



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

Reverend Monsignor John C. Favalora  
President  
Notre Dame Seminary  
2901 South Carrollton Avenue  
New Orleans, Louisiana 70118

Dear Reverend Monsignor Favalora:

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 Notre Dame 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 Bruns (copy enclosed) in which he described certain policies practiced at Notre Dame 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. The former president supplied information that establishes that Notre Dame 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 Notre Dame 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. Notre Dame 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, 106.34, 106.51, 106.52, 106.53 and 106.55. The basis for our decision to grant this exemption is discussed in further detail below.

The request letter states that Notre Dame Seminary is a school of theology, subsidized by the Archdiocese of New Orleans. Notre Dame Seminary primarily trains candidates for the Roman Catholic priesthood. This relationship between the Roman Catholic Church and Notre Dame Seminary adequately establishes that Notre Dame Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that Notre Dame Seminary trains candidates for the Roman Catholic priesthood and offers graduate level programs to qualified male and female applicants. However, the letter stated that the Master of Divinity program, which is designed to train candidates for the priesthood, is open, subject to a limited numerical enrollment, to non-Catholic applicants of either sex. Thus, to the extent that the institution partially

Limits admission and access to courses, Notre Dame Seminary is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students) and § 106.34 (access to course offerings).

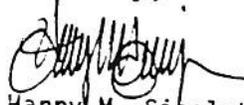
The former president's letter also indicates that Notre Dame Seminary, in accordance with its primary purpose of training candidates for the priesthood, hires only priests as full-time faculty members who live in-house with priesthood candidates. Based on this practice, Notre Dame Seminary is granted by this letter exemption to: § 106.51 (employment, general), § 106.52 (employment criteria), § 106.53 (recruitment of employees) and § 106.55 (job classification and structure), to the extent that certain employment positions must be reserved for priests.

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 Notre Dame Seminary, 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 institution'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 Dallas Regional Office for Civil Rights. The address is:

Taylor D. August  
Regional Civil Rights Director  
Office for Civil Rights, Region VI  
Department of Education  
1200 Main Tower Building, Suite 400  
Dallas, Texas 75202

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: Taylor D. August, Regional Civil Rights Director, Region VI