

**Resolution Agreement
Columbia Theological Seminary
OCR Docket #04-15-2413**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Columbia Theological Seminary (CTS), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin by recipients of Federal financial assistance. By entering into this Agreement, CTS does not admit to any violation of Title VI or of Section 504 and OCR has made no findings with regard to the allegations of race discrimination in this complaint. CTS voluntarily agrees to take the following actions:

Non-Discrimination Statement, Process for Obtaining Academic Adjustments and Section 504 Grievance Procedures

1. By August 1, 2016, subject to OCR's review and approval, CTS will revise all of its published notices of nondiscrimination to include: (1) a statement of non-discrimination that includes disability, color and national origin among the bases for non-discrimination; and (2) identification by name or title, address, and/or telephone number of the employee or employees responsible for coordinating CTS' efforts to comply with Section 504. Within 30 days after receipt of notice of OCR's approval of the notice of nondiscrimination CTS will publish the notice of nondiscrimination as prescribed by the Section 504 regulation, 34 C.F.R. Section 104.8 and the Title VI regulation, 34 C.F.R. Section 100.6(d).

REPORTING REQUIREMENT: By August 15, 2016, CTS will submit its revised notices of nondiscrimination to OCR for approval. Within 45 days of OCR's approval of the Policies, CTS will provide OCR with documentation demonstrating that the new notices of nondiscrimination have been published.

2. By August 1, 2016, subject to OCR's review and approval, CTS will develop a policy by which students with a disability may obtain specific auxiliary aids and academic adjustments, including but not limited to course modifications, or course substitutions, consistent with 34 C.F.R. §104.44. Within 30 days of receipt of notice of OCR's approval of the policy CTS will publish and disseminate the policy. This policy will:
 - a) include the name and contact information for the person to whom such requests should be directed;
 - b) provide additional examples of auxiliary aids and adjustments that may be available, and will not limit those examples to those that might meet the needs of students with a visual impairment, hearing impairment or learning disability;

- c) omit language stating or inferring that academic adjustment or auxiliary aids are available only to students with a visual impairment, hearing impairment, or learning disability;
- d) omit language stating that students are required to pay for interpreters or any other category of auxiliary aids or academic adjustments;
- e) include information concerning how students may appeal the denial of an academic adjustment or auxiliary aid, or provide notice that an approved academic adjustment or auxiliary aid is ineffective; and
- f) establish a deliberative process for determining whether an academic requirement is essential, and include the following elements in that process:
 - i) the decision will be made by a group of people who are trained, knowledgeable and experienced in the area; ii) the decision makers will consider a series of alternatives as essential requirements, as well as whether the essential requirement in question can be modified for a specific student with a disability; and iii) the decision will be a careful, thoughtful and rational review of the academic program and its requirements.

REPORTING REQUIREMENT: By August 15, 2016, CTS will submit its revised policies to OCR for approval. Within 45 days of OCR's approval of the policies, CTS will provide OCR with documentation demonstrating that the new policies have been published.

3. By August 1, 2016, CTS will also develop, subject to OCR's review and approval, a grievance procedure that meets the requirements of Section 504's implementing regulation 34 C.F.R. §104.7(b). Within 30 days after receipt of notice that OCR has approved the procedures CTS will adopt, publish and disseminate the procedures. CTS will ensure that these procedures incorporate appropriate due process standards and provide for the prompt and equitable resolution of all complaints and will include, at a minimum, the following:

- a) notice to students and employees of the procedures, including where complaints may be filed;
- b) provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
- c) designated and reasonably prompt timeframes for the major stages of the investigation;
- d) written notification to the complainant and subject of the complaint of the outcome of the investigation; and
- e) an assurance that CTS will take steps reasonably calculated to prevent the recurrence of any discriminatory harassment found to have occurred and to address its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT: By August 15, 2016, CTS will provide OCR with a copy of the draft grievance procedures for OCR's review and approval. Within 45 days of OCR's approval of the grievance procedures, CTS will provide

OCR with documentation demonstrating that the grievance procedures have been published.

Training for CTS Faculty and Staff

4. CTS shall provide to its faculty and staff training on the new Section 504 policy and grievance procedures identified in paragraphs 2 and 3.

REPORTING REQUIREMENT: Within sixty (60) days of receiving notice from OCR that its Section 504 policy and grievance procedures are approved, CTS will provide OCR with documentation that it has implemented Action Item #4, including: (1) documentation of the training(s) provided; (2) the name(s) and credentials of the trainer(s); (3) the date the training was held; (4) copies of the training materials and any resources distributed to trainees; and (5) the names and positions of those in attendance.

5. By November 1, 2016, CTS will conduct the following training(s) for all CTS faculty and staff:

- a) Training on the Title VI legal standards prohibiting discrimination on the basis of race, color, or national origin. The training will include examples of intentional discrimination, including different treatment in classroom settings and in interactions between administrators and students, and facially neutral policies that result in a disparate, discriminatory impact;
- b) Training on racial sensitivity; and,
- c) Training on the Title VI prohibition on retaliating against individuals who have engaged in protected activity under that statute.

