



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

SEP 23 1985

Reverend Charles Froehle
Rector
The Saint Paul Seminary
2250 Summit Avenue
St. Paul, Minnesota 55105

Dear Father Froehle:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter of July 18, 1985, requesting clarification of The Saint Paul Seminary's request for a religious exemption from Title IX of the Education Amendments of 1972.

- In your response you describe several policies practiced at The Saint Paul 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. You have supplied information in your request letter that establishes that The Saint Paul 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 The Saint Paul Seminary an exemption to those sections of the Title IX regulation specified in your 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. The Saint Paul 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, 106.31, 106.32, 106.34, 106.36, 106.37, 106.40, 106.51, 106.52 and 106.53. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that The Saint Paul Seminary is affiliated with the Roman Catholic Church. The Seminary has degree programs for men and women seeking graduate theological training and maintains a program preparing men for priesthood in the Roman Catholic Church. This relationship between The Saint Paul Seminary and the Roman Catholic Church adequately establishes that The Saint Paul Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter you indicate that The Saint Paul Seminary maintains a distinct program to train single men for ordination in the priesthood of the Roman Catholic Church. Thus, the tenets of the Roman Catholic Church require The Saint Paul Seminary to admit only eligible single men to programs leading to ordination; and maintain "distinct arrangements" for priesthood candidates in education programs and activities, student housing, access to course offerings, counseling and financial assistance. Accordingly, The Saint

Paul Seminary has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.31 (education programs and activities), § 106.32 (housing), § 106.34 (access to course offerings), § 106.36 (counseling), § 106.37 (financial assistance) and § 106.40 (marital or parental status of students).

In your letter you also indicate that the Roman Catholic Church specifies that certain faculty positions must be filled by priests. Thus, The Saint Paul Seminary follows employment practices that exclude women from such positions. Based on this principle, The Saint Paul Seminary has requested and is granted by this letter exemption to: § 106.51 (employment, general), § 106.52 (employment criteria) and § 106.53 (recruitment of employees).

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 Chicago Regional Office for Civil Rights. The address is:

Linda A. McGovern
Acting Regional Civil Rights Director
Office for Civil Rights, Region V
Department of Education
300 South Wacker Drive, 8th Floor
Chicago, Illinois 60606

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V