



CONCORDIA COLLEGE in SEWARD

800 North Columbia Avenue Seward, Nebraska 68434 (402) 643-3651

Office Of The
President

REGIONAL VII

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REGIONAL VII

July 11, 1985

Jesse L. High, Regional Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Mr. High:

This letter is in response to your letter of 27 June 1985, which is a response to the request we filed with your office on 28 September 1976 that we be exempted from certain provisions of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86). According to a phone conversation I had subsequent to your letter with Cynthia A. Einhelling, Acting Director, Postsecondary Education Division, of your office, I believe I am being asked to note specifically what are the sections or items of the material in question from which we wish to claim an exemption.

In the material Concordia College sent to your office on 28 September 1976, the president of the college at that time noted that

This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption. . .to the extent that its policies and practices involving both students and employees reflect the fact that only men may be ministers within The Lutheran Church-Missouri Synod.

I reaffirm what Dr. Janzow wrote in 1976. Furthermore, I want you to understand that the doctrine of ministry to which our church body subscribes and which, consequently, we at the college affirm and implement differentiates between men as ministers or pastors and other ministers in the church: while women may serve in various capacities within the church, they cannot serve as pastors nor can they exercise spiritual authority over men. In that context, then, we request that we be exempted from the following sections and parts of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86):

- | | | | |
|--------|--------|--------|--------|
| 106.3 | 106.15 | 106.32 | 106.40 |
| 106.4 | 106.17 | 106.34 | 106.51 |
| 106.6 | 106.21 | 106.36 | 106.52 |
| 106.7 | 106.22 | 106.37 | 106.53 |
| 106.9 | 106.23 | 106.38 | 106.55 |
| 106.11 | 106.31 | 106.39 | 106.59 |

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We at Concordia want to treat everyone, regardless of sex, equally. But exceptions may have to be made from time to time on the basis of our understanding of ministry. Insofar as any of the provisions listed above might tend to place us in a position where lack of an exemption would lead us to violate our principles, we claim an exemption.

If my understanding of what you are requesting is in error, please inform me quickly so that I can provide what is lacking.

Sincerely,

A handwritten signature in cursive script, appearing to read "James H. Pragman". The signature is written in dark ink and is positioned above the typed name.

James H. Pragman
Interim President

JHP:ems



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COLLEGE in SEWARD

800 North Columbia Avenue

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July 12, 1985

Jesse L. High, Regional Director
Office for Civil Rights
Department of Education, Region VII
324 East 11th Street
Kansas City, MO 64106

Dear Mr. High:

On 11 July 1985 I sent you a letter detailing the specific provisions of Title IX of the Education Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86) to which Concordia College in Seward, Nebraska, was claiming an exemption. I herewith formally withdraw that letter and rescind any and all efforts to gain exemption(s) from Title IX of the Educational Amendments of 1972 (Title IX), 34 C.F.R. Part 106 (formerly 45 C.F.R. Part 86).

I regret any inconvenience my withdrawal may cause your office. Legal counsel for The Lutheran Church-Missouri Synod, the church body which owns and operates our college, has advised us to withdraw our request because 20 U.S.C. Section 1681(a)(3) states that Title IX does "not apply to an educational institution which is controlled by a religious organization if the application. . . would not be consistent with the religious tenets of such organization."

I would appreciate it very much if you would return to me any and all materials we have submitted to your office on this matter so that we can be assured that our request is now null and void.

Sincerely,

James H. Pragman
Interim President

JHP:ems

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