



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

SEP 20 1985
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Reverend Leeward J. Poissant
President
Wadhams Hall Seminary-College
Ogdensburg, New York 13669

Dear Father Poissant:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to our letter dated July 11, 1985, requesting additional information regarding Wadhams Hall Seminary-College's (Seminary) request for a religious exemption from Title IX of the Education Amendments of 1972.

In your letter of July 24, 1985, which supplements the Seminary's original request, you describe several policies practiced at the Seminary 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 that establishes that the Seminary is controlled by a religious organization and that tenets followed by this organization conflict with certain sections of the Title IX regulation. Therefore, I am granting the Seminary 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 the institution. Wadhams Hall Seminary-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, and 106.51 through 106.61. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the Charter of Wadhams Hall Seminary-College commissions you "to prepare men for further studies leading toward the Roman Catholic Priesthood through a four-year baccalaureate program with a major in philosophy." This relationship between the Roman Catholic Church and the 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.

The Roman Catholic Church and the Seminary practice the tenet that only men may be priests. Therefore, women are not admitted to the Seminary. Based on this principle, Wadhams Hall Seminary-College has requested and is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment).

The Seminary also requested exemption, based on the tenet noted above, to those sections of the regulation pertaining to housing, educational programs and activities, counseling and guidance, financial aid, and

athletics and physical education. However, because the Seminary limits admission to men only based on religious tenets, the exemption granted herein to §§ 106.21, 106.22 and 106.23 eliminates the necessity for an exemption to § 106.32 (housing), § 106.31 (education programs and activities), § 106.36 (counseling), § 106.37 (financial aid), § 106.41 (athletics) and § 106.34 (physical education).

Your letter also indicates that the Catholic Church "believes that certain rituals and powers are the prerogative only of ordained priests." The "Catholic Church requires that the President, the Director of Spiritual Formation, and a certain percentage of the faculty be ordained priests." These individuals serve "the important purpose of modeling priesthood for the young men who are moving toward this vocation in life." Based on these principles and practices, Wadhams Hall Seminary-College is granted by this letter exemption to: 34 C.F.R. §§ 106.51 - 106.61 (discrimination on the basis of sex in employment in education programs and activities prohibited).

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 New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II