



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

AUG 27 1985

Reverend Charles E. Miller, C.M.
President
St. John's Seminary
5118 East Seminary Road
Camarillo, California 93010

Dear Father Miller:

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. We have reviewed the request filed by former President Timothy Cardinal Manning and subsequent related correspondence in which several policies practiced at St. John's Seminary are described 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 and the Archdiocese of Los Angeles have supplied information 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 St. John's Seminary an exemption to those sections of the Title IX regulation appropriate to the request letter. St. John's Seminary is hereby exempted from the requirements of the following sections of the Title IX regulation: § 106.21, § 106.22, § 106.23, § 106.51(a), § 106.53(a), § 106.55(a), § 106.57(a)(1), and § 106.60(a). This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. The basis for our decision to grant this exemption is discussed in further detail below.

Cardinal Manning's original request for exemption states that the Roman Catholic Church controls St. John's Seminary. The Roman Catholic Church allows only males to be priests, and St. John's Seminary, which trains priests, admits only men as students. This relationship between the Roman Catholic Church and St. John's Seminary adequately establishes that St. John's Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation. St. John's Seminary prohibits the admission of women as students based on religious tenets of the controlling organization. Based on this practice, St. John's Seminary has requested and is granted by this letter, exemption to:

- § 106.21: admission of students;
- § 106.22: preference in admission;
- § 106.23: recruitment of students.

The original request for exemption also cited § 106.31(a)(education programs and activities) and § 106.40(a)(marital or parental status). An exemption to §§ 106.31(a) and 106.40(a) is unnecessary because St. John's Seminary admits only men and is granted herein an exemption for this practice at §§ 106.21, 106.22 and 106.23.

The original request asked that St. John's Seminary also be granted exemption from certain sections of the regulation relating to nondiscrimination in employment. The letter did not describe how these sections of the regulation conflicted with employment practices of the Seminary based upon Roman Catholic tenets. In response to OCR's request for additional information, the Archdiocese of Los Angeles stated that it is necessary to employ Roman Catholic priests (i.e., men) in some positions at St. John's Seminary: President, Rector, Procurator, Dean of Men, Resident Priests.

Based on the above, the St. John's Seminary has requested and is granted by this letter, exemption to the sections of the Title IX regulation noted below. This exemption is limited to those employment positions reserved for priests.

- § 106.51(a): general prohibitions against employment discrimination;
- § 106.53(a): recruitment;
- § 106.55(a): job classification and structure;
- § 106.57(a)(1): marital, parental or family status of employees;
- § 106.60(a): pre-employment inquiries regarding marital status.

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.

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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 San Francisco Regional Office for Civil Rights. The address is:

John E. Palomino
Acting Regional Civil Rights Director
Office for Civil Rights, Region IX
Department of Education
221 Main Street, 10th Floor
San Francisco, California 94105
(415) 467-8043

Sincerely,

Alicia Coro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX
Rev. Msgr. Jeremiah T. Murphy, Archdiocese of L.A.