

**Resolution Agreement  
Duquesne University  
OCR Docket Number 03-21-2076**

The U.S. Department Education, Office for Civil Rights (OCR), enters into this Voluntary Resolution Agreement (Agreement) with Duquesne University (the University), to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

The University assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, and Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues presented in this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues under investigation, the University agrees to take the actions outlined below.

**I. Programs Administered by the University**

- A. By June 30, 2022, the University will conduct a review of the following programs to determine whether they contain restrictions based on sex:
  - 1) Women's Executive Leadership Program;
  - 2) Emerging Women's Leadership Program; and
  - 3) Women's STEM Committee at Duquesne University;
  
- B. By July 1, 2022, the University will provide OCR, for review and approval, a list of its determinations regarding each of the programs referred to in Action Step I.A. For each program, the University determines does not contain a restriction based on sex, the University will provide OCR with an explanation and supporting documentation of its conclusion.
  
- C. Within 90 days of OCR's approval of the determinations reached pursuant to Action Step I.B., the University will take one of the following steps for each program determined to contain a restriction based on sex:
  - 1. The University will ensure that the program is made coeducational, change the name to eliminate any suggestion that it is for a single sex, and ensure that all communications related to the program effectively communicate that the program is coeducational (these communications will include the name of the program, the design and content of the website, and the promotion of and recruitment for the program); or

2. The University will ensure that the program is made coeducational and that it may maintain its name, provided that the University can develop and implement strategies to effectively communicate to the applicable University community and the public as applicable that the program, notwithstanding the name, is open to all students and participants regardless of sex (these communications will include the design and content of the website, and the promotion of and recruitment for the program); or
3. The University will cease to offer the program.

**Reporting Requirement:**

1. By July 1, 2022, the University will provide OCR with the results of its review, and any required supporting documentation of its determinations, in accordance with Action Steps I.A. and I.B.
2. Within 90 days of OCR’s approval of the determinations reached pursuant to Action Step I.B., the University will submit a report to OCR stating whether it opted to implement Action Steps I.C.(1) or I.C.(2) and include documentation demonstrating that the University has met the requirements of Action Steps I.C.(1) or I.C.(2) as appropriate. Specifically:
  - a) If proceeding under Action Step I.C.(1), the University will provide a report of all steps taken by the University to make the program coeducational, including documentation showing the program has been made coeducational, its name has been changed to eliminate any suggestion that it is for a single sex, and that all communications related to the program effectively communicates that the program is coeducational.
  - b) If proceeding under Action Step I.C.(2), the University will provide a strategic plan or other materials which demonstrate how it will effectively communicate to the University community and the public that the program is coeducational despite its name. In addition, by December 1, 2022, and for the 2022-2023 and 2023-2024 academic years, the University will collect the following information and submit to OCR:
    - i. A list of all individuals who applied for participation in the program by name or unique identifier and sex;
    - ii. an indication whether they were permitted to participate; and
    - iii. for those individuals who applied but were not permitted to participate, the reason(s) for not allowing the participation.
  - c) If proceeding with Action Step I.C.(3), the University will provide documentation showing that it has ceased to offer the program.

**II. Scholarships Administered by the University**

- A. By July 29, 2022, the University will conduct a review of the following scholarships administered by the University to determine whether (1) they contain restrictions or preferences based on race, national origin, and/or or sex; and if so (2) whether the

scholarship was established pursuant to a domestic or foreign will, trust, bequest, or similar legal instrument or by an act of a foreign government:

