



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

AUG 16 1985

Reverend Dennis F. Sheehan
Rector
Pope John XXIII National Seminary
Weston, Massachusetts 02193

Dear Father Sheehan:

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 Pope John XXIII National 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 the former Rector, Reverend James W. DeAdder (copy enclosed), in which he described a policy practiced at the Seminary as consistent with the tenets of the religious organization that controls the institution. This policy would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. The former Rector 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 the 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. Pope John XXIII National 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 former Rector's letter indicates that the Seminary is controlled by the Roman Catholic Church. The Seminary educates students to be ordained priests in the Roman Catholic Church and accepts as full-time students only males who profess the Roman Catholic faith. This relationship between the Roman Catholic Church and Pope John XXIII National Seminary adequately establishes that the Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

Pope John XXIII National Seminary educates only men to become ordained priests in the Roman Catholic Church. Based on this practice, the Seminary has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (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 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 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 Boston Regional Office for Civil Rights. The address is:

Richard V. E. McCann
Regional Civil Rights Director
Office for Civil Rights, Region I
Department of Education
Room 222, J.W. McCormack Post Office
and Courthouse
Boston, Massachusetts 02109

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Richard V. E. McCann, Regional Civil Rights Director, Region I