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

MAY 15 1986

Reverend Bartley MacPhaidin, C.S.C.
President
Stonehill College
North Easton, Massachusetts 02357

Dear President MacPhaidin:

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 Stonehill College 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 Stonehill College an exemption to those sections of the Title IX regulation specified in your request letter. Stonehill College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.39 and 106.40(b)(4). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Stonehill College was founded by the Congregation of Holy Cross, a Catholic religious order. This relationship between the College and the Roman Catholic faith adequately establishes that Stonehill College 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, because "the Congregation of Holy Cross is a Catholic order, any statute or regulation mandating insurance coverage for the health care related to pregnancies out of wedlock, or abortions regardless of marital status, is obviously inconsistent with the religious tenets of this Congregation." Based on these principles, Stonehill College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.39 (health and insurance benefits and services for students), and § 106.40(b)(4) (marital or parental status of students). This exemption is limited to the extent that these sections may require the institution to provide health or insurance benefits or services for termination of pregnancy or pregnancies out of wedlock.

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 Boston Regional Office for Civil Rights. The address is:

Richard V. E. McCann
Regional Civil Rights Director
Office for Civil Rights, Region I
Department of Education
Room 222, J.W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Sincerely,



Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Richard V. E. McCann, Regional Civil Rights Director, Region I