



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

SEP 18 1985

Dr. George C. Fuller
President
Westminster Theological Seminary
Post Office Box 27009
Philadelphia, Pennsylvania 19118

Dear President Fuller:

The Office for Civil Rights of the Department of Education (OCR/ED) has reviewed your response to OCR's letter requesting information regarding Westminster Theological Seminary's request for religious exemption from Title IX of the Education Amendments of 1972.

In your letter, which supplements the original request filed by former President Clowney (copies enclosed), you describe certain policies practiced at Westminster Theological 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 in your request letter 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 Westminster Theological Seminary an exemption to those sections of the Title IX regulation appropriate to your request letter. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. Westminster Theological 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, 106.34, 106.51, 106.53 and 106.55. The basis for our decision to grant this exemption is discussed in further detail below.

The former president indicated that the Seminary serves and is supported by a number of denominations that hold to presbyterian and reformed ecclesiastical polity. The Seminary specifically prepares students to become ministers, to teach theological subjects or enter other religious

vocations. This relationship between the Presbyterian churches and the Seminary adequately establishes that Westminster Theological Seminary is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

In your letter, you indicate that the majority of the Seminary's Board of Trustees and faculty is related to the denominations of the Presbyterian Church in America and the Orthodox Presbyterian Church. The Board and faculty, together with the constituency represented and served by the Seminary, do not believe that women should be ordained to the office of highest leadership in the church. Thus, the Seminary does not admit women to programs and courses specifically designed to train candidates for church roles that are believed to be properly open to men only. Based on this principle, Westminster Theological Seminary is granted by this letter exemption to: 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment) for the Master of Divinity and Doctor of Minister programs. Westminster Theological Seminary is also granted exemption to § 106.34 (access to course offerings) for those courses offered outside the Master of Divinity and Doctor of Minister programs that are specifically for training candidates for church roles reserved for men. Sections 106.21, 106.22 and 106.23 address more appropriately the admission of men only, based on religious tenets, to the Master of Divinity and Doctor of Minister programs than does § 106.31.

Your letter also indicates that women do not have full access to faculty opportunities since they are not ordained. "The positions of president and dean are filled by those who have been ordained to the office of elder." Based on this principle, Westminster Theological Seminary is granted by this letter exemption to: 34 C.F.R. § 106.51 (employment, general), § 106.53 (recruitment) and § 106.55 (job classification and structure) for those positions reserved for men who have been ordained.

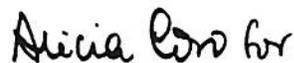
This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted.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

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 Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Post Office Box 13716
Philadelphia, Pennsylvania 19101

Sincerely,

A handwritten signature in cursive script that reads "Alicia Ford".

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosures

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III