



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

JUL 24 1985

Dr. James G. Kallam  
President  
Southeastern Bible College  
2901 Pawnee Avenue  
Birmingham, Alabama 35256-2699

Dear President Kallam:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter of March 25, 1985 requesting clarification of your request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter you describe certain policies practiced at Southeastern Bible College as consistent with the tenets of the religious organizations that control the institution. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. You have supplied information in your letter of April 4, 1985, that establishes that the institution is controlled by religious organizations and that tenets followed by these organizations conflict with specific sections of the Title IX regulation. Therefore, I am granting Southeastern Bible College an exemption to those sections of the Title IX regulation specified in 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 institution. Southeastern Bible College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.31, 106.34 and 106.51.<sup>1</sup> The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Southeastern Bible College is controlled by various independent churches and Protestant denominational groups including Independent Fundamental Churches of America, Southern Baptists, Presbyterian Churches of America, Christian Missionary and Alliance, Freewill Baptists, Brethren, and Mennonite. These organizations and the Southeastern Bible College believe that the Scriptures provide for men only to be in the office of the pastor of a church and require that women are not to be in the position of teaching men in matters of Biblical instruction and theology. As described in your letter, Southeastern Bible College is governed by a policy-making board of twenty members chosen from constituent churches. This relationship between the constituent churches and Southeastern Bible College adequately establishes that Southeastern Bible College is controlled by religious organizations as is required for consideration for exemption under § 106.12 of the Title IX regulation.

<sup>1</sup> The regulation implementing Title IX was recodified with the creation of the Department of Education in 1980. The Title IX regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

In your letter you indicate that the religious tenets followed by the College dictate that only men should be in the office of the pastor of the church, and thus, study programs in the Pastoral Theology Department are limited to male students. Based on the above principle, Southeastern Bible College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.31, education programs and activities, and 34 C.F.R. § 106.34, access to course offerings. Also, because of religious tenets, the College does not open teaching positions to women in the areas of Biblical instruction and theology. Based on the above principle, Southeastern Bible College has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.51, employment.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organizations, OCR is obligated to contact the controlling organizations to verify those tenets. If the organizations provide an interpretation of tenets that has a different practical impact than that described by the institution, or if the organizations deny that they control the institution, this exemption will be rescinded.

I hope this letter responds fully to your request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas  
Regional Civil Rights Director  
Office for Civil Rights, Region IV  
Department of Education  
101 Marietta Street, N.W., 27th Floor  
Atlanta, Georgia 30323

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

cc: William H. Thomas, Regional Civil Rights Director, Region IV