



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

JUN 18 1985

Dr. William Loveless
President
Columbia Union College
Takoma Park, Maryland 20012

Dear Dr. Loveless:

The Office for Civil Rights of the Department of Education (OCR/ED) 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 Columbia Union College filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed your request (copy enclosed) in which you describe several policies practiced at Columbia Union 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. You have supplied information in your request letter 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 Columbia Union College an exemption to those sections of the Title IX regulation specified in your 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. Columbia Union College is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21, 106.40, and 106.57. The bases for our decision to grant this exemption are discussed in further detail below. A request for exemption from § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was deleted from the Title IX regulation in 1982. Thus, an exemption for appearance codes is unnecessary.

Your letter indicates that Columbia Union College is controlled by the Seventh-day Adventist Church. The Seventh-day Adventist Church and Columbia Union College practice the tenets of opposing all acts of moral indiscretion, including adultery and "fornication." Your letter stated that Columbia Union College is owned and operated by the Seventh-day Adventist Church and that the College is listed in the Church yearbook as a Seventh-day Adventist educational institution. This relationship between the Seventh-day Adventist Church and Columbia Union College adequately establishes that Columbia Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you stated that the church disapproves of adultery, fornication and moral indiscretion. Thus, the institution enforces moral discretion as it relates to sexual activity.

Based on the above principle, Columbia Union College has requested and is granted by this letter, exemption to: § 106.21: Admissions; § 106.40: Marital or parental status (students) and § 106.57: Marital or parental status (employees).

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 here 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 the original request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Dewey E. Dodds
Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Philadelphia, Pennsylvania 19104

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures