



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

SEP 13 1985

Dr. J. Richard Chase
President
Wheaton College
501 East Seminary
Wheaton, Illinois 60187

Dear President Chase:

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 Wheaton 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 Armerding (copy enclosed) in which he described several policies practiced at Wheaton College as consistent with the tenets of the Christian faith. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. Wheaton 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 Wheaton College an exemption to those sections of the Title IX regulation appropriate to the request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Wheaton College. Wheaton 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; § 106.51; § 106.53; § 106.57(b), (c) and (d); and § 106.60(a). The basis for our decision to grant this exemption is discussed in further detail below.

Correspondence from the institution indicates that Wheaton College is an "inherently religious organization" committed to a liberal arts education in an evangelical Christian context. The trustees, full-time faculty and staff must subscribe annually to the College's Statement of Faith, which "provides a summary of Biblical doctrine that is consonant with evangelical Christianity." In addition, trustees, full-time faculty, staff and students must subscribe to the College's Statement of Responsibility which states generally, "[t]he College believes that the Scriptures establish the basic principles which should guide the development of Christian character and govern all Christian behavior." This relationship between the Christian faith and Wheaton College adequately establishes that Wheaton College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that students and employees at Wheaton College must adhere to "the moral laws of God as set forth in the Bible." Thus, Wheaton College makes inquiry concerning marital or parental status and prior conduct of men and women to determine "whether the individual's life standard is consistent with the moral laws of God as set forth in the Bible. Such inquiry may result in exclusion or dismissal of an individual if that person . . . violates God's moral law." Based on these principles, Wheaton College has requested and is granted by this letter exemption to § 106.21(c) (marital or parental status of applicants for admission); § 106.40 (marital or parental status of students); and § 106.57(b), (c) and (d) (marital or parental status of employees and applicants for employment); and § 106.60(a) (pre-employment inquiries).

The request letter indicates that it is a religious tenet of Wheaton College that only males who are ordained or have an equivalent spiritual commissioning may function in the positions of President of Wheaton College and Chaplain at the College. The President is required to preside over and speak at chapels and perform other spiritual duties while the Chaplain serves as campus pastor. Based on this principle, Wheaton College has requested and is granted by this letter exemption to § 106.51 (employment, general) and § 106.53 (recruitment), relative to these two positions.

An exemption to § 106.31, which in part prohibited discrimination in appearance requirements, was also requested. Section 106.31(b)(5) was formally revoked and deleted from the Title IX regulation. Thus, an exemption for appearance codes is not necessary.

Wheaton College also requested exemption to § 106.32 (housing) based on religious tenets concerning morality. Since the Title IX regulation permits the provision of separate housing on the basis of sex, the institution's letter does not demonstrate a conflict between the College's housing policies and the regulation. If you believe an exemption to § 106.32 is necessary, you should submit clarification of this request to the regional office.

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.

Page 3 - Dr. J. Richard Chase

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V