



NAVIGATING TITLE VI PROACTIVELY

**A Webinar for Higher
Education Professionals**

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MEET YOUR FACILITATORS



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AGENDA

- | What is Title VI?
- | Recent OCR Resolution Agreements
- | Overall Best Practices for Title VI Complaints
- | Examples
- | Wrap-up

WHAT IS TITLE VI?

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TITLE VI BASICS

- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs or activities that receive federal financial assistance.
- Extends to students who experience discrimination, including harassment, based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.
- Increased guidance and enforcement since 2023.

WHERE IS RELIGION COVERED?

- Title VII (EEOC)
- Fair Housing Act (HUD)
- Title IV (DOJ)
 - *Covers discrimination based on student's race, color, national origin, sex, and/or religion*
- State and local civil rights laws



SHARED ANCESTRY EXAMPLES FROM ED

- Title VI prohibits discrimination against students of any religion when the discrimination involves:
- racial, ethnic, or ancestral epithets, or slurs;
- how a person or group looks, dresses, or speaks if linked to ethnicity or ancestry (e.g., skin color, facial features, attire, accent, language spoken);
- potentially or allegedly inherited traits;
- stereotypes about people who share certain ancestral or ethnic characteristics.



UNDERSTANDING HOW RELIGION FITS UNDER TITLE VI



- Title VI of the Civil Rights Act (1964) prohibits discrimination based on *race, color, or national origin* — **but not religion**.
- However, the U.S. Department of Education's Office for Civil Rights (OCR) and the Department of Justice (DOJ) have clarified (since 2019 and reiterated in 2023–2024 guidance) that *certain forms of religious discrimination* may fall under Title VI **if they overlap with actual or perceived shared ancestry or ethnic characteristics**.

DIFFERENTIATING TITLE VI FROM TITLE VII AND TITLE IX

The Confusion:

Many campus professionals are used to addressing discrimination through **Title VII (employment)** or **Title IX (sex-based)** frameworks. When a case involves religion or national origin, there's uncertainty about:

- Which coordinator or office should take the lead.
- Whether the complaint should be processed under Title VI, Title VII, or a general nondiscrimination policy.

Example:

A graduate student employee complains of harassment based on being Muslim and Arab. Is that handled under HR's Title VII process (because they're an employee) or Title VI (because they're also a student)?

→ **OCR expects coordination** across both frameworks, but many institutions don't have clear protocols.

DEFINING “SHARED ANCESTRY”



The Confusion

- OCR uses “shared ancestry” to describe discrimination tied to **ethnic, ancestral, or cultural characteristics** (not citizenship, nationality, or religion per se).

Administrators often struggle to determine:

- When does ancestry overlap with race or national origin?
- How to assess when “religious” comments are actually ancestry-based harassment?

Example:

- Slurs targeting Jewish or Arab students might reference both ethnicity and religion, creating dual bases of discrimination. Institutions often hesitate to categorize these correctly, fearing misclassification.

ADDRESSING POLITICAL OR IDEOLOGICAL SPEECH

The Confusion:

- Since October 2023, conflicts involving Israel–Palestine, Middle East politics, or global conflicts have led to complaints alleging **harassment or hostile environment based on national origin or shared ancestry**. Administrators struggle to balance:
- Protected speech and academic freedom,
- Versus discriminatory harassment or targeting of identity groups.

Example:

- A student protest includes chants perceived as anti-Israel or anti-Muslim. Is this political speech or Title VI-prohibited harassment?
→ OCR has emphasized context, severity, and pervasiveness, but administrators remain uncertain about where to draw the line.

WHAT IS DIFFERENT TREATMENT DISCRIMINATION?

- A school official treating people differently based on race, color, or national origin in a way that limits or denies access to programs, opportunities, benefits, services;
- Was access denied/limited? If so, is there a legitimate non-discriminatory reason? Is that reason pretextual?



WHAT IS HARASSMENT, HOSTILE ENVIRONMENT?

1. **Unwelcome conduct** based on race, color, or national origin that, based on the totality of circumstances, is
2. **subjectively** and **objectively** offensive and
3. **so severe or pervasive,**
4. **that it limits or denies** a person's ability to participate in or benefit from your education program or activity.

MORE ON HOSTILE ENVIRONMENT

- Does not need to be directed at a single person.
- Whether harassing conduct creates a hostile environment must be determined from the totality of the circumstances.
- Relevant factors for consideration may include, but are not limited to, the **context, nature, scope, frequency, duration, and location** of the harassment based on race, color, or national origin, as well as the identity, number, age, and relationships of the persons involved.

WHAT IF...

- Respondent is unidentifiable, unknown, or isn't a member of our community.
 - Shift from punitive focus.
- Aggregated experiences and conduct without one particular respondent to pinpoint.
- There is no "respondent" - institutional policy or action or inaction.



WHAT IF...EXAMPLE