- 1) Graduate Scholarships for Women;
  - 2) Graduate Scholarships for Women in STEM;
  - 3) Clare Boothe Luce Scholarship Program;
  - 4) H.L. Norbut Endowed Scholarship;
  - 5) Gretchen D. Donaldson Endowed Scholarship;
  - 6) Jill and Stan Jankowski Endowed Scholarship;
  - 7) Duquesne University School of Law Anniversary Scholarship;
  - 8) Brian and Kimberly Parker Diversity Term Scholarship;
  - 9) Elizabeth Qualters Bayer Scholar Intern Fund;
  - 10) Roberto Clemente Memorial Scholarship;
  - 11) Ronald R. Davenport Endowed Fund;
  - 12) Milton E. Raiford Endowed Scholarship;
  - 13) Pappert/Chrysler Minority Dealers Endowed Scholarship;
  - 14) Frank P. DeMarco Endowed Scholarship Fund;
  - 15) KPMG/Joseph T. Senko Endowed Scholarship;
  - 16) Gilbert Y. Yee Endowed Scholarship;
  - 17) Judith A. Kasdan Memorial Scholarship;
  - 18) William Randolph Hearst Endowed Scholarship;
  - 19) Cumberland W. Posey, Jr. Endowment Fund;
  - 20) Drs. Robert and Patricia Gussin Endowed Minority Pharmacy Scholarship;
  - 21) Gerald P. Gorman Memorial Irish Catholic Scholarship;
  - 22) Carol McCann Scott Women in Journalism Endowed Scholarship;
  - 23) Hungarian Heritage Endowed Scholarship;
  - 24) Violet J. Ruparcich Endowed Tamburitzan Scholarship;
  - 25) John and Helen Timo Endowed Scholarship;
  - 26) Anthony F. Triano Endowed Woodwind Scholarship; and
  - 27) Empowerment Scholarship Fund (including each of the 20 scholarships in the Empowerment Scholarship Fund).
- B. By August 31, 2022, the University will provide OCR, for review and approval, a list of its determinations regarding each of the scholarships referred to in Action Step II.A. For each scholarship the University determines does not contain a restriction or preference based on race, national origin, and/or sex, and for each scholarship the University determines was established pursuant to a domestic or foreign will, trust, bequest, or similar legal instrument or by an act of a foreign government, the University will provide OCR with an explanation and supporting determination of its conclusion.
- C. Within 90 days of OCR's approval of the determinations reached pursuant to Action Step II.B., the University will take one of the following steps for each scholarship determined to contain a restriction or preference based on race, color, and/or sex:
- 1) The University will cease to offer the scholarships; or

- 2) The University will remove the race, color, and/or sex restriction or preference from the scholarships and will take the steps necessary to communicate effectively that the scholarship is offered without regard to race, national origin, or sex; or
- 3) The University will continue to offer the scholarship with the restriction or preference based on race, national origin, or sex, but will develop and use procedures that ensure the nondiscriminatory awarding of assistance, including: (a) students must be selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex, sex, race, and/or national origin; (b) an appropriate restricted scholarship, fellowship, or other form of financial assistance must be allocated to each student selected; and (c) no student shall be denied the award of financial assistance for which he or she was selected because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's race, national origin, and/or sex.

**Reporting Requirements:**

- A. By August 31, 2022, the University will provide OCR with the results of its review, and any required supporting documentation of its determinations, in accordance with Action Steps II.A. and II.B.
- B. Within 90 days of OCR's approval of the determinations reached pursuant to Action Step II.B., for each scholarship determined to contain a restriction on the basis of race, national origin, or sex, the University will submit a report to OCR stating whether it opted to implement Action Steps II.C.(1), II.C.(2), or II.C.(3) and include documentation demonstrating that the University has met the requirements of Action Steps II.C.(1), II.C.(2), or II.C.(3) as appropriate. Specifically:
  - a) If proceeding with Action Step II.C.(1), the University will provide documentation showing that it has ceased to offer the scholarship.
  - b) If proceeding under Action Step II.C.(2), the University will provide a report of all steps taken by the University to make remove the restriction or preference based on race, national origin, or sex, including documentation showing the scholarship no longer contains a restriction or preference based on race, national origin, its names has been changed to eliminate any suggestion that it is for students of a particular race, national origin, or sex, and that all communication related to the program effectively communicates that the scholarship does not contain a restriction or preference based on race, national origin, or sex.
  - c) If proceeding under Action Step II.C.(3), the University will provide, for OCR's review and approval, the procedures developed to satisfy the requirements of Action Step II.C.(3). In addition, by December 1, 2022, for the 2022-2023 and December 1, 2023, for the 2023-2024 academic years, the University will collect the following information and submit to OCR:
    - i. A list of all individuals who applied for participation in the program by name or unique identifier and sex;
    - ii. an indication whether they were permitted to participate; and

- iii. for those individuals who applied but were not permitted to participate, the reason(s) for not allowing the participation.

