

RESOLUTION AGREEMENT

St. John's University OCR Case No. 02-15-2348

In order to resolve the above-referenced complaint, St. John's University (the University) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

Action Item 1:

By January 10, 2016, the University will conduct a review of the complainant's grade on his second essay in the course, and his overall grade in the course. The University will determine whether or the not the complainant's grade on the second essay and his overall grade in the course are appropriate. The University will provide a written report on the outcome of this review to the complainant within 30 days of the completion of this review. If the University determines that the grade assigned to the complainant on the second essay, or the overall grade in the course are not appropriate after its review, the University will expunge the complainant's grade and record the appropriate grade, within thirty (30) days of the completion of University's review and determination.

Reporting Requirement: By February 15, 2016, the University will submit documentation to OCR regarding the review of the Student's grade on the second essay in the course and his overall grade in the course; a copy of its written notification to the complainant regarding the grade review; and a corrected transcript, if applicable.

Action Item 2:

By December 17, 2015, the University will make a written offer to the complainant to re-take an independent study course with a professor in the XXXXXXXXXXXX Department. The offer will specify that the complainant has thirty (30) days to respond, and will specify when the complainant can avail himself of the independent study course (e.g., the spring 2016 semester, or fall 2016 semester).

Reporting Requirements:

- a) By January 30, 2016, the University will submit to OCR a copy of its written offer to the complainant to re-take the independent study course, and the complainant's response.
- b) If the complainant exercises the offer to re-take the independent study course, within 30 days of the complainant's completion of the course, the University will submit to OCR a copy of the Student's revised transcript, showing the complainant's completion of and grade in the independent study course.

Action Item 3:

By January 31, 2016, the University will convene a committee to determine whether the actions of the XXXXXXXXXX Department chairperson (the chair) in (a) overruling the professor's decision to review the essay that was the subject of his grade dispute; (b) cancelling an independent research course; and (c) advising the complainant that the chair would prevent the complainant from registering for the independent research course with another professor, warrant disciplinary action. If the University determines that the chair's actions warrant disciplinary action, the University will take any necessary disciplinary action by March 1, 2016.

Reporting Requirements:

- a) By February 15, 2016, the University will submit to OCR a written explanation of the determination made with respect to Action Item 3 above, including how the determination was made and what information was considered. The University will also identify, by name and title, all personnel involved in making the determinations.
- b) By March 15, 2016, the University will provide documentation to OCR demonstrating that it took any necessary disciplinary action.

Action Item 4:

By January 1, 2016, the University will disseminate a memorandum to the chair, reminding him that retaliation is prohibited under Title VI. The memorandum will specifically state that retaliatory conduct is prohibited by law; and that effective action, including disciplinary action where appropriate, may be taken against staff or faculty found to have engaged in retaliatory conduct.

Reporting Requirement: By January 15, 2016, the University will provide to OCR a copy of the memorandum described in Action Item 4.

Action Item 5:

By February 1, 2016, the University will ensure that the chair and all XXXXXXXXXXXX Department professors receive training on the prohibitions regarding retaliation. The training will include a discussion of (a) what constitutes a protected activity; (b) the prohibition on adverse actions in response to those protected activities; and (c) recognizing acts of retaliation and intimidation, and their effects on individuals who engaged in protected activities.

Reporting Requirement: By February 15, 2016, the University will provide OCR with: (a) the name(s) of the individual(s) who conducted the training outlined in Action Item 5 above; (b) the date(s) the training was conducted; and (c) copies of any training materials disseminated.

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.7(e), which was at issue in this case. The University also 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, the University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.7(e), which was at issue in this case. The University 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 proceeding to enforce this agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

St. John's University

Date: December 10, 2015

By: _____/s