



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

SEP 18 1985

Brother Herman J. Gerber, S.M.  
Vice-President and Chairman of the Board  
St. Louis-Chaminade Education Center  
3140 Waiialae Avenue  
Honolulu, Hawaii 96816

Dear Brother Gerber:

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 such a request was filed for Chaminade College of Honolulu (now, Chaminade University of Honolulu) by its former president, Rev. Charles J. Lees, but there is no record that OCR adequately acknowledged the request.

We have recently reviewed the request, as supplemented and amended in your recent letter (copies enclosed), which expanded the original request to include St. Louis-Chaminade Education Center and St. Louis High School. (Your letter identified St. Louis-Chaminade Education Center as the umbrella institution that encompasses both St. Louis High School and Chaminade University; subsequent references in this letter to the Education Center encompass the University and the High School.) The request, as amended, described certain employment policies of the Education Center as being 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. St. Louis-Chaminade Education Center has 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 the Education Center an exemption to those sections of the Title IX regulation appropriate to your request. St. Louis-Chaminade Education Center, encompassing St. Louis High School and Chaminade University of Honolulu, is hereby exempted from the requirements of 34 C.F.R. §§ 106.51 and 106.53. 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.

Your request letter indicates that St. Louis-Chaminade Education Center is owned and controlled by the Marianist Religious Order of the Roman Catholic Church. This relationship between the Roman Catholic Church, the Marianist Religious Order, and the Education Center adequately establishes that the St. Louis-Chaminade Education Center 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 indicated that the Corporate Bylaws of the Education Center specify that certain positions must be filled by Marianists who, under tenets of the order and the Roman Catholic Church, are male. These positions are the Vice-President and Chairman of the Board of Directors for St. Louis-Chaminade Education Center, the President of Chaminade University of Honolulu, and the Principal of St. Louis High School. Based on the principle that Marianists must be male and the requirement that certain positions be filled by Marianists, St. Louis-Chaminade Education Center has requested and is granted by this letter, exemption to 34 C.F.R. § 106.51 (employment) and § 106.53 (recruitment of employees) for the positions listed above.

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 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

Sincerely,

*Alicia Crohn*

Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: John E. Palomino, Acting Regional Civil Rights Director, Region IX