

Pacific
Union
College

June 13, 1989

William L. Smith, Acting Assistant
Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Smith:

As the President and highest ranking official of Pacific Union College, I hereby apply, on its behalf, for the exemptions available to educational institutions controlled by religious organizations as provided by 34 C.F.R. Section 106.12(b) of the Regulations for Title IX of the Education Amendments of 1972 (20 U.S.C.S. Section 1681) on the grounds certain provisions of the Title IX Regulations conflict with the religious tenets of the Seventh-day Adventist Church, the controlling organization under which Pacific Union College operates. It was believed a prior administration had applied for the exemption but upon checking the records, no such application or approval thereof was found.

Specifically, Pacific Union College requests exemption from the following regulations based on the religious tenets cited below:

Regulations - 34 C.F.R.

1. Section 106.21(c) - Admissions, Prohibitions Relating to Marital or Parental Status;
2. Section 106.39 - Health and Insurance Benefits and Services;
3. Section 106.40 - Marital or Parental Status (Students);
4. Section 106.57 - Marital or Parental Status (Employees); and
5. Section 106.60(a) - Pre-employment Inquiries re Marital Status.

Explanation

- A. The First Fundamental Belief of the Seventh-day Adventist Church states, in part: "The Holy Scriptures are the infallible revelation of His will. They are the standard of character, the test of experience, the authoritative revealer of doctrines, and the trustworthy record of God's acts in history." (S.D.A. Church Manual, 1986 ed., page 23)

- B. The Eighteenth Fundamental Belief of the Seventh-day Adventist Church states, in part: "The great principles of God's law are embodied in the Ten Commandments and exemplified in the life of Christ. They express God's love, will, and purposes concerning human conduct and relationships and are binding upon all people in every age." (Exodus 20:1-17, see especially 20:14, S.D.A. Church Manual, 1986 ed., page 28)
- C. The Twenty-first Fundamental Belief of the Seventh-day Adventist Church states, in part: ". . . our bodies are the temples of the Holy Spirit, we are to care for them intelligently. Along with adequate exercise and rest, we are to adopt the most healthful diet possible and abstain from unclean foods identified in the scriptures. Since alcoholic beverages, tobacco, and the irresponsible use of drugs and narcotics are harmful to our bodies, we are to abstain from them as well." (S.D.A. Church Manual, 1986 ed., page 29)
- D. The Twenty-second Fundamental Belief of the Seventh-day Adventist Church states, in part: "Marriage was divinely established in Eden and affirmed by Jesus to be a lifelong union.... Regarding divorce, Jesus taught that the person who divorces a spouse, except for fornication, and marries another, commits adultery." (Exodus 20:12, (S.D.A. Church Manual, 1986 ed., page 30)

The Seventh Commandment, Exodus 20:14, states: "Thou shalt not commit adultery." The Church interprets this commandment along with the other Fundamental Beliefs set forth above, to cover adultery, fornication, various perversions, and certain remarriages (Reasons for Which Members Shall Be Disciplined, S.D.A. Church Manual, 1986 ed., page 162). The S.D.A. Church Manual comments: "The Church cannot afford to deal lightly with such sins, nor permit personal considerations to affect its actions. It must register its decisive and emphatic disapproval of the sins of fornication, adultery, all acts of moral indiscretion, and other grievous sins...." (page 162)

- E. The P.U.C. CAMPUS LIVING brochure states as follows on pages 3 and 4 thereof:

COLLEGE REGULATIONS

Since Biblical principles underlie the ideals of Pacific Union College, members of the academic community are expected to live as Seventh-day Adventist Christians. Membership in the collegiate community precludes dishonesty, including stealing or possessing stolen goods, cheating, lying; gambling; dancing; using, possessing or furnishing to others alcoholic beverages, tobacco products, and other non-prescribed or illegal drugs; attending entertainments which are morally destructive; engaging in extra-marital sex.... By enrolling at Pacific Union College students agree to abide by the policies and regulations described in the COLLEGE BULLETIN, the CAMPUS LIVING brochure, and as announced officially. The college reserves

right to place on restriction, probation, suspension or to dismiss students involved in the activities above.

F. PACIFIC UNION COLLEGE BULLETIN, 1988-1989:

HISTORY (Page 11)

In 1882 the Seventh-day Adventist Denomination, recognizing the need for a center of higher education for its youth of the Pacific Coast, established Healdsburg College at Healdsburg, California. In 1906 the College was transferred to its present site, then the Angwin Resort.

PHILOSOPHY AND OBJECTIVES (Page 11)

Spiritual

As a Seventh-day Adventist institution, Pacific Union College places great emphasis upon the role of spiritual values and the personal lives of its students. It seeks to establish in them an unswerving allegiance to the principles of the Christian faith, and a sense of personal responsibility to participate in the mission outreach of the Church.

RELIGIOUS LIFE (Page 14)

Students are expected to attend regularly a specified number of the daily worship services, chapels and Sabbath services which are planned to stimulate growth and maturity and Christian living.

- G. The Re-stated Articles of Incorporation (March 10, 1986) states as follows in relevant part: "It [Pacific Union College] is organized under the Nonprofit Religious Corporation Law primarily for religious purposes. More specifically, the purposes of this corporation are to found, manage, and operate institutions of learning primarily for the religious instruction of students of both sexes in the Holy Scriptures, as well as instruction in the arts and sciences, languages, ... as part of the system of educational institutions established and operated throughout the world by the Seventh-day Adventist Church."
- H. The Bylaws of Pacific Union College states as follows in Article IV, in relevant part: "Pacific Union College is a corporation which is wholly operated and controlled by Pacific Union Conference of Seventh-day Adventists as an educational institution of the Seventh-day Adventist Church. The particular objectives for which this institution was formed are set forth in the Articles of Incorporation and include the establishment, maintenance, and conduct of Seventh-day Adventist institutions of higher education as part of the system of educational institutions established and operated throughout the world by the Seventh-day Adventist Church." Article

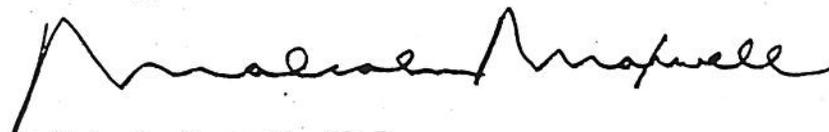
VI, Section 1 states as follows in relevant part: "All members of the Board of Trustees shall be members of the Seventh-day Adventist Church in good and regular standing."

Pacific Union College, therefore, as an institution of the Seventh-day Adventist Church, upholds the above religious standards in its relationships with students and employees. Pacific Union College believes it is in compliance with the requirements of Title IX because the same religious principles and standards apply to all of its employees and students of both sexes.

The Seventh-day Adventist Church operates a number of universities and senior colleges in the United States, such as Pacific Union College, to provide for its youth the opportunity to take advanced studies within the context of the Church's world view and sense of mission. Pacific Union College is owned and operated by the Seventh-day Adventist Church and is therefore an integral part of the Church. The college is listed in the Seventh-day Adventist Yearbook as a Seventh-day Adventist educational institution and thus comes under the Church's basic 501.(c)(3) tax exemption. In addition to the Board of Directors for the college being members of the Seventh-day Adventist Church, so are its faculty and full-time staff.

Your prompt attention to this matter is greatly appreciated.

Sincerely,



D. Malcolm Maxwell, Ph.D.
President

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