

President
Alton L. Wade

Brigham Young University
Hawaii Campus



March 28, 1989

Mr. LeGrees Daniels
Assistant Secretary for Civil Rights
United States Department of Education
400 Maryloan Avenue S.W.
Washington, D.C. 20202

RE: Notification of Brigham Young University-Hawaii Exemption from Certain
Title IX Regulations (Revised from March 21, 1989 letter).

Dear Assistant Secretary Daniels:

The purpose of this correspondence is to provide the United States Department of Education with official notification that Brigham Young University-Hawaii, located in Laie, Hawaii (hereinafter referred to as "BYU-Hawaii") considers itself exempt from the application of 34 CFR Sections 106.21(c), 106.40, 106.57(b), 106.31, 106.36, 106.39 and 106.40(b)(4), to the extent described in this correspondence and not already exempted by previous Department of Education actions, which regulations are published pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681 et seq., a federal statute prohibiting sex discrimination in educational programs. BYU-Hawaii expressly requests the Department to formally recognize that BYU-Hawaii is exempt from the applications of these sections because the provisions of each section are in conflict with religious teachings and tenets of the Church of Jesus Christ of Latter-day Saints (hereinafter occasionally referred to as "the Church"), a religious organization which sponsors and controls BYU-Hawaii.

As noted, BYU-Hawaii, a Utah non-profit corporation, is owned, operated and controlled by the Church of Jesus Christ of Latter-day Saints and is eligible for exemption from the regulations pursuant to 34 CFR Section 106.12. The Church's headquarters are located in Salt Lake City, Utah. The Church originally created BYU-Hawaii on March 11, 1970 and has since been continuously and ultimately responsible for its operation. The BYU-Hawaii Board of Trustees consists of persons appointed by the governing board of the LDS Church and over two-thirds of the BYU-Hawaii operating budget is derived directly from appropriations from the Church. While non-members of the Church are welcome to apply for admission as students and for employment, all students and employees are expected to live according to a behavioral standard that is rooted in the religious teachings of the Church.

In general terms, this standard requires one to abide by the standards of general Christian living taught by the Church; to be honest in all behaviour; to respect the personal and property rights of others; to obey the law of the land; to disavow the use of alcoholic beverages, tobacco, tea, coffee and illegal drugs; to observe prescribed, modest standards of dress and grooming; to abstain from sexual relations outside marriage; and to observe high standards of taste and decency. Members and non-members of the Church who refuse to accept and adopt these standards as their own are not eligible for admission as students or for employment at the University. Both historically and at present, over 90% of the BYU-Hawaii students and employees are members of the Church.