

CR 87-22908



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

JAN 25 1989

Dr. Harry E. Fletcher  
President  
Washington Bible College  
Capital Bible Seminary  
6511 Princess Garden Parkway  
Lanham, Maryland 20706

Dear Dr. Fletcher:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of Washington Bible College/Capital Bible Seminary's (College/Seminary) request for religious exemption to Title IX of the Education Amendments of 1972.

In your letter of December 21, 1988, requesting a religious exemption, you describe certain policies practiced at the College/Seminary 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 (copy enclosed) absent a religious exemption. You provided information in your request letter that establishes that the College/Seminary is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the College/Seminary 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 institution. The College/Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39 and 106.40. The basis for this decision is discussed in further detail below.

Your request letter indicates that the College/Seminary provides biblical and professional education to prepare students for Christian ministry worldwide, and provides a biblical and theological resource center for Christian laymen and for the continuing education of pastors, missionaries, and other Christian workers. The Board of Trustees, administrative officers and faculty subscribe to and sign the College/Seminary's statement of doctrine, and students must agree with the Doctrinal Statement for graduation from degree and diploma programs. The preparation of students for religious vocations, and the requirement that employees subscribe to and graduating students agree with the Doctrinal Statement, adequately establishes that the College/Seminary 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/Seminary follows religious tenets that prohibit sex outside of the marriage relationship. Thus, providing insurance coverage for pregnancy for students who are pregnant and unmarried is inconsistent with these tenets. Based on these tenets, the College/Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services) and § 106.40 (marital or parental status of students). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

The exemption granted herein to §§ 106.39 and 106.40 has the following limitations. Your request letter does not suggest that pregnancy and related conditions for married women are contrary to the tenets followed by the institution. Therefore, if the College/Seminary offers a student health insurance plan that includes provisions for temporary disabilities, then pregnancy and related conditions for married women, other than abortion related conditions, must be treated as any other temporary disability. (Under the Civil Rights Restoration Act of 1987, institutions are neither required to nor prohibited from providing or paying for abortion.) The College/Seminary's student health insurance plan may not charge an additional premium for pregnancy coverage without charging the same additional premium for coverage of temporary disabilities.

You may wish to review the enclosed copy of the Title IX regulation to determine whether the College/Seminary may wish to claim exemption to additional sections of the regulation.

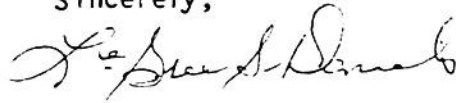
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. 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.

Page 3 - Dr. Harry E. Fletcher

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

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

Sincerely,



LeGree S. Daniels  
Assistant Secretary  
for Civil Rights

Enclosure

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