These trainings must be conducted by a qualified, external trainer.

REPORTING REQUIREMENT: By November 15, 2016, CTS will provide OCR with documentation that it has implemented Action Item #5, including: (1) documentation of the training(s) provided; (2) the name(s) and credentials of the trainer(s); (3) the date the training was held; (4) copies of the training materials and any resources distributed to trainees; and (5) the names and positions of those in attendance.

6. By October 1, 2016, CTS will make all academic administrators, advisors, faculty and instructors, presently teaching or working at CTS available at a CTS facility for training by OCR on the topics set forth below. OCR will provide a copy of the training materials to CTS for review and comment at least a week prior to the training. Thereafter, CTS will provide annual training on these topics. The training topics are:
 - a. Section 504's requirement that a recipient of Federal financial assistance make modifications to its academic requirements that are necessary to ensure that such requirements do not discriminate or

have the effect of discriminating, against individuals with disabilities;

- b. That “modifications” may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted;
- c. Guidelines for the deliberative process that CTS must engage in when considering which components of a course or degree curriculum are “essential” to the instruction being pursued by a student with disabilities;
- d. That a professor may not decline to provide an approved academic adjustment;
- e. Section 504’s prohibition on retaliating against individuals engaging in protected activity under Section 504.

REPORTING REQUIREMENT: OCR will collect information at the training, which shall include a list of names and titles of all academic administrators, advisors, faculty and instructors, presently teaching or working at CTS who participated in the training session.

Campus Climate Survey

7. By October 1, 2016, CTS shall prepare for OCR’s review and approval, a campus-wide student body and faculty/staff survey designed to assess the racial climate at CTS for faculty/staff and students. In particular the Survey will assess faculty/staff and student perceptions concerning the interactions between members of the CTS community of varying races as well as concerning fairness and equity in the treatment of faculty/staff or students of different races.

REPORTING REQUIREMENT: By October 1, 2016, CTS shall submit the draft campus-wide survey(s) and the proposed methodology and timeline for conducting the surveys to OCR for OCR’s review and approval.

8. By December 1, 2016, or within 30 days of notice of approval of the Survey by OCR, (whichever is later), and annually thereafter, CTS will administer the Survey to all faculty/staff and students at CTS and will encourage participation.

REPORTING REQUIREMENT: By December 15, 2016, or within 45 days of approval of the Survey by OCR (whichever is later), CTS will provide OCR with a report demonstrating implementation of Item 7.

9. By February 1, 2017, or within 45 days after the distribution of the Survey, CTS shall prepare a written analysis of the results of the survey and develop a plan to redress any issues raised by the results of the Survey. By May 1, 2017, CTS will take steps designed to redress indications of concern under Title VI raised by the results of the Survey.

REPORTING REQUIREMENT B: a) By February 15, 2017, or within 60 days after distribution of the Survey (whichever is later), CTS will provide to OCR a summary report of the substance of the responses, the response rate by students and faculty/staff for the first annual administration of the Survey, the written analysis of the survey results and the plan for redressing any issues raised by the survey results.

b) By June 1, 2017, or within 120 days after distribution of the Survey (whichever is later), CTS will provide OCR documentation demonstrating that it has taken steps to redress issues raised by the results of the Survey.

Individual Remedies

10. By June 1, 2016, CTS shall provide to Complainant a full refund of the tuition she paid for her Summer Intensive Greek class.

REPORTING REQUIREMENT: By June 15, 2016, CTS shall provide documentation to OCR that it has refunded Complainant's tuition in full from the Intensive Greek class.

11. By June 1, 2016, any record of Complainant's Summer Intensive Greek class shall be expunged completely from her CTS transcript.

REPORTING REQUIREMENT: By June 15, 2016, CTS shall provide Complainant's official transcript to OCR.

12. By June 1, 2016, CTS shall either allow course substitutions for the Biblical language requirement that will permit Complainant to graduate, or inform OCR that it has chosen to proceed with a full deliberative process regarding the Biblical language requirement. If the School chooses the latter route, it should inform OCR if it is in need of technical assistance regarding the deliberative process.

REPORTING REQUIREMENT: By June 15, 2016, CTS shall inform OCR which path it chooses to take regarding the Biblical language requirement.

CTS understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, CTS understands that during the monitoring of this Agreement, if necessary, OCR may visit the Seminary, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether CTS has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation, at 34 C.F.R. §§ 104.4 and 104.44, and the Title VI implementing regulation, at 34 C.F.R. § 100.3.

CTS understands that OCR will not close the monitoring of this Agreement until OCR determines that CTS has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation, at 34 C.F.R. §§ 104.4 and 104.44, and the Title VI implementing regulation, at 34 C.F.R. § 100.3, which were at issue in this case.

CTS understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give CTS written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

President or Designee

Date

Printed Name and Title