

RESOLUTION AGREEMENT

Aquinas Institute of Theology
OCR Docket Number 07142260

Aquinas Institute of Theology (Institute), St. Louis, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegation against the Institute in OCR Docket Number 07142260, and to ensure 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, which prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance. To ensure compliance with Title VI and its implementing regulations, and to resolve the allegation in this complaint and compliance concerns found during the investigation of this complaint, the Institute voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves OCR Docket No. 07142260 and does not constitute an admission by the Institute of any violation of Title VI or any other law.

OCR agrees to discontinue its investigation of OCR Docket No. 07142260 based upon the Institute's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in OCR Docket No. 07142260 and compliance concerns found during the investigation of this complaint.

In the event the Institute fails to implement any provision of this Agreement, OCR may resume its investigation of the complaint or take other appropriate measures within its authority to ensure compliance with Title VI.

The Institute 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 Institute understands that during the monitoring of this Agreement, if necessary, OCR may visit the Institute, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Institute has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI.

The Institute understands that OCR will not close the monitoring of this Agreement until OCR determines that the Institute has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI.

The Institute 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 Institute written notice of the alleged breach and a minimum of 60 (sixty) calendar days to cure the alleged breach.

II. RESOLUTION PROVISIONS

Policy Prohibiting Discrimination

1. By September 18, 2015, the Institute will develop a policy prohibiting discrimination (discrimination policy), including discrimination based on race, color, and national origin, sex, disability and age of students by other students and the discrimination of students by administrators, staff, and other Institute employees. At a minimum, the Institute's discrimination policy and, if applicable, associated procedures will contain the following:
 - (a) A statement setting forth the Institute's commitment to having an environment free from all discrimination based on race, color, and national origin, sex, disability and age. Such statement must explain that the Institute prohibits discrimination in the school environment, including all academic, extra-curricular, and school-sponsored activities. The statement will encourage students to immediately report incidents of discrimination. The statement will emphasize that staff are required to promptly report to the designated staff member required in accordance with item 1(h) of this Agreement all incidents of discrimination of which they become aware by whatever means. The statement will specify that the Institute will investigate formal and informal complaints of discrimination.
 - (b) Examples of the type of conduct and behavior that are covered by the policy, including examples of staff-to-student and peer-to-peer conduct.
 - (c) Identification of the kinds of activities and programs where prohibited conduct could occur.
 - (d) An explanation of how to report discrimination and/or file a complaint (formally and informally).
 - (e) A requirement that Institute personnel report incidents of alleged student-on-student and staff-to-student harassment that may be based on race, color, and/or national origin, sex, disability and age that Institute personnel witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to discrimination in other forms.
 - (f) A description of the Institute's complaint procedures, including a requirement that an investigatory report be filled out by the Institute's designated staff member or his/her designee during the course of the investigation, a ten (10) business day timeframe for the Institute's investigation of a complaint, and a requirement that written notice of the outcome of the investigation be provided to the parties.

The investigatory procedures documented in the investigatory report shall, at a minimum, include: (1) the name, race, and national origin, sex and age of the alleged victim and, if different, the name and race, sex and age of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the names and races, sex and age of all persons alleged to have committed the alleged discrimination, if known; (4) the names and races, sex and age of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses; (6) the outcome of the investigation; and (7) the response of Institute personnel and, if applicable, the date any incident was reported to law enforcement.

- (g) Identification of the means the Institute will use to investigate incidents of discrimination, including but not limited to:
 - i. the various steps the Institute will take to conduct adequate, reliable, and impartial investigations of reported incidents;
 - ii. a statement that the Institute will take action to stop the discrimination, remedy the discrimination, and prevent recurrence of the discrimination; and
 - iii. the Institute's standards for determining whether a hostile environment exists.
- (h) The name or title and contact information (including office address, email address, and telephone number) for the District employee(s) responsible for receiving and/or investigating reports of discrimination, including the investigatory report.
- (i) A requirement that the designated staff member(s), required in accordance with item 1(h) of this Agreement, document all reports of incidents of discrimination.
- (j) A recommendation that Institute staff who observe acts of discrimination based on race, color, or national origin, sex, disability, and age intervene to stop the discrimination, unless circumstances would make such intervention dangerous.
- (k) Prohibition of retaliation against persons who report alleged discrimination or participate in related proceedings.
- (l) Development of a plan for a comprehensive training program for Institute officials and administrators responsible for implementing and enforcing Federal anti-discrimination and anti-harassment laws and related policies and procedures.

REPORTING REQUIREMENT: By September 18, 2015, the Institute will submit its draft discrimination policy and associated procedures to OCR for its review and approval.

2. Within 60 calendar days of written notification from OCR that the Institute's discrimination policy and associated procedures are consistent with Title VI, Title IX, Section 504 and the Age Act requirements and satisfy item 1 of this Agreement, the Institute will adopt and implement the policy and procedures, publish them in its student and staff handbooks and post the policy and procedures on the Institute's website.

REPORTING REQUIREMENT: By December 31, 2015, the Institute will provide OCR documentation showing it has complied with item 2 of this Agreement.

