



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

205022
K. MINES

FEB 24 1986

Rabbi Shmuel Adler
Administrative Director
Telshe Yeshiva - Chicago
3535 West Foster Avenue
Chicago, Illinois 60625

Dear Rabbi Adler:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your letters requesting a religious exemption from Title IX of the Education Amendments of 1972. In your letters, you describe certain policies practiced at Telshe Yeshiva - Chicago 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. You have supplied information that establishes that the institution is controlled by a religious organization and that practices based on tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting Telshe Yeshiva - Chicago an exemption to those sections of the Title IX regulation specified in your letters. Telshe Yeshiva - Chicago 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, 106.51, 106.52, 106.53, 106.55, and 106.59. 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.

In your letter of November 13, 1985, you stated that "Telshe Yeshiva - Chicago is controlled, conducted and operated by the Orthodox Jewish religion." This relationship between Orthodox Judaism and the Yeshiva adequately establishes that Telshe Yeshiva - Chicago is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter of September 6, 1985, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Telshe Yeshiva - Chicago has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission), § 106.23 (recruitment of students), § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising).

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. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

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

Sincerely,



Alicia Coro
Acting Assistant Secretary
for Civil Rights

Enclosure

cc: Kenneth A. Mines, Regional Civil Rights Director, Region V