



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

NOV 2 1992

Mr. W. Joseph McFarland
President
Geneva College
Beaver Falls, Pennsylvania 15010

Dear Mr. McFarland:

The Office for Civil Rights (OCR) in the U.S. Department of Education has completed its review of your October 7, 1988, request for religious exemption from Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation 34 C.F.R. Part 106 (copy enclosed). Your letters of November 15, 1988, and December 2, 1988, provided OCR with the additional information necessary to clarify your request. I apologize for the delay in responding to your request.

In your letter you described several policies at Geneva College (College) as consistent with the tenets of the religious organization that controls the College. These policies would conflict with the regulation implementing Title IX absent a religious exemption. You have supplied information that establishes that the College is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Sections 106.21(c), 106.38, 106.40, 106.51, 106.55, 106.57, 106.59, and 106.60. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis of our decision to grant this exemption is discussed in further detail below.

Your letter of October 7, 1988, indicates that the College is controlled by the Reformed Presbyterian Church of North America (Church). The trustees, faculty, employees, and students of the College are required to espouse a personal belief in the religious tenets of the Christian faith. The College is completely governed and receives a significant amount of its financial support from the Church. This relationship between the Board of Trustees elected by the Church and the College adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under 34 C.F.R. Section 106.12 of the Title IX regulation.

Your letter and accompanying materials indicate that the College maintains its religious tradition, standards, and beliefs in accordance with the requirements of the Church. The College, its students and employees must adhere to Biblical tenets for matters of faith and practice. Thus, conduct such as pregnancy outside of marriage, unbiblical divorce and infidelity would violate religious tenets regarding moral behavior, marriage and residential living environments and standards. Based upon these principals, the College has requested, and is granted by this letter, exemption to 34 C.F.R. Section 106.21(c), regarding treatment based upon parental and marital status, and pregnancy of students; 34 C.F.R. Section 106.40, regarding treatment based upon parental and marital status; 34 C.F.R. Section 106.57, regarding marital or parental status in employment; and 34 C.F.R. Section 106.60, regarding inquiries concerning the marital status of potential employees. In addition, the College's religious practices allow only males to enter the ministry, or to teach certain courses or hold certain positions at the College. Thus, an exemption is granted to: 34 C.F.R. Section 106.38, regarding employment assistance to students; 34 C.F.R. Section 106.51, regarding employment opportunities and conditions; 34 C.F.R. Section 106.55, regarding job classification and structure; and 34 C.F.R. Section 106.59, regarding employment advertising.

Our review of the College's tenets and the Title IX regulation found no conflict between the College's practices and the provisions of 34 C.F.R. Sections 106.14 and 106.32. Section 106.14 merely notes the type of organizations to which the Title IX regulation does not apply, and the practices described in your letter do not indicate how any of the College's tenets in this regard would conflict with this or any other section of the regulation. With respect to 34 C.F.R. Section 106.32, Housing, we do not find any conflict in the College's practices, as described, and the regulatory provisions. Thus, no exemption is required for the College relative to these two sections of the Title IX regulation. The College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. Section 106.21(c) (prohibitions relating to marital or parental status); 34 C.F.R. Section 106.38 (employment assistance to students); 34 C.F.R. Section 106.40 (treatment based upon marital or parental status); 34 C.F.R. Section 106.51 (employment); 34 C.F.R. Section 106.55 (job classification and structure); 34 C.F.R. Section 106.57 (marital or parental status); 34 C.F.R. Section 106.59 (advertising); and 34 C.F.R. Section 106.60 (pre-employment inquiries).

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 College are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those facts. If the organization provides an interpretation of the 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.

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I hope this letter responds to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office at this address:

Dr. Robert A. Smallwood
Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region III
3535 Market Street, Room 6300, 03-2010
Philadelphia, Pennsylvania 19104-3326
(215) 596-6772.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael L. Williams".

Michael L. Williams
Assistant Secretary
for Civil Rights

Enclosure

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III