

THE LUTHERAN CHURCH - MISSOURI SYNOD
BOARD FOR HIGHER EDUCATION

500 NORTH BROADWAY SAINT LOUIS, MISSOURI 63102
TELEPHONE 314-231-6969

THIS IS THE REQUIRED STATEMENT BY HIGHEST RANKING OFFICIAL
OF APPLICANT IDENTIFYING THE SPECIFIC PROVISIONS OF 45 C.F.R.
PART 86 WHICH CONFLICT WITH A SPECIFIC RELIGIOUS TENET OF
THE CONTROLLING RELIGIOUS ORGANIZATION.
September 22, 1976

CONCORDIA COLLEGE, ANN ARBOR, MICHIGAN

MEMO TO: College and Seminary Presidents
FROM: Arthur M. Ahlschwede
SUBJECT: Assurance of Compliance with Title IX

Mr. Philip Draheim, the Synod's legal counsel, has conveyed to us the following paragraph which needs to be attached to the assurance which you file with the Department of Health, Education and Welfare. This paragraph applies to claiming religious exemption. (The appropriate box to the left should be checked.)

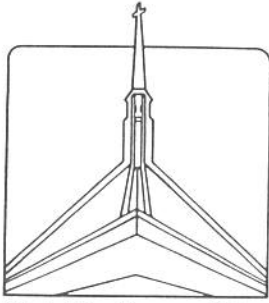
This institution is owned, operated, and significantly supported financially by The Lutheran Church-Missouri Synod, the second largest Lutheran convention or association of churches in North America.

This institution claims a religious exemption under 45 C.F.R. §86.12(b) 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.

It is the responsibility of individual institutions to be sure they comply with all other aspects of Title IX.

Arthur M. Ahlschwede

AMA:lmw



Christ first in everything

Concordia College
4090 Geddes Road
Ann Arbor, Michigan 48105
(313) 665-3691

July 8, 1985

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

RE: Concordia College, Ann Arbor, Michigan

Dear Ms. Cornelius:

This is in response to your letter of May 10, 1985, in which you point out that Concordia College, Ann Arbor, had some years ago filed a request for religious exemption from Title IX of the Education Amendments of 1972. You noted that there is no record that the OCR had ever adequately acknowledged that request. The sole purpose of this letter is to withdraw that request, if the condition stated below can be satisfied.

Concordia College is controlled by The Lutheran Church-Missouri Synod, an international religious denomination. 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."

It is our understanding that Section 1681 (a) (3) will be applicable if all of the facts and circumstances justify it, that is, that it is determined that the educational institution is controlled by a religious organization, the religious organization has religious tenets with respect to discrimination on the basis of sex, and those tenets would not be consistent with application of Title IX to specific policies or practices of the educational institution.

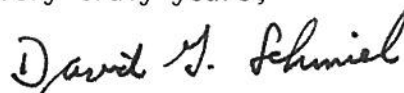
We believe that the request that has been made of you was a request for an advance determination concerning the applicability of Title IX. If so, the withdrawal of a request for an advance determination should not in any way prejudice the college if it, subsequent to such withdrawal, seeks

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to justify any action that might be thought to be a violation of Title IX, advancing as its defense Section 1681 (a) (3). In other words, it will be in the same position in advancing such a defense as if it had never requested the advance assurance.

If you are able to confirm that our conclusions are correct, we hereby withdraw the request for advance assurance concerning the application of Title IX to Concordia College. If you are unable to confirm that, we would appreciate the opportunity for a conference to discuss the situation.

Very truly yours,



David G. Schmiel
President

DGS/cgc

cc: Dr. Michael J. Stelmachowicz

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JUL 11 1985
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ED. DIVISION