



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

AUG 1 1985

Reverend James A. Fischer
President
Kenrick Seminary
7800 Kenrick Road
St. Louis, Missouri 63119

Dear Reverend Fischer:

The Office for Civil Rights of the Department of Education (OCR/ED) is in the process of clearing a backlog of requests for religious exemption from Title IX of the Education Amendments of 1972. Our records indicate that Kenrick Seminary (Seminary) filed such a request, but there is no record that OCR adequately acknowledged this request.

We have recently reviewed the request filed by former President Trapp (copy enclosed) in which he described certain policies practiced at the 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. Former President Trapp supplied information in his 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 Kenrick Seminary an exemption to those sections of the Title IX regulation appropriate to the 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. Kenrick Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21, 106.22 and 106.23. The basis for our decision to grant this exemption is discussed in further detail below.

The information that Kenrick Seminary submitted indicated that it is controlled by the Roman Catholic Church. The Roman Catholic Church ordains only men as ministers within its Church. According to the Seminary catalog, "[t]he purpose of Kenrick Seminary is to prepare men to be priests in the Roman Catholic Church[.]" This relationship between the Roman Catholic Church and Kenrick Seminary adequately establishes that Kenrick Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Kenrick Seminary does not admit women to its program since the Roman Catholic Church does not admit women as ordained ministers within the Church. Based on this principle, Kenrick Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. § 106.21, § 106.22 and § 106.23 which prohibit discrimination on the basis of sex in admissions and recruitment.

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 the 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

Enclosures

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