



CR 8608027

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

JUL 12 1988

Dr. Eugene B. Habecker  
President  
Huntington College  
2303 College Avenue  
Huntington, Indiana 46750-1299

Dear Dr. Habecker:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated March 10 and April 18, 1988, requesting a religious exemption to Title IX of the Education Amendments of 1972. In your correspondence, you describe certain policies practiced at Huntington 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 provided information in your letters that establishes that Huntington 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 Huntington College an exemption to those sections of the Title IX regulation appropriate to your request letters. Huntington 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, 106.57, and 106.60(a). The exemption is limited to the extent that compliance with these sections of the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your correspondence indicates that Huntington College was founded by the Church of the United Brethren in Christ and is "church-owned." Also, the faculty at Huntington College subscribe to a statement of faith. This relationship between Huntington College and the Church of the United Brethren in Christ adequately establishes that Huntington 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 of March 10, 1988, you indicate that Huntington College follows tenets based upon certain Biblical teachings. Those tenets, as practiced at Huntington College, do not permit the acceptance of a person as a student or faculty member who has procured a divorce under circumstances contrary to Biblical teaching. Based on this principle, Huntington College has requested, and is granted by this letter, exemption to § 106.21(c) and § 106.60(a) regarding pre-admission and pre-employment inquiries as to marital status. This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by Huntington College.

You also indicate that Huntington College reserves the right to exclude students and employees, both mother and father, responsible for pregnancy outside marriage. This practice is based upon the College's following a "religious/Biblical tenet" regarding sexual morality. Based on this principle, Huntington College is granted by this letter, exemption to §§ 106.21(c), 106.40, and 106.57 regarding marital or parental status of students or employees or applicants for admission or employment. This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by Huntington College.

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 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.

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

Mr. Kenneth A. Mines  
Regional Civil Rights Director  
Office for Civil Rights, Region V  
Department of Education  
401 South State Street  
Room 700C  
Chicago, Illinois 60605

Sincerely,



LeGree S. Daniels  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V