



Association of
Title IX Administrators

Title VI & Title IX Coordinator Training

South Carolina Technical College System
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Presenter:

Daniel Swinton, JD, Ed.D

Partner & Chief Consulting Officer, TNG

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The content and discussion in this training will engage with protected characteristic-based harassment, discrimination, violence, and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that educators may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

Introduction



This training equips practitioners with the legal framework and scope of Title VI and Title IX and best practices for Coordinators in higher education educational settings.



Practitioners will explore the role of a Title VI and/or Title IX Coordinator, critical policy elements, resolution mechanisms, and strategies to ensure schools and institutions are meeting their compliance obligations.



The goal of this course is to provide a comprehensive overview of Title VI and Title IX and their application in educational settings to stop, prevent, and remedy potential violations and ensure compliance in higher education institutions.

Title IX: Background & Legal/Regulatory Framework

Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)

Title IX has always mandated a response to sex discrimination, however the 2020 Title IX Regulations **only** apply to sexual harassment complaints



Sources of Title IX Legal Obligations

- Title IX of the Education Amendments of 1972 (the law)
- 1975 Title IX Regulations
 - Sex Discrimination & Retaliation
- 2020 Title IX Regulations
 - Sexual Harassment
- Federal Courts (USSC; Courts of Appeal (13); District Courts (94))
 - South Carolina is in the 4th Circuit Court of Appeals
- Regulatory Guidance
- Executive Orders

Title IX Applicability

- Education program or activity in the United States
- Control over the Respondent
- Control over the context of the harassment
- Applies to both student and employee complaints



Title IX Regulatory Enforcement Agencies

- **Department of Education's Office for Civil Rights (OCR)**
 - Tasked by statute as the primary enforcement agency
- Department of Justice (DOJ)
- Department of Health and Human Services (HHS)
- Any other Executive Branch agency can also enforce TIX (e.g., Dept of Interior, Dept of Agriculture, Department of Defense, etc.)
- Role of Executive Orders
- What happens if ED becomes obsolete or is dissolved?

Current Title IX Enforcement Issues

- Athletics participation based on sex vs. gender identity
 - OCR & HHS have recently opened dozens of investigations (18 opened on 01/14/26)
- Restroom usage based on sex vs. gender identity
 - OCR & HHS opening a number of these as well
- State law vs. Federal enforcement vs. Federal Courts
- Sexual Harassment/violence
- Sex Discrimination: Admissions, scholarships, program access

Title VI: Background & Legal/Regulatory Framework

Civil Rights Act of 1964: Background

- Civil Rights Movement
- Brown v. Board of Education (1954)
- Montgomery Bus Boycott, sit ins, freedom rides, voter registration drives
- March on Washington for Jobs and Freedom (March 1963)
- JFK and Johnson pushed for comprehensive civil rights legislation
- Contains 11 “Titles”
- Highly contentious; 75-day filibuster in the Senate prior to its passage (by necessary 2/3 majority)
- Martin Luther King called it a “second emancipation”

Title VI Increasing Prominence

- Antisemitic and anti-Islamic behavior, comments, and protests; BLM
 - Congressional hearings, college president resignations, investigations, withholding of federal funding
- Free Speech
- Emergence of Title VI Coordinator (TVIC) as a key administrative role
- Recent Executive Orders:
 - Ending Illegal Discrimination and Restoring Merit-Based Opportunity (January 21, 2025)
 - Additional Measures to Combat Anti-Semitism (January 29, 2025)
 - Ending Radical Indoctrination in K-12 Schooling (January 29, 2025)
 - Restoring Equality of Opportunity and Meritocracy (April 23, 2025)
 - Reforming Accreditation to Strengthen Higher Education (April 23, 2025)

Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the ground of **race, color, or national origin**, be **excluded from participation in, be denied the benefits of, or be subjected to discrimination** under any **program or activity receiving federal financial assistance.**”

- 42 U.S.C. § 2000d

VI

Title VI Applicability

- Broad applicability
- “No person”
 - Students
 - Employees (limited coverage)
- Program or activity receiving federal financial assistance
 - Education program or activity
 - States and public agencies
 - Private agency, institution, organization
- In the United States



