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

MAY 7 1986

Very Reverend James C. Carter, S.J.
President
Loyola University
New Orleans, Louisiana 70118

Dear President Carter:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from Title IX of the Education Amendments of 1972. In your request, you describe certain policies practiced at Loyola University as being 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 Loyola University an exemption to those sections of the Title IX regulation specified in your request letter.¹ Loyola University is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c)(2) and (3), 106.39, 106.40(b)(1) and (4), and 106.57(b) and (d). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the University. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter and accompanying documents, the Articles of Incorporation and By-laws of the University, indicate that Loyola University is controlled and governed by a Board of Trustees. The majority of the members of the Board of Trustees and the President of the University must be members in "good standing" with the Society of Jesus, a religious order affiliated with the Roman Catholic Church. According to the Articles of Incorporation, a primary purpose of the University is to promote religious studies. The University conducts religious worship services and performs "functions and duties which are in harmony with the practices of the Roman Catholic faith." The University By-laws indicate that the tradition of the institution and the intent for the future is "to reaffirm and to maintain the primary importance of Christian values in the educational process . . . applied according to the Jesuit tradition of liberal education." This relationship between

1. The Title IX regulation was recodified with the creation of the Department of Education in 1980. The regulation, enforced by the former Department of Health, Education and Welfare and codified at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

the University and the Roman Catholic faith adequately establishes that Loyola University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Your letter states that "the long-established teaching of the Catholic Church through its various Councils, Papal Encyclicals and other teaching authorities . . . 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." Also, you state that "non-therapeutic sterilization" is "contrary to the established teachings and dogma of the Roman Catholic Church and the policies of Loyola University." Based on these principles, Loyola University has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21(c)(2) and (3) (marital or parental status of applicants for admission); § 106.39 (health and insurance benefits and services for students); § 106.40(b)(1) and (4) (marital or parental status of students); and § 106.57(b) and (d) (marital or parental status of employees).

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. If you have any questions, please do not hesitate to contact the Dallas Regional Office for Civil Rights. The address is:

Taylor D. August
Regional Civil Rights Director
Office for Civil Rights, Region VI
Department of Education
1200 Main Tower Building, 22nd Floor
Dallas, Texas 75202

Sincerely,



Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Taylor D. August, Regional Civil Rights Director, Region VI