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

AUG 8 1985

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

Dear Father Byron:

This is to inform you of my decision regarding your request for a religious exemption to § 106.31 of the regulation implementing Title IX of the Education Amendments of 1972. You filed this additional request after receiving a letter from this office dated June 18, 1985 that granted The Catholic University of America a religious exemption to 34 C.F.R. §§ 106.21(c), 106.39, 106.40, 106.51, 106.56 and 106.57.

In your letter of July 18, you stated that the Seminary Program (also known as Theological College) "cannot accept women . . . as it provides for the spiritual formation and personal integration necessary for ordination to the priesthood in the Roman Catholic Church." Section 106.15 of the Title IX regulation exempts private, undergraduate institutions and programs from the requirements of Subpart C regarding admissions and recruitment. However, limiting admissions on the basis of sex to graduate higher education programs would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The Catholic University of America has provided information in previous correspondence 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 your request letter of July 18. 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: 34 C.F.R. §§ 106.21, 106.22 and 106.23 regarding admissions and recruitment of students for the Seminary Program (Theological College). Sections 106.21, 106.22 and 106.23 more accurately address the practice for which you have requested exemption than does § 106.31, which concerns generally, nondiscrimination following admission to education programs and activities.

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

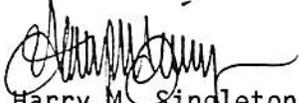
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organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Mr. 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

Enclosure

cc: Dewey E. Dodds, Regional Civil Rights Director, Region III