“No Person”

- Students
 - Higher Education
 - K-12
 - Includes parents/guardians
 - Citizens
 - Non-Citizens (including undocumented individuals)
- Employees (very limited coverage)
 - Typically addressed through Title VII and the Equal Employment Opportunity Commission (EEOC)



Federal Financial Assistance

- Grants of federal funds
 - Direct
 - Federal grants, loans, subsidies, agency-provided funding (e.g., National Institutes of Health (NIH), Department of Health and Human Services (HHS), Department of Defense (DOD))
 - Indirect
 - Federal financial aid, tuition for a military veteran paid by federal government
- Detail/loan of federal personnel
- Federal property (e.g., use or rental of federal land or property below market value)
- Training (e.g., law enforcement training at FBI Academy)

Covered Programs and Activities

- Academic programs
- Admissions
- Athletics
- Classroom assignments
- Clubs and organizations
- Counseling and guidance
- Discipline
- Dual-enrollment
- Extracurricular activities
- Facilities
- Financial aid/scholarships
- Grading
- Housing
- Physical education
- Recruitment
- Student treatment and services
- Transportation
- Vocational education

Sources of Title VI Legal Obligations

- Title VI of the Civil Rights Act of 1964 (the law)
- Title VI Regulations (amended on multiple occasions)
- 22 Agencies' Final Rule (August 2003)
- Federal Courts (USSC; Courts of Appeal (13); District Courts (94))
 - South Carolina is in the 4th Circuit Court of Appeals
- Regulatory Guidance
- Executive Orders

Title VI Regulatory Enforcement Agencies

- **Department of Justice's Civil Rights Division (DOJ)**
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- Department of Health and Human Services (HHS)
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- Role of Executive Orders

Current Title VI Enforcement Issues

- Immigration, Visas, etc.
- Antisemitism
- Reverse Discrimination
 - DEI-Related Discrimination
 - Affirmative Action, Admissions, scholarships, program access
 - Employment

Intersectionality of Civil Rights Laws

Six Key Federal Civil Rights Statutes

- **Title VI** – Federal grant recipients (Government, Education, contractors, etc.)
 - Race, Color, National Origin
- **Title VII** – Employment
 - Race, Color, National Origin, Religion, Sex
- **Title IX** – Education
 - Sex
- **Americans with Disabilities Act (ADA)** – Nearly universal application
 - Disability
- **Section 504 of the Rehabilitation Act of 1973** – Employers and organizations (including education)
 - Disability (See also Individuals with Disabilities in Education Act (IDEA) in K-12)
- **Age Discrimination in Employment Act (ADEA)**- Employers
 - Age

Key Federal Civil Rights Protected Classes in Education

- **Sex**
 - Title XI & Title VII
- **Race**
 - Title VI & Title VII
- **Color**
 - Title VI & Title VII
- **National Origin**
 - Title VI & Title VII
- **Religion**
 - Title VII
- **Age**
 - ADEA
- **Disability**
 - ADA/504/IDEA

Policy Issues to Consider

- Common protected class overlaps
 - Title IX and ADA/504
 - Title VII and Title IX
 - Title VI and Title VII
- Where do Policies reside? Where do Procedures reside?
 - Student Affairs? HR? Title IX/Civil Rights? Tenure? Adjuncts?
 - Do the same policy definitions apply to all groups?
- Who investigates?
 - Case involving Title IX and Title VI? Title VI and Title VII? What about four or five protected classes?

