

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Western Seminary-Portland Campus (Seminary) enters into this agreement to resolve the allegations in a complaint (Reference No. 10132035) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10132035 and does not constitute an admission by the Seminary of any violation of Section 504 or the Age Discrimination Act or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10132035 based upon the Seminary's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. In the event the Seminary fails to implement any provision of this agreement, OCR will resume its investigation of the complaint or take other appropriate measures within its authority to effect compliance with Section 504 and the Age Discrimination Act.
- D. The Seminary understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 Seminary written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.
- E. The Seminary understands that by signing this agreement, it agrees to provide with OCR data and other information in a timely manner. Further, the Seminary understands that during the monitoring of this agreement, OCR may visit the Seminary's campus or place of business, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Seminary has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section

504 and the regulations implementing the Age Discrimination Act, at 34 CFR 110, which were at issue in this case and that are referred to more specifically in section III, A, 1, below.

- F. The Seminary understands that 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 Section 504 and with the Age Discrimination Act.

III. RESOLUTION PROVISIONS

A. Policies and Procedures

The Seminary will review and revise its policies, procedures, publications, notices, and, where applicable, its admission policy and application materials (hereafter referred to collectively as “policies and procedures”), as follows:

1. By July 1, 2014, the Seminary, in consultation with OCR, will make changes to its admissions application policies and procedures to satisfy the provisions of either subsection A. 1.a. or A.1.b. below:
 - a. Modify its admissions application process to include a statement explaining that information regarding an applicant's disability is requested on a voluntary basis, that it will be kept confidential, that refusal to provide such information will not subject the applicant to any adverse treatment, and that the information will be used only in connection with the Seminary's remedial obligations and/or voluntary action efforts in accordance with the provisions of Section 504 of the Rehabilitation Act of 1973; or, in the alternative
 - b. Modify its admissions application process to ensure that it does not request information regarding an applicant's disability. At its option, without requesting information that could result in a preadmission disclosure of an applicant's disability status, the Seminary may inform applicants of the name and location of the office that handles requests for assistance regarding students' disability related needs and provide applicants with information about how to request disability-related assistance with respect to completing the application process.

2. By July 1, 2014, the Seminary will make changes to its admissions application policies and procedures to ensure that, in administering its admissions policies, the Seminary does not make use of any test or criterion for admission that have a disproportionate, adverse effect on disabled person or any class of disabled persons, unless the Seminary uses test criterion has been validated as a predictor of success in the education program or activity in question and alternate tests or criteria that have a less disproportionate, adverse effect are not available, except as otherwise permitted under 34 CFR 104.42.
3. By July 1, 2014, the Seminary will review its admissions application policies, procedures and practices to ensure that its current practice of not evaluating or taking into consideration the date of prior education or the length of time between prior education and admission to the Seminary's programs is stated within its materials.
4. By July 15, 2014, the Seminary will provide OCR a copy of its draft revised policies and procedures, which it developed pursuant to section III, A, 1 - 3 of the agreement, for OCR's review and approval.
5. Within 15 days of receiving OCR's approval of the revised policies and procedures, submitted pursuant to section III, A, 1- 3 of the agreement, the Seminary will provide OCR with documentation to substantiate that it has adopted the OCR-approved policies and procedures.

B. Notice and Training

1. Within 30 days after adoption of the OCR approved, revised policies and procedures referred to in section III, A, the Seminary will publish the revisions in its admissions and recruitment materials, including materials on the Seminary's website, and provide notice of the revisions to all Seminary staff.
2. Within 45 days from the date that the policies and procedures are published by the Seminary pursuant to section III, B, 1, the Seminary will conduct training for all staff members who are involved in the admissions process regarding the revisions to the Seminary's policies and procedures and regarding the requirements of Section 504 and the Age Discrimination Act; the training will specifically address:

- a. the revisions to the Seminary's policies and procedures;
- b. the requirement that qualified handicapped persons may not, on the basis of disability, be denied admission or be subjected to discrimination in admission or recruitment by the Seminary;
- c. that pre-admission inquiries regarding disability or that would disclose a disability are impermissible with a limited exception and explain the key parts of the exception;
- d. its current practice of not evaluating or taking into consideration the date of prior education or the length of time between prior education and admission to the Seminary's programs.

