



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

October 26, 2015

William J. Edgar
Interim President
Geneva College
3200 College Avenue
Beaver Falls, PA 15010

Dear President Edgar:

I write to respond to your August 12, 2015, letter to the U.S. Department of Education, Office for Civil Rights (OCR), in which you requested a religious exemption for Geneva College (College) of Beaver Falls, Pennsylvania, from Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.

The implementing regulation at 34 C.F.R. § 106.12 provides that Title IX does not apply to an educational institution controlled by a religious organization to the extent that application of Title IX would be inconsistent with the controlling organization's religious tenets. Therefore, such educational institutions are allowed to request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the religious organization. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets.

Your request explained that the College "was established in 1848 by the Reformed Presbyterian Church of North America (RPCNA). The College continues to be owned and controlled by the church through a Board of Corporators, all of the members thereof are members of the denomination appointed by the Synod of the RPCNA. Trustees of the College are elected by the Board of the Corporators on the condition they support the mission of the College and its continuing relationship with the church."

Your letter requests a religious exemption from the provisions of Title IX and its accompanying regulations "to the extent they are interpreted to reach sexual orientation or gender identity discrimination, and to the extent they restrict the College's freedom to apply and enforce its policies and beliefs on the sanctity of human life." In support of this request you explain that "[t]he College adheres to the confessional standards of the Westminster Confession of Faith and its catechisms." Your letter explains that RPCNA's Constitution states that "When men [and women] understand the message of the Bible, they must earnestly seek to obey that message in all that they think and do." Specifically, your letter cites to Biblical passages that say that "God

created man in his own image, in the image of God he created him; male and female he created them.” Your letter also explains that the 2010 Constitution of the RPCNA states that “[p]remarital sex relations or promiscuous sex practices as well as homosexuality and other perversions of the natural order are violations of God’s law and purpose.” According to your letter, “[t]he College understands that matters related to practice of homosexuality and unnatural gender identity are forbidden by the Constitution of the RPCNA and by scripture.” Finally, your letter explains that the 2013 Constitution of the RPCNA states that “[u]nborn children are living creatures in the image of God . . . Unborn children are to be treated as human persons in all decisions and actions involving them. Deliberately induced abortion, except possibly to save the mother’s life, is murder.”

You state that, for these reasons, the College is requesting an exemption from Title IX and the following implementing regulations “to the extent they are interpreted to reach sexual orientation or gender identity discrimination, and to the extent they restrict the College’s freedom to apply and enforce its policies and beliefs on the sanctity of human life:”

- 34 C.F.R. § 106.21 (governing admission);
- 34 C.F.R. § 106.22 (governing preferences in admission);
- 34 C.F.R. § 106.23 (governing recruitment of students);
- 34 C.F.R. § 106.31 (governing education programs or activities);
- 34 C.F.R. § 106.32 (governing housing);
- 34 C.F.R. § 106.33 (governing comparable facilities such as restrooms and locker rooms);
- 34 C.F.R. § 106.34 (governing access to classes and schools);
- 34 C.F.R. § 106.36 (governing counseling and use of appraisal and counseling materials);
- 34 C.F.R. § 106.37 (governing financial assistance);
- 34 C.F.R. § 106.38 (governing employment assistance to students);
- 34 C.F.R. § 106.39 (governing health and insurance benefits and services);
- 34 C.F.R. § 106.40 (governing different rules based on marital or parental status of students);
- 34 C.F.R. § 106.41 (governing athletics);
- 34 C.F.R. § 106.43 (governing standards for measuring skill or progress in physical education classes); and
- 34 C.F.R. §§ 106.51-61 (governing employment).

The College is exempt from these provisions to the extent that they prohibit discrimination based on gender identity, sexual orientation, or abortion and compliance would conflict with the controlling organization’s religious tenets.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulation other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here 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. If you have any questions, please do not hesitate to contact me.

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education