State of the Field

State of the Field

- Federalism: States vs Federal
- Partisanship
- Executive Branch filling the void left by ineffective Legislative Branch
 - Regulations, Executive Orders, Regulatory Guidance
 - Enforcement ramp-up – ED, DOJ, HHS, etc.
- Using protected classes as political tools: “Identity politics”
 - Oscillation with each change in political party in power
- Active Federal Courts
- Increased litigation

Title IX: How We Got Here

- 2011 Dear Colleague Letter (“DCL”) from OCR
 - Significant, very public federal regulatory enforcement on issues of sexual violence at colleges nationwide
- 2018 – Trump Administration proposed new Title IX Regulations
- 2020 Regulations finalized pertaining to TIX Sexual Harassment
 - Heavily Due Process focused resolution process
- 2022 – Biden Administration proposed Title IX Regulations to replace 2020
- 2024 Regulations finalized; patchwork application depending on state
- 2025 – federal courts invalidate 2024 Regulations; reinstate 2020 Regulations

Title VI: How We Got Here

- Post October 2023, nationwide campus protests RE Gaza conflict
 - Campus Responses to pro-Palestinian protestor encampments highly criticized
- Spring 2025 – Federal Agencies withhold billions in funding from some institutions alleging antisemitism in violation of Title VI stemming from campus protests and institutions' actions/inaction.
 - DOJ, ED, HHS launch dozens of investigations
- Nationwide attention given to increasing role and stature of Title VI enforcement in colleges across the country



Harvard Blasts Administration Over 'Distorted' Civil Rights Investigation

The Sept. 19 letter came days before the Department of Health and Human Services started the process of cutting off federal funds to the university.

U.C. Berkeley Gives Names of Students and Faculty to Government for Antisemitism Probe

The University of California, Berkeley, told around 160 people that their names were in documents related to antisemitism complaints that were demanded by the Trump administration.

Trump administration freezes \$1 billion in funding for Cornell University, \$790 million for Northwestern University

HHS Looks to Block Harvard From Federal Funds

Judge Orders N.I.H. to Restore Suspended Research Grants at U.C.L.A.

The ruling is a preliminary injunction in a lawsuit over the Trump administration's termination of hundreds of millions of research grants to the California university.

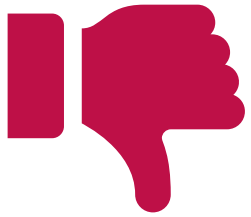
TITLE VI

Education Dept. Finds Faculty-Diversity Efforts at George Mason U. Were Discriminatory

DOJ launches investigation into UNLV over how it handled antisemitism on campus

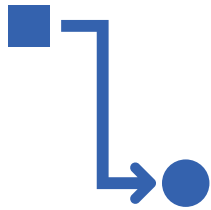
Harassment & Discrimination under Title VI

Types of Discrimination



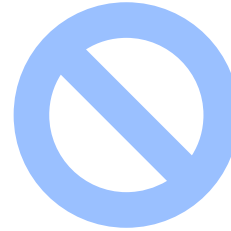
Disparate Treatment

- Intentional
- Usually requires adverse action
- Affiliation or perception of affiliation to protected characteristic



Disparate Impact

- Occurs with unintentional discrimination
- Impact disadvantages certain groups



Harassment

- Severe OR pervasive OR persistent behavior that limits a person's benefits, services, or opportunities



Retaliation

- Prohibited if engaged in protected activity
- Suffered adverse academic or employment action

Title VI Protected Classes

Race

- Membership in a group based on physical or cultural characteristics associated with a certain race, ancestry, or ethnic heritage

Color

- Skin color, tone, pigmentation, shade, or complexion, regardless of racial or ethnic background

National Origin

- Ancestry, ethnicity, or country of origin; includes linguistic and cultural characteristics

Distinct Sub-Categories: Race and Nationality

- The Department of Justice (DOJ) has recognized the following sub-categories of identity when designation of race, color, or national origin is required:
 - Black, not of Hispanic Origin
 - Hispanic
 - Asian or Pacific Islander
 - American Indian or Alaskan Native
 - White, not of Hispanic Origin
- Additional sub-categories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis

Source: C.F.R., Title 28, Chapter 1, Part 42 Nondiscrimination; Equal Employment Opportunity; Policies and Procedures

ATIXA Model Title VI Policy Definitions

Race: A person's actual or perceived (by others) membership in a group characterized by shared physical, cultural, or ethnic traits

- Includes traditionally recognized racial groups (e.g., White, Black, African American, Asian, American Indian, or Alaska Native) as well as those that may be defined by ancestry, ethnic identity, or perceived racial affiliation

Color: The actual or perceived pigmentation, complexion, or shade/tone of a person's skin (i.e., lightness, darkness, or other color characteristic of a person's skin), regardless of that person's Race or Ethnicity

ATIXA Model Title VI Policy Definitions, Cont.

