



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

SEP 13 1985

Mr. Marvin G. Meyer
President
Bethany Lutheran College
734 Marsh Street
Mankato, Minnesota 56001

Dear President Meyer:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of resolving a number of pending requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Bethany Lutheran College filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President Branstad (copy enclosed) in which he described certain policies practiced at Bethany Lutheran College as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The former president supplied information in his request letter that establishes that Bethany Lutheran College 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 Bethany Lutheran College 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 Bethany Lutheran College. Bethany Lutheran College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51, 106.53 and 106.55(a). The basis for our decision to grant this exemption is discussed in further detail below.

The request letter indicates that Bethany Lutheran College is owned and operated by the Evangelical Lutheran Synod. This relationship between the Evangelical Lutheran Synod and Bethany Lutheran College adequately establishes that Bethany Lutheran College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that it is a religious tenet of the Evangelical Lutheran Synod that only qualified males in religious fellowship with the Synod may preach and officiate in the religious exercises at Bethany Lutheran College. Based on this principle, Bethany Lutheran College has requested and is granted by this letter exemption to § 106.51 (employment, general),

§ 106.53 (recruitment of employees) and § 106.55(a) (job classification and structure). The exemption is limited to those positions requiring the employee to preach and officiate in the religious exercises of Bethany Lutheran College.

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

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V