

St. Paul Bible College

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March 22, 1989

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

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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.

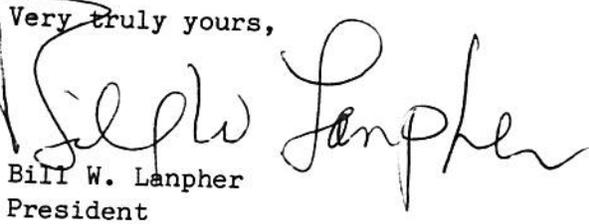
The College generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the extent that such compliance would cause the College to violate its religious tenets and traditions. The College specifically claims 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.

Assistant Secretary for Civil Rights
p. 4

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

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Enclosures: 1 Lifestyle Statement
1 Statement of Faith