National Origin: A person's actual or perceived place of origin, ancestry, ethnicity/ethnic characteristic, language or accent, cultural heritage, surname or name associated with a nation, or association with people of a particular nation or origin, regardless of a person's citizenship or immigration status

- For the purposes of this definition, National Origin also encompasses actual or perceived shared ancestry, ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity

Harassment & Discrimination under Title IX

Scope of Title IX

Title IX

Sex Discrimination (1975)

- Disparate Treatment
- Program Access and Equity

Retaliation (1975)

Sexual Harassment (2020)

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Title IX Definition

- Sex
 - OCR defines this as a binary: Male/Female
 - Executive Order from 01/20/25 defines “Sex” as:
 - “An individual’s immutable biological classification as either male or female”
 - OCR does not interpret “sex” under Title IX to include sexual orientation, gender identity, or gender expression

Key Title IX Violations

- Sexual Assault

- Rape
- Fondling
- Statutory Rape
- Incest

NEW: The violations of Sodomy and Sexual Assault With and Object are not longer used

- Hostile Environment Sexual Harassment

- Severe AND Pervasive AND Objectively Offensive...

Fondling Redefined...”

- Earlier this year, the FBI updated the standard for crime reporting statistics that includes a major shift in how crimes involving non-consensual sexual contact are reported
- This shift will likely increase the number of Title IX reports that fall under the jurisdiction of your Policy and Procedures, which will then likely increase your investigations and your hearings

“Old” Definition: Forcible Fondling

- **Forcible Fondling (as defined in NIBRS)**
 - The touching of the **private body parts** of another person
 - for the purpose of **sexual gratification**
 - without the consent of the victim
 - including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Institutions had latitude to define “private body parts” although this was generally considered to be, at minimum
 - Buttocks, breast, groin, and genitals

NEW Definition

NIBRS Criminal Sexual Contact:

- The intentional touching of the **clothed or unclothed body parts** OR
- The forced touching by the victim of the actor's **clothed or unclothed body parts**
- For the purpose of **sexual degradation**, sexual gratification, or **sexual humiliation**
- Without consent of the victim
- Including instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication

Major Changes

- NEW:
 - “clothed or unclothed”
 - “sexual degradation” & “sexual humiliation” (sexual gratification remains)
 - Applies to both touching of the Complainant and forced touching by Complainant of Respondent
 - This adopts a longstanding ATIXA recommendation/addition
- ADJUSTED
 - “private body parts” → “body parts”

Title IX Coordinator and Title IX Team

Title IX Compliance Oversight

Title IX Coordinator Role

- Mandated by Title IX regulations
- Oversees institutional Title IX compliance
- Responsibilities fall into two categories:
 - Responding to reports or complaints of sex discrimination and sexual harassment
 - Leading efforts to ensure sex equality across the entire institution



Title IX Compliance Oversight

Responsibilities:

- Manage policy and procedures prohibiting sex discrimination and sexual harassment
- Ensure institution acts reasonably to **stop, prevent, and remedy**
- Provide notification of nondiscrimination and Title IX information to current and prospective students and employees, including union/contract employees
- Develop and maintain accurate web and print-based Title IX publications
- Train institutional employees on Title IX compliance
- Recruit, supervise, and train Title IX Team
- Serve as point person for all reports and complaints

Title IX Compliance Oversight, Cont.

