



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

JUL 24 1985

Sister George Ann Cecil  
President  
Brescia College  
120 West Seventh Street  
Owensboro, Kentucky 42301

Dear Sister George Ann Cecil:

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. In your letter of May 7, 1985, you described certain policies practiced at Brescia 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. You have supplied information in your 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 Brescia College an exemption to those sections of the Title IX regulation specified in your 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. Brescia College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.51, 106.57 and 106.60. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Brescia College is controlled by the Catholic Church. The Catholic Church and Brescia College practice tenets that limit the circumstances under which divorce and remarriage are permitted, treat pregnancy outside marriage as a moral issue, and consider abortion as a question of grave moral significance. Brescia College was founded in 1950 by the Ursuline Sisters of Mount Saint Joseph, Maple Mount, Kentucky, which contributes significantly to the college by way of contributed services. This relationship between the Catholic Church and Brescia College adequately establishes that Brescia 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 Brescia College is committed to the importance and stability of the family. The College seeks to employ persons whose lifestyle is consistent with the tenets of the Church and treats both pregnancy and abortion as moral issues. Thus, the institution practices the following:

1. Treats pregnancy and childbirth and recovery therefrom differently from other temporary disabilities for job related purposes for unmarried employees and treats abortion

differently from other temporary disabilities for job related purposes for both married and unmarried employees. Based on this principle, Brescia College has requested, and is granted by this letter, exemption to § 106.51, employment, and § 106.57, marital or parental status.

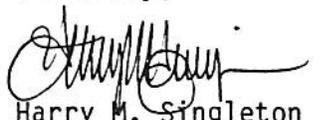
2. Makes pre-employment inquiry as to the marital status of applicants for employment. Based on this principle, Brescia College has requested, and is granted by this letter, exemption to § 106.60, pre-employment inquiries.

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 contact the Atlanta Regional Office for Civil Rights. The address is:

William H. Thomas  
Regional Civil Rights Director  
Office for Civil Rights, Region IV  
Department of Education  
101 Marietta Tower, N.W., 27th Floor  
Atlanta, Georgia 30323

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

cc: William H. Thomas, Regional Civil Rights Director, Region IV