### **III. Third-Party Scholarships**

- A. By July 29, 2022, the University will conduct a review of the following third-party scholarships to determine whether they contain restrictions based on race, national origin, or sex:
  - 1) Educational Foundation for Women in Accounting Scholarship;
  - 2) American Assembly for Men in Nursing Scholarship;
  - 3) FedEx Ground Diversity Scholarship;
  - 4) American Institute of Certified Professional Accountants Scholarship for Minority Accounting Students;
  - 5) LAGRANT Foundation Scholarships;
  - 6) Indian Health Service Scholarship; and
  - 7) Soros Fellowship for New Americans.
- B. By August 31, 2022, the University will provide OCR, for review and approval, a list of its determinations regarding each of the scholarships referred to in Action Step III.A. For each scholarship the University determines does not contain a restriction based on race, national origin, or sex, the University will provide OCR with an explanation and supporting documentation of its conclusion.
- C. Within 90 days of OCR's approval of the determinations reached pursuant to Action Step III.B., the University will take one of the following steps for each scholarship determined to contain a restriction based on race, national origin, and/or sex:
  1. The University will secure and implement an agreement with the sponsoring entity of each third-party scholarship with a restriction based on race, national origin, and/or sex (the sponsoring entity) that provides the following:
    - a) the sponsoring entity will modify the eligibility criteria to ensure that the scholarship is open to all otherwise qualified students regardless of race, national origin, and/or sex;
    - b) the sponsoring entity and the University will explicitly include the modified criteria in all scholarship promotional and application materials; and
    - c) the sponsoring entity and the University will amend the scholarship application, interview, and selection processes to apply the modified criteria; or
  2. The University will cease listing, approving, providing services, or otherwise assisting the sponsoring entity in connection with the scholarship.

**Reporting Requirement:**

1. By August 31, 2022, the University will provide OCR with the results of its review, and any required supporting documentation of its determinations, in accordance with Action Step III.A. and III.B.
2. Within 90 days of OCR’s approval of the determinations reached pursuant to Action Step III.B., the University will submit a report to OCR stating whether it opted to implement Action Steps III.C.(1) or III.C.(2) and include documentation demonstrating that the University has met the requirements of Action Steps III.C.(1) or III.C.(2) as appropriate. Specifically:
  - a) If proceeding with Action Step III.C.(1), the University will describe all steps taken by the University to implement Action Step III.C.(1), including copies of or links to all eligibility criteria, application and selection processes, and application and promotional materials revised or created pursuant to Action Step III.C.(1).
  - b) If proceeding with Action Step III.C.(2), the University will describe all steps taken by the University to cease listing, approving, providing services, or otherwise assisting the sponsoring entity in connection with each identified scholarship.

If OCR requires revisions to the eligibility criteria, processes, or materials developed pursuant to Action Step III.C.(1), the University will resubmit them within 30 days of receiving OCR’s notice of required revisions. OCR and the University will repeat this process until OCR has approved the materials.

The University understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the University understands that during the monitoring of the resolution 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 and obligations of the resolution agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. Part 100 and Title IX and its implementing regulation at 34 C.F.R. Part 106, with respect to the matters that were at issue in this case. Upon the University’s satisfaction of the terms and obligations of the resolution agreement and OCR’s determination that the University is in compliance with Title VI and its implementing regulation at 34 C.F.R. Part 100 and Title IX and its implementing regulation at 34 C.F.R. Part 106, with respect to the matters that were at issue in this case, OCR will close the case.

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's President or designated representative, below.

/s/  
\_\_\_\_\_  
President or designee  
Duquesne University

5/4/2022  
\_\_\_\_\_  
Date