- Oversee Title IX Grievance Process and institution-wide programs
- Track systemic issues or patterns
 - Take remedial action to prevent recurrence
- Assess compliance efforts and program effectiveness
 - Create and disseminate annual compliance report (best practice)
- Update institutional leadership on Title IX issues
- Liaise with institutional legal counsel
- Create/maintain records
- Respond to government inquiries/investigations

Title IX Team Roles

Deputy TIXCs

- Designation by location, population, or responsibilities
- Consider broad Title IX compliance needs
- Can step in for TIXC when there is a conflict or the TIXC is otherwise unavailable
- Not required, but a best practice

Title IX Team Members

- Deputy Title IX Coordinators
- Investigators
- DMs
- Informal Resolution Facilitators
- Appeal DMs
- DM for emergency removal challenges
- Dismissal Appeal DMs
- Advisors

Title VI Coordinator and Title VI Team

Designate a Title VI Coordinator

Designate a Title VI Coordinator (TVIC)

- OCR models this role after the Title IX Coordinator
- Oversees institutional Title VI compliance
- Responsibilities fall into two categories:
 - Responding to reports or complaints of discrimination based on actual or perceived **race, color, or national origin**
 - Leading efforts to ensure equal access to educational resources and programs across the entire school/institution
- Must have decision-making autonomy
- ATIXA recommends TVIC report to President/Superintendent or cabinet-level position



Title VI Compliance Oversight

TVIC Responsibilities (very similar to Title IX Coordinator):

- Point person for campus complaints
- Manage policy and procedures prohibiting discrimination based on race, color, or national origin
- Oversee Title VI Grievance/Resolution Process
- Assess compliance efforts and program effectiveness to ensure equal access
- Train school/institutional community on Title VI and how to make a report
- Develop and maintain accurate web and print-based Title VI publications
- Liaise with school/institutional legal counsel
- Respond to government inquiries
- Maintain records

Centralizing Title VI

- **ATIXA recommends a centralized Title VI office**
 - Ensure the office has adequate authority to enforce compliance, recommend corrective actions, and influence policy
 - Outline relationships with other departments (e.g., human resources, legal counsel)
 - Develop a system to collect, track, and report data on complaints, supportive measures/remedies, investigations, and training
 - Standardize complaint process for consistency across complaints, fairness
 - Institute mandatory Title VI training for all employees and specialized training for frontline staff
- Centralizing efforts will likely reduce school/institution liability and risk

Title VI Team Roles

Deputy TVICs

- Designation by location, population, or responsibilities
- Consider broad Title VI compliance needs
- Can step in for TVIC when there is a conflict or the TVIC is otherwise unavailable
- Not required, but a best practice

Additional Roles

- Investigators
- Decision-makers
- Informal Resolution Facilitators
- Appeal Decision-makers
- Advisors

Structural Discretion

- **Schools/institutions have discretion in structuring their Title VI team, including:**
 - Whether to have more than one TVIC
 - Whether to have Deputy Coordinator(s) and determine what their roles are
 - Who should be on the team
 - How to account for different locations, schools within a system or district, types of employees, etc.
- **Distinction and separation of roles** throughout Title VI Resolution Process
 - School or district-/institution-based administrators
 - Paid or volunteer positions
 - Trained third-party contractor(s)

Title VI Team Responsibilities

Some Title VI team members may assist with various aspects of Title VI compliance:

- Complaint investigation and resolution
- Monitoring and data analysis
- Policy and process development
- Prevention education and awareness events
- Report and complaint receipt/response
- School/institution training
- Supportive Measures and remedies





Discussion: Current Staffing Structure

Title VI Key Compliance Requirements and Best Practices

Establishing a Title VI Policy

- Unlike Title IX, Title VI does not historically have a list of prohibited behaviors with definitions to include in policy
 - Title VI policy coverage of race, color, and national origin is often simply included in the Recipient's non-discrimination statement, without further details
 - Institutions should provide more detail and define terms
- Establish or designate procedures for resolving complaints under Title VI policy
 - Use existing civil rights procedures or establish something new
 - ATIXA's Model Policy 1P2P is one policy and procedure for all civil rights complaints
 - ATIXA's "Process B" in 1P2P is compliant for Title VI complaints

Policy and Procedures Development

Inventory Existing Policies and Procedures (P&P)

