



CONCORDIA
COLLEGE
2811 N. E. HOLMAN ST.
PORTLAND,
OREGON 97211
PHONE 503 288-9371

September 29, 1976

Martin H. Gerry, Director
Office for Civil Rights
Department of Health, Education, and Welfare
Office of the Secretary
Washington, D.C. 20201

Dear Mr. Gerry:

The following statement has been adopted by the Board of Higher Education of The Lutheran Church - Missouri Synod, for its institutions of higher education, pertaining to Title IX religious exemption. Concordia College, which is one of these institutions, claims this exemption with the other schools of the Lutheran Church - Missouri Synod.

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.S86.12(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.

Very sincerely yours,

E. P. Weber
President

EPW:vk

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May 24, 1985

Mr. Gary Jackson
Regional Director
Office for Civil Rights
U.S. Department of Education
2901 Third Avenue
Mail Stop 106
Seattle, Washington 98121

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DOE-OCR

Re: Concordia College, Portland, Oregon

Dear Mr. Jackson:

This letter will confirm telephone discussions with Mr. Stefan Macosta with respect to a request that had been filed on behalf of Concordia College that it was exempt from the application of Title IX. 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.

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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 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,

DRAHEIM & PRANSCHKE

By Philip E. Draheim

PED/skh

cc-Dr. Charles Schlimpert