

No. 1977-43

AN ACT

SB 326

Amending the act of July 17, 1961 (P.L.776, No.341), entitled, as amended, "An act declaring the policy of the Commonwealth with regard to discriminatory practices in educational institutions based upon race, religion, color, ancestry, national origin or sex; prohibiting such discriminatory practices; providing for procedure and enforcement; providing for judicial review; providing for administration by the Pennsylvania Human Relations Commission in the Department of Labor and Industry; and defining its functions, powers and duties hereunder," further providing for the construction of the act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 9, act of July 17, 1961 (P.L.776, No.341), known as the "Pennsylvania Fair Educational Opportunities Act," amended December 29, 1972 (P.L.1682, No.360), is amended to read:

Section 9. Construction.—The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof and any law inconsistent with any provisions hereof shall not apply. Nothing contained in this act shall be deemed to repeal any of the provisions of any law of this Commonwealth relating to discrimination because of race, religion, color, ancestry, national origin or sex. This act shall not be construed to prohibit any educational institution which is neither State-owned nor State-related, nor State-aided, from drawing its enrollment entirely from members of one sex or from the sexes in any proportion, nor shall anything herein contained prevent any educational institution which is State-owned, State-related or State-aided from requiring each applicant for admission to state in the application for admission such applicant's sex to supplement and implement the institution's facts for planning purposes but only for such planning purposes and not for any discriminatory purposes. For the purpose of this section the term "State-owned" institution means the thirteen State colleges and Indiana University of Pennsylvania; the term "State-related" institutions means the University of Pittsburgh, Temple University and the Pennsylvania State University; the term "State-aided" institution means the Delaware Valley College of Science and Agriculture, Dickinson Law School, Drexel Institute of Technology, Hahnemann Medical College, Thomas Jefferson University, College of Lincoln University, the Medical College of Pennsylvania, University of Pennsylvania, Pennsylvania College of Podiatric Medicine, Pennsylvania College of Optometry, Philadelphia College of Art, Philadelphia College of Osteopathic Medicine, Philadelphia College of Textiles and Science, *and* Philadelphia Musical Academy [*and Moore College of Art*].

When considering any matter brought before it with respect to any alleged unfair educational practice based on sex, the commission shall take into consideration the educational programs offered by the institution and the number of admissions necessary to maintain programs and departments at educationally and economically feasible levels.

This section shall not apply until July 1, 1978 in the case of a school of medicine which has begun the process of changing from being an institution which admits only female students to being an institution which admits students of both sexes but only if it is carrying out a plan for such a change which complies with applicable Federal law.

Section 2. This act shall take effect immediately.

APPROVED—The 5th day of August, A. D. 1977.

MILTON J. SHAPP