- Harassment and discrimination P&P
- Student Conduct
- Human Resources
- Grants/Research
- Collective Bargaining Agreements
- State and federal laws
- System-based policies

Create and Implement Policies and Procedures

- Title VI Coordinator-led effort
- Mission alignment
- Reporting mechanisms
- Compliant
- Comprehensive
- Comprehensible
- Accessible
- Coordinate overlap and align with other policies

Address Discriminatory Policies and Procedures

- Consistency across all related policies and procedures
- Immediately remedy any policies or procedures that have or could create a hostile environment

Actual Notice

- Direct knowledge of discrimination or harassment by an official who has the authority to address such issues within the school/institution
 - When an employee designated as a mandatory reporter is informed of discriminatory conduct, the school/institution is considered to have actual knowledge and is obliged to respond



Constructive Notice

A school/institution is “on notice” of Title VI hostile environment harassment if:

- The school/institution **knew** of the hostile environment
 - Usually through a report or complaint, or
- The school/institution **should have known** of the hostile environment
 - Constructive notice standard
 - Emphasizes need to monitor program or activity and be proactive
 - Broader standard than Title IX’s actual notice standard
 - Schools/Institutions are responsible for knowing and acting upon what mandated reporters know, whether they share it or not

Constructive Notice

“A [R]ecipient is charged with **constructive notice** of a hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination.

In other words, if the [R]ecipient could have found out about the harassment had it made a proper inquiry, and if the [R]ecipient should have made such an inquiry, knowledge of the harassment will be imputed to the [R]ecipient.”

OCR Resolution Agreement, Park City School District, 03/20/24

Mandatory Reporting

ATIXA recommends that policy deems that **all employees** are **mandatory reporters** (except for confidential resources) under Title VI

- Ensures information gets to those trained to respond
- Enables school/institution to best support individuals
- Supports tracking patterns
- Provides for simpler, uniform, and universal training and reporting



Reports and Complaints

- Any individual, group, or a school/institution can initiate a Title VI complaint
- Schools/Institutions should:
 - Develop a reporting system
 - Implement reporting expectations
 - Consider mirroring other reporting expectations
 - Designate at least one employee (Title VI Coordinator) to receive Title VI reports and outreach to impacted individuals
- Institution must respond effectively and prevent harassment



Initial Assessment

- Following outreach and intake, TVIC should conduct an initial assessment
- **TVIC should consider:**
 - Immediate safety or access concerns
 - What protocols are in place to determine and/or implement necessary measures?
 - Consider using a Violence Risk Assessment (e.g., Structured Interview for Violence Risk Assessment (SIVRA))
 - Is there adequate information to determine whether the incident or situation may implicate Title VI ?
 - If no, what steps can be taken to gather additional information?
 - Impacted party's wishes?
 - TVIC must take steps to address ongoing harassment impacting other students
 - Does the school/institution have jurisdiction under Title VI?

Title VI Jurisdiction

- **Title VI applies to:**
 - Any individual
 - In the “program or activity”
 - In the United States
 - In-program “downstream” effects
- **Define the reach of school/institution Title VI policy**
 - Consider school/institutional mission, values, resources, state laws, federal regulatory guidance and actions, and federal court cases
 - Recommended to make school/institution Title VI jurisdiction policy expansive
- If a complaint falls outside of the policy, determine whether referral to another process is appropriate and consider supportive measures and remedies

Supportive Measures: Best Practices

- Supportive Measures are implemented to:
 - Protect safety or well-being of parties or environment, or deter harassment
 - Restore or preserve equal access
- Supportive Measures (to align with Title IX):
 - Provided fairly to all parties at no cost to the party
 - Individualized
 - Non-disciplinary, non-punitive
 - Should not unreasonably burden other party
 - Coordinated with accessibility/disability services, as needed
 - Maintained as privately as possible



