



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

JUN 24 1985

Dr. Bruce C. Hafen
President
Ricks College
295 Administration Building
Rexburg, Idaho 83440

Dear Dr. Hafen:

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. We have reviewed your response to our letter of March 22, 1985, in which you describe several policies practiced at Ricks College 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 absent a religious exemption. You have supplied information in your letter of May 7 that establishes that Ricks College is controlled by the Church of Jesus Christ of Latter-day Saints (Church) and that tenets followed by the Church conflict with specific sections of the Title IX regulation. Therefore, I am granting Ricks College an exemption to those sections of the Title IX regulation appropriate to your request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Ricks College. Ricks College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. § 106.21, § 106.31, § 106.32, § 106.36, § 106.40, and § 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Ricks College is controlled by the Church of Jesus Christ of Latter-day Saints in that Ricks College practices the tenets of the Church and is owned and operated by the Church. This relationship between the Church and Ricks College adequately establishes that Ricks College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that the Church teaches the doctrine "that marriages performed by proper authority and subject to certain conditions are eternal in duration. Thus, the family unit is viewed as having high theological significance, and Church teachings about such matters as marriage, chastity, abortion, and the roles of husbands, wives, and children, are fundamental religious doctrines. The Church also teaches that certain distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant." Based on these principles, Ricks College has requested and is granted by this letter,

exemption to 34 C.F.R. § 106.21 (marital or parental status in admission of students), § 106.40 (marital or parental status of students), and § 106.57 (marital or parental status of employees).

Your letter also indicates that "[t]he sponsoring Church teaches that marriage and childrearing are significant religious obligations and that mothers naturally have greater involvement especially in the rearing of younger children. These teachings indicate the need to allow room for some differences between counseling for men and . . . women." Based on these principles, Ricks College has requested and is granted by this letter, exemption to 34 C.F.R. § 106.36, which pertains to counseling of students and applicants for admission.

Your letter states that "[t]he teachings of the sponsoring Church regarding sexual morality and marriage are inconsistent with housing arrangements in which single students share the same facilities." The College claims exemption from 34 C.F.R. § 106.32 "to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house Ricks College students." Based on these principles, Ricks College is granted by this letter, exemption to 34 C.F.R. § 106.32 which addresses housing.

Finally, your letter indicates that "over 30 student congregations . . . maintain an active campus program through the ecclesiastical channels of the sponsoring Church. Whether these organizations choose to have activities or sub-organizations exclusively for men or for women is clearly a matter of Church organization and should therefore be exempt." Based on these principles, Ricks College has requested exemption to 34 C.F.R. § 106.14 which exempts membership practices of the specific organizations named in the regulation. Exemption from § 106.14, however, would not appropriately address the practices you have described in your request. Therefore, Ricks College is granted by this letter exemption to 34 C.F.R. § 106.31, regarding education programs and activities, to the extent that § 106.31 conflicts with the membership activities and policies of student religious organizations at Ricks College.

You also requested exemption from 34 C.F.R. § 106.31 regarding rules of appearance. The section of the Title IX regulation pertaining to rules of appearance, 34 C.F.R. § 106.31(b)(5), has been rescinded and deleted from the regulation. Therefore, an exemption is not necessary.

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 Ricks College, we are obligated to determine initially whether the allegations fall within the exemption here granted. Also, in the unlikely event that a complainant alleges that the practices followed by Ricks College are not based on the religious tenets of the Church of Jesus Christ of Latter-day Saints, OCR is obligated to contact the Church to verify those tenets. If the Church provides an interpretation of tenets that has a different practical impact than that described by Ricks College, or if the organization denies that it controls Ricks College, 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 Seattle Regional Office for Civil Rights. The address is:

Gary D. Jackson
Regional Civil Rights Director
Office for Civil Rights, Region X
Department of Education
2901 Third Avenue, M/S 106
Seattle, Washington 98101

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

cc: Gary D. Jackson, Regional Civil Rights Director, Region X