

544 East 92nd Street • Brooklyn, N.Y. 11236

Tel. 385-9446 • 485-1299

Rosh Hayeshiva
RABBI FEIVEL COHEN
Dean
RABBI PINCHAS KAHN
Honorary Presidents
JUDAH L. FALIK
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JOSEPH SCHECHTER
President
MARC SCHONFELD
Vice President
MARVIN BINIK
Secretary
MEYER GOODSTEIN
Treasurer
RABBI ELIMELECH PLOTSKER
Advisory Board
HON. EMANUEL CELLER
Congressman
HON. FRANK J. BRASCO
Congressman
HON. DONALD HALPERN
State Senator
HON. STANLEY STEINGUT
State Assemblyman
HON. ALFRED A. LAMA
State Assemblyman
HON. MONROE COHEN
City Councilman
HON. THEODORE SILVERMAN
City Councilman
HON. SEBASTIAN LEONE
Brooklyn Boro President
HON. MICHAEL WOLLIN
State Committeeman
BEADIE MARKOWITZ
State Committeeman
Board of Directors
RABBI CHAIM STEIN
Chairman of the Board
RABBI ALFRED COHEN
Vice Chairman
RABBI JOEL SKURNIK
Secretary
RABBI ISAAC BEINHORN
SAMUEL B. COHEN
RABBI DAVID COHEN
RABBI JOSEPH FEIT
KALMAN FINKEL, Esq.
ALLEN M. FISCHER, Esq.
RABBI DR. MOSHE HOMNICK
HERBERT KRAMER, Esq.
RABBI DR. SOL RIBNER
RABBI AARON S. SINENSKY
RABBI DAVID WIELGUS
RABBI MOISHE YANOFSKY

May 3, 1977

Director
Office of Civil Rights
Department of Health, Education & Welfare
Washington, D.C. 20201

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(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,
D. Plotsker
D. Plotsker
Secretary

YESHIVA KIBBUTZ TASHBAR

216 VIOLA ROAD
MONSEY, NEW YORK 10952
PHONE: (914) 356-2213

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington D.C. 20201

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   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

Moshe Spira

Yeshiva of Nitra Rabbinical College

194 DIVISION AVENUE • BROOKLYN, N. Y. 11211

Telephone: EV 4-5460

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

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Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

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(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely yours,

File —

YESHIVATH ZICHRON MOSHE
RABBINICAL SEMINARY

Received & Logged
DEC 12 1977 JW

November 25, 1977

Director, Office for Civil Rights
Department of Health, Education and Welfare
P.O.B. 8214
Washington, D.C.

Dear Sir,

Persuant to Section 86.12(b) of the HEW regulations implementing Title IX of the Education Amendment of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1.) I am the highest ranking official of this institution.
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h) Section 86.7
i) Section 86.22
j) Section 86.23(a)
k) Section 86.23(b)
l) Section 86.53
m) Section 86.59

Sincerely yours,

Rabbi Jeruchim Gorelick
President

JG/cg

3601821

LAUREL PARK ROAD / SOUTH FALLSBURG, NEW YORK 12779 / 914-434-534

Kehilath Yakov Rabbinical Seminary

638 BEDFORD AVENUE, BROOKLYN, N. Y. 11211

855-8261

May 3, 1977

Director
Office for Civil Rights
Department of Health, Education and Welfare
Washington, D.C. 20201

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   (i) Section 86.22
   (j) Section 86.23(a)
   (k) Section 86.23(b)
   (l) Section 86.53
   (m) Section 86.59

Sincerely yours,

7

(212) 633-8000

בעזהי"ת

MESIFTA TALMUDICAL SEMINARY

425 EAST 9TH STREET

BROOKLYN, N. Y. 11218

OFFICE OF THE DEAN

June 3, 1977

Office for Civil Rights
Dept. of HEW
Washington, D.C.

Sirs:

Pursuant to Section 86.12(b) of the HEW regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution:

(1) I am the highest ranking official of this institution.

