



COVENANT
THEOLOGICAL
SEMINARY

Office of the President

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February 23, 1983

SEP
A.S. 3
2-15
Kansas City

Mr. Harry Singleton
Assistant Secretary for Civil Rights
Department of Education
400 Maryland Avenue S.W.
Switzer Building
Washington, D.C. 20202

Dear Mr. Singleton:

The purpose of this letter is to claim a Title IX exemption in accordance with 34 C.F.R. Section 106.12(a) and (b).

Covenant Theological Seminary is, within the meaning of Part 106, an institution of graduate higher education and of professional education. It is the official seminary of the Presbyterian Church in America, a nationwide denomination which is a religious organization within the meaning of Part 106. The Presbyterian Church in America controls Covenant Theological Seminary.

There are specific religious tenets of the Presbyterian Church in America with which various provisions of Part 106 conflict. The conflict arises because of those provisions in Part 106 which require equal treatment of women with regard to admission to those programs that are designed for the profession of the ordained ministry, and with regard to appointment of faculty members.

The controlling organization, the Presbyterian Church in America, holds the office of the ordained ministry open only to men. The relevant parts of its Constitution include the following:

The ordinary and perpetual classes of office in the Church are Elders and Deacons. Within the class of Elder are the two orders of Teaching Elders (ministers) and Ruling Elders. . . . In accord with Scripture, these offices are open to men only.

The Book of Church Order of the Presbyterian Church in America,
Par. 7-2. Covenant Theological Seminary does admit women to

programs that are designed for service not requiring ordination to the gospel ministry.

With regard to hiring, Covenant Theological Seminary does not discriminate in staff positions. Appointment of faculty is done in consistency with the Constitution and policies of the Presbyterian Church in America, indicated above, which do not recognize the ordination of women as in accord with its religious tenets. Because Covenant Theological Seminary's primary purpose is the training of men for the ordained ministry, the faculty is composed primarily of men who themselves have received such professional training as well as experience in the ordained ministry, plus further academic qualifications.

With that background, I identify the provisions of Part 106 which conflict with the specific religious tenets referred to above:

106.9 Dissemination of policy. (We cannot disseminate a policy that we do not discriminate on the basis of sex if in fact we do.)

106.21 Admission. (We are required by the religious tenets of our controlling religious organization to admit only men to certain programs.)

106.23(a) Recruitment. (Because we can admit only men to certain programs, it follows that we will recruit only men for those programs.)

106.31 Education programs and activities. (Because we can admit only men to certain programs, it follows that only men will participate in those programs and derivative activities.)

106.36 Counseling and use of appraisal and counseling materials. (Because we can admit only men to certain programs, it follows that we will not counsel women who are either students or applicants to participate in those programs or in the profession for which they are designed.)

106.37(a) and (b) Financial assistance. (No person is denied equal treatment with regard to financial assistance; obviously, however, because we can admit only men to certain programs, only men will receive financial assistance to pursue those programs.)

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106.38(a) Employment assistance to students.
(Because the religious tenets of our controlling religious organization forbid women to preach, Covenant Theological Seminary cannot provide such employment opportunities to women, either directly or in assistance to any other agency, organization or person.)

106.51 Employment. (As demonstrated above, Covenant Theological Seminary is required by the religious tenets of its controlling religious organization to have a faculty which is composed primarily of men.)

106.53 Recruitment. (Because Covenant Theological Seminary is required by the religious tenets of its controlling religious organization to have a faculty which is composed primarily of men, it follows that the seminary will recruit and hire primarily men for those positions.)

106.55 Job classification and structure. (As demonstrated above, Covenant Theological Seminary is required to have a faculty which is composed primarily of men.)

106.59 Advertising. (To an extent consistent with the actual composition of the faculty, as required by the religious tenets of its controlling religious organization, Covenant Theological Seminary would of course advertise faculty positions accordingly.)

106.60 Pre-employment inquiries. (To an extent consistent with the actual composition of the faculty, as required by the religious tenets of its controlling religious organization, Covenant Theological Seminary would of course make pre-employment inquiries accordingly.)

In all other respects, Covenant Theological Seminary is in compliance with Part 106. If you should have any questions, or if you desire further clarification, I would be pleased to talk with you.

Sincerely yours,



William S. Barker
President