

EVANGEL

U N I V E R S I T Y

A CHRISTIAN LEARNING-CENTERED UNIVERSITY

March 20, 2017

Assistant Secretary

U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

Re: Statement of exemption under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12

Dear Assistant Secretary:

I am President of Evangel University of the Assemblies of God, located in Springfield, Missouri. As such, I am the highest ranking official of this institution. As a university affiliated with the Assemblies of God, we believe every person is created in the image of God and should be treated with dignity and respect. I submit the following statement in order to claim on behalf of the University the religious tenet exemption from Title IX of the Education Amendments of 1972 which is provided for in 20 U.S.C. 1681, and which is the subject of 34 C.F.R. 106.12.

The University is the national university of the Assemblies of God. It was originally chartered in 1955 as Evangel College of the Assemblies of God by the state of Missouri. In 1998, by unanimous vote of the Board of Trustees and the General Presbytery of the Assemblies of God, Evangel College became Evangel University of the Assemblies of God (referred to herein as “Evangel University” or the “University”). It is a benevolent corporation whose principal office address is 1111 N. Glenstone Avenue, Springfield, MO 65802.

The mission of the University is stated as follows:

Evangel University is a comprehensive Christian University committed to excellence in educating and equipping students to become Spirit-empowered servants of God who impact the church and society globally.

The University is controlled by a religious organization, the General Council of the Assemblies of God. The General Council of the Assemblies of God is a Missouri

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benevolent corporation and constitutes an “association of churches” in the terminology of the Internal Revenue Code.

The General Council of the Assemblies of God (“General Council”) controls the University, in part, by exercising its right to appoint membership to the board of trustees, the governing body of the University. Per University Bylaws, which I enclose, board members are selected by the board for election by the Executive Presbytery of the General Council of the Assemblies of God and ratification by its General Presbytery. In addition, Evangel University is an Affiliated Entity of the General Council of the Assemblies of God, and thus our annual financial statements are audited and consolidated with the General Council of the Assemblies of God.

The Executive and General Presbytery’s authority over the University constitutes control by the General Council, which alone is sufficient cause for the University to be exempt from Title VII of the Civil Rights Act of 1964’s general prohibition against an educational institution “which is in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association or society.”

The following explains why the University qualifies for the exemption set forth at 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12.

Evangel University qualifies for Title IX’s religious exemption.

The General Council, the highest governing body of the church, has established the Alliance for Assemblies of God Higher Education (“Alliance”) and tasked the Alliance with developing educational, spiritual, and theological standards for schools that wish to be affiliated with the church. To fulfill this mandate, the Alliance developed endorsement criteria that are intended to facilitate the development of educational institutions that are committed to the Assemblies of God’s mission, to the integration of faith and learning in the Pentecostal tradition, and to academic excellence (“Endorsement Criteria”). The purpose of the Endorsement Criteria is to ensure doctrinal fidelity and institutional conformity to Assemblies of God standards of morality.

Evangel University is endorsed by the Alliance and is committed to maintaining this status by carefully following the Endorsement Criteria.

Consistent with the Endorsement Criteria, Evangel University’s mission documents commit the University to the formation of mature Christian character and spiritual life, the development of loyalty to the doctrines and principles of the Assemblies of God, and the preparation of leaders for the Kingdom of God and the Assemblies of God.

The Endorsement Criteria also shape how Evangel University selects its leadership, faculty, administrators, and students. At least 90% of the University's board members are affiliated with the Assemblies of God, and the remaining board members are affiliated with another Pentecostal church. Under the Endorsement Criteria, the University may not deviate from these standards without permission from the Alliance.

Consistent with Alliance standards, the University asks all student applicants for on-campus programs to affirm that they are born-again Christians, that they desire to be involved in Christian service, and that they agree with the accepted essentials of the Christian faith as held by the Assemblies of God. Applicants must also provide a letter of recommendation from a pastor.

