

RESOLUTION AGREEMENT

Texas Tech University Health Sciences Center
OCR Number: 06-05-2085

The Texas Tech University Health Sciences Center (TTUHSC or Recipient) enters into this agreement to resolve the above-referenced complaint. The U.S. Department of Education, Office for Civil Rights (OCR) initiated a complaint investigation to address the TTUHSC's alleged noncompliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. OCR investigated whether TTUHSC's use of race in admissions could withstand strict scrutiny, as set forth in *Fisher v. University of Texas at Austin*, 579 U.S. ___, 136 S.Ct. 2198 (2016).

This Resolution Agreement does not constitute an admission by TTUHSC of a violation of Title VI or any other law enforced by OCR. In order to address the compliance concerns raised during OCR's investigation, TTUHSC assures OCR that it will implement the action items listed below:

ACTION ITEMS:

Item 1: TTUHSC will discontinue all consideration of an applicant's race and/or national origin in the TTUHSC School of Medicine (SOM) admissions policies or processes according to the following timeline:

- a. By **March 1, 2019**, TTUHSC will issue a memorandum to the TTUHSC School of Medicine's admissions committee, and all other relevant staff involved in the SOM admissions process, that an applicant's race and/or national origin are no longer to be considered as part of the holistic admissions process.
- b. By **September 1, 2019**, TTUHSC will revise all admissions and recruitment materials for the SOM, including, but not limited to, applications, catalogs, and its website, whether in written or electronic format, to ensure that such materials do not include race or national origin as factors to be considered in the admissions process.

Reporting Requirements:

1. By **October 15, 2019**, TTUHSC will provide OCR with documentation evincing that it has discontinued any consideration of race or national origin in admissions to the SOM. The documentation will include, but not be limited to, a copy of the memorandum issued pursuant to the above Action Item a, names/titles of the recipients or the distribution list, and an explanation or description of how the memorandum was disseminated.

2. By **October 15, 2019**, TTUHSC will provide OCR with documentation evincing that all admissions and recruitment materials for the SOM were revised to reflect that race or national origin are no longer to be considered in the admissions process.

Item 2: If SOM or any other TTUHSC school wishes to institute or re-institute consideration of an applicant’s race and/or national origin in admissions policies or processes, TTUHSC will ensure, prior to any such institution or re-institution, that it provides a reasoned, principled explanation for its decision and identifies concrete and precise goals, as well as fully considers: the degree to which race-neutral measures could achieve its educational goals; how to tailor race-conscious measures, if a determination is made that such measures are necessary, to afford flexible and individualized review of applicants and ensure no undue burden is imposed on applicants of any racial group; and, by what process and on what regular schedule the need for and scope of race-conscious measures, if any, will be periodically reviewed and assessed.

Reporting Requirements:

1. At least 60 days prior to any TTUHSC school instituting or re-instituting consideration of an applicant’s race and/or national origin in admissions, TTUHSC will provide OCR with documentation evincing all the elements outlined above in Action Item 2.

The Recipient 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 Recipient understands that during the monitoring of this Agreement, if necessary, OCR may visit the Recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Recipient has fulfilled the terms of the Agreement.

Upon the Recipient’s satisfaction of the commitments made under the Agreement, OCR will close the case.

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

Dr. Tedd L. Mitchell
President
Texas Tech University Health Sciences Center

Date