

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
Midwestern Division
Kansas City Office



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Dr. Lovett H. Weems, Jr.
President
Saint Paul School of Theology
5123 East Truman Road
Kansas City, Missouri 64127

FEB 27 2002

Ref: 07012075

Dear Dr. Weems:

On April 27, 2001, the Office for Civil Rights (OCR), U.S. Department of Education (Department), received a complaint filed against the Saint Paul School of Theology (School), Kansas City, Missouri, in which the complainant alleged the School discriminated against her based on race (African-American) and gender (female). Specifically, the complainant alleged her instructor for IN 101 discriminated against her based on race and gender in the rescheduling of the April 3, 2001, mid-term examination for IN 101.

OCR is responsible for enforcing, among other civil rights statutes, Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) *et seq.*, and its implementing regulation at 34 Code of Federal Regulation (C.F.R.) Part 100, which prohibit recipients of Federal financial assistance (FFA) from the Department from discriminating on the basis of race, color, or national origin. OCR is also responsible for enforcing 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 recipients of FFA from the Department from discriminating on the basis of sex (gender) in education programs or activities. Since the School is a recipient of FFA from the Department, it has the responsibility for ensuring compliance with the regulations implementing Title VI and Title IX.

The complainant alleged that the School subjected her to disparate treatment based on her race and sex in the rescheduling of the mid-term exam as stated above. The complainant was granted a one-day extension to take a make-up mid-term exam because her car was stolen on the morning of April 3, 2001, which was the day the complainant was originally scheduled to take the mid-term exam in IN 101. The IN 101 instructor would only grant the complainant a one-day extension for the make-up exam, even though the complainant requested a later date to take the make-up exam and she did not believe that one day was sufficient time for her to recover from the trauma of having her car stolen and accomplish

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necessary tasks such as communicating with the police department. The complainant later learned that an Asian male student was granted a much longer extension to take a make-up mid-term exam for IN 101. The complainant alleged that race and sex were illegal motivating factors behind the different treatment to which she was subjected by the IN 101 instructor.

OCR initiated an investigation of this complaint on December 21, 2001. OCR received and reviewed information provided by the complainant and the School. OCR's investigation established the following:

- The complainant is an African-American female who is enrolled as a student at the St. Paul School of Theology (School).
- The complainant was enrolled in IN 101 – Biblical Introduction and Interpretation (Course) during the Spring 2001 semester. This course was team taught by two professors.
- The course met every Tuesday, Wednesday and Thursday of the semester.
- The mid-term exam for the Course was scheduled and given on Tuesday, April 3, 2001.
- On the morning of April 3, 2001, the complainant contacted one of the professors for the Course to request that she be permitted to take the mid-term exam at a later date because her car had been stolen that day. The professor permitted the complainant to make up the exam on the following day, April 4, 2001, but would not grant a longer extension as the complainant requested.
- An Asian male student who was enrolled in the Course took the mid-term examination on April 10, 2001. This student was away from the School April 3-5, 2001, to attend a church conference in Canada. He advised the Course professors of his anticipated absence in writing in advance on March 7, 2001, and requested permission to take the April 3, 2001, mid-term exam either before or after his anticipated absence. The Course professors granted the student permission in advance to miss the April 3, 2001, mid-term exam and take a make-up exam on the first day of class following the student's absence, which was April 10, 2001.
- The two professors who team taught the Course jointly established the policies and practices regarding absences from class, including absences during scheduled exams. Some of these policies were addressed in an 11-page handout and Course syllabus provided to the IN 101 students at the beginning of the Spring 2001 semester. Other

aspects of the policies and practices were communicated verbally to the students in the Course by the professors. If students were not going to be able to be present for a test, they were asked to advise the instructors in writing if the absence was foreseeable. Arrangements acceptable to the student and the professors were then made to make up the test. If the absence was not foreseeable, the student was advised to contact one or both of the professors, and the test would be rescheduled as soon as possible. The goal of the professors was to reschedule the exam as close as possible to the stipulated date.

To determine if the School discriminated against the complainant based on race and sex, OCR considered all of the factual evidence presented, including the School's data, policies and procedures. OCR used a disparate treatment analysis to determine if the School complied with the regulations implementing Title VI and Title IX. When reviewing a discrimination claim of disparate treatment, OCR reviews whether similarly situated students of another race and sex have been treated differently than the complainant, and if different treatment exists, whether there is a legitimate, nondiscriminatory reason for the different treatment that is not a pretext for discrimination.

OCR finds the complainant was treated differently than another student of a different race and sex in the matter of rescheduling the April 3, 2001, mid-term examination for IN 101. However, the legitimate, nondiscriminatory reason proffered by the School for the different treatment was found to be without pretext. The School followed established policy appropriate for the specific circumstances of the situation during the scheduling of the complainant's make-up exam for the April 3, 2001, IN 101 mid-term examination, as well as during the scheduling of the make-up mid-term exam for the Asian male student. OCR finds there is no evidence indicating that either race or gender was a motivating factor behind the manner in which the complainant was rescheduled for the mid-term exam. Therefore, OCR is closing this complaint effective the date of this letter.

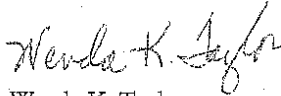
The regulations OCR enforces protect individuals who file a complaint with OCR or participate in an OCR complaint investigation or compliance review. Recipients may not retaliate or take any adverse actions against individuals based upon their having filed a complaint or provided assistance to OCR. Individuals who believe they have been subjected to retaliation or other adverse action because of their participation in any OCR compliance activity may file a complaint with OCR.

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, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

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If you have any questions regarding this matter, please contact Michael Tiffany, Equal Opportunity Specialist, at (816) 880-4243 (voice) or (816) 891-0582 (telecommunication device for the deaf).

Sincerely,



Wenda K. Taylor
Acting Associate Director

cc

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