(2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

(3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

a. Section 86.12 (a)
b. " 86.31 (a)
c. " 86.32 (a)
d. " 86.34
e. " 86.51
f. " 86.52
g. " 86.55 (a)
h. " 86.7
i. " 86.22
j. " 86.23 (a)
k. " 86.23 (b)
l. " 86.53
m. " 86.59

Sincerely,

Rabbi G. Schorr
Dean

GS/kh

20 Kislev 5736
November 24, 1975

Director
Office for Civil Rights
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D. C. 20201

Dear Sir:

Pursuant to Section 86.12(b) of the H.E.W. regulations implementing Title IX of the Education Amendments of 1972, this statement is submitted to you to establish the inapplicability of the regulations to our institution.

1) I am the highest ranking official of this institution.

2) The institution is controlled, conducted and operated by the Orthodox Jewish religion.

3) The following provisions of Part 86 conflict with specific tenets of the Orthodox Jewish religion governing our institution:

(a) Section 86.21(a)
(b) Section 86.31 (a)
(c) Section 86.32 (a)
(d) Section 86.34
(e) Section 86.51
(f) Section 86.52
(g) Section 86.55 (a)
(h) Section 86.7
(i) Section 86.22
(j) Section 86.23(a)
(k) Section 86.23(b)
(l) Section 86.53
(m) Section 86.59

Sincerely,

statement unsigned

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

[PLEASE READ EXPLANATION OF HEW FORM 639 BEFORE COMPLETING THIS DOCUMENT]

Pursuant to 45 C.F.R. §86.4, YORK COLLEGE
(insert name of Applicant or Recipient)
_____ (hereinafter the "Applicant") gives this assurance in consideration of and for the purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I—TYPE OF INSTITUTION SUBMITTING ASSURANCE

The Applicant is (check the following boxes where applicable):

[ ] A state education agency.
[ ] A local education agency.
[ ] A publicly controlled educational institution or organization.
[XX] A privately controlled educational institution or organization.
[ ] A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

[XX] Claiming a religious exemption under 45 C.F.R. §86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

The Applicant offers one or more of the following programs or activities (check where applicable):

[ ] Pre-school
[ ] Kindergarten
[ ] Elementary or Secondary
[ ] Graduate
[XX] Undergraduate (including junior and community colleges)
[ ] Vocational or Technical
[ ] Professional
[ ] Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:

ARTICLE II—PERIOD OF ASSURANCE

This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III—TERMS AND CONDITIONS

The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92–318), as amended, 20 U.S.C. §1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20 U.S.C. 1684 and 1686.)

2. Require any person, organization, group or other entity to which it subgrants or with which it contracts, subcontracts or otherwise arranges to provide services or benefits or to assist it in the conduct of any program covered by this assurance, or with which it contracts or otherwise arranges for the use of any facility covered by this assurance, to comply fully with Title IX and Part 86 and to submit to the Department an assurance satisfactory to the Director, Office for Civil Rights (hereinafter, the "Director"), to that effect.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. §80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV—DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(Check the appropriate box.)

[X] Pursuant to 45 C.F.R. §86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address, and telephone number of the designated employee:

Dr. Mabrey L. Miller
(name of employee)

York College, York, NE 68467
(office address)

402-362-4441
(telephone number)

[ ] The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. §86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V—SELF-EVALUATION

(Check the appropriate box.)

[ ] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

[X] The Applicant has completed a self-evaluation as required by 45 C.F.R. §86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

[ ] The Applicant has not completed the self-evaluation required by 45 C.F.R. §86.3(c) but expects to have it completed by _____.
(insert date)

[ ] The Applicant is not required to conduct a self-evaluation under 45 C.F.R. §86.3(c) since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: September 29, 1976

York College
(Insert name of Applicant)

By Dale R. Larsen

(This document must be signed by an official legally authorized to contractually bind the Applicant.)

President
(Insert title of authorized official.)

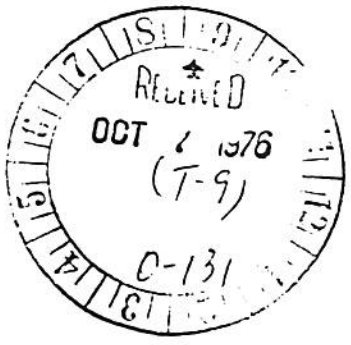
REQUEST FOR EXEMPTIONS FROM

TITLE IX

YORK COLLEGE

YORK, NEBRASKA

September 29, 1976



RELIGIOUS COMMITMENT

York College is controlled and operated by members of churches of Christ. These churches believe the Bible to be the only inspired revelation from God, and that it is God's complete and perfect revelation to human beings. The College claims an exemption from the requirements of Title IX of the Education Amendments of 1972 on a limited number of points on which it understands the requirements of Title IX and the teaching and requirements of the Bible to be in conflict. These points relate to (1) the role of women and men in the church; (2) differences in the nature and appearance of men and women; (3)modesty; (4) sexual morality; and (5) marriage, divorce, and remarriage.

