

**Resolution Agreement**  
**University of South Florida (Florida)**  
**Complaint # 04-22-2150**

The University of South Florida (University) enters into this Resolution Agreement (Agreement) to resolve issues raised in Complaint #04-22-2150. The University assures OCR that it will take the following actions to comply with the requirements of 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 prohibit discrimination on the basis of race, color, or national origin and retaliation by recipients of Federal financial assistance from the Department of Education.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement does not constitute an admission of wrongdoing or liability by the University pursuant to Title VI. Accordingly, to ensure compliance with Title VI and its implementing regulations, the University voluntarily agrees to the following actions.

**Student-Focused Remedy**

1. **By February 15, 2023**, the University will issue a letter to the Complainant informing the Complainant:
  - a. he has not been dismissed from the University's Doctorate in Physical Therapy Program;
  - b. he has until XXXXX, 2023 to tell the University in writing whether he is electing to complete a two-week remediation or an extended remediation during the XXXXX 2023 term in order to enroll in the XXXXX 2023 Clinical Course 3;
  - c. welcoming him to re-enroll in Clinical Course 3 during the XXXXX 2023 term at no cost, and notifying him that he will need to successfully pass written and practical assessments to demonstrate competency for the required clinical assessment prior to enrolling in Clinical Course 3;
  - d. advising the Complainant his current grade of XXXXX in Clinical Course 3 is removed and will be replaced either with an XXXXX or his final grade for the XXXXX 2023 Clinical Course 3; and
  - e. informing the Complainant that the University is extending the deadline for completion of his degree to the end of the 2023 academic calendar.

**Reporting Requirements:**

**By March 3, 2023**, the University will submit to OCR a copy of the letter issued to the Complainant, as well as a copy of the Complainant's written election, as described in Item 1.

**Title VI Training**

2. **By February 28, 2023**, the University will develop, for OCR’s review and approval, Title VI training materials to be used in the training described in subsections (a) and (b) below. The training will be provided by a qualified individual knowledgeable about Title VI. The training will be provided as follows:
  - a. to all staff members in the University’s Office of Compliance and Ethics; all staff members in the University’s Doctorate in Physical Therapy Program; and any individuals directly involved in investigating, responding to, and/or resolving complaints or other reports of race, color, or national origin discrimination or harassment on a permanent or temporary basis, as well as complaints of retaliation. Such training will include at least the following topics:
    - i. the obligation under Title VI to address a hostile environment on the basis of race, color, or national origin, and retaliation, and the factors to consider in determining whether a hostile environment based on race, color, or national origin exists;
    - ii. what constitutes actual or constructive notice of a hostile environment; jurisdiction over third party relationships with the University; timely responses to complaints of discrimination or harassment; assurance of accuracy of facts; consideration of pending internal investigations during concurrent review processes (e.g., consideration of complaints of discrimination during the pendency of appeals or academic review processes);
    - iii. how to develop effective and appropriate remedies for complaining or reporting students and the school community, if warranted, when a hostile environment based on race, color, or national origin may be emerging or already exists; and
    - iv. appropriate ways to respond to perpetrators of discrimination or harassment.
  - b. to all individuals and staff members, including staff in the University’s Office of Compliance and Ethics who are directly involved in investigating, responding to, and/or resolving complaints or other reports of race, color, or national origin discrimination or harassment on a permanent or temporary basis, as well as complaints of retaliation, on how to investigate, document, and respond to complaints alleging discrimination or harassment based on race, color, or national origin. Such training will include at least the following:
    - i. the information listed in 2(a)(i) and 2(a)(ii), above;
    - ii. examples of discrimination and harassment based on race, color, and national origin;
    - iii. examples of what would constitute actual or constructive notice of a potential hostile environment based on race; and

- iv. how to communicate with appropriate parties, including the complainant and the accused, regarding the existence, investigation, and outcome of a complaint or report.

**Reporting Requirements:**

**By February 28, 2023**, the University will submit to OCR for review and approval the Title VI training materials and curriculum vitae or resume of the trainer.

**Within 3 weeks of receiving approval of the training materials from OCR**, the University will provide the training as stated above.

**Within 2 weeks of providing the approved training**, the University will provide documentation to OCR demonstrating that training was provided consistent with this Item, including: (a) a list of the individuals who attended the training and their positions; (b) the date(s) the training was conducted; and (c) assessments of the training completed by the participants.

**Title VI Discrimination Complaints**

3. **By March 15, 2023**, the University will provide all students participating in a clinical internship notice about how and with which University office(s) to file a complaint regarding race, color, or national origin discrimination or a complaint regarding retaliation. The University will also post this information on the University website page(s) associated with internships.

**Reporting Requirement:**

**By March 30, 2023**, the University will provide OCR with a copy of the notice provided to students consistent with Item 3 and describe how the notice was distributed, including a link to the notice on the University's website page(s).

4. **By April 15, 2023**, the University will develop and implement a process to ensure that during periods of staff transitions, all investigations of complaints of discrimination or harassment based on race, color, or national origin, are conducted in a timely manner by knowledgeable investigators.

**Reporting Requirement:**

**By April 28, 2023**, the University will provide OCR with details of the process developed consistent with Item 4 and the date of implementation.

5. The University will compile a spreadsheet listing all complaints that the University receives during the Spring 2023 and Fall 2023 semesters, alleging discrimination or harassment based on race, color, or national origin in connection with a clinical placement, internship, externship or other program in which University students receive training, supervision or other educational services or benefits from non-University staff through a contractual or other arrangement with

the University. The University will maintain a copy of the case files and related documents for each complaint. The spreadsheet will include the following information:

- i. date of the complaint;
- ii. name and race, color, or national origin of the student who complained or on whose behalf the complaint was submitted;
- iii. type of program in which discrimination or harassment allegedly occurred;
- iv. name, title, and position of the individual who allegedly engaged in discrimination or harassment;
- v. the nature of the alleged discrimination or harassment;
- vi. date the University assigned an investigator and the name of said investigator;
- vii. the outcome and date of the investigation; and
- viii. the date and final resolution of the complaint, including counseling or adjustments provided to any students involved in or affected by the alleged conduct.

The University will submit the spreadsheet to OCR for review. If OCR determines it needs underlying documentation, the University will provide such documentation within **ten business days** of OCR's request. If OCR determines the University is not in compliance with Title VI with regard to a specific complaint, **within 60 days of the date of OCR's notice**, the University will take action to respond to the complaint consistent with the requirements of Title VI. If OCR determines additional training is necessary, **within 60 days of OCR's notice**, the University will provide additional training in accordance with Item 2 above.

**Reporting Requirements:**

**By February 28, 2023**, the University will provide OCR with the spreadsheet identified in Item 5 above regarding complaints received during the first half of the 2022-2023 school year.

**By June 30, 2023**, the University will provide OCR with the spreadsheet identified in Item 5 above regarding complaints received during the second half of the 2022-2023 school year.

If OCR notifies the University that it is not in compliance with Title VI as discussed in Item 5 above, **within 90 days** of receiving notice from OCR, the University will provide OCR with a statement and documentation regarding all actions taken to respond to each complaint identified in the notice from OCR.

If OCR notifies the University that it needs to provide additional training, **within 2 weeks of providing the training**, the University will provide documentation to OCR demonstrating that training was provided consistent with Item 2, including: (a) a list of the individuals who attended the training and their positions; and (b) the date(s) the training was conducted.

By signing the Agreement, the University agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and

request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement.

The University understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the recipient is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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President or Designee

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Date

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Printed Name