

RESOLUTION AGREEMENT

Docket Number 07142246

Missouri Baptist University

The U.S. Department of Education, Office for Civil Rights (OCR), opened the above-referenced complaint against Missouri Baptist University (University), St. Louis, Missouri, pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d *et. seq.*, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 100. Prior to the completion of OCR's investigation, the University asked to resolve issues identified during the course of the investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the University is not in compliance with Title VI and/or its implementing regulation or any other statutes or regulations OCR enforces. Accordingly, to resolve issues identified by OCR during the course of its investigation of this complaint, the University voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves issues identified by OCR during the course of its investigation in OCR Docket No. 07142246 and does not constitute an admission by the University of any violation of the statutes and regulations OCR enforces.

This Agreement shall become effective upon the University's receipt of a letter from OCR advising the University that this Agreement resolves the issues identified in OCR Docket No. 07142246.

OCR agrees to discontinue its investigation of OCR Docket No. 07142246 based upon the University's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the issues identified by OCR during the course of its investigation.

The University 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 necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the terms of this Agreement; provided that any contact with or request of the University by OCR be communicated through the University's attorneys assigned to this case.

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. OCR will consider the University to have fulfilled the terms of this Agreement and to be in compliance

with the statutes and regulations OCR enforces upon OCR's determination that the University has completed the Reporting Requirements listed below in Section II.

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 proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

II. RESOLUTION PROVISIONS

NOTICE OF NONDISCRIMINATION

1. By **June 1, 2015**, the University will revise its current statement of nondiscrimination (notice of nondiscrimination). The revised notice of nondiscrimination will inform students, employees, and others that the University does not discriminate in its programs and activities on the bases of race, color, national origin, sex, disability and age,¹ and identify by name or title, address, and telephone number the individual or individuals responsible for coordinating its compliance efforts.

In developing its notice of nondiscrimination, the University shall refer to OCR's policy statement entitled *Notice of Non-Discrimination*, January 1999, which is available on the Department's website at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

REPORTING REQUIREMENT: By **June 1, 2015**, the University will submit to OCR for its review and approval the revised notice of nondiscrimination.

2. After receiving approval of its revised notice of nondiscrimination from OCR, the University will disseminate its notice of nondiscrimination to all students, employees, and others by:
 - a) prominently including the notice of nondiscrimination in the University's student handbook(s) and academic catalog(s);

¹ The regulation implementing Title VI of the Civil Rights Act of 1964 requires schools and colleges to notify students and others of the regulatory provisions in a manner that a responsible ED official would find necessary to tell students of their protections against discrimination under the statute and regulation. Title IX and its implementing regulation at 34 C.F.R. Part 106; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and the Age Discrimination Act of 1975, 42 U.S.C. § 6101, and its implementing regulation at 34 C.F.R. Part 110, contain requirements for recipients to issue notices of nondiscrimination. These regulations require that recipients notify students, parents and others that they do not discriminate on the bases of sex, disability, and age. Although not the subject of the complaint investigated by OCR encourages one combined notice for the regulations as is contemplated by this Agreement regarding its policies and procedures related to complaints alleging discrimination, harassment and retaliation on the bases of race, color, national origin, sex, disability and age.

- b) prominently including the notice of nondiscrimination on the University's website, if any; and
- c) prominently including the notice of nondiscrimination in major University publications, such as announcements, bulletins, catalogs, or application forms which it makes available to all students, employees, or the general public. The University may meet this requirement either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

REPORTING REQUIREMENT: By **September 30, 2015**, the University will submit to OCR documentation showing completion of the action described in item 2.

COMPLAINT AND/OR GRIEVANCE PROCEDURE

- 3. By **June 1, 2015**, the University will develop a complaint and/or grievance procedure to provide for prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age. The grievance procedure should incorporate appropriate due process standards and include at a minimum the following:
 - a) a statement that the grievance procedure is applicable to complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age;
 - b) notice to students, employees and others of the process for filing a grievance, including who to contact (title, address, and telephone number of the contact individual should be included) and how to initiate a grievance;
 - c) a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the grievance process;
 - d) a statement that the University will keep confidential the identity of the person filing the grievance, to the extent permitted by law;
 - e) written notice to the grievant of the disposition of the grievance at each stage of the process;
 - f) a fair and equitable appeal process;
 - g) notice that retaliation against a person who files a complaint of discrimination, or persons who participate in related proceedings is prohibited;

- h) assurance that if discrimination has occurred, appropriate corrective and remedial actions will be taken; and
- i) a provision that notifies individuals they may file complaints with OCR. The provision should include the following contact information: U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; Facsimile: (816) 268-0599; or Email: OCR.KansasCity@ed.gov.

REPORTING REQUIREMENT: By **June 1, 2015**, the University will submit to OCR for its review and approval documentation showing completion of item 3.

- 4. After receiving approval of the complaint and/or grievance procedure to provide for prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age from OCR, the University will disseminate its complaint and/or grievance procedure to all students, employees, and others by prominently including the approved complaint and/or grievance procedure in the University's student handbook(s) and employee handbook(s) (if any) and posting the information on the University's website. The University may meet this requirement either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

REPORTING REQUIREMENT: By **September 30, 2015**, the University will submit to OCR documentation showing completion of the activities described in item 4.

TRAINING

- 5. By **December 31, 2015**, the University will provide training to employees responsible for conducting investigations into complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age. The training will include the University's revised notice of nondiscrimination and complaint and/or grievance policy and procedure for discrimination complaints. The training will include instruction on how to recognize race, color, national origin, sex, disability, or age discrimination, respectively; how to conduct and document complaint investigations in accordance with the University's complaint and/or grievance procedures, and examples of possible discrimination complaints covered by the complaint and/or grievance procedures. The University will also ensure all staff members are provided notice of the complaint and/or grievance procedures and information about where to locate the procedures.

REPORTING REQUIREMENT: By **December 31, 2015**, the University will submit to OCR documentation showing completion of the activities detailed in

item 5. The documentation provided to OCR should include the name(s) and title(s) of the person conducting the training; the dates and locations of the training session(s); a copy of the agenda and/or training materials which clearly identify the topics addressed in the training; and the names and titles of the persons who participated in the training. The University may submit the sign-in sheets used at the training to document the names and titles of the persons who participated in the training.

6. By **September 30, 2015**, the University will provide notice to current students concerning the revised notice of nondiscrimination and complaint and/or grievance procedures for complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age and their responsibilities to ensure nondiscrimination and will provide information about where to locate the procedures.

REPORTING REQUIREMENT: By **September 30, 2015**, the University will submit to OCR documentation showing completion of the activities described in item 6. The documentation provided to OCR should include a statement from the University explaining how the notice to students has been incorporated into the student orientation sessions.

7. By January 31, 2016 and June 30, 2016, pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31 9a) (3) (iii) of the regulation implementing the Family Educational Rights and privacy Act, 20 U.S.C. § 123g, which provides that OCR may review personally identifiable records without regard to considerations of privacy or confidentiality, the University will provide to OCR information regarding all complaints/grievance filed under its revised policy during the 1st and 2nd semesters of the 2015-16 school year. The submission will include number of complaints received, an unredacted copy of each complaint, a statement describing the investigation, if any, (including the names of witnesses who were interviewed) and a copy of the letter or email communicating the the outcome of each complaint. OCR will notify the University's counsel prior to contacting any students who filed complaints under the revised policy if OCR determines it necessary to contact students who filed complaints under the revised policy.

(S)/ Alton Lacey

President
Missouri Baptist University

3-23-15

Date