



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

SEP 3 1985

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

Dear President Maxwell:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Pacific Union College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have reviewed the request filed by former President Cassell (copy enclosed) in which several policies practiced at Pacific Union are described 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. The College has supplied information 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 College an exemption to those sections of the Title IX regulation appropriate to the original request letter. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Pacific Union 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, and 106.57(b). The basis for our decision to grant this exemption is discussed in further detail below.

The original request indicates that Pacific Union College is a coeducational institution of higher learning established by the Seventh-day Adventist Church as an instrument essential to the fulfillment of the Church's teaching ministry. The College applies to both men and women employees and students Biblical principles of morality and deportment as interpreted by the Seventh-day Adventist Church. This relationship between the Seventh-day Adventist Church and Pacific Union 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.

Based on the College's responsibility to apply these principles of morality and deportment as interpreted by the Church, Pacific Union College has requested and is granted by this letter exemption to:

§ 106.21(c) (admissions: prohibitions relating to marital or parental status).

§ 106.40 (marital or parental status of students)

§ 106.57(b) (marital or parental status of employees)

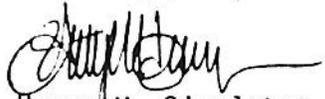
A request for exemption from § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) regarding rules of appearance was deleted from the Title IX regulation in 1982. Thus, an exemption for appearance codes is unnecessary.

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 San Francisco Regional Office for Civil Rights. The address is:

John E. Palomino  
Acting Regional Civil Rights Director  
Office for Civil Rights, Region IX  
U.S. Department of Education  
221 Main Street, 10th Floor  
San Francisco, California 94105  
(415) 467-8043

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX