



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

SEP 24 1985

Rabbi Herman N. Neuberger
Vice President
Ner Israel Rabbinical College
Mt. Wilson Lane
Baltimore, Maryland 21208

Dear Rabbi Neuberger:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Ner Israel Rabbinical College's (College) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request, you describe certain policies practiced at the College 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 letters that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Ner Israel Rabbinical College an exemption to those sections of the Title IX regulation specified in your August 20, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Ner Israel Rabbinical College 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, 106.51, 106.52, 106.53, 106.55 and 106.59. The basis for our decision to grant this exemption is discussed in further detail below.

In your original letter you stated that Ner Israel Rabbinical College is "controlled, conducted, and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the College adequately establishes that Ner Israel Rabbinical College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your August 20 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Ner Israel Rabbinical College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure) and § 106.59 (advertising).

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.

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 Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Post Office Box 13716
Philadelphia, Pennsylvania 19104

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III