



November 12, 1975

Hon. David Matthews
Secretary of Health,
Education and Welfare
330 Independence Avenue, S. W.
Washington, D. C. 20201

Re: Notification that the LDS Business College is exempt from certain
Title IX Regulations

Dear Mr. Secretary:

This letter will serve as official notification that the LDS Business College considers itself exempt from portions of the provisions of Sections 86.21(c), 86.40(b), 86.57(b) and 86.31(b)(5) of the regulations published under Title IX of the Education Amendments of 1972 because such sections conflict with the religious teachings of the Church of Jesus Christ of Latter-day Saints, which sponsors this institution.

For example, all students and employees at the LDS Business College, male and female, agree to abide by the moral teachings of the Church as embodied in the College's enclosed "Code of Honor." We object to portions of these regulations because they would prevent us from advocating and practicing this religious standard of morality, including sexual morality, among the employees and students of the College. Portions of these regulations would bar our taking notice of or acting upon flagrant violations of this moral code. We intend to continue to practice our moral code, which applies on the same basis to men and women.

So far as we know, the sections of the Title IX regulations referred to above are the only ones which conflict with the Church's religious teachings. However, if other regulations are later interpreted in such a way as to bring them into conflict with our religious beliefs, we will notify you of our objections to such sections.

We assure you that the LDS Business College does not claim the right to discriminate against members of either sex. None of our policies or activities has the purpose or effect of promoting greater opportunity for members of one sex than the other or implying in any way that either sex is inferior to the other.

7511170004

Hon. David Matthews
Page 2
November 12, 1975

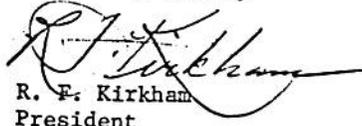
Enclosed is a copy of a notice entitled "Notification of Brigham Young University Policy of Nondiscrimination on the Basis of Sex;" which has been published in local newspapers as required by section 86.9 of the regulations. The notification states that this is also "the position of ... LDS Business College." You will note from this publication that the LDS Business College considers most, if not all, of the Title IX regulations to be unlawful as applied to its programs, most of which receive no direct federal funding. Nevertheless, this notice proclaims our determination to maintain policies which are consistent with the regulations, except for the instances noted in the publication.

We do not concede that the Department of Health, Education and Welfare has the power to review our claim of exemption on the ground of religion. Our rights to the free exercise of religion are granted and fully protected by the United States Constitution, which prohibits any government inquiry into the truth of our religious principles or the sincerity of our belief in them. Title IX also exempts religious institutions.

We do not wish to be seen as defying the authority given to the Department of Health, Education and Welfare under Title IX or other civil rights statutes. We fully support the goal of equal opportunity for all persons. I am certain that as you review the enclosed notice you will see that the LDS Business College does not discriminate unlawfully against members of either sex and that a reasonable interpretation of Title IX and the regulations would find us in compliance.

I would be happy to correspond further with you and to confer with members of your department concerning the information contained in this letter.

Very truly yours,


R. F. Kirkham
President

rr
Enclosures (2)

cc: Peter E. Holmes
Rulon Garfield
Joe Maldonado
Kenneth H. Beesley