



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

SEP 13 1985

Dr. James A. Bennett
President
Bethel College
1001 West McKinley Avenue
Mishawaka, Indiana 46545

Dear President Bennett:

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 Bethel College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed former President Beutler's request (copy enclosed) in which he described several policies practiced at Bethel 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. The former president supplied information in his request letter that establishes that Bethel College 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 Bethel College 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 Bethel College. Bethel College 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 request letter indicates that Bethel College is affiliated with The Missionary Church. Bethel College practices tenets in accordance with the position of The Missionary Church regarding "practices and conduct in social relationships that reflect the spiritual ideals of Christianity." This relationship between The Missionary Church and Bethel College adequately establishes that Bethel College 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 Bethel College must adhere to tenets of The Missionary Church relative to a prohibition of pregnancy that occurs out of wedlock. Based on this principle, Bethel College 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).

Page 2 - Dr. James A. Bennett

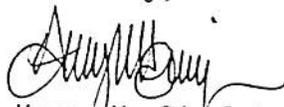
An exemption for § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was rescinded from the Title IX regulation. Thus, an exemption for appearance codes is not necessary.

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