



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

SEP - 3 1985

Reverend Howard P. Bleichner
Rector
St. Patrick's Seminary
320 Middlefield Road
Menlo Park, California 94025

Dear Father Bleichner:

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 St. Patrick's Seminary filed such a request, but there is no record that OCR adequately acknowledged the request.

We have reviewed your institution's request, as supplemented by the July 30, 1985, letter from Father Terrien, Vice Rector and Academic Dean (copies enclosed), in which several policies practiced at St. Patrick'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 Seminary 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 Seminary an exemption to those sections of the Title IX regulation appropriate to the request letter. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. St. Patrick's 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 and 106.51 - 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

The request for exemption indicates that St. Patrick's Seminary "is owned and operated by the Roman Catholic Archdiocese of San Francisco for the purpose of training Roman Catholic priests[.]" The Seminary "staffing is entrusted to the Society of St. Sulpice, a group of Roman Catholic diocesan priests whose specific function is the formation and education of parish

clergy." This relationship between the Roman Catholic Church and St. Patrick's 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.

Father Terrien's request for an exemption states that the Roman Catholic Church does not permit the ordination of women to the priesthood. Since the primary goal of St. Patrick's Seminary is the education of candidates for the priesthood, the Seminary does not admit women students on the same basis as men students. Additionally, women students are not admitted to the Seminary's Master of Divinity program, the ordinary professional degree for seminarians, since admission is limited to candidates for the priesthood.

Based on these principles, St. Patrick's Seminary has requested and is granted by this letter, exemption to: § 106.21 (admission); § 106.22 (preference in admission); and § 106.23 (recruitment of students). St. Patrick's Seminary also requested exemption to § 106.31 because it limits enrollment in the Master of Divinity program to men. However, §§ 106.21, 106.22 and 106.23 address this practice more appropriately than does § 106.31. Therefore, no exemption is granted to § 106.31 (education programs and activities).

The request letter also indicates that the Vatican requires that those who serve as spiritual directors for seminarians be priests and that, as a general rule, seminary professors for the "sacred subjects" be priests. Further, because of their importance as role models for seminarians, the majority of full-time faculty members must be priests. The Seminary, therefore, "may not hire women as full-time faculty members on an equal basis with men."

Based on these principles, St. Patrick's Seminary has requested and is granted by this letter, exemption to: 34 C.F.R. Part 106, Subpart E ("Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited"). "Subpart E" includes §§ 106.51 - 106.61 of the Title IX regulation.

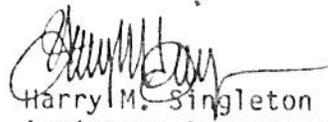
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. 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

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

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