



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

SEP 30 1985

Rabbi Mordecai Gifter  
President  
Telshe Yeshiva  
Rabbinical College of Telshe  
28400 Euclid Avenue  
Wickliffe, Ohio 44092

Dear Rabbi Gifter:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Telshe Yeshiva's request for a religious exemption from Title IX of the Education Amendments of 1972.

In your response, which supplements your original exemption request (copies enclosed), you describe certain policies practiced at Telshe Yeshiva 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. You have supplied information in your request letters that establishes that Telshe Yeshiva 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 an exemption to those sections of the Title IX regulation appropriate to your request. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by Telshe Yeshiva. Telshe Yeshiva 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. The basis for our decision to grant this exemption is discussed in further detail below.

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

In your August 20 letter, you stated that religious tenets "require us to admit only male students and to hire only male faculty." Based on these practices, Telshe Yeshiva 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. I regret the inordinate delay in responding to your original request. If you have any questions, please do not hesitate to contact the Chicago Regional Office for Civil Rights. The address is:

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

Sincerely,

  
Harry M. Singleton  
Assistant Secretary  
for Civil Rights

Enclosures

cc: Linda A. McGovern, Acting Regional Civil Rights Director, Region V