Student life at Evangel University is also shaped by our commitment to Alliance standards. The University shares the Assemblies of God's conviction that Christian colleges and universities should form their students both academically and spiritually. Faithful to the Endorsement Criteria, Evangel helps stimulate students' appreciation for the Word of God and encourages students to pursue spiritual maturity and excellence. The University is dedicated to strengthening our students' appreciation of and attachment to the Christian church, especially the Pentecostal tradition, and to the Assemblies of God. Each student is expected to be involved in ministry and service for at least two semesters, with more expected of students in ministry-related majors.

As part of our commitment to developing a robust Christian community, and consistent with the Alliance's standards, the University holds at least three chapel services each week, which are mandatory for students. The University also has expected church and chapel attendance policies for administrators and faculty.

Because Evangel University adheres to the Endorsement Criteria, it is eligible for financial support from the Assemblies of God. The Alliance develops financial resources for endorsed colleges in cooperation with the Assemblies of God Trust. The Alliance also develops educational resources and offers conferences to help affiliated schools better serve their mission and their students. The University is significantly supported by Assemblies of God sources, receiving \$2,048,389 in contributions from these sources in the most recent year. Since the University's founding, the General Council has contributed over \$44,000,000 to support the University and its theological seminary.

The University asserts an exemption from those regulations which are inconsistent with our religious tenets, and those include:

Admissions

34 C.F.R. § 106.21 and §106.22 including but not limited to 106.21(b)(iii) (governing differential treatment on the basis of sex in admissions); and (c) (governing admissions prohibition on the basis of marital or parental status).

Recruitment

34 C.F.R. § 106.23 (governing nondiscriminatory recruitment);

Education Programs or Activities

34 C.F.R. § 106.31(b)(4) (governing different rules of behavior or sanctions), and (b)(7) (otherwise limiting any person in the enjoyment of any right, etc.);

34 C.F.R. § 106.32 (governing housing);

34 C.F.R. §106.33 (governing comparable facilities such as restrooms and locker rooms);

34 C.F.R. §106.37 (governing financial assistance);

34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students); and 34 C.F.R. § 106.41 (governing athletics);

Employment

34 C.F.R. § 106.51 (governing employment);

34 C.F.R. § 106.52 (employment criteria);

34 C.F.R. § 106.53 (recruitment);

34 C.F.R. § 106.57 (governing the consideration of marital or parental status in employment decisions); and

34 C.F.R. § 106.60 (governing pre-employment inquiries).

As a Christian institution, Evangel University believes that all matters of faith and conduct must be aligned with holy scripture, which is our infallible guide (2 Timothy 3:16-17). As a school founded in and inspired by the Assemblies of God tradition and endorsed by the Alliance, Evangel University aligns with the General Council and the General Presidency of the Assemblies of God with respect to interpretation of Scripture.

Human Dignity: The Assemblies of God believes that God created humankind in His image, and that people receive their essential dignity from the fact that they are created in God's image and are loved by Him (Genesis 1:27). This dignity does not depend on whether someone is single or married or on whether someone suffers from any particular temptation to sin (1 Corinthians 7; Romans 5:8).

Abortion: The Assemblies of God believes that human beings bear the image of God and receive their essential identity and dignity before they are born (Luke 1:31-44; Acts 7:19; Job 31:15; Psalm 139:13-16). As such, the Assemblies of God believes that abortion is the killing of innocent human life and is therefore prohibited by the Ten

Commandments and elsewhere throughout (Exodus 20:13, 21:22-24; Matthew 19:18; Romans 13:9).

Marriage: The Assemblies of God defines marriage as the permanent, exclusive, comprehensive, and conjugal union of one man and one woman, intrinsically ordered to procreation and biological families, and in furtherance of the moral, spiritual, and public good of binding father, mother, and child. The Assemblies of God teaches that the purpose of Christian marriage is to reflect the love, purity, and permanence between Christ and the Church (Ephesians 5:23-33).

