



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

SEP 20 1985
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Reverend Kevin E. Mackin, O.F.M.
President-Rector
Christ the King Seminary
711 Knox Road
P.O. Box 607
East Aurora, New York 14052-0607

Dear Father Mackin:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter dated July 11, 1985, requesting additional information regarding Christ the King Seminary's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter of August 2, 1985, you describe a policy practiced at the 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)¹ absent a religious exemption. You have supplied information that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with certain sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Christ the King Seminary 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. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that Christ the King Seminary is controlled by the Catholic Church and that the Minister Provincial and the members of his Council of the Province of the Most Holy Name of Jesus of the Order of Friars Minor constitute the Board of Directors. The Seminary educates and prepares men for priesthood in the Roman Catholic Church and offers graduate programs to men and women pursuing an advanced degree or preparing for special ministries. This relationship between the Roman Catholic Church and the Seminary adequately establishes that Christ the King Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

¹The Title IX regulation was recodified with the creation of the Department of Education in 1980. The regulation, formerly at 45 C.F.R. Part 86, is now at 34 C.F.R. Part 106.

The policies of the Roman Catholic Church and Christ the King Seminary allow for the ordination of only men to the priesthood. The Seminary has four programs of study: the Master of Divinity Program for seminarians; the Master of Divinity Program for commuters; the Master of Arts in Theology; and the Master of Arts in Pastoral Ministry. Of these four programs, only the Master of Divinity Program for seminarians is designed to prepare men for priesthood in the Roman Catholic Church. Therefore, admission to this program is limited to men. Based on this principle, Christ the King Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment) for the Master of Divinity Program for seminarians.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II