



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

MAY 8 1989

Dr. Bill W. Lanpher
President
St. Paul Bible College
St. Bonifacius, Minnesota 55375-9001

Dear Dr. Lanpher:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated March 22, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

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

Your request letter indicates that the College is controlled by The Christian and Missionary Alliance, a non-profit religious corporation. The trustees of The Christian and Missionary Alliance, as well as faculty, students, and employees of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College is governed by and receives a significant amount of its financial support from The Christian and Missionary Alliance. This relationship between The Christian and Missionary Alliance and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter indicates that the College follows biblical standards for Christian morality and "seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, marriage and residential living environments and standards". Your letter further states that the College 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 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.

Based on these tenets, St. Paul Bible College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admissions); § 106.40 (marital or parental status of students); § 106.57 (marital or parental status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the College.

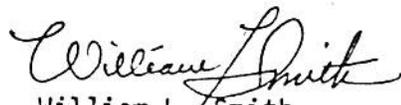
As noted in your letter, under 34 C.F.R. § 106.15(d), private undergraduate institutions are exempt from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23, regarding admission and recruitment. It is the practice of the OCR to grant a religious exemption to § 106.21(c), as in this case, so that programs or activities not undergraduate in nature are exempt, where the application of that section of the regulation conflicts with the religious tenets practiced by the College.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against St. Paul Bible College, we are obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant alleges that the practices followed by St. Paul Bible College are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets.

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

Mr. Kenneth A. Mines
Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
401 South State Street
Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,



William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V