



**PONTIFICAL CATHOLIC UNIVERSITY OF PUERTO RICO
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PRESIDENCY

May 25, 2016

VIA: OCR@ed.gov

Certified mail - 7015 1520 0003 5733 1977

Hon. Catherine E. Lhamon,
Assistant Secretary, Office for Civil Rights
U.S. Department of Education
400 Maryland Ave. SW,
Washington D.C. 20202

RE: 34 CFR 106.12, Title IX exemption.

Honorable Assistant Secretary Lhamon:

The Pontifical Catholic University of Puerto Rico (PCUPR) has been serving the Island of Puerto Rico since 1948¹. The PCUPR was granted an absolute charter of incorporation by The Board of Regents of the State of New York on February 27, 1959. Established as a teacher-training college, the university has grown to become a comprehensive institution with 157 academic programs that offers 13 associate, 73 bachelor's, 36 master's, 8 doctoral degrees, 10 professional certificates, and a degree in law as well as 9 binary and 6 combined programs.

The mission of Pontifical Catholic University is to honor and promote the life and dignity of the human being as well as to educate him/her in accordance with the values of the Gospel and the disciplines of current scientific knowledge in order to build a better local and global community. The PCUPR was canonically established in 1972 and granted the title of Pontifical in 1991. This distinction officially ratified the authenticity of the university as a genuine Catholic institution of the Church. As a pontifical university, the institution must adhere to the dogmas and teachings of the Holy Roman Catholic Church as expressed by the Holy See and the Sacred Congregation for Catholic Education.

PCUPR has a two-tiered governance structure: a Corporation and a Board of Trustees. The Corporation is comprised of de jure members, who are the Apostolic delegate to Puerto Rico and the members of the Puerto Rican Conference of Catholic Bishops.

¹Accredited in 1948 by the Council of Higher Education of Puerto Rico.

In light of the aforementioned background and governance structure, under 34 C.F.R. 106.12, an institution that is controlled by a religious organization is exempt from those sections of the Title IX regulations that are inconsistent with the religious tenets of the organization.

Please accept this letter as our formal claim of exemption as PCUPR is an institution that conforms to the following:

- PCUPR has a department of divinity, whose program is specifically for the education of students to prepare them for a religious vocation.
- PCUPR requires its faculty, and employees to espouse and or respect the doctrine of the Catholic Church.
- PCUPR is controlled by the Catholic Church, and the members of its governing body are appointed by the Church.

Therefore, as a genuine Catholic institution of the Church the following sections and or doctrines of the Title IX regulations are inconsistent with the religious tenets of the PCUPR:

- I. **34 C.F.R. 106.15 Admissions.**
PCUPR has a department of divinity, whose program is specifically for the education of students to prepare them for religious vocation.
34 C.F.R. 106.40 Marital or parental status
- II. **34 C.F.R. 106.21 Admissions.**
- III. **34 C.F.R. 106.22 Preference in Admissions.**
A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.
- IV. **34 C.F.R. 106.23 Recruitment (of students).**
- V. **34 C.F.R. 106.31 Education programs or activities.**
- VI. **34 C.F.R. 106.32 Housing.**
- VII. **34 C.F.R. 106.33 Comparable Facilities.**
- VIII. **34 C.F.R. 106.34 Access to classes and schools.**
- IX. **34 C.F.R. 106.36 Counseling and use of appraisal and counseling materials.**
- X. **34 C.F.R. 106.37 Financial assistance.**
- XI. **34 C.F.R. 106.38 Employment assistance to students.**
- XII. **34 C.F.R. 106.39 Health and insurance benefits and services.**
- XIII. **34 C.F.R. 106.40 Marital or parental status.**
 - (b) *Pregnancy and related conditions.*
 - (1) *A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any **class or extracurricular activity**, on the basis of such student's pregnancy, childbirth, false pregnancy, **termination of pregnancy** or recovery therefrom, unless the student requests*

voluntarily to participate in a separate portion of the program or activity of the recipient.

Termination of pregnancy is inconsistent with the Catholic doctrine. Therefore we respectfully request exemption from 34 C.F.R. 106.40(b)2 to exclude any material and or information contrary to the Catholic doctrine in any class or extracurricular activity.

- XIV. **34 C.F.R. 106.41 Athletics.**
- XV. **34 C.F.R. 106.43 Standards for measuring skill or progress in physical education classes.**
- XVI. **34 C.F.R. 106.51-61 Employment.**
PCUPR requires its faculty, and employees to espouse and-or respect the doctrine of the Catholic Church.

We affirm the dignity of all human beings and distinguish the inalienable dignity of each person from the behavioral choices a person makes. We believe that, as Catholics, we are called to treat all people with charity and respect, including those whose beliefs and behaviors differ from the teachings of the Catholic Church. We are not able, however, in good conscience to support or affirm choices and behaviors that conflict with our identity as Pontifical Catholic Institution.

Thus, on behalf Pontifical Catholic University of Puerto Rico, please accept this letter as our formal claim to exemption as per 34 CFR 106.12. Feel free to contact us if you need any additional information in order to fulfill our petition regarding this exemption.

Sincerely,



Jorge Iván Vélez Arocho
President

rcd