



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

SEP 13 1985

Dr. W. Richard Leshar
President
Andrews University
Berrien Springs, Michigan 49104

Dear President Leshar:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Andrews University filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President Smoot (copy enclosed) in which he described several policies practiced at Andrews University as 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. Andrews University supplied information that establishes that the institution 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 Andrews University an exemption to those sections of the Title IX regulation specified in the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Andrews University. Andrews University 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 basis for our decision to grant this exemption is discussed in further detail below.

The former president's letter indicates that Andrews University is controlled by the Seventh-day Adventist Church. The Seventh-day Adventist Church and Andrews University practice the tenets of opposing all acts of "moral indiscretion." Andrews University is owned and operated by the Seventh-day Adventist Church and the University is listed in the Church yearbook as a Seventh-day Adventist educational institution. This relationship between the Seventh-day Adventist Church and Andrews University adequately establishes that Andrews University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Andrews University must adhere to tenets of the Seventh-day Adventist Church by practicing moral discretion. According to the Church Manual, the Church "must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins"

Based on this principle, Andrews University has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission), § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees and applicants for employment).

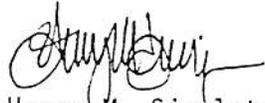
Andrews University also requested an exemption to § 106.31, which in part prohibited discrimination in rules of appearance. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Therefore, an exemption for appearance codes is not necessary.

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. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V