



11
UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS
SEP 23 1985

Dr. Robert Preus
President
Concordia Theological Seminary
6600 North Clinton Street
Fort Wayne, Indiana 46825-4996

Dear President Preus:

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 Concordia Senior College filed such a request, but there is no record that OCR adequately acknowledged this request.

By letter of July 30, 1985, you have clarified that Concordia Senior College was closed several years ago. At the same time, you request a religious exemption for Concordia Theological Seminary. In your letter, you describe several policies practiced at Concordia Theological Seminary as consistent with the tenets of the religious organization that controls Concordia Theological Seminary. 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 Concordia Theological Seminary 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 Theological 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 Theological 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.

Your letter indicates that Concordia Theological Seminary is "owned and controlled by The Lutheran Church-Missouri Synod." This relationship between Concordia Theological Seminary and The Lutheran Church-Missouri Synod adequately establishes that Concordia Theological 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 indicate that The Lutheran Church-Missouri Synod prohibits the ordination of women as pastors, and "Concordia Theological Seminary exists to train men for ordination into the pastoral ministry of The Lutheran Church-Missouri Synod[.]" Thus, the tenets of this organization require Concordia Theological Seminary to direct its recruitment and admission efforts to men and to give preference to men in admissions, education programs and activities, housing, course offerings and financial assistance. While Concordia Theological Seminary does not automatically exclude women, it reserves the right to exclude them and "makes it clear that admission and access to courses will not produce the same result as for men, namely ordination into the pastoral ministry of The Lutheran Church-Missouri Synod." Accordingly, Concordia Theological 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 indicates that "the educating of prospective pastors is generally accomplished through those who themselves are pastors of The Lutheran Church-Missouri Synod[.]" Thus, Concordia Theological Seminary "gives preference to men in faculty and certain staff positions which it regards as necessary or desirable as being filled by pastors." Therefore, Concordia Theological 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 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.

Page 3 - Dr. Robert Preus

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

Enclosure

.cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V