Grievance Procedure

3. By September 18, 2015, the Institute will draft a grievance procedure for complaints of discrimination on the bases of disability, sex, age, race, color or national origin¹, including complaints of harassment. The Institute may consult with OCR for technical assistance in revising its grievance procedure. The revised grievance procedure will include the following:
 - a. a statement that the grievance procedure is applicable to complaints alleging discrimination on the bases of disability, age, race, color, and national origin including allegations of harassment;
 - b. a notice to students of the process for filing a grievance, including who to contact, campus specific contact information for that individual including the position title, business address, and telephone number, and how to initiate a grievance;
 - c. a provision for the adequate, reliable and impartial investigation of all complaints including the opportunity to present witnesses and other evidence;
 - d. designated and prompt timeframes for the completion of the major stages of the grievance process;
 - e. a requirement that individuals involved in processing grievances be trained in complaint investigation and are knowledgeable about the Institute's obligation to comply with Federal laws prohibiting discrimination in the Institute programs;
 - f. a notice to the parties of the disposition of the grievance at each stage of the process;
 - g. a fair and equitable appeal process;

¹ The Department's Title VI regulation addresses discrimination based on race, color, or national origin. It does not require recipients of Federal financial assistance to adopt a grievance procedure to address complaints of race discrimination or harassment. However, OCR recommends the Institute adopt a grievance procedure to address discrimination allegations.

- h. a provision requiring individuals involved in a grievance maintain the confidentiality of information obtained during a grievance, including the name of the person who files a grievance and other information received during the processing of a grievance;
- i. a notice that retaliation against a person who files a complaint of discrimination or persons who participate in related proceedings is prohibited;
- j. an assurance that if discrimination is established, appropriate corrective and remedial actions will be taken; and
- k. a notice that complaints of discrimination and/or harassment on the basis of disability, age, sex, race, color, or national origin may be filed with the U. S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106, (816) 268-0550.

REPORTING REQUIREMENT: By September 18, 2015, the Institute will submit to OCR for review and approval a copy of its draft grievance procedure.

- 4. Within 30 days after OCR's approval of the grievance procedure, the Institute will adopt and disseminate its revised grievance procedure to all students and employees by:
 - a. publishing the revised grievance procedure in the catalog, and student and employee handbooks;
 - b. posting the grievance procedure in a readily accessible location on the Institute's website; and
 - c. informing all students by email of the grievance procedure and where students can find the grievance procedure in handbooks, catalogs, and on the Institute's website.

REPORTING REQUIREMENT: By December 31, 2015, the Institute will submit to OCR a copy of the catalog, and student and faculty handbooks that contain its revised grievance procedure as well as the link to the revised grievance procedure on the Institute's website.

Notice of Nondiscrimination

- 5. By September 18, 2015, the Institute will revise its notice of nondiscrimination² to include the name, office address, and telephone number of the individual(s) to whom

² A sample notice of nondiscrimination may be found at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>

incidents of discrimination should be reported. This Notice must also identify by position/title, business address, and business telephone number the person or persons designated to coordinate the Institute's efforts to comply with the regulations implementing Title IX, Section 504 and the Age Act.

REPORTING REQUIREMENT: By September 18, 2015, the Institute will provide OCR with a copy of its draft revised notice of nondiscrimination for review and approval.

6. Within 60 days of receiving OCR's approval of the revised notice of nondiscrimination, the Institute will publish its revised notice of nondiscrimination in publications containing general information about the Institute, including but not limited to, the following publications: student and employee handbooks, catalogs, application forms, and other documents that it makes available to students, employees, and other interested persons. The Institute will also prominently display its revised notice of nondiscrimination in an easily visible location on its website.

REPORTING REQUIREMENT: By December 31, 2015, the Institute will provide OCR with documentation evidencing the publication of the notice of nondiscrimination.

Training

7. By February 12, 2016, the Institute will provide training for all faculty and administrators regarding the Institute's grievance procedure.

REPORTING REQUIREMENT: By February 26, 2016, the Institute will submit to OCR documentation that demonstrates completion of the training for all faculty and administrators regarding the Institute's grievance procedure. Such documentation should include the date(s) of the training session(s), an outline on the content of the training, the name, position, and credentials of the trainer(s), and an attendance sheet signed by the participants providing their name, and work location, at the training session.

Individual Remedy

8. By December 4, 2015, the Institute will contact the complainant via certified mail and provide him a letter informing him he can file a complaint under the Institute's newly adopted grievance procedure within 30 days from the date of the letter and advise the Complainant that the Institute agrees to grant the complainant a waiver of any time limits on filing a complaint under the Institute's grievance procedure. The Institute will enclose with the letter a copy of the revised discrimination policy and grievance procedure. In addition, the Institute will notify the complainant in writing that he can retake Church History II at no cost to the complainant and any subsequent grade received for Church History II will replace the grade awarded to him in May 2014.

REPORTING REQUIREMENT: Within 60 days of sending the letter to the complainant, the Institute will provide OCR with a copy of the certified letter sent to the complainant, including proof of delivery, and inform OCR if the complainant filed a grievance under the Institute's grievance procedure and if so, the disposition of the complainant's grievance, and whether the complainant will retake Church History II.

Rev. Sean Charles Martin, M.A., S.T.L., S.T.D
President

24 August 2015