



TEXAS TECH UNIVERSITY SYSTEM

Office of General Counsel

Mr. Richard Cho
Attorney
U.S. Dept. of Education
Office for Civil Rights
1999 Bryan Street, Ste. 1620
Dallas, TX 75201-6810

February 26, 2019

Re: Resolution Agreement – OCR Complaint Number 06-05-2085

Dear Mr. Cho,

This letter is in response to the above-referenced complaint that was filed in 2004 with the U.S. Department of Education’s Office for Civil Rights (“OCR”) against the Texas Tech University Health Sciences Center (“TTUHSC”) School of Medicine (“SOM”). In the OCR complaint, the complainant who never applied for admission to the SOM or was impacted in any way by the SOM’s admissions process complained that the SOM’s expected use of race as one of many factors in the admissions process was in violation of Title VI of the Civil Rights Act of 1964 (“Title VI”).

The TTUHSC SOM strongly believes that diversity in academic medicine is not only a necessity at the SOM, but is a necessity nationally as well; therefore, we continuously strive to enhance the diversity of our student body. As provided in the TTUHSC SOM Diversity Statement, “The core foundational value of including the diverse cultures, lifestyles, personal beliefs, and ideas of all those we serve—and serve alongside—provides a positive impact on the health of our regional, national, and global societies. As we pursue excellence in health care education, research and patient care, we will be ever mindful of the strength that is gained through unity in diversity.” As a result of our efforts, TTUHSC SOM ranked #8 among Top Minority Producers of Health Degrees for the 2016-2017 year, according to the scholarly newsmagazine, *Diverse: Issues in Higher Education* (Nov. 29, 2018).

As you know, since the 2004 complaint, the U.S. Supreme Court set forth a standard in *Fisher v. University of Texas at Austin*, 136 S.Ct. 2198 (2016) that allows for race to be used as a factor in the admissions process if the review can withstand strict scrutiny. The OCR conducted interviews at TTUHSC SOM in 2016 and reviewed admissions materials, but to our knowledge, the OCR has not conducted interviews to obtain additional information since that time. Instead, TTUHSC received the proposed resolution agreement from the OCR on November 30, 2018 (“Resolution Agreement”). Although TTUHSC believes it can prove the SOM’s admission process is in compliance with the *Fisher* standard, TTUHSC is willing to sign the Resolution Agreement in an effort to resolve this matter and focus on educating future health care providers. Please find enclosed the signed Resolution Agreement.

TTUHSC SOM is committed to exploring race-neutral alternatives to enhancing diversity and fully and completely evaluating its current admissions policies and practices to ensure it is appropriately and lawfully



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considering an applicant's race and/or national origin in its admissions process. Following this extensive evaluation of our admissions policies and practices, we will determine whether race-neutral measures have achieved our diversity and educational goals. After this analysis, if a determination is made in the future that using race as a factor in admissions is necessary to achieve this compelling interest, TTUHSC will provide notice to the OCR pursuant to Item 2 of the Resolution Agreement.

Should you have any questions, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "Eric Bentley".

Eric D. Bentley
Vice Chancellor and General Counsel
Texas Tech University System