

## **Resolution Agreement #05-13-2458 Christian Theological Seminary**

Christian Theological Seminary (Seminary) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the alleged discrimination based on race and sex in case #05-13-2458. The Seminary submits this Agreement to ensure its compliance with 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; and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title VI prohibits discrimination on based upon race, color, or national origin by recipients of Federal financial assistance, and Title IX prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

Effective immediately, the Seminary will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled at the Seminary are not subjected to a hostile environment on the basis of race, color, national origin, or sex. The Seminary will promptly investigate all incidents of harassment of students on the basis of race, color, national origin, or sex of which it has notice, and take appropriate disciplinary action against any individual(s) engaging in harassing behavior. The Seminary will also take appropriate responsive action to end any hostile environment that has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of any hostile environment on the affected students. The Seminary will also take steps necessary to ensure that no individual, including any student, administrator, or staff is subjected to retaliation for reporting harassment.

### **ANTI-HARASSMENT/VIOLENCE STATEMENT**

1. By August 1, 2014, the Seminary will issue a statement to all Seminary students, administrators, and staff, which will be widely published, including sending it by email to all students, administrators, and staff and posting it in prominent places at the Seminary and on the Seminary's website, stating that the Seminary does not tolerate harassment, including acts of harassment based on race and/or sex. The statement will encourage any student who believes he or she has been subjected to harassment to report the incident(s) to the Seminary and note the Seminary's commitment to conducting a prompt investigation. The statement will identify the individual(s) responsible for investigating complaints of harassment, will contain time frames for completion of such investigations and notice to complainants, will provide for appropriate disciplinary sanctions of individuals who engage in harassment and will make clear that such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The statement will further warn that students or employees who retaliate against individuals who report harassment will be promptly disciplined.

**REPORTING REQUIREMENT:** By August 15, 2014, the Seminary will submit to OCR documentation that the statement referenced in this item has been widely published, including a copy of the email sent to all students, administrators, and staff,

relevant pages of the Seminary's website, and documentation of the postings at the Seminary.

### **TITLE IX COORDINATOR**

2. By July 1, 2014, the Seminary will submit to OCR for approval the name of a properly trained employee it will designate to coordinate its efforts to comply with and carry out its responsibilities under Title IX (Title IX Coordinator). The Title IX Coordinator's duties shall include, but not be limited to, the proper implementation of the Seminary's sexual harassment policies and procedures and any investigation of any complaint alleging noncompliance or actions that would violate Title IX. The Title IX Coordinator must be a qualified person knowledgeable in all aspects of Title IX law. Within 10 days of OCR's approval of the Title IX Coordinator, the Seminary will notify all students and employees of the name, address, telephone number, and email address of the Title IX Coordinator.

**REPORTING REQUIREMENT:** By July 1, 2014, the Seminary will submit to OCR the name and resume or curriculum vitae of the individual it would like to designate as the Title IX Coordinator. Within 10 days of OCR's approval of the Title IX Coordinator, the Seminary will document to OCR that it has provided the required notice to students and employees.

### **HARASSMENT-RELATED POLICIES AND PROCEDURES**

3. By August 1, 2014, the Seminary will review and revise, as necessary, its written policies and procedures relating to harassment on the bases of race and sex to ensure that they adequately address any incident of harassment based on race or sex and provide for the prompt and equitable resolution of complaints alleging such harassment. The Seminary will also review and revise grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title VI or Title IX. The Seminary will ensure that these policies and procedures include, at a minimum, the following:
  - a. a statement setting forth the Seminary's commitment to having a Seminary environment free from all forms of sexual and racial harassment, explaining that the Seminary prohibits sexual and racial harassment occurring in or, if initially occurring off Seminary grounds or outside a Seminary education program or activity, affecting the Seminary environment, encouraging students to immediately report incidents of harassment, emphasizing that staff are required to promptly report incidences of sexual harassment to the Title IX coordinator, and specifying that the Seminary will investigate formal and informal complaints of sexual and racial harassment;
  - b. a definition of sexual harassment and racial harassment;

