



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
KANSAS
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NEBRASKA
OKLAHOMA
SOUTH DAKOTA

March 30, 2022

Sent via email to: XXXXXXXXXXXXXXXXXXXX

XXXX XXXXXX
XXXXXXXXXX XXXXXXXX
St. Louis Community College
Corporate College
XXXX XXXXXXXXXXX XXXX
XXXXXXXXXXXX, XX XXXXXX

Re: St. Louis Community College
OCR Complaint No. 07212158

Dear XX. XXXXXXX:

On September 28, 2021, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against the St. Louis Community College, located in St. Louis, Missouri, alleging discrimination based on color and sex. Specifically, the Complainant alleged that the College sponsors, hosts, operates, promotes, and/or offers the Black Male Achievers Academy (BMAA), a program unavailable to non-Black and female individuals. This letter is to confirm that the College has voluntarily submitted a Resolution Agreement to resolve this complaint.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin by recipients of federal financial assistance from the Department of Education. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination based on sex in any education program or activity receiving federal financial assistance. Because the College receives federal financial assistance from the Department of Education, the College is subject to Title VI, Title IX, and OCR’s jurisdiction. Additional information about the laws that OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During OCR’s investigation, OCR reviewed documentation the College submitted, including information regarding the funding, recruitment, and marketing for the BMAA, participation in the BMAA, and similar programs offered for non-Black and female students.

Legal Standards

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Title VI regulation at 34 C.F.R. § 100.3(a) prohibits discrimination on the basis of race, color, or national origin. The Title VI regulation at 34 C.F.R. § 100.3(b)(1)(i)(ii), (iv) and (vi) provides that a recipient may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

- (i) deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- (iv) restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program; or
- (vi) deny an individual an opportunity to participate in [a] program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded [to] others under the program.

Title IX and its implementing regulations, at 34 C.F.R. § 106.31(a)-(b), prohibit a recipient from excluding, denying benefits to, or otherwise treating any person differently on the basis of sex in its education programs or activities, unless expressly authorized to do so under Title IX or the regulations. The regulations, at 34 C.F.R. § 106.34, further prohibit any recipient, including an elementary, secondary, or postsecondary institution, from carrying out its education programs or activities separately on the basis of sex, unless an exception applies. With respect to scholarships and funding, the Title IX regulation, at 34 C.F.R. § 106.37(a)(2), provides that a recipient shall not, “through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient’s students in a manner which discriminates on the basis of sex.”

Factual Background

The College is the largest community college district in Missouri, and currently serves about 15,000 students. The College informed OCR that it created the BMAA, a pre-college summer program, in XXXX to encourage recent Black male high school graduates to enroll in the College and provide academic supports to ensure graduation. The BMAA XXX XXX XXX XXXXX XXXXXXX XXXX XXX XXXX XXXX and offered personal development programming—covering topics like emotional intelligence, leadership, resume building, and financial literacy—and for-credit college courses XXX XXXXX XXXXXXXXXXXXXXX XXXXXXX XX XX XXX XXXXXXX XXXXXXX. After the BMAA ended, the College provided continued supports to participants who enrolled in the XXXX XXXX XXX/XX XXXXXXX XXXX semesters, including academic advising, workshops, and social events.

The College reported that enrollment in the BMAA was limited to the following individuals: (1) Black males; (2) who were recent high school graduates; and (3) who had a grade-point average between 1.5 and 3.0. The BMAA was open to 100 students. The College advised OCR that, to recruit for the BMAA, it sent an informational letter to Black males who had registered for courses at the College during the XXXXXXX XXX/XX XXXX XXXX semesters and who met

the remaining criteria. The College also contacted local high schools to identify other eligible students. Additionally, the College marketed the BMAA in flyers, campus newsletters, and in an article posted on the College’s website, available at <https://stlcc.edu/news/2021/bmaa.aspx>. The College’s marketing materials indicate that the BMAA was available only to Black males.

The College reported that BMAA participants received a scholarship which covered the cost of their for-credit courses offered through the program. This scholarship was established by the XXXXXXXX’X XXXXXX XX XXXXXXXXXXX XXX X XXXXXXX XXXX XXXX XXXXXXX XXXXXXXXXXXX XX XXX XXXX. According to the College, aside from the scholarship offered for the BMAA’s for-credit courses, participants XXX XXX XXXXXXXX X XXXXXXXXXXX XXXXXXX XXXXXXXXXXX XXXX XXXXX XXXXXXX XXXXXXXXXXX.

According to the College, XX Black males enrolled in the XXXX BMAA through the College’s regular summer enrollment process. The College reported that it XXXX XXX XXXXX XXX XXX-XXXXXXXX XXXXXXXX XXXXXXXX XX XXX XXXX. The College further advised OCR that upon receiving this complaint, XX XXXXXXX XXX XXXXXXX XX XXXXXXX XXX XXX XXXXXXX XXX XXXX XXX XXX XXXXXXX XX XXXX.

Resolution

Prior to the completion of OCR’s investigation into this complaint, the College requested to enter a voluntary Resolution Agreement with OCR under Section 302 of OCR’s *Case Processing Manual*.¹ The College submitted a signed Agreement (copy enclosed) on XXXXX XX, XXXX, that, when fully implemented, will address the allegations of this complaint. The Agreement requires the College to modify the BMAA so that the program is open to individuals of any color and sex or discontinue the program. For more information, please consult the Agreement.

OCR considers this complaint resolved effective the date of this letter and will monitor the College’s implementation of the Resolution Agreement. When OCR concludes that the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume investigation.

This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. OCR would like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court regardless of whether OCR finds a violation.

The College may not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. Complaints alleging such retaliation may be filed with OCR.

¹ The *Case Processing Manual* is available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions, please contact XXXXX XXXXXXXX, Attorney, at (XXX) XXX-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXXXX@ed.gov.

Sincerely,

XXXXXXXXXX XXXXXXXX
Supervisory Attorney

Attachment