



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

AUG 27 1985

Very Reverend Antoninus A. Wall, O.P.  
President  
Dominican School of Philosophy and Theology  
2401 Ridge Road  
Berkeley, California 94709

Dear Father Wall:

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. Our records indicate that the Dominican School of Philosophy and Theology filed such a request, under the name of St. Albert's College, but there is no record that OCR adequately acknowledged this request.

We have reviewed the original request and have corresponded with Jacob Levitan, attorney for the institution. This correspondence stated that the office of the President and the office of the Academic Dean of Studies must be held by members of the Order of Friars Preachers, the Dominican Order, a religious society existing within the Roman Catholic Church, which controls the institution. Since only males can be ordained as members of the Order of Friars Preachers, the positions of President and Academic Dean of Studies are limited to men. This practice would violate certain sections of the regulation implementing Title IX (copy enclosed), absent a religious exemption. Representatives of the institution have supplied information that establishes that the institution is controlled by a religious organization and that institution practices based on the tenets of this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the Dominican School of Philosophy and Theology 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 institution. The Dominican School of Philosophy and Theology is hereby exempted from the requirements of the following sections of the Title IX regulation for the positions of President and Academic Dean of Studies: § 106.51 (relating to employment generally) and § 106.53 (relating to recruitment).

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 San Francisco Regional Office for Civil Rights. The address is:

John E. Palomino  
Acting Regional Civil Rights Director  
Office for Civil Rights, Region IX  
Department of Education  
221 Main Street, 10th Floor  
San Francisco, California 94105  
(415) 467-8043

Sincerely,

*Harry M. Singleton*

Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX  
Jacob Levitan, Esquire



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202

AUG 27 1985

Mr. Jacob Levitan, Esquire  
Wendel, Lawlor, Rosen and Black  
Attorneys at Law  
P.O. Box 2047  
Oakland, California 94604

Dear Mr. Levitan:

Thank you for your letter of July 18 clarifying the request for religious exemption from Title IX of the Education Amendments of 1972 for the Dominican School of Philosophy and Theology. The institution has been granted an exemption to 34 C.F.R. §§ 106.51 (employment) and 106.53 (recruitment) for the positions of President and Academic Dean of Studies. Enclosed is a copy of the letter sent to the institution.

Sincerely yours,

*James M. Luedjohr*  
Frederick T. Cioffi  
Acting Director  
Policy and Enforcement Service  
Office for Civil Rights

Enclosure