

Andrews University Berrien Springs, Michigan 49104 (616) 471-7771

President

March 21, 1979

Mr. Waite H. Madison, Jr., Acting Director
Division of Postsecondary Education
Office of Compliance and Enforcement
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D. C. 20201

Dear Mr. Madison:

This is in reply to your letter of March 1, 1979 in regard to a religious exemption from certain provisions of the Title IX regulation. In the Title IX assurance form previously filed with the Department of Health, Education, and Welfare, Andrews University requested that it be granted exemptions, as provided for in 45 CFR Section 86.11, from certain provisions of Title IX regulations because they appeared to be in conflict with certain religious teachings of the Seventh-day Adventist Church, of which Andrews University is an integral part. Specifically, Andrews University requested exemptions from the following regulations on the grounds hereinafter stipulated:

45 CFR Sections 86.21, 86.40, and 86.57 which pertain to marital and parental status: The eighth Fundamental Belief of the Seventh-day Adventist Church states "that the law of the ten commandments points out sin" (Church Manual 33). The seventh commandment, Exodus 20:14, states, "Thou shalt not commit adultery." The church interprets this commandment to cover adultery, fornication, various perversions, and certain remarriages ("Reasons for Which Members Shall Be Disciplined," Church Manual 247). The Church Manual comments: "The church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its action. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins" (p. 249).

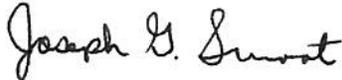
45 CFR Section 86.31 which deals with regulations governing student appearance: The Seventh-day Adventist Church adheres to basic Biblical teachings that wearing apparel should be modest, that jewelry should not be worn, and that there should be distinctions between men's and women's clothing (1 Tim. 2:9 and Deut. 22:5). For more than one hundred years the writings of Ellen G. White, considered to be divinely inspired, have guided the church in interpreting the above mentioned Biblical principles ("Clothing" and "Jewelry," Comprehensive Index to the Writings of Ellen G. White). The Church Manual states that "believers should recognize their bodies as the temple of the Holy Spirit, and that therefore they should clothe them in neat, modest, dignified apparel" (pp. 36-37).

Andrews University, as a church institution, is obligated to uphold the above religious standards in its relationships with its students and employees.

Andrews University believes it is in compliance with the requirements of Title IX because it applies its religious principles and regulatory standards equally to students and employees of both sexes. It has requested these specific religious exemptions because it is not clear as to how the regulations promulgated under Title IX will be interpreted and applied to religious institutions, specifically to Andrews University.

Background information demonstrating that Andrews University is religiously controlled: The Seventh-day Adventist Church in the United States operates a number of senior colleges and universities to provide for its youth the opportunity to do advanced study within the context of the church's world view and sense of mission. Andrews University is owned and operated by the Seventh-day Adventist church and is, therefore, an integral part of the church. Andrews University is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the church's basic 501 (c) (3) tax exemption. In addition the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff.

Very sincerely yours,



Joseph G. Smoot
President

r