Sexual Conduct: The Assemblies of God believes that God has designed sexual intimacy for marriage, and that sexual acts outside of marriage between one man and one woman are sinful. (Exodus 20:14; Leviticus 18:7–23; 20:10–21; Deuteronomy 5:18; Matthew 5:27–28; 15:19; Romans 1:26–27; 1 Corinthians 6:9–13; Galatians 5:19; Ephesians 4:17–19; Colossians 3:5; 1 Thessalonians 4:3; Hebrews 13:4).

Sexual Orientation: The Assemblies of God affirms the sexual complementarity of man and woman and teaches that same-sex sexual attractions are temptations to sin and should therefore be resisted. (Genesis 1:27; 2:24; Matthew 19:4–6; Mark 10:5–9; Romans 1:26–27; 1 Corinthians 6:9–11).

Sexual Identity: The Assemblies of God believes that God created humankind in His image, male and female, sexually different but with equal personal dignity. The church supports the dignity of individual persons affirming their biological sex and discouraging any and all attempts to physically change, alter, or disagree with their biological sex. (Genesis 1:26–28; Romans 1:26–32; 1 Corinthians 6:9–11).

Sexual Equality: The Assemblies of God believes that men and women have equal dignity before God and does not make any distinction between the sexes when selecting people for ministry or spiritual leadership positions. Having observed that God pours out His Spirit upon both men and women, the Assemblies of God concludes that God gifts both sexes for ministry in His Church.

Evangel University believes and embraces these teachings and has integrated them into its standards for its administrators, faculty, and students. In order to help foster these standards and to help ensure that the University is a place of nourishment, Evangel University has adopted a student policy manual that clearly outlines policies regarding expectations for student behavior, accountability, rules and disciplinary actions, and other general expectations for student life on campus.

None of this is to say that Evangel University or the Assemblies of God excludes anyone based on their sins or based on their temptations. The Assemblies of God believes that all have sinned and fall short of the glory of God and should seek

redemption through confession, repentance, baptism, and faith in Jesus Christ. We welcome and treat with respect, compassion, and sensitivity all who experience same-sex attractions, confess sexually immoral acts, or who have emotional struggles with their biological sex, provided they are committed to resisting sexual temptation, refraining from sexual immorality, and orienting their thinking and behavior in the light of biblical teachings. (Matthew 11:28–30; Romans 3:23; 1 Corinthians 10:13; Ephesians 2:1–10; Hebrews 2:17–18; 4:14–16). However, in keeping with our biblical beliefs about sexual morality, Evangel University cannot in good conscience support or encourage an individual to live in conflict with biblical principles. Any individual who violates our community covenant for biblical living is subject to discipline, including expulsion.

Evangel University believes that its policies and practices, informed by Assemblies of God teachings, do not discriminate on the basis of sex—that is, between men and women—and therefore do not violate Title IX. However, at the same time, I understand that Evangel University's faithful application of the religious tenets set forth above may conflict with the way that the Department may interpret or seek to apply certain provisions of 34 C.F.R. 106. Potential conflicts include:

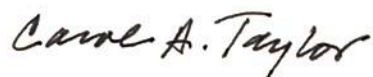
Admissions and Student Discipline: Based on the convictions listed above, Evangel University believes that it cannot fulfill its God-given mission and build an intentional Christian community if it cannot expect students to embrace and do their best to follow the Assemblies of God's teachings about sexual morality and sexual identity. These convictions shape the University's admissions policies, the student community covenant and discipline policies.

Housing, Restrooms, and Locker Rooms: Based on the convictions listed above, Evangel University expects all students to embrace their God-given biological sex. This expectation shapes the University's policies regarding student housing, restroom and locker room use, and participation in athletic programs.

Marriage, Sexual Conduct, and Abortion: Based on the convictions listed above, Evangel University expects all students, faculty, and administrators to honor the Assemblies of God's teachings on marriage, sexual conduct, and abortion.

I trust this letter and the enclosure is sufficient, but if you require any additional information, please let me know. Thank you for your attention to this matter.

Sincerely,



Carol A. Taylor, Ph.D.
President
Evangel University