



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

JUL 22 1985

Sister Lynn Marie Welbig
President
Presentation College
1500 North Main
Aberdeen, South Dakota 57401

Dear Sister Welbig:

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 Presentation College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President Dunn (copy enclosed) in which she described several policies practiced at Presentation 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. The former President supplied information in her 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 Presentation College an exemption to those sections of the Title IX regulation specified in 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. Presentation College 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); § 106.40(b)(1), (4), and (5); and § 106.57(b), (c) and (d). The basis for our decision to grant this exemption is discussed in further detail below.

The former President's letter indicates that Presentation College is owned, operated and controlled by Sisters of the Presentation, and Presentation College practices the tenets of the Catholic religion. Specifically, the Sisters of the Presentation and Presentation College follow the Catholic teaching regarding termination of pregnancy. This relationship between the Sisters of the Presentation and Presentation College adequately establishes that Presentation College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The former President's letter indicates that Presentation College has adopted a "Right to Life" statement which includes acceptance of the Catholic teaching regarding termination of pregnancy. Based on the above principle, Presentation College has requested and is granted by this letter exemption to 34 C.F.R. § 106.21(c) (2) and (3); § 106.40(b) (1), (4) and (5); and § 106.57(b), (c) and (d).

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 Denver Regional Office for Civil Rights. The address is:

Gilbert D. Roman
Regional Civil Rights Director
Office for Civil Rights, Region VIII
Department of Education
Federal Office Building
1961 Stout Street, - Room 1185
Denver, Colorado 80294

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Gilbert D. Roman, Regional Civil Rights Director, Region VIII