



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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December 8, 2016

Mr. Jason D. Pistillo
President
University of Advancing Technology
2625 West Baseline Road
Tempe, Arizona 85283

Re: University of Advancing Technology
Case Number: 08-16-2062

Dear President Pistillo:

On November 27, 2015, we received a complaint alleging the University of Advancing Technology discriminated against the Complainant on the basis of race when it required him to leave the University's dormitory because he was a threat to other students. This action was taken against the Complainant on the basis of testimony from white students and in disregard of the Complainant's statement. Additionally, the Complainant was allegedly called a racial epithet by the roommate of one of the dormitory's Resident Advisors during confrontation and the University failed to respond appropriately.

We are responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 Code of Federal Regulations Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education;

During the processing of the complaint, the University indicated its desire to voluntarily enter into an agreement to resolve the allegation that the University that the Complainant was treated differently than white students when he was required to leave the University's dormitory. Pursuant to Section 302 of our *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. The Complainant in this case advised us that he has no interest in returning to his studies at the University. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On December 8, 2016, we received the University's signed Resolution Agreement (enclosed). When the Agreement is fully implemented, the allegation will have been resolved consistent with

the requirements of Title VI and its implementing regulation. We will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will promptly provide written notice of any deficiencies with the respect to the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the University fails to implement the terms of the Agreement, we will take appropriate action, which may include enforcement actions.

We investigated the Complainant's allegations that one of the University students uttered a racial epithet to the Complainant in the presence of a University employee and the University failed to respond appropriately. We reviewed all statements of faculty, staff and students provided by the University. We also interviewed the Complainant, the Resident Assistant involved in the incident and one of the faculty involved in the discipline hearing. A preponderance of the evidence shows there is insufficient evidence to conclude that a racial epithet was uttered to the Complainant during the incident. After the Complainant advised a University staff member that he was called a racial epithet, the staff member promptly conducted an investigation and interviewed the Complainant and the evidence did not reveal that this had occurred. The investigation did not continue. We reviewed the University's investigation and we find that the University did respond appropriately and find there is insufficient evidence to conclude that the Complainant was subjected to being called a racial epithet.

As noted previously, OCR regulations prohibit intimidation, harassment, or retaliation. Additionally, the complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, we may release this document, related records, and correspondence upon request. If OCR receives a request, we will protect personal information to the extent provided by law.

This concludes OCR's investigative phase of this complaint. We thank you and your staff for the cooperation extended us during this process. If you have any questions, please contact me at (303) 844-3333.

Sincerely,

R. Michael Sentel
Attorney

Enclosure: Resolution Agreement