



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

JUL 22 1985

Dr. R. F. Kirkham
President
LDS Business College
411 East South Temple Street
Salt Lake City, Utah 84111

Dear President Kirkham:

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 LDS Business College (LDSBC) 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 the LDSBC 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 the LDSBC 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. The LDSBC is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21(c), § 106.40(b) and § 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below. You also requested an exemption from § 106.31(b)(5) regarding rules of appearance. This section was rescinded from the regulation in 1982. Thus, an exemption for appearance codes is unnecessary.

Your letter indicates that the LDSBC is controlled by the Church of Jesus Christ of Latter-day Saints (CJCLDS). All students and employees at the LDSBC agree to abide by the moral teachings of the Church as embodied in the College's "Code of Honor." This relationship between the CJCLDS and the LDSBC adequately establishes that the LDSBC is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

With your request letter you enclosed a document entitled, "Notification of Brigham Young University Policy of Non-Discrimination on the Basis of Sex," which also states the position of the LDSBC. That document states that the institutions teach and enforce "strict adherence to the highest

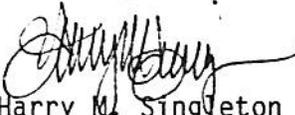
Christian standards of sexual morality." Based on this principle, the LDSBC has requested and is granted by this letter, exemption to 34 C.F.R. § 106.21(c), § 106.40(b), and 106.57(b).

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
Federal Office Building
1961 Stout Street, - Room 1185
Denver, Colorado 80294

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII