



Forming Leaders in the Anglican Tradition Since 1842

October 8, 2021

Suzanne Goldberg, Acting Assistant Secretary for Civil Rights
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Ave., SW
Washington, DC 20202-1100

Re: Nashotah House Theological Seminary
OCR Case No. 05-21-2213

Dear Ms. Goldberg:

As the Dean and the Chairman of the Board of Directors of Nashotah House Theological Seminary in Nashotah, Wisconsin, we write in response to the complaint filed in OCR Case No. 05-21-2213 to inform you that the Seminary is exempt from the complaint pursuant to Title IX of the Education Amendments of 1972 and its implementing regulations. Under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, Title IX “shall not apply to an educational institution which is controlled by a religious organization” to the extent that application would “not be consistent with the religious tenets” of the controlling organization. For purposes of Section 1681(a)(3) and 34 C.F.R. §§ 106.12(c)(1), (2), (4) and (c)(5), the Seminary is an educational institution controlled by a religious organization, is a school of divinity, requires its faculty and students to follow or personally believe the religion of its controlling religious organization, requires the members of its community to follow or believe its doctrine and religious practices, and has a published institutional mission approved by its governing Board of Directors that is predicated upon its religious beliefs. Thus, the Seminary is exempt from the application of Title IX and the Department’s regulations at 34 C.F.R. §§ 106.21, 106.22, and 106.23 that has been requested by the complainant in OCR Case No. 05-21-2213 because the application of those provisions would require the Seminary to recruit or admit a student in a manner inconsistent with the Seminary’s religious beliefs.

Religious Control

The Seminary is a nonprofit, Anglican-Episcopal seminary in the Catholic tradition founded by early missionaries of the Episcopal Church. Known originally as “The Mission,” the Seminary exists to form persons for ministry in the breadth of the Catholic Tradition, for the Episcopal Church, the wider Anglican Communion, Churches in the Anglican Tradition, and other Ecumenical Partners, thus empowering the Church for the spread of the Gospel of Jesus Christ. The Seminary is an educational institution dedicated to preparing students for Christian ministry, primarily as ordained ministers. The mission of the Seminary includes “[b]eing a community of learning and scholarship committed to theological principles, ethical norms, and practices of the Catholic Tradition of Anglican Christianity” and “[c]ontinuing our founding as a Mission and

House of formation, primarily for ordained ministry, but also for lay ministry, in training Christians to ‘take the Gospel to the ends of the earth.’”

The Seminary is governed, and its property held in trust, by an independent Board of Directors and Corporation. The Corporation is composed of members who are charged to elect and review the work of the Board of Directors. The Board of Directors is a religious organization and serves as the governing body for the Seminary. The Board is composed of elected members of the Corporation, all of whom must be personally committed to traditional Christian beliefs, as expressed in Anglicanism, and to the religious purpose and mission of the Seminary, as expressly described in the Statutes of Nashotah House. The Board is responsible for ensuring the Seminary achieves its religious purpose and mission, including by holding the Seminary accountable to furthering Anglican Christianity’s theological principles and ethical norms. Acting as a body, the Board is the ultimate responsible authority for the Seminary on educational, legal, administrative, and ecclesiastical matters. The Board selects the administrative officers of the Seminary, may remove any officer of the Seminary, and has authority over the granting of tenure to faculty. The Board approves all policies of the Seminary and students who fail to follow the Board’s policies may be dismissed. The Board ultimately controls the awarding of academic degrees, diplomas, and certificates by the Seminary.

Religious Tenets

Under the direction of the Board, the Seminary affirms and confesses the historic faith and practice of the Church as it is set forth in the Holy Scriptures of the Old and New Testament together with the Apocrypha, as summarized in the Apostles’, Nicene, and Athanasian Creeds, as proclaimed by the first seven ecumenical councils, and as embodied in the Book of Common Prayer, including the Articles of Religion and other documents contained in the “Historical Documents” section of the 1979 Prayer Book. For over 175 years, the Seminary has observed the public worship of God every morning and evening.

As a part of welcoming, respecting, and loving all persons, recognizing the fundamental dignity of each person created in the image and likeness of God, the Seminary guides its students to live in harmony with biblical teaching. All members of the Seminary community, including students, must agree to and conduct themselves according to its religious beliefs. This is in part because the Seminary does not merely educate or train its students for ministry, but *forms* them for ministry. That formation occurs through a regimen of daily worship, prayer, service, study, work, and total integration of life to carefully form each member of the community’s soul in relationship to God the Father, God the Son, and God the Holy Spirit. Students are likewise encouraged to engage with a spiritual director to receive individual religious guidance and have regular opportunities for Confession. Students are required to attend daily chapel when they are on campus.

As particularly relevant here, the Seminary’s Statement of Identity explains that the Seminary is “committed to a morality which opposes any form of prejudice in ourselves and others as well as any false notion of inclusivity that denies or minimizes the importance of natural differences, including sexual differences, within the created order.” The Statement further explains that the Seminary believes “that sexual relations are appropriate only between a man and a woman who have been united in Holy Matrimony. All are called to chastity: husbands and wives by exclusive

sexual fidelity to one another and single persons by abstinence from sexual intercourse.” Seminary students take a Matriculation Oath promising to conduct themselves in a manner consistent with the Seminary’s beliefs during their enrollment. Faculty are likewise required to follow the Seminary’s beliefs during the term of their employment.

Enclosed, as supporting documentation, are the 2020-2021 Academic Catalog (<https://nashotah.edu/wp-content/uploads/2021/05/2020-2021-Academic-Catalog.pdf>), the Statutes of Nashotah House (<https://nashotah.edu/wp-content/uploads/2021/10/Statutes.pdf>), and the Seminary’s Statement of Identity (<https://nashotah.edu/theological-identity/>).

The Seminary’s Exemption

The complainant in OCR Case No. 05-21-2213 was denied admission because he is in a same-sex marriage and thus in violation of the Seminary’s sincere religious beliefs and Statement of Identity, and also unable to affirm the Matriculation Oath that requires obedience to the Seminary’s Christian beliefs. After denial of admission, the Seminary offered to reimburse the complainant for any expenses he incurred in applying for admission to, and traveling to visit, the Seminary.

The remedies that the complainant is seeking are a written apology from the Seminary for its denial of admission, a reversal of the denied admission, and a grant of admission to the Master of Theological Studies program. Granting those remedies would not be consistent with the religious tenets of the Seminary, as established by the Board.

Thus, under 20 U.S.C. § 1681(a)(3) and 34 C.F.R. § 106.12, the Seminary is exempt from enforcement of Title IX and its implementing regulations in the manner the complaint requests. The complaint must be dismissed.

Please do not hesitate to contact us if you have any questions.

Sincerely,



(The Rev’d Canon) Edward Monk, SSC, DD
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