

October 12, 1999

MEMORANDUM

TO: Admissions Officers

FROM: Kenneth L. Whitehurst, Director
Student Development Services

SUBJECT: ADMISSIONS APPLICATIONS

In recent months, several of our community colleges have received notification from the Office for Civil Rights, U.S. Department of Education, that components of their admissions application may violate sections of Titles VI and IX of the Civil Rights Act and/or section 504 of the Rehabilitation Act. Betsy Trice, Senior Attorney, Office of Civil Rights has provided the information below to assist in bringing admissions applications into compliance with federal statutes.

PREADMISSION INQUIRIES

A. Disability-related inquiries:

Must be removed from the application (unless asked pursuant to remedial or voluntary affirmative action-- even so, must then contain specific clarifying language set forth in 34 C.F.R. ' 104.42(c) of the regulation implementing Section 504 of the Rehabilitation Act)

B. Marital Status inquiries (including asking for maiden name):

Must be removed from the application. AFormer name@ is an acceptable substitute for Amaiden name.@ (Note: Private undergraduate institutions are exempt from this prohibition.)

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C. Race/Ethnic Origin inquiries:

Inquiry may be made but the application must explicitly note that 1) the inquiry is **Avoluntary@** or **Aoptional@** **AND** explanatory language such as **Athe information will not be used in a discriminatory manner@** **OR** **Athe information is used for statistical or record keeping purposes only.@** Colleges are free to propose to OCR other **Aexplanatory language@** or variations of the language proposed immediately above which might better characterize their reasons for collecting the information or better meet their particular situation.

D. Interim Resolution of Race Inquiry Issue for North Carolina Community Colleges:

Until the North Carolina Community College System=s database is revised to include **Aunknown@** as a new field among the racial categories, colleges within the System may continue to **REQUIRE** that applicants provide information as to their race. Therefore, the application need not state that the inquiry is **Aoptional@** or **Avoluntary.@** However, the application should immediately be revised to include a statement that the information on race is for record keeping purposes only. This method of resolution will be acceptable until February 29, 2000, by which date the database system will have been revised to add a new field. After that date, Colleges in the System will be required to comply with Section C above.

Please make the changes indicated above to your community college application. If your college received a letter of complaint from OCR, then you must send a copy of your revised application to Betsy Trice, Senior Attorney, Office for Civil Rights, Southern Division, U.S. Department of Education, PO Box 14620, Washington, DC 20044-4620. Also, each admissions officer is requested to send a copy of your application to me for reference.

KLW/mag

c: Presidents
Vice Presidents/Deans of Student Services
Ms. Clay Hines

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