



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

SEP 20 1985
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Monsignor John J. Petillo
Chancellor
Seton Hall University
South Orange, New Jersey 07079

Dear Monsignor Petillo:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter dated July 11, 1985, requesting additional information regarding Seton Hall University's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter of July 25, 1985, you describe a policy practiced at Seton Hall University College Seminary (Seminary), also known as the Divinity School, 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. You have supplied information that establishes that the Seminary is controlled by a religious organization and that tenets followed by this organization conflict with certain sections of the Title IX regulation. Therefore, I am granting the Seminary an exemption to those sections of the Title IX regulation appropriate to 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. Seton Hall University College 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.

Your letter indicates that the Seton Hall University College Seminary "exists to train candidates for the priesthood of the Roman Catholic Archdiocese of Newark and other Roman Catholic dioceses." This relationship between the Roman Catholic Church and the Seminary adequately establishes that Seton Hall University College Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The Roman Catholic Church and the Seminary practice the tenets articulated in Canons 108 and 968 of the 1917 Code of Canon Law of the Roman Catholic Church which limit the sacred orders of bishop, priest, and deacon to males. Therefore, "[t]he full formational program of the College Seminary . . . is specifically for the education of students accepted as candidates by their Bishops for the ordained priesthood of the Roman Catholic Church." Based on this principle, the Seton Hall University College 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).

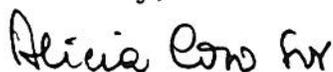
The Seminary also requested exemption, based on the tenet noted above, to § 106.31 (education programs and activities) and § 106.32 (housing). However, because the Seminary limits admission to men only based on religious tenets, the exemption granted herein to §§ 106.21, 106.22, and 106.23 eliminates the necessity for an exemption to § 106.31 and § 106.32.

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II