

LOYOLA UNIVERSITY

NEW ORLEANS, LA. 70118

April 8, 1986

OFFICE OF THE PRESIDENT

Ms. Alicia Coro  
Acting Assistant Secretary  
for Civil Rights  
U. S. Department of Education  
Washington, D. C. 20201

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Dear Ms. Coro:

I am advised by the Vice President for Student Affairs of Loyola University that the Office of Civil Rights, U.S. Department of Education, is presently conducting a compliance review of various universities and colleges situated in Region VI in order to determine whether their policies and practices conform with the requirements of Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of sex. Specifically, I am informed that this review centers around the offering of student health insurance, and whether such insurance offered by the University complies with the provisions of Title IX and the regulations relating thereto.

Loyola University is desirous of complying with the provisions of Title IX in offering accident and health insurance for students and their dependents, and is willing to modify the coverage afforded thereby so as to provide maternity and pregnancy benefits as part of its basic plan of insurance to the extent that pregnancies and related conditions would be treated as any other temporary disability.

However, the language of Title IX and the implementing regulations, [45 C.F.R. 92], contain various references to benefits relating to "termination of pregnancy or recovery therefrom." To the extent that these provisions or their application are inconsistent with the religious tenets and beliefs and the policies of Loyola University, I hereby claim, on behalf of the University, an exemption from the applicability of the following provisions of the federal regulations which conflict with the policies of the University and which are premised upon specific teachings of the Roman Catholic Church. This claim is made pursuant to Section 86.12(b) or 45 C.F.R. 92.

Specifically, the provisions of the Regulations which we deem to be inconsistent with University policy regarding termination of pregnancy are as follows:

106.21(c)(2)(3); 106.39; 106.40(b)(1)(4); 106.57(b)(d)

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The University's claim to exemption under Section 86.12 is based upon the fact that Loyola University is a non-profit corporation which is controlled and governed by a Board of Trustees of not less than twenty nor more than thirty-five members, the composition of which shall be comprised of not less than fifty per cent nor more than sixty per cent members in good standing of the Society of Jesus. The Articles further provide that the President of the institution must be a member of the Society of Jesus. I am enclosing a copy of a religious order affiliated by virtue of such membership with the Roman Catholic Church throughout the world. The University, which set forth in greater detail the governing structure of the institution. To that extent, it is the position of the University that its governance meets the requirements of Section 86.12.

The specific religious belief or tenet which is being claimed as the basis for exemption from the above cited provisions of the Title IX regulations is found in the long-established teaching of the Catholic Church through its various Councils, Papal Encyclicals and other teaching authorities which define the intentional termination of pregnancy through means of abortion as the wrongful taking of human life contrary to the natural and moral law of the Church.

To that extent, the exception which is being claimed is limited to the provisions of Title IX and the regulations which would require the offering of counseling or the providing of medical or surgical benefits through a policy of student insurance for the purpose of reimbursing costs incurred in connection with the performance of an abortion. Likewise, those provisions of the regulations which would prevent the University from implementing policies with respect to admissions, disciplinary action, or termination of employment on the basis of student or personal conduct related to termination of pregnancy by abortion should also be considered as included in this claim of exemption.

Furthermore, the University would likewise claim exemption under the above referred to sections with respect to the providing of any benefits or the adoption of policies relating to non-therapeutic sterilization, which is likewise contrary to the established teachings and dogma of the Roman Catholic Church and the policies of Loyola University.

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Assuring you of our cooperation with the government in the University's  
desire to comply with the provisions of Title IX in all other respects,  
I remain,

Very sincerely yours,



James C. Carter, S.J.  
President

JCC/jbb

cc: Mr. Ted Crim

Enclosures