



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

AUG 26 1985

Reverend William J. Ruhl, O.S.F.S.
President
De Sales School of Theology
721 Lawrence Street, N.E.
Washington, D.C. 20017

Dear Father Ruhl:

The Office for Civil Rights (OCR) of the Department of Education is currently clearing a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. We have recently reviewed your letter responding to our request for more information (copy enclosed) in which you describe policies practiced at De Sales School of Theology 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 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 De Sales School of Theology an exemption to those sections of the Title IX regulation appropriate to your request letter of June 24, 1985. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. De Sales School of Theology 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.

Your letter and the institution's constitution and catalog indicate that De Sales School of Theology is controlled by the Oblates of St. Francis de Sales, a Roman Catholic organization. The Roman Catholic Church and De Sales School of Theology practice the tenet of training only men for the Roman Catholic priesthood. This relationship between the Roman Catholic Church and De Sales School of Theology adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

It is stated in your June 24, 1985 letter that De Sales School of Theology is "for the training of ministers for the Roman Catholic Church, primarily for the Roman Catholic priesthood. The reason for the request of an exemption is the fact that [De Sales School of Theology does] not and cannot train women for the Roman Catholic priesthood." Thus, the institution does not enroll women in this program. De Sales School of Theology has requested exemption for this practice and is granted by this letter, exemption to §§ 106.21,

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106.22 and 106.23 (admission and recruitment). De Sales School of Theology requested exemption to § 106.9 (dissemination of policy). However, §§ 106.21, 106.22 and 106.23 address more appropriately the institution's request to limit training for the priesthood to men.

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 Philadelphia Regional Office for Civil Rights. The address is:

Dewey E. Dodds
Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Post Office Box 13716
3535 Market Street
Philadelphia, Pennsylvania 19101

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Dewey E. Dodds, Regional Civil Rights Director, Region III