



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 12, 2021

(The Rev'd Canon) Edward Monk, SSC, DD, Chairman of the Board of Directors
Dr. Garwood Anderson, Ph.D., Dean
Nashotah House Theological Seminary
2777 Mission Road
Nashotah, WI 53058

Dear Chairman Monk and Dean Anderson:

I write in response to your October 8, 2021, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Nashotah House Theological Seminary in Nashotah, Wisconsin.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX and its implementing regulations at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

Your letter states that the Seminary is "a school of divinity" and "a nonprofit, Anglican-Episcopal seminary in the Catholic tradition" that is controlled by "an independent Board of Directors." The Board "serves as the governing body for the Seminary," is composed of members who "must be personally committed to traditional Christian beliefs, as expressed in Anglicanism, and to the religious purpose and mission of the Seminary," and "is responsible for ensuring the Seminary achieves its religious purpose and mission, including by holding the Seminary accountable to furthering Anglican Christianity's theological principles and ethical norms." The Seminary is

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

“dedicated to preparing students for Christian ministry, primarily as ordained ministers.” The mission of the Seminary includes “[b]eing a community of learning and scholarship committed to theological principles, ethical norms, and practices of the Catholic Tradition of Anglican Christianity.”

Your letter explains that the Seminary:

affirms and confesses the historic faith and practice of the [Episcopal] Church as it is set forth in the Holy Scriptures of the Old and New Testament together with the Apocrypha, as summarized in the Apostles’, Nicene, and Athanasian Creeds, as proclaimed by the first seven ecumenical councils, and as embodied in the Book of Common Prayer, including the Articles of Religion and other documents contained in the ‘Historical Documents’ section of the 1979 Prayer Book.

The Seminary’s Statement of Identity states that the Seminary is “committed to a morality which opposes any form of prejudice in ourselves and others as well as any false notion of inclusivity that denies or minimizes the importance of natural differences, including sexual differences, within the created order.” The Statement of Identity further explains that the Seminary believes “that sexual relations are appropriate only between a man and a woman who have been united in Holy Matrimony. All are called to chastity: husbands and wives by exclusive sexual fidelity to one another and single persons by abstinence from sexual intercourse.”

For the above reasons, the Seminary requests assurance of its exemption from the following regulatory provisions to the extent that “application of those provisions would require the Seminary to recruit or admit a student in a manner inconsistent with its religious beliefs”:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment)

The Seminary is exempt from these provisions to the extent that application of these provisions would require the Seminary to recruit or admit a student in a manner inconsistent with its religious beliefs.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized. Also, in the unlikely event that a complaint alleges that the practices followed by an institution are not based on the religious tenets identified in your request, OCR may contact the controlling organization to contact 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, OCR will not recognize this exemption.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'CEL', written in a cursive style.

Catherine E. Lhamon
Assistant Secretary for Civil Rights