



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

February 18, 2022

Via Electronic Mail

Edmund Carrasco
CEO/Founder
Career Care Institute

(In reply, please refer to case no. 09-22-2009.)

Dear Mr. Carrasco:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against Career Care Institute (Institute). The complaint alleged that the Institute discriminated against the Student¹ on the basis of sex. Specifically, OCR investigated whether:

1. The Institute failed to provide the Student with a Title IX process when she wanted to file a complaint about discrimination based on pregnancy;
2. The Institute failed to designate an employee to coordinate its efforts to comply with Title IX; and
3. The Institute has not made publicly available on its website all materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of federal financial assistance, the Institute is subject to Title IX and its implementing regulation.

To investigate this complaint, OCR gathered evidence by interviewing the Student and by reviewing documents provided by the Institute and the Student. Prior to the conclusion of the investigation, the Institute expressed an interest in voluntary resolution pursuant to Section 302 of OCR's Case Processing Manual, and OCR determined that it was appropriate to do so. The applicable legal standards, facts gathered to date, and resolution of this matter are summarized below.

¹ OCR previously notified the Institute of the identity of the Student. We are withholding her name from this letter to protect her privacy.

Legal Standards

The regulation implementing Title IX, at 34 C.F.R. § 106.8, requires an institution to take specific steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the education program or activity it operates, and that it is required by Title IX not to discriminate in such a manner. The notice must include that inquiries concerning Title IX may be referred to the Title IX Coordinator or to OCR. The regulation implementing Title IX, at 34 C.F.R. 106.8(b)(2), requires an institution to include the notice of nondiscrimination on its website and in each handbook or catalog that it makes available to the individuals listed above that it is required to notify.

The regulations, at 34 C.F.R. § 106.8(a), require that recipients designate at least one employee to coordinate the institution's efforts to comply with and carry out its responsibilities under the regulations, and that this employee be referred to as the "Title IX Coordinator." This provision further requires that the institution notify all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name (or title), office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator. The institution's website and on any handbook or catalog that it makes available to the individuals listed above that it is required to notify must prominently display contact information for the Title IX Coordinator.

The regulations, 34 C.F.R. § 106.45(b)(10)(D), require that recipients that receive Federal financial assistance are responsible for providing students with a non-discriminatory educational environment. Under 34 C.F.R. §§ 106.45, all recipients must ensure that Title IX Coordinators, investigators, decision-makers, and individuals who facilitate informal resolution processes receive training on certain topics specified in the regulations. Under the regulations, all materials used to train those individuals must be publicly available on the recipient's website. If the recipient does not maintain a website, the recipient must make these materials available upon request for inspection by members of the public.

Factual Findings To Date

The Student enrolled in the Institute's vocational nursing program in October of 2019. She informed OCR that she contacted the Institute's Student Services when she became pregnant, and submitted medical paperwork that cleared her to complete her coursework and rounds while pregnant.

On March X, 2021, the Student gave birth. She informed OCR that she contacted the Institute the following day to inform them that she had given birth, and to ask about a return to school plan. On March X, 2021, the Student emailed the Institute to inform them that she would be absent from class as she had not yet been discharged from the hospital. Later that day, a Student Services Representative (Representative) responded to the Student. She stated that the Student would need to submit forms documenting her hospitalization, and submit a new medical clearance form. The email stated that the Student could not return to her clinical work or theory class until the form was signed. She was also informed that if she had not submitted the form by the time her clinicals resumed, she would be marked absent. The Student submitted proof of her

hospitalization on March X, 2021, and informed the Representative that she would submit the clearance from her doctor as soon as she was able. On March XX, 2021, the Student submitted a medical clearance form. It stated that she was cleared to return to school starting on March X, 2021.

The Student informed OCR that she had a delivery that XXXXXXXX XXXXXXXX, and that while she was eager to return to school, in the days after receiving her clearance she began to have complications with her recovery. Also on March XX, 2021, the Student emailed the Representative, stating that she had questions about taking a leave of absence. The Representative wrote back the same day, stating that the Student was not eligible to take a leave of absence. She informed the Student that a leave of absence would push her beyond the amount of time by which she was required to complete the program. She stated that if the Student could not return, she would be required to drop the program, and then request re-entry. She also stated that if the Student did request re-entry, she would be required to re-do the semester's coursework that she had already completed. The Student responding asking about the re-enrollment requirements, if she would have to talk to financial aid, and if this would be required even if she had a "medical reason" for the requested leave. On March XX, 2021, the Representative replied with the procedures for "dropping" from the program, and how to re-enroll. The same day the Student replied that she had decided to "drop due to medical reasons."

The Student informed OCR that she was so desperate to return rather than withdraw that she requested that her doctor clear her to return. She informed OCR that her doctor told her that her XXXXXXXX XXX XXX XXXXXXXX XXXXXXXX, and that was at risk XXX XXXXXXXXXX if she returned. The Student submitted the withdrawal form on March XX, 2021.

The Student informed OCR that she wanted to file a complaint with the Institute, but was unable to locate the name and contact information for the Institute's Title IX Coordinator. The Institute provided documents to OCR showing that the Title IX Coordinator's contact information and the Institute's grievance procedures are located in the Student Handbook. The Institute also provided information to OCR showing that the Student was provided with this information when she attended two orientation meetings in October of 2019. OCR reviewed the Institute's website and was unable to locate the Title IX Coordinator's name, contact information, or the material used to train the Title IX Coordinator and other decision-makers. Additionally, OCR was unable to locate a notice of non-discrimination on the Institute's website, or a statement indicating complaints could be filed with the Title IX Coordinator.

Analysis/Resolution

As noted above, recipients are required to post a notice of non-discrimination on their websites indicating that they do not discriminate on the basis of sex in their educational program. The notice must include a provision that inquiries concerning Title IX may be referred to the Title IX Coordinator or OCR. Recipients are required to post on their websites the name and contact information for the Title IX Coordinator. Additionally, recipients are required to post copies of all materials used to train Title IX Coordinators, investigators, decision-makers and individuals who facilitate informal resolution processes on their website. OCR is concerned that the Institute does not have these materials posted on its website, and that as a result the Student was unable to access a Title IX process for her concerns regarding a leave of absence related to her pregnancy and delivery. However, prior to the conclusion of OCR's investigation, the Institute expressed

interest in voluntarily addressing the issues raised in the complaint under Section 302 of OCR's Case Processing Manual, and OCR determined that it was appropriate to do so.

Conclusion

To address the issues alleged in the complaint, the Institute, without admitting to any violation of law, entered into the enclosed Resolution Agreement (Agreement) which is aligned with the complaint allegation and the information obtained by OCR during its investigation. Based on the commitments made in the enclosed Agreement, OCR is closing the investigation of this complaint as of the date of this letter and notifying the complainant party concurrently. When fully implemented, the Agreement is intended to address the complaint allegation. OCR will monitor the implementation of the Agreement until the Institute is in compliance with the terms of the Agreement. Upon completion of the obligations under the Agreement, OCR will close the case.

OCR's determination in this matter should not be interpreted to address the Institute's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The complaining party may have the right to file a private suit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the Institute may not harass, coerce, intimidate, retaliate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

If you have any questions regarding this letter, please contact Dana Isaac Quinn at (415) 486-XXXX or at Dana.IsaacQuinn@ed.gov.

Sincerely,

/s/

Sara Berman
Team Leader

cc: XXXXX XXXXXXXXXXXX, Student Services Director