



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

SEP 30 1985  
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Rabbi Don Well  
President  
The Hebrew Theological College  
7135 North Carpenter Road  
Skokie, Illinois 60077

Dear Rabbi Well:

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

In your response of September 9, 1985, you describe certain policies practiced at the College 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 that establishes that the College 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 the Hebrew Theological College an exemption to those sections of the Title IX regulation specified in your September 9, 1985, letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The Hebrew Theological College 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, 106.32, 106.34, 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.

Your request letter indicates that the "Hebrew Theological College is under the control of the Board of Directors . . . which is bound by its constitution to all the tenets of the Orthodox Jewish faith." This relationship between the College and Orthodox Judaism adequately establishes that the Hebrew Theological College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

The request letter indicates that the Hebrew Theological College maintains a program to train men for ordination as rabbis in the Orthodox Jewish faith, and also offers a doctorate and masters degree in Pastoral Counseling open only to ordained rabbis. Based on these practices, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students) for those programs leading to ordination or open only to rabbis.

Your letter indicates that all other programs that do not lead to ordination, or that admit only rabbis, are open to both men and women. However, in accordance with religious tenets, classes and facilities for these programs are segregated on the basis of sex. Based on this practice, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.34 (access to course offerings).

Your request letter also states that "all instructors in the rabbinical program are required to be ordained rabbis." Thus, women are not employed as instructors in the rabbinical program. Based on this practice, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.51 (employment), § 106.52 (employment criteria), § 106.53 (recruitment of employees), § 106.55 (job classification and structure), and § 106.59 (advertising) for those positions reserved for rabbis.

Finally, you have indicated that the College offers housing only to male students since students in the nonrabbinical programs share housing with rabbinical students. Based on this practice, the Hebrew Theological College has requested and is granted by this letter exemption to: § 106.32 (housing).

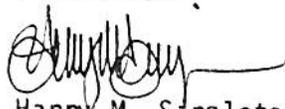
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted.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

Page 3 - Rabbi Don Well

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

Enclosure

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