



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115-1812

REGION XV
MICHIGAN
OHIO

December 13, 2023

Via e-mail only to [REDACTED]

Mark J. Perry, Ph.D.
Senior Fellow, Do No Harm

[REDACTED]

Re: OCR Docket No. 15-23-2151

Dear Dr. Perry:

On May 15, 2023, the U.S. Department of Education, Office for Civil Rights (OCR), received the complaint that you filed against the Ohio University Heritage College of Osteopathic Medicine (the University) alleging that the University discriminates against individuals on the basis of race by only offering the Cleveland Clinic Physician Diversity Scholars Program to underrepresented minority medical students, which it defines as Black/African American, Hispanic/Latino, Native American/Alaskan Native, and Pacific Islander/Native Hawaiian.

OCR enforces 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. As a recipient of federal financial assistance from the Department of Education, the University is subject to this law.

Please understand that opening an investigation does not mean that OCR has made a decision about your complaint. During the investigation, OCR is neutral; OCR will collect and analyze the evidence it needs in order to make a decision about your complaint. OCR will ensure that its investigation is legally sufficient and addresses your allegation, in accordance with OCR's *Case Processing Manual*. OCR would also like to make you aware that individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please note that your complaint may be appropriate for mediation, where OCR offers to facilitate the resolution of complaints by providing an opportunity for the parties involved to voluntarily resolve the complaint allegations. OCR sent you additional information regarding the mediation process with OCR's correspondence acknowledging your complaint. If OCR believes that your complaint is appropriate for mediation, OCR will contact you to discuss this option.

Also, when appropriate, the complaint may be resolved before the conclusion of an investigation when the university expresses an interest to OCR to resolve the complaint and OCR determines

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

that it is appropriate to resolve the complaint allegation(s) because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In such cases, OCR obtains a resolution agreement signed by the university. This agreement must be supported by the evidence obtained during the investigation, and it will be consistent with applicable statute(s) and regulation(s). OCR sent you additional information about this voluntary resolution process with OCR's correspondence acknowledging your complaint and this information is also available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

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

OCR works to resolve allegations of discrimination promptly. OCR will communicate with you periodically during its investigation. When contacting the office about your case, please refer to OCR Docket #15-23-2151. If you have any questions, please contact Patrick Vrobel, who is assigned to investigate this complaint and can be reached by telephone at [REDACTED] or by e-mail at [REDACTED].

Sincerely,

Nathaniel J. McDonald
Team Leader