C. Other Specific Remedies

1. Within 30 days after completing the training required in Section III, B, 2 of the Agreement, the Seminary will send a written notice to the applicant that contains an offer to have the applicant reapply for admission to the Seminary's master's in counseling degree program within 8 months of receipt of the letter. The offer will specify that the no application fees or charges will be assessed to the applicant if he chooses to reapply and will explain that, if the applicant chooses to reapply, the application will be reviewed under the Seminary's revised policies and procedures by a "blind" review panel that consists of Seminary staff members that were not previously involved in the consideration of his application. The offer will also specify that, if the applicant chooses not to reapply, the Seminary will refund to the applicant all application, testing, and other fees paid by applicant as part of the applicant's original unsuccessful application process and will direct its admissions office to expunge from its admissions office records the applicant's original application materials, including materials reflecting the applicant's references, written application, psychological tests and personality inventories, background check and interview notes. The Seminary may elect to retain the applicant's original application materials but will take steps to remove them from the applicant's admissions office records and maintain them in the Office of the President, under seal.
2. Within 30 days from the end of 8 month period following the date of the Seminary's letter, or within 30 days from the date the applicant provides written notice to the Seminary that he does not intend to accept the

Seminary's offer to reapply, whichever occurs first, the Seminary will refund to the applicant all application, testing, and other fees paid by applicant as part of the applicant's original unsuccessful application process.

3. If the applicant chooses to reapply, the Seminary will consider the applicant's application in the next application cycle utilizing the admission criteria used for all applicants under the Seminary's revised policies and procedures. The application will be reviewed by a "blind" review panel that consists of Seminary staff members that were not previously involved in the consideration of his application.

IV. REPORTING PROVISIONS

- A. By July 15, 2014, in accordance with section III, A, 4 of the agreement, the Seminary will provide OCR a copy of its draft revised policies and procedures developed pursuant to section III, A of the agreement, for OCR's review and approval.
- B. Within 45 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to section III, A of the agreement, the Seminary will provide OCR with documentation to substantiate that it has adopted and published the OCR-approved policies and procedures. The report will include a copy of the published policies and procedures and a link to the Seminary's website where the policies and procedures are referenced.
- C. Within 15 days of completing the staff training pursuant to section III, B, 2, the Seminary will provide a report to OCR that reflects the specific actions taken to comply with the training requirements of that section. The report will include the identity and qualifications of the trainer utilized by the Seminary, a copy of the materials used for the training, the date or dates of the training, and a roster of the individuals who attended the training, including the staff persons' position or title with the Seminary.
- D. Within 45 days after completing the training required in Section III, B, 2 of the Agreement, the Seminary will provide OCR with documentation to substantiate that it has complied with the provisions of section III, C, 1 of the agreement. The report will include a copy of the letter sent to the applicant under section III, C, 1, and a summary of the steps that the

Seminary has taken to ensure a “blind” review in the event that the applicant chooses to reapply.

- E. In the event that the applicant chooses to reapply, within 60 days following the completion of the Seminary’s review of the applicant’s request for admission, the Seminary will provide OCR with documentation that that includes, the results of that application process, and documentation that his application was reviewed utilizing the admission criteria used for all applicants and that it was completed at no cost to the applicant.

- F. If the applicant provides written notice to the Seminary that he does not intend to accept the Seminary’s offer to reapply, within 60 days the Seminary will provide documentation to OCR that the Seminary has refunded to the applicant all application, testing, and other fees paid by applicant as part of the applicant’s original unsuccessful application, and documentation that it has expunged from its admissions office records the applicant’s original application materials, including materials reflecting the applicant’s references, written application, psychological tests and personality inventories, background check and interview notes. If the applicant does not reapply for admission to the Seminary’s master’s in counseling degree program within 8 months of receipt of the letter containing the Seminary’s offer and has not otherwise communicated to the Seminary that he does not intend to accept the Seminary’s offer, within 60 days following the end of the 8 month period following the Seminary’s offer, the Seminary will provide documentation to OCR that the Seminary has refunded to the applicant all application, testing, and other fees paid by applicant as part of the applicant’s original unsuccessful application and documentation that it has expunged from its records the applicant’s original application materials, including materials reflecting the applicant’s references, written application, psychological tests and personality inventories, background check and interview notes.

Signed:

_____/s/_____
Dr. Randal Roberts
President

__04-24-2014_____
Date