

# Geneva College



Office of the President

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October 7, 1988

Mrs. LeGree S. Daniels  
Assistant Secretary for Civil Rights  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

RE: Title IX Religious Exemption

Dear Mrs. Daniels,

Geneva College hereby claims an exemption from the requirements of Title IX of the Education Amendments of 1972 ("Title IX") as herein specified, pursuant to Sections 901(a) (3) and 908 of Title IX and 34 C.F.R. Section 106.12(b). The College believes that it may in the past have received, and may currently be receiving, indirect federal aid within our understanding of the Supreme Court decision in Grove City College v. Bell, 465 U.S. 555 (1984).

Geneva College is accredited by the Middle States Association of Schools and Colleges as a liberal arts college, offering courses of instruction in the humanities, arts and sciences. The College is controlled by the Reformed Presbyterian Church of North America, which is a non-profit religious corporation which was incorporated in the State of Pennsylvania in 1872. Geneva College is controlled by a Board of Trustees elected by a Board of Corporators that is made up of members of the Reformed Presbyterian Church of North America. The College is exempt from federal income taxation as a not-for-profit institution under Section 501(c) (3) of the Internal Revenue Code. The Trustees of the College and the faculty, and employees of the College are all required to espouse a personal belief in the religious tenets of the Christian faith. The Charter of the Corporation and the catalogs and other official publications of the College contain explicit statements that the College is committed to the doctrines of the Christian religion, and the College is completely governed by and has received and receives a significant amount of its financial support from the religious organization defined herein as the Corporation. The College maintains its religious tradition, standards and beliefs in accordance with the requirements of the Corporation.

The College educates in the broad range of liberal arts, in which it adheres to Biblical tenets for matters of faith and practice, following its religious tradition. It specifically

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utilizes a religious preference in employment practices to assure that faculty and staff adhere to a common religious understanding of the religious beliefs, values and purposes that guide the educational mission of the College. Accordingly, the personnel of the College accept religious standards in matters of moral behavior, dispute and grievance resolution and disciplinary matters, as well as in performance of any religious role or office in which gender distinctions may be required. We believe that the Holy Bible, the Reformed Presbyterian Testimony, "Geneva College Charter and Bylaws," and "Foundational Concepts of Christian Education" set forth the standards for Christian profession, morality and practice. Those documents are enclosed.

The College seeks to maintain its religious freedom to make certain gender-based distinctions in matters of moral behavior, marriage and residential living environments and standards. It specifically holds religious standards for personnel and students in matters conducive to the fostering of proper moral behavior and the discouragement of inappropriate behavior as understood by the religious tradition and tenets accepted by the College. Such standards include matters relating to the expression of human sexuality, living environments, respect for the institution of marriage, language and modest attire.

The College adjudicates matters of moral behavior, including the misuse of human sexuality, in accordance with Scriptural teaching about moral behavior. See, for example, Exodus 20:1-17, Romans 1:18-32, Galatians 5:19-21, Colossians 3:5-9.

The College hereby claims exemption from the application of the following provisions of the Title IX regulations, to the extent that they conflict with the College's religious tenets and traditions as described above: 34 C.F.R. Sections 106.21(c), 106.40, 106.57 and 106.60 (treatment based on marital and parental status); Section 106.14 (claims exemption from this and related sections regarding membership practices to the extent that it interferes with the operation of extracurricular student religious activities in organizations sponsored by the College. We believe that these exemptions should also extend to the membership activities and other practices of religious organizations for students.); Section 106.32 (we claim exemption from this regulation to the extent that it interferes with the College's policy of requiring sex-segregated housing by off-campus landlords as a condition of being given approval to house students. The regulation allows sex-segregated housing when provided by the recipient, but appears to prohibit such segregation in off-campus housing. The College claims the right under the religious exemption to interpret "separate housing on the basis of sex," as allowed by the regulation for on-campus housing, to mean separate buildings and not merely separate apartments, in both on and off-campus housing.); and Section 106.51 (employment opportunities for religious offices or positions such as chaplains limited by religious tenets to one gender), together with any application of Sections 106.38 (employment assistance to students), 106.55 (job classification

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and structure) or 106.59 (advertising) that relates to such employment opportunities that are limited to one gender by the religious beliefs of the College.

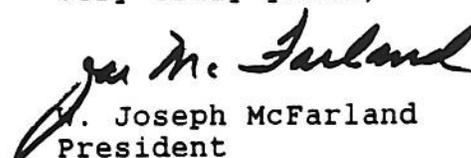
There are a number of issues central to the religious beliefs and practices of the College that may not have been discussed in this letter because of our understanding that no specific exemption is required. For example, the College believes that Title IX, as amended by the Civil Rights Restoration Act of 1987, shall not be construed to require the College to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Finally, the College understands that Sections 106.32 and 106.33 permit the College to provide separate, although substantially comparable, housing, bathroom, locker room and similar facilities for men and women.

The College generally opposes gender-based discrimination and affirms its intention to comply with the provisions of Title IX and the regulations thereunder except to the extent that such compliance would cause the College to violate its religious tenets and traditions. The College specifically claims its right to exercise a religious preference in its employment decisions, pursuant to Section 702 of Title VII of the Civil Rights Act of 1964 and the decision of the Supreme Court in Corporation of the Presiding Bishop v. Amos, 107 S. Ct. 2862 (1987). In seeking to provide equal employment opportunities for men and woman, the College shall not under any circumstances waive or be deemed to have waived its primary requirement of hiring only persons whose religious beliefs and practice are consistent with the Christian tenets, principles and traditions accepted by the College and the Corporation.

In the event of future amendments to Title IX or the regulations thereunder, or changes in the application thereof or the facts surrounding the operation of the College and the burden of such statute and regulations on the College's ability to pursue its religious mission, the College reserves its right to claim an amendment to its exemption or an additional exemption in order to fully protect the religious tenets, practices and traditions of the College.

Thank you for your assistance and for your prompt consideration of this letter. If you have any questions or require any further information, please contact Dr. John H. White who is the Associate Vice President for Religious Services and Director of Church Relations of the College, at (412) 847-6556.

Very truly yours,

  
W. Joseph McFarland  
President

Enclosures