



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

MAY 16 1989

Dr. Donald O. Ericksen
President
Northwestern College
3003 North Snelling Avenue
St. Paul, Minnesota 55113

Dear Dr. Ericksen:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letters, dated June 23, 1988, and March 16, 1989, requesting a religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX).

In your request letters, you provided information that establishes that Northwestern College (the College) is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation (copy enclosed). You described in your request letters certain policies practiced at the College as being consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX absent a religious exemption. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letters. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. Northwestern 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, 106.51, 106.53, 106.55, 106.57, 106.59, and 106.60. The basis for this decision is discussed in further detail below.

Your request letters indicate that the College is controlled by Northwestern College, Inc., (the Corporation), a non-profit religious corporation. The directors of the Corporation and faculty and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. Official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion. In addition, the College receives its entire financial support from the Corporation. This relationship between the Corporation and the College adequately establishes that Northwestern College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter of March 16, 1989, indicates that the College follows biblical standards for Christian morality and "seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, marriage and residential living environments and standards." Based on these tenets, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); § 106.57 (marital or parental

status of employees); and § 106.60 (pre-employment inquiries). This exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

Your letter of June 23, 1988, indicates that the College follows religious standards concerning the performance of any religious role or office in which gender distinctions may be required. Based on these tenets, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment); § 106.53 (recruitment of employees); § 106.55 (job classification and structure); and § 106.59 (advertising for employees), where courses or employment positions involve religious roles limited on the basis of sex. Thus, this exemption is limited to the extent that compliance with these sections conflicts with the religious tenets followed by the institution.

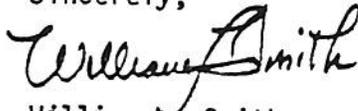
As noted in your letter of March 16, 1989, under 34 C.F.R. § 106.15(d), private undergraduate institutions are exempt from the requirements of Subpart C of the Title IX regulation, in effect, §§ 106.21, 106.22, and 106.23, regarding admission and recruitment. It is the practice of OCR to grant a religious exemption to § 106.21(c), as in this case, so that programs or activities not undergraduate in nature are exempt, where the application of that section of the regulation conflicts with the religious tenets practiced by the 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 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.

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
U.S. Department of Education
401 South State Street, Room 700C, 05-4010
Chicago, Illinois 60605-1202.

Sincerely,



William L. Smith
Acting Assistant Secretary
for Civil Rights

Enclosure

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