- c. examples of the type of conduct and behavior that is covered by the policy, including staff-to-student and student-to-student conduct;
- d. identification of the kinds of activities and sites where prohibited conduct could occur;
- e. an explanation of how to report sexual or racial harassment and/or file a complaint (formally or informally) including the name, address, phone number, and email address for the individual to whom to report harassment and notice of a student's right to file and pursue a concurrent criminal complaint for conduct of a sexual nature that could also be a criminal offense;
- f. a statement that it will not allow conflicts of interest (real or perceived) by those handling the complaints;
- g. an explanation of the interim measures, such as no contact orders, that can be taken by the Seminary to respond to allegations of sexual or racial harassment;
- h. a description of the formal complaint procedures, including a complaint form, timeframes for major stages of the investigation and for completion of the investigation of a complaint and the process for extending deadlines, a requirement that written notice of the outcome be provided to the parties, notice of a student's right not to appear in same hearing room as the accused, a requirement that both parties will be given equal opportunity to present evidence, a requirement that prohibits evidence of past relationships in the case of complaints of sexual harassment, an assurance that both parties will receive periodic status updates (to the extent permitted under the Family Educational Rights and Privacy Act), an appeal process for both parties conducted in an impartial manner by an impartial decision-maker, and notice that the Seminary will keep the complaint and investigation confidential to the extent possible;
- i. an assurance that the Seminary will not require a student who complains of harassment to work out the problem directly with the alleged harasser, including through mediation, and a statement that the student has the right to end the informal process at any time and begin the formal stage of the complaint process;
- j. an assurance that the Seminary uses in its investigation of sexual harassment complaints a preponderance of the evidence standard of review (*i.e.*, it is more likely than not that sexual harassment occurred);

- k. a prominent statement that the complainant has the option to pursue a criminal complaint for conduct of a sexual nature that could also be a criminal offense with an appropriate law enforcement agency, to pursue a sexual or racial harassment complaint under the Seminary's complaint procedures, or to pursue both processes simultaneously;
- l. a requirement that all employees who observe acts of sexual or racial harassment must take steps to address/report the harassment, unless circumstances would make such intervention dangerous, and document and report all such incidents to the appropriate Seminary official;
- m. a requirement that designated employee(s) at the Seminary document all reports of incidents of sexual and racial harassment, and that the Seminary establish a protocol for recordkeeping of such incidents;
- n. a statement that the Seminary will take appropriate disciplinary action against students and staff who violate the Seminary policies and procedures addressing sexual and racial harassment, and examples of the range of possible disciplinary sanctions;
- o. a prohibition of retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engage in retaliation;
- p. an assurance that the Seminary's primary concern is student safety and, to encourage reports of sexual or racial harassment, that the Seminary will not discipline a student who makes a good faith report of sexual or racial harassment;
- q. a statement that the Seminary will, where appropriate, take reasonable steps to remedy the harm to the affected student(s) of the sexual or racial harassment, and examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sexual or racial harassment, and the provision of academic support, including reassessing any course grades if necessary; and
- r. identification of the means to investigate incidents of sexual or racial harassment, including but not limited to the various steps the Seminary will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the Seminary will take action to stop the harassment, remedy the harassment, and prevent recurrence, and the Seminary's standards for determining whether a hostile environment exists.

**REPORTING REQUIREMENT:** By August 15, 2014, the Seminary will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

4. By August 1, 2014, the Seminary will examine the Seminary's Student Code of Conduct and disciplinary procedures for students at the Seminary to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the Seminary's sexual and racial harassment policies and procedures, as revised pursuant to item #3, and will revise the code of conduct and disciplinary procedures to the extent necessary to ensure they contain such rules of behavior and offense categories.

**REPORTING REQUIREMENT:** By August 15, 2014, the Seminary will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

5. Within 30 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in items #3 and #4, the Seminary will adopt, implement and publish the revised policies and procedures. Publication will include written notice of the anti-harassment policy, including its formal and informal complaint procedures, to the Seminary community, including students, administrators, and staff. The Seminary will make this notification available through the Seminary's website and revised student handbook, as well as by any other additional means of notification the Seminary deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** Within 30 days after the completion of this item, the Seminary will provide OCR with documentation that it has completed this item, including copies of the written notices to students, administrators, and staff regarding the revised policies and procedures and a description of how the notices were distributed, copies of its revised student handbook, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the Seminary.

### **TRAINING OF SEMINARY PERSONNEL AND STUDENTS**

6. By November 1, 2014, and annually thereafter, the Seminary will provide all administrators, faculty, and staff with effective training on the Seminary's revised harassment policies and procedures. The will include the following components, at a minimum:
  - a. The Seminary will remind all personnel of its commitment to having a Seminary environment free from harassment explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment.

- b. The Seminary will provide a general overview of Title VI and Title IX, including how the law's nondiscrimination provisions apply to students, the names and contact information for the designated employee(s) to whom students or others may report allegations of harassment, where to locate the Seminary's harassment policies and procedures on the Seminary's website, and the existence of OCR and its authority to enforce Title VI and Title IX.
- c. The Seminary will explain its Title VI and Title IX policies and procedures, including an explanation of what constitutes race and sex harassment, the role of the Title IX Coordinator, and disciplinary sanctions related to findings of violations of the Seminary's harassment policies and procedures, including the Seminary policy prohibiting retaliation and intimidation.
- d. The Seminary will distribute written materials that contain the information discussed.

**REPORTING REQUIREMENT:** By November 15, 2014, and September 15, 2015, the Seminary will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Seminary employees who attended the training.

