



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

JUN 18 1985

Reverend William J. Byron, S.J.
President
The Catholic University of America
Washington, D.C. 20064

Dear Father Byron:

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 Catholic University of America filed such a request but there is no record that OCR adequately acknowledged this request.

We have recently reviewed former President Walton's request (copy enclosed) in which he described several policies practiced at The Catholic University of America 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. President Walton supplied information in his 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 The Catholic University of America 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 Catholic University of America is hereby exempted from the requirements of the following sections of the Title IX regulation: 106.21(c), 106.39, 106.40, 106.51, 106.56 and 106.57. The bases for our decision to grant this exemption are discussed in further detail below.

The University's letter indicates that The Catholic University of America is "sponsored" by the Roman Catholic Church. The Church and the University practice the tenets of prohibiting abortion and premarital sexual relations. The relationship between the Roman Catholic Church and The Catholic University of America adequately establishes that the University is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In his letter President Walton indicates that the University cannot condone abortion or premarital sexual relations. Thus, the institution practices the following.

1. Refusal to provide health or medical insurance coverage for abortions.

Based on the above principle, The Catholic University of America has requested and is granted by this letter, exemption to § 106.39: Health and insurance benefits and services (students) and § 106.56: Fringe benefits (employees).

2. Refusal to condone abortion and premarital sexual relations.

Based on the above principle, The Catholic University of America has requested and is granted by this letter, exemption to § 106.40: Marital or parental status (students); § 106.51: Employment; and § 106.57: Marital or parental status (employees). In addition, The Catholic University of America is granted exemption to § 106.21(c): Admissions -- Prohibitions relating to marital or parental status.

Section 106.21(c) addresses more appropriately the treatment of students regarding marital and parental status than does § 106.31. The original request letter does not support an exemption for § 106.31 regarding education programs and activities. If you believe an exemption to § 106.31 is necessary, you should submit information clarifying your request to this office.

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 here 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 the University's request. I regret the inordinate delay in responding to the original request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Dewey E. Dodds
Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Philadelphia, Pennsylvania 19104

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures