

**Resolution Agreement  
ITT Technical Institute  
OCR Docket Number 04-15-2308**

ITT Technical Institute (Institute) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the first issue in the above-referenced complaint and to ensure compliance with 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 on the basis of race, color, or national origin.

The Agreement reflects voluntary actions to be taken by the Institute to ensure continued compliance with Title VI. The Institute agrees to implement the actions described below:

**Student Focused Remedy**

1. **By December 1, 2015**, the Institute will readmit the Complainant to the Institute's Nursing Program, and will send her a letter via certified mail confirming that she has been readmitted and is invited to enroll in classes beginning in the January 2016 quarter.

**Reporting Requirement:**

**By December 10, 2015**, the Institute will provide OCR with a copy of the letter issued to the Complainant referred to in Paragraph 1 and the Complainant's response.

2. **By December 1, 2015**, the Institute will make advising and academic support services available to the Complainant for the first six (6) months of reenrollment in the Nursing Program, and will send the Complainant a letter via certified mail describing the services that are available and how the Complainant can access those services.

**Reporting Requirement:**

**By December 10, 2015**, the Institute will provide OCR with a copy of the letter issued to the Complainant referred to in Paragraph 2. **By March 10, 2016**, the Institute will provide OCR with a report listing the services provided to the Complainant to date. **By July 10, 2016**, the Institute will provide OCR with an additional report listing the services provided.

### **Policy Revisions**

3. **By December 1, 2015**, the Institute will revise its Satisfactory Nursing Program Progression (SNPP) Policy in its Student Handbook to provide students with notice about what constitutes “extenuating circumstances” that are considered on appeal from dismissal from the Nursing Program as stated in the SNPP Procedure Manual which was effective March 23, 2015. Each time the Institute revises the SNPP Procedure Manual to change the definition of “extenuating circumstances” that are considered on appeal, the Institute will publish those changes in its Student Handbook.

#### **Reporting Requirement:**

**By December 10, 2015**, the Institute will provide OCR with a copy of the revised policy referred to in Paragraph 3. Upon review of the revised policy, OCR will notify the Institute whether the policy is approved. If additional changes are needed, OCR will notify the Institute of those additional changes.

Upon 30 days after OCR’s approval of the revised policy referred to in Paragraph 3, or by **February 28, 2016**, whichever is later, the Institute will publish this policy in its Student Handbook and disseminate the revised policy to all students in its Nursing Program on all campuses, both by mail and by publishing it on its website in an easily accessible, prominent location. The Student Handbook will also be available for review on all campuses.

#### **Reporting Requirement:**

By 30 days after OCR’s approval of the revised policy referred to in Paragraph 3, or by **February 28, 2016**, the Institute will provide OCR with a documentation showing that the revised policy has been disseminated to all students in its Nursing Program on all campuses. If the revised policy has been disseminated by publication on its website, the Institute may provide the website in lieu of documentation.

### **Training**

4. Upon 30 days after OCR’s approval of the revised policy referred to in Paragraph 3, or by **February 28, 2016**, whichever is later, the Institute will provide training to all faculty and staff members in the Nursing Programs on all campuses who review student appeals from dismissal from the Nursing Programs, on the implementation of the revised policy, either in-person or online. This training will also include information on the Title VI regulations prohibiting different treatment of students on the basis of race. The training

content will include examples of the type of conduct that is prohibited, including examples related to determining whether to grant an appeal based upon extenuating circumstances.

Reporting Requirement:

Within 10 days after the training referred to in Paragraph 4 is conducted, the Institute will submit documentation to OCR showing that the faculty and staff members have completed this training. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of Institute employees who participated in the training session; (3) a description of the presenter's background and qualifications; and (4) a copy of the agenda and the training materials disseminated.

**Internal Review Process**

5. **By March 1, 2016**, the Institute will establish a process for reviewing the approval and denial of appeals from dismissals of students from its Nursing Program at its Tallahassee, Florida campus to ensure that students are not subjected to different treatment on the basis of race during the appeals process. Under this review process, the Institute will review the appeals submitted and decisions rendered at least twice a year. The Institute will document this review and retain all related information. If the Institute identifies any different treatment of students on the basis of race in its appeal process, the Institute will take such actions as are necessary to remedy the different treatment. The Institute will provide personnel involved in the review process training on the Title VI prohibition of different treatment on the basis of race, color or national origin.

Reporting Requirement:

**By March 15, 2016**, the Institute will provide OCR with a description of the process for reviewing appeals described in Paragraph 5 and the training required in Paragraph 5. The description will identify the personnel to be involved in the review process, include a summary of their qualifications to conduct the review; include a summary of how the review process will be documented ; and describe the documents that will be created to reflect the analysis and conclusions of the reviewer(s). **By September 15, 2016**, the Institute will provide to OCR all appeals documents reviewed pursuant to Paragraph 5 and documents setting forth the determinations of the reviewer(s) and all steps taken to address any instances of different treatment identified during the review. **By March 15, 2017**, the Institute will provide to OCR all appeals documents reviewed pursuant to Paragraph 5 between September 15, 2016 and March 15, 2017 and documents setting

forth the determinations of the reviewer(s) and all steps taken to address any instances of different treatment identified during the review.

Within 10 days after the training referred to in Paragraph 5 is conducted, the Institute will submit documentation to OCR showing that the faculty and staff members involved in the review process at the Tallahassee campus have completed this training. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of Institute employees who participated in the training session; (3) a description of the presenter's background and qualifications; and (4) a copy of the agenda and the training materials disseminated.

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. 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.

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 Title VI implementing regulation at 28 C.F.R. § 100.3(a) which was at issue in this case.

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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the Director or his/her designee below.

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**Director or Designee**

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**Date**