- 7. By November 1, 2014, and annually thereafter, the Seminary will provide effective training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment, and any counselors or other Seminary personnel who are likely to receive confidential reports of harassment. The training will review the Seminary policies and procedures referenced in items #3 and #4 of this Agreement and include instruction on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations and confidentiality requirements.

**REPORTING REQUIREMENT:** By November 15, 2014 and September 15, 2015, the Seminary will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Seminary employees who successfully completed the training.

- 8. By November 1, 2014, and annually thereafter, the Seminary will provide a mandatory orientation session for all students on the Seminary's policies and will effectively communicate the procedures referenced in this Agreement, including all of the components mentioned in the training referenced at item #6.

**REPORTING REQUIREMENT:** By November 15, 2014 and September 15, 2015, the Seminary will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the

trainer(s), a copy of any materials used or distributed during the training, and a list of Seminary students who attended the training.

9. By May 1, 2015, the Seminary shall assess the effectiveness of the training and orientation session referenced in items #6, #7, and #8 by conducting surveys of employees and students. The surveys shall specifically inquire about the knowledge and perceptions of employees and students about sexual harassment and the Seminary's non-discrimination and grievance policies and will assess whether employees and students have enough information about the Seminary's policies to find the appropriate resources when necessary. The survey shall also include questions designed to indicate the respondents' level of confidence in the Seminary's responsiveness to harassment complaints, including whether they believe the Seminary would take their complaints seriously, would process their complaints promptly and equitably, and would take necessary and effective remedial action if their complaints were substantiated.

**REPORTING REQUIREMENT:** By February 1, 2015, the Seminary will provide OCR the surveys it proposes to use to assess the effectiveness of the training. Upon approval of OCR, the Seminary will administer the surveys to all employees and students. By May 1, 2015, the Seminary will provide documentation to OCR of the results of the surveys and a description of any actions the Seminary proposes to take in response should the results show that employees and/or students are not knowledgeable about the applicable Seminary policies.

### **STUDENT FOCUSED REMEDIES**

10. By November 1, 2014, the Seminary will conduct an investigation to determine whether the student who was the subject of this complaint (Student A) was subjected to discrimination based on race or sex during the 2012-13 academic year. If the Seminary determines that a violation did not occur, it will provide Student A written notice of its determination and an opportunity to appeal the determination. If the Seminary determines that a violation did occur, the Seminary will provide a written determination to Student A and will meet with Student A to assess whether Student A requires any remedial actions as a result of the alleged discrimination. The Seminary will develop a plan for providing remedial actions, if any, with a completion date not to extend beyond June 30, 2015. The remedial actions may include payment for future counseling, reimbursement for previously received counseling, or other remedial actions as deemed appropriate by the Seminary. The Seminary will provide Student A written notice of its determination whether the remedial actions are necessary for Student A and of the timeframe for providing such actions, and will implement the remedial actions as specified in the timeframe upon notice from OCR that its actions meet the requirements of the applicable regulation.

**REPORTING REQUIREMENT:** By November 15, 2014, the Seminary will provide documentation to OCR that it has completed the investigation required by this item, including an explanation for decisions made, and a description of and

schedule for providing any remedial actions to Student A. OCR will review the documentation submitted to ensure that the Seminary met the requirements of the regulation implementing Title IX in completing its investigation and making its determinations. By June 30, 2015, the Seminary will document that it has taken all remedial actions necessary in response to the investigative findings.

### **MAINTENANCE OF OTHER DATA**

11. Effective immediately, the Seminary agrees to maintain documents relating to specific complaints or other reports of racial or sexual harassment of students, including the following:
  - a. a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of racial or sexual harassment;
  - b. a narrative of all actions taken in response to the reports by Seminary personnel, including any written documentation;
  - c. a copy of any and all disciplinary sanctions issued to students or employees for violations of the harassment policies and procedures;
  - d. documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
  - e. a narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

**REPORTING REQUIREMENT:** By July 1, 2015, and July 1, 2016, the Seminary will provide to OCR copies of the documentation referenced in item #11 for the just-completed school year.

The Seminary understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Seminary understands that, during the monitoring of this Agreement, the OCR may visit the Seminary, interview students, administrators or staff, and request such additional reports or data as are necessary for the OCR to determine whether the Seminary has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3, and Title IX, at 34 C.F.R. § 106.31, which were at issue in this complaint.

The Seminary understands that the OCR will not close the monitoring of this Agreement until OCR determines that the Seminary has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3 and Title IX, at 34 C.F.R. § 106.31, which were at issue in this complaint.

The Seminary 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the Seminary written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the Christian Theological Seminary.

\_\_\_\_\_  
President or Designee

\_\_\_\_\_  
Date