



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

SEP 26 1985

16

Dr. Marvin Anderson
President
Southwestern Adventist College
Post Office Box 567
Keene, Texas 76059

Dear President Anderson:

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 Southwestern Adventist College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President McAdams (copy enclosed) in which he described several policies practiced at Southwestern Adventist 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 (copy enclosed) absent a religious exemption. The former president supplied information in his request letter 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 Southwestern Adventist College an exemption to those sections of the Title IX regulation specified in the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Southwestern Adventist College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.40 and 106.57. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Southwestern Adventist College is controlled by the Seventh-day Adventist Church. The College is listed in the Church yearbook as a Seventh-day Adventist educational institution. "In addition, the members of its constituency and board of trustees are Seventh-day Adventists, as are its faculty and staff." This relationship between the Seventh-day Adventist Church and Southwestern Adventist College adequately establishes that Southwestern Adventist College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The former president's letter indicates that the College follows Church tenets which register decisive and emphatic disapproval of adultery, fornication, all acts of moral indiscretion, various perversions and certain remarriages. Thus, the institution enforces Church standards of morality. Based on these principles, Southwestern Adventist College has requested and is granted by this letter exemption to: § 106.21 (marital and parental status of applicants for admission), § 106.40 (marital or parental status of students) and § 106.57 (marital or parental status of employees).

Southwestern Adventist College also requested exemption from § 106.31, which in part prohibited discrimination in appearance requirements. 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 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 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 institution's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building, Suite 400
Dallas, Texas 75202

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI