



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

AUG 16 1985

Mr. Angel M. Rodriguez
President
Antillian College
Post Office Box 118
Mayaguez, Puerto Rico 00708

Dear President Rodriguez:

The Office for Civil Rights (OCR) of the Department of Education is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Antillian College (College) 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 Israel Recio (copy enclosed) in which he described several policies practiced at the College 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. Former President Recio supplied information in his request letter that established 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 the College an exemption to those sections of the Title IX regulation specified in his 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. Antillian College is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21, § 106.40 and § 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Former President Recio indicated that Antillian College is controlled by the Seventh-day Adventist Church, that it is one of twelve institutions operated by the Church, and that "members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between the Seventh-day Adventist Church and the College adequately establishes that Antillian College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In his letter former President Recio indicated that the Seventh-day Adventist Church and the College practice the tenets identified in the Church Manual requiring faculty and students to adhere to a religious standard in terms of moral conduct and appearance. Thus, the institution practices the following:

The College seeks to discern all acts of moral indiscretion and other grievous sins that may violate the eighth Fundamental Belief of the Seventh-day Adventist Church.

Based on the above principle, Antillian College has requested and is granted by this letter exemption to: § 106.21 (admissions, including inquiry regarding parental and marital status of potential students); § 106.40 (student marital or parental status); and § 106.57 (employee marital or parental status).

The College also requested exemption to § 106.31(b)(5) regarding rules of appearance. OCR rescinded § 106.31(b)(5) effective September 17, 1982. Therefore, no exemption to this section is 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 institution's request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II