

UNITED STATES DEPARTMENT OF EDUCATION

AUG - 7 1990

Dr. D. Malcolm Maxwell  
 President  
 Pacific Union College  
 Angwin, California 94508-9707

Dear Dr. Maxwell:

The Office for Civil Rights (OCR) of the Department of Education has completed its review of your letter, dated June 13, 1989, and the supplementary letter, dated January 30, 1990, from counsel for Pacific Union College (College) requesting a religious exemption to Title IX of the Education Amendments of 1972. Specifically, by these letters, the College has requested exemption to 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51(a), (b)(6) and (7), 106.56, 106.57, and 106.60(a) of the regulation implementing Title IX. Our records indicate that, by letter of September 3, 1985 (copy enclosed), OCR acknowledged the College's exemption to 34 C.F.R. §§ 106.21(c), 106.40, and 106.57(b) in response to an earlier request from the College. \*Your recent letters confirm that the College's educational policies in adhering to the tenets of the controlling religious organization have not changed since that time. Therefore, the following does not address in detail those sections of the Title IX regulation for which exemption was granted by OCR's letter of September 3, 1985.

The request letters of June 13, 1989, and January 30, 1990, describe certain policies of the College as being consistent with the tenets of the religious organization that controls the institution. These policies would violate various sections of the Title IX regulation absent a religious exemption. You have provided information in your request letters that establishes that the College is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, Pacific Union College is hereby exempted from the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39, 106.51(a), (b)(6) and (7), 106.56, 106.57 (all paragraphs, in effect, (a), (b), (c), and (d)), and 106.60(a). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. As noted above, the College has a previous exemption to §§ 106.21(c), 106.40, and 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

Your letter of June 13, 1989, states that Pacific Union College is owned and operated by the Seventh-day Adventist Church. This relationship between the Seventh-day Adventist Church and the College adequately establishes that Pacific Union College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

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The College's request letters indicate that the Church maintains standards of conduct for Christian living, and members of the academic community are expected to adhere to those standards. Christian marriage is considered to be divinely sanctioned. Violations of biblical standards of moral conduct, including sexual relations outside marriage, adultery, sexual perversions, and divorce for reasons other than adultery, are subject to Church discipline. In accordance with these religious tenets, the College's request letters indicate that the College must be able to inquire about the marital and parental status of students or employees or applicants for admission or employment. Furthermore, the College, in the provision of health, insurance, and other benefits to students and employees who have violated biblical standards of moral conduct, must be able to act so as not to condone such conduct.

Based on these principles, the College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services for students); § 106.51(a), (b)(6) and (7) (employment - leaves of absence and fringe benefits); § 106.56 (fringe benefits); § 106.57 (marital or parental status of employees); and § 106.60(a) (pre-employment inquiries). This exemption is limited to the extent that application of these sections conflicts with the religious tenets followed by the College. In addition, information in the June 13, 1989, and January 30, 1990, request letters reaffirms the exemptions granted by OCR's letter of September 3, 1985, to 34 C.F.R. § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); and § 106.57(b) (marital or parental status of employees - pregnancy).

This letter should not be construed to grant exemption to any section of the Title IX regulation not specifically mentioned. In the event OCR receives a complaint against the College, 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.

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

Mr. John E. Palomino  
Regional Civil Rights Director  
Office for Civil Rights, Region IX  
U.S. Department of Education  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, California 94102.

Sincerely,

Michael L. Williams  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Elizabeth K. McCarthy  
John E. Palomino, Regional Civil Rights Director, Region IX

Prepared by VBonnette 8/3/90-732-1645-jm

*envelope missing for Elizabeth K. McCarthy*