



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

JAN 5 1989

Dr. Wesley Smith
President
Valley Forge Christian College
Charlestown Road
Phoenixville, Pennsylvania 19460

Dear Dr. Smith:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter dated October 13, 1988, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972.

In your letter you supplied information that establishes that Valley Forge Christian College (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 several policies practiced at the College as being consistent with the tenets of the religious organization that controls the College. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption from those sections of the Title IX regulation specified in your request letter. In doing so, I note an apparent error. You requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I conclude from the facts outlined in your request that you desire an exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). The 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, and 106.57. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is controlled by the General Council of the Assemblies of God and various District Councils of the Assemblies of God. Information provided with your request letter indicates that the College is affiliated with, responsive to and subject to the Constitution and Bylaws of the General Council of the Assemblies of God. The College is operated under its charter by a Board of Regents representing the District Councils of the Assemblies of God, is governed by the Board of Regents and is owned by the member districts. This relationship between the General Council and District Councils of the Assemblies of God and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. § 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the officers and faculty of the College are bound by the General Council's Statement of Fundamental Truths, and that the objective of the College is to provide education to men and women for Christian service based upon the teaching of the Bible and the

Statement of Fundamental Truths. Your letter identified two of the sixteen tenets contained in the Statement of Fundamental Truths as being pertinent to your request. Specifically, your letter states that the provisions of 34 C.F.R. §§ 106.21(c), 106.40, and 106.57 conflict directly with the tenets of the College and its controlling organization because in some cases, these provisions contradict the Bible and the church's view on sanctification.

Your letter cites as examples of such contradiction the religious tenets that require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married.

Based on the information submitted, Valley Forge Christian College is granted by this letter exemption from 34 C.F.R. §§ 106.21(c) (marital and parental status of applicants for admission); 106.40 (marital and parental status of students); and 106.57 (marital and parental status of employees), to the extent that application of these sections 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 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 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 Philadelphia OCR at the following address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street - 03-2010
Room 6300
Philadelphia, Pennsylvania 19104- 3326

Sincerely,



LeGree S. Daniels
Assistant Secretary
for Civil Rights

Enclosure

cc: Dr. Robert A. Smallwood, Regional Civil Rights Director, Region III