In the first college catalog printed, 1956-57, by the current sponsoring religious group, the philosophy of the College was explained by giving the following quotation from the late Dr. William L. Phelps of Columbia University:

> Everyone who has a thorough knowledge of the Bible may be called educated, and no other learning or culture, no matter how exclusive or elegant, among Europeans or Americans, can take its place. Western civilization is founded upon the Bible. Our ideas, our wisdom, our philosophy, our literature, our art and ideals come more from the Bible than from all other books put together...I thoroughly believe in a university education for both men and women; but I believe a knowledge of the Bible without a college education is more valuable than a college course without the Bible.

The intent of equal opportunity for education for both men and women was present from the beginning of the College. The College continues to be committed to equal educational and employment opportunities for men and women.

York College has made a diligent effort to request an exemption from the Title IX regulations in each of those areas in which it appears there is a conflict. However, York College reserves the right to reexamine the effects of Title IX on the institution and to request other exemptions should there prove to be any conflict.

SPECIFIC EXEMPTIONS REQUESTED

Access to Course Offerings

Department of Christian Education

In the Division of Bible and Related Subjects there are two courses designed for men. They are Christian Education 102 (Song Directing) and Christian Education 123 (Homiletics). These courses are designed for the men who will be preachers and leaders in the public worship of the church. It is one of our religious tenets that women should not serve in leadership roles in public worship (I Corinthians 14:34, I Timothy 2:11-12). Therefore, it is not planned that women should enroll in Christian Education 102 (Song Directing) or Christian Education 123 (Homiletics). An exemption is requested in these courses.

Department of Physical Education

In the Department of Physical Education, the majority of the courses are taught on a coeducational basis. Swimming courses and PE 201 (Conditioning Exercises) are separated by sex because we believe in high standards of modesty in apparel (I Timothy 2:9). An exemption is requested in this area.

Leadership in Religious Activities

It is one of our religious tenets that women should not serve in leadership roles in religious worship where men are present (I Corinthians 14:34, I Timothy 2:11,12). Therefore, women are not invited to take leadership roles during periods of worship. An exemption is requested in the area of worship activities such as worship in assembly and campus devotionals.

Campus Organizations

It is one of our tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11,12). Therefore, we request the exemptive right to form clubs such as a preacher's club or women's training class which would be directed toward teaching the Biblical function of people of that sex.

Athletics

Differences in athletic attire for men and women are based upon a dress code in keeping with our philosophy of modesty (I Corinthians 11:14, I Timothy 2:9).

York College has an intramural program designed to meet the needs of both women and men, which we feel is open to people of each sex in a very balanced way. The intercollegiate area may be more of a problem. An attempt to meet the interests of students with a limited budget is complicated by an inability to control the dress code of visiting teams. The College requests an exemption in this area in order that the Board of the College and its administrative officers may be free to review the results of the intercollegiate program and a possible need for curtailment because of a violation of our fundamental belief in the teaching of the Bible as it relates to modesty.

Rules and Policies

Student regulations at York College involve a dress code in keeping with our philosophy of modesty. An exemption is requested in this area. The differences in rules concerning appearance are based on Biblical principles of modesty (I Corinthians 11:14, I Timothy 2:9).

Employment

Bible Teachers

York College requests an exemption in the hiring of faculty members to teach in the Department of Bible. It is one of our religious tenets that women should not publicly teach Bible classes which include adult males (I Timothy 2:11,12).

Employment Applications

York College requests an exemption in the request for information concerning marriage status in job applications. It is one of our religious tenets that Christian persons should not divorce their mates except for the cause of adultery (Matthew 19:6-9).

Employment Assistance

York College staff members do not recommend females for preaching positions because it is one of our tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11,12).

Scholarships

Money is willed and donated with the specific statement that it be used for scholarships for ministerial students. An exemption is requested in the administration of scholarship funds for preacher students. It is one of our tenets that women should not serve as preachers (I Corinthians 14:34, I Timothy 2:11,12).