



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS
SEP 13 1985

Reverend James J. Walsh
President
The Athenaeum of Ohio
6616 Beechmont Avenue
Cincinnati, Ohio 45230

Dear Father Walsh:

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 The Athenaeum of Ohio filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by the Archbishop of Cincinnati (copy enclosed) in which he described policies practiced at The Athenaeum of Ohio 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. Information supplied in the request letter establishes that The Athenaeum of Ohio 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 Athenaeum of Ohio 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 The Athenaeum of Ohio. The Athenaeum of Ohio is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that The Athenaeum of Ohio is controlled and operated by the Roman Catholic Archdiocese of Cincinnati. The Athenaeum of Ohio "prepares men for the Priesthood in the service of the Roman Catholic Church." Also, "The Athenaeum receives a significant amount of financial support from the Roman Catholic Archdiocese of Cincinnati." This relationship between the Roman Catholic Archdiocese of Cincinnati and The Athenaeum of Ohio adequately establishes that The Athenaeum of Ohio is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

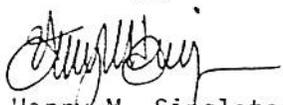
The request letter indicates that "the teaching and discipline of the Roman Catholic Church do not permit the ordination of women to the Priesthood[.]" and The Athenaeum of Ohio prepares students for the priesthood. Based on this principle, The Athenaeum of Ohio has requested and is granted by this letter exemption to §§ 106.21, 106.22 and 106.23, relative to the admission and recruitment of students.

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 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