Incident Response Options

- **With unidentified alleged Respondents:**
 - Supportive Measures only
 - Informal Resolution (IR) - if appropriate and all parties voluntarily agree to participate
 - School/institutional remedies (e.g., ongoing monitoring, training, community education, policy review)
- **With identified alleged Respondents:**
 - Options listed above, **AND**
 - Informal Resolution (IR) - if appropriate and all parties voluntarily agree to participate
 - Interim suspension and administrative leave
 - Formal Resolution – if jurisdiction is established (likely “Process B”)

Example Title VI Remedies

Corrective Action/Intervention

- Immediate steps to stop discriminatory practices
- Revision of discriminator/unclear policies and procedures

Restorative Measures

- Providing missed services
- Compensatory education when access has been limited or denied

Preventative Measures

- Staff and student training
- Establish auditing mechanisms

Systemic Change

- Restructuring or revising program delivery
- Modifying outreach efforts

Training Your Title IX and Title VI Teams

Recommended Training For TVI and TIX

- **The Title VI and Title IX teams should receive comprehensive training on:**
 - College's response obligations to reports/complaints of potential discrimination and harassment: Notice, Intake, Supportive Measures, Interim Actions
 - College's non-discrimination policy and resolution procedures
 - Policy definitions and jurisdiction
 - Serving impartially and without conflicts of interest or bias
 - Role-specific skills (e.g., credibility assessment, analyzing speech, rationale writing, sanctioning)
 - Trauma-informed practices
 - Legal updates and case law

Title IX Team Training

- Institutional response obligations to reports of sex discrimination and sexual harassment, including reporting requirements
 - Formal Written Complaints, Title IX Dismissal Procedures, Informal Resolution under Title IX
- Title IX Grievance Procedures
- Title IX Hearing procedures
- Title IX Appeals procedures
- Definitions of Title IX Sexual Harassment
 - Including Sexual Assault, Dating Violence, Domestic Violence, Stalking, Hostile Environment, and *Qui pro quo*
- Title IX Disparate Treatment, Hostile Environment Harassment, and Retaliation

Title VI Team Training

- Institutional response obligations to reports of discrimination or harassment on the basis of race, color, or national origin
 - Formal Written Complaints, Title IX Dismissal Procedures, Informal Resolution under Title IX
- Title VI Resolution Procedures
- Title VI Decision-making
- Title VI Appeals procedures
- Definitions
 - Race, Color, National Origin, Including Shared Ancestry
 - Title VI Disparate Treatment, Hostile Environment Harassment, and Retaliation

Monitoring Compliance

Compliance Assessment

- OCR Resolution Agreements often include a commitment to perform an assessment to evaluate climate regarding race, color, or national origin
 - Usually coupled with a mandate to develop an action plan
- Assessment is helpful step to begin or further Title VI and Title IX compliance efforts, inform current practices, or guide future planning



Assessing Title VI and Title IX Efforts

- **Monitoring: Conduct regular needs assessment**
 - Identify strengths and program gaps
 - Fairness and Barrier analysis
 - Address areas of improvement
 - Assess resources
- **Identify patterns and systemic problems**
 - Internal reviews/audits/assessments
 - Climate assessments
- Complaint/investigation debriefing
- Benchmarking



Compliance Audits

- Audits are intermittent assessments to measure compliance and to monitor barriers
- Factors such as cost and personnel capacity impact frequency

**Disciplinary/Conduct
Outcomes**

Reports/Complaints

**Hiring, Compensation,
Evaluation, and
Promotion**

Annual Compliance Report Elements

Common included elements:

- TVIC and TIXC information, copy of the non-discrimination statement
- Data on enrollment and demographics
- Complaint resolutions
- Programs, services, and trainings provided
- Monitoring and accountability efforts
- Resource allocation

Climate Surveys

Purpose: to learn about experiences with discrimination or harassment on the basis of protected class (e.g.: race, color, or national origin, and/or sex)

- Measure policy, procedure, and resource awareness levels
- Identify barriers to reporting or accessing resources
- Demographic questions
 - Narrow/segment results
 - Basis for comparison
- Experience and perception questions
 - Bulk of the survey
 - Gain a better understanding of the participants' experience

Recordkeeping

- Coordinators should maintain records related to:
 - Reports or complaints of discrimination and harassment
 - Grievance process documentation
 - Hostile environment assessments
 - Supportive measures and remedies
 - Climate survey results and action plans
- Develop records retention policy
 - Recommend consistency with retention policies for similar records (e.g., Title IX, Title VII, Title VI, etc.)

