



OFFICE OF THE PRESIDENT

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the President  
(202) 368-3505

March 27, 1979

Mr. Waite H. Madison, Jr.  
The Department of Health,  
Education and Welfare  
Division of Postsecondary Education  
Office of Compliance and Enforcement  
Office for Civil Rights  
Office of the Secretary  
Washington, D.C. 20201

Gentlemen:

Title 45 CFR Section 86.12 allows educational institutions controlled by religious organizations to apply for an exemption from the application of 45 CFR Part 86 under Section 86.12(b). Your letter of inquiry dated February 19, 1979, requests:

1. An indication of the institution's control by a religious organization and the particular section of CFR Title 45 Part 86 which could be in conflict with a specific tenant of the religious organization.

Enclosed please find photocopies of Articles of Incorporation and By-Laws of the institution which clearly indicate that the College of St. Benedict is operated and controlled by the Sisters of the Order of St. Benedict, which is a canonically established religious community of women under the pontifical directorates of the Roman Catholic Church and the papacy itself. Enclosed also please find a policy statement which indicates the desire on the part of the College of St. Benedict to engage in its employ, members of the Sisters of the Order of St. Benedict when possible.

That policy could conflict with 45 CFR 86.51 in so far as the members of the Sisters of the Order of St. Benedict are all members of one sex, female.

We trust that this meets your demand in your inquiry dated 1 day of March, 1979, for a substantiation of the College's position.

COLLEGE OF ST. BENEDICT

By Beverly W. Miller  
Beverly W. Miller, Ph.D., President