



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

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PROGRAM OF RESEARCH
OFFICE FOR CIVIL RIGHTS

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

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PO SECONDARY EDUCATION DIVISION
OFFICE FOR CIVIL RIGHTS



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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.

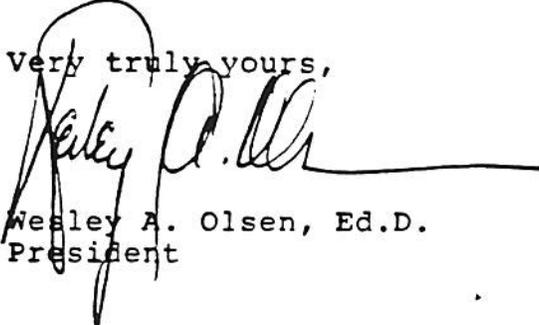
The college generally opposes gender-based discrimination and affirms

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