Discussion: Common Pitfalls

Common Pitfalls

- Lack of Training
- Conflicts of Interest/Bias
- Poor documentation
- Failing to take the time to strategize before jumping into a case
- Poor investigation
- Failure to create a thorough and impartial investigation record (including a report)
- Vague policies or procedures
- Failure to follow policies or procedures
- Failure to address systemic or longstanding problems



Title VI Violations: Disparate Treatment Hostile Environment Retaliation

Title VI Prohibited Behaviors

- Title VI prohibits discrimination and harassment, generally, on the basis of race, color, and national origin, which according to OCR, also encompasses shared ancestry and ethnic characteristics
- Title VI discrimination and harassment typically manifests as:
 - Disparate Treatment
 - Disparate Impact*
 - Hostile Environment Harassment
 - Retaliation

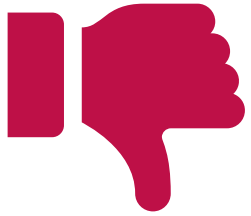
Discrimination Defined

The act of treating an individual differently, or less favorably, based upon actual or perceived protected characteristics

Can be intentional or unintentional

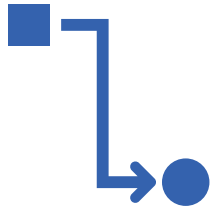
Always based on a protected characteristic(s)

Types of Discrimination (again 😊)



Disparate Treatment

- Intentional
- Usually requires adverse action
- Affiliation or perception of affiliation to protected characteristic



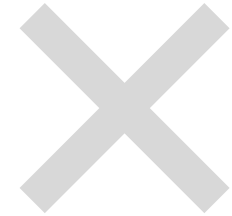
Disparate Impact

- Occurs with unintentional discrimination
- Impact disadvantages certain groups



Harassment

- Severe OR pervasive OR persistent behavior that limits a person's benefits, services, or opportunities



Retaliation

- Prohibited if engaged in protected activity
- Suffered adverse academic or employment action

ATIXA Model Policy Definition:

Disparate Treatment:

Any intentional differential treatment of a person or persons that is based on a person's actual or perceived race, color, or national origin (OR protected characteristic(s)) and that:

- Excludes a person from participation in;
- Denies the person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a Recipient's program or activity

Disparate Treatment

Disparate Treatment occurs when an individual treats another person **differently**, or takes an **adverse action**, because of that person's identity, such as race, color, or national origin

- Access to resources
- Athletics
- Grading
- Hiring
- Pay
- Program Access
- Promotion/performance reviews
- Responsibilities/job assignments
- Shifts
- Student conduct outcomes

Disparate Impact*

- Disfavored by the federal government and the courts as unenforceable
 - ATIXA recommends consulting legal counsel on how to address disparate impact, if at all
- Stems from “neutral” policies and practices applied evenhandedly, but that have a discriminatory impact
- Often requires investigations examining culture/climate issues
- Typically involves high level statistical analysis
 - E.g., Validity studies, programmatic necessity, business necessity defense available
- Focuses on remedies, not sanctions
- Examples: Effect of hiring, admissions, or disciplinary processes, even when conducted in a facially neutral way

ATIXA Model Policy Definition: Hostile Environment Harassment

Unwelcome conduct on the basis of actual or perceived Protected Characteristic(s),

- based on the totality of the circumstances,
- that is subjectively and objectively offensive, **and**
 - is so severe **or** pervasive,
- that it limits or denies a person's ability to participate in or benefit from the Recipient's program or activity

ATIXA Model Policy Definition: Retaliation

The Recipient or any member of the Recipient's community,

- taking or attempting to take materially adverse action,
- by intimidating, threatening, coercing, harassing, or discriminating against any individual,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Policy and associated procedures

Questions



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