



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

SEP 13 1985

Sister Emmanuel Renner
President
College of Saint Benedict
St. Joseph, Minnesota 56374

Dear Sister Emmanuel Renner:

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 the College of Saint Benedict 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 Miller (copy enclosed) in which she described a policy practiced at the College of Saint Benedict 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 her request letter that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with sections of the Title IX regulation. Therefore, I am granting the College of Saint Benedict 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 the institution. The College of Saint Benedict is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51 through 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter states that "the College of St. Benedict is operated and controlled by the Sisters of the Order of Saint Benedict, which is a canonically established religious community of women under the pontifical directorates of the Roman Catholic Church and the papacy itself." This relationship between the Sisters of the Order of Saint Benedict and the College of Saint Benedict adequately establishes that the 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 members of the Sisters of the Order of Saint Benedict will be given preferences for appointment to faculty, administrative and staff positions at the College of Saint Benedict. Based on this practice, the College of Saint Benedict has requested and is granted by this letter exemption to 34 C.F.R. §§ 106.51 through 106.61 relative to employment practices.

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