



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

SEP 20 1985

Dr. Karl L. Barth  
President  
Concordia Seminary  
801 De Mun Avenue  
St. Louis, Missouri 63105

Dear President Barth:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting clarification of Concordia Seminary's request for religious exemption from Title IX of the Education Amendments of 1972. In your response you describe certain policies practiced at Concordia Seminary as consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Concordia Seminary an exemption to those sections of the Title IX regulation appropriate to your 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. Concordia Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22, 106.23, 106.31, 106.32, 106.34, 106.37, 106.38, 106.51 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

In your letter you state that Concordia Seminary is a "theological seminary owned and controlled by The Lutheran Church-Missouri Synod[.]" The Synod and the Seminary practice tenets which prohibit the ordination of women as pastors of The Lutheran Church-Missouri Synod. This relationship between The Lutheran Church-Missouri Synod and the Seminary adequately establishes that Concordia Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicated that the Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod. Furthermore, the Seminary directs its recruitment efforts to those who will qualify for such ministry, and will give preference as to admissions, education programs and activities, housing, course offerings, financial assistance, employment assistance, and otherwise to men. Based on these principles, the Seminary has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment), § 106.31 (education programs and activities), § 106.32 (housing), § 106.34 (access to course offerings), § 106.37 (financial assistance) and § 106.38 (employment assistance to students).

Your letter also indicated that the education of prospective pastors is generally accomplished through educators who themselves are pastors of The Lutheran Church-Missouri Synod. Thus, "the Seminary gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors." Based on this principle, the Seminary is granted by this letter exemption to: § 106.51 (employment, general) and § 106.53 (recruitment of employees) for certain positions reserved for or preferably filled by pastors.

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 the 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 the Seminary's request. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Kansas City Regional Office for Civil Rights. The address is:

Jesse L. High  
Regional Civil Rights Director  
Office for Civil Rights, Region VII  
Department of Education  
324 East 11th Street, 24th Floor  
Kansas City, Missouri 64106

Sincerely,



Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosure

cc: Jesse L. High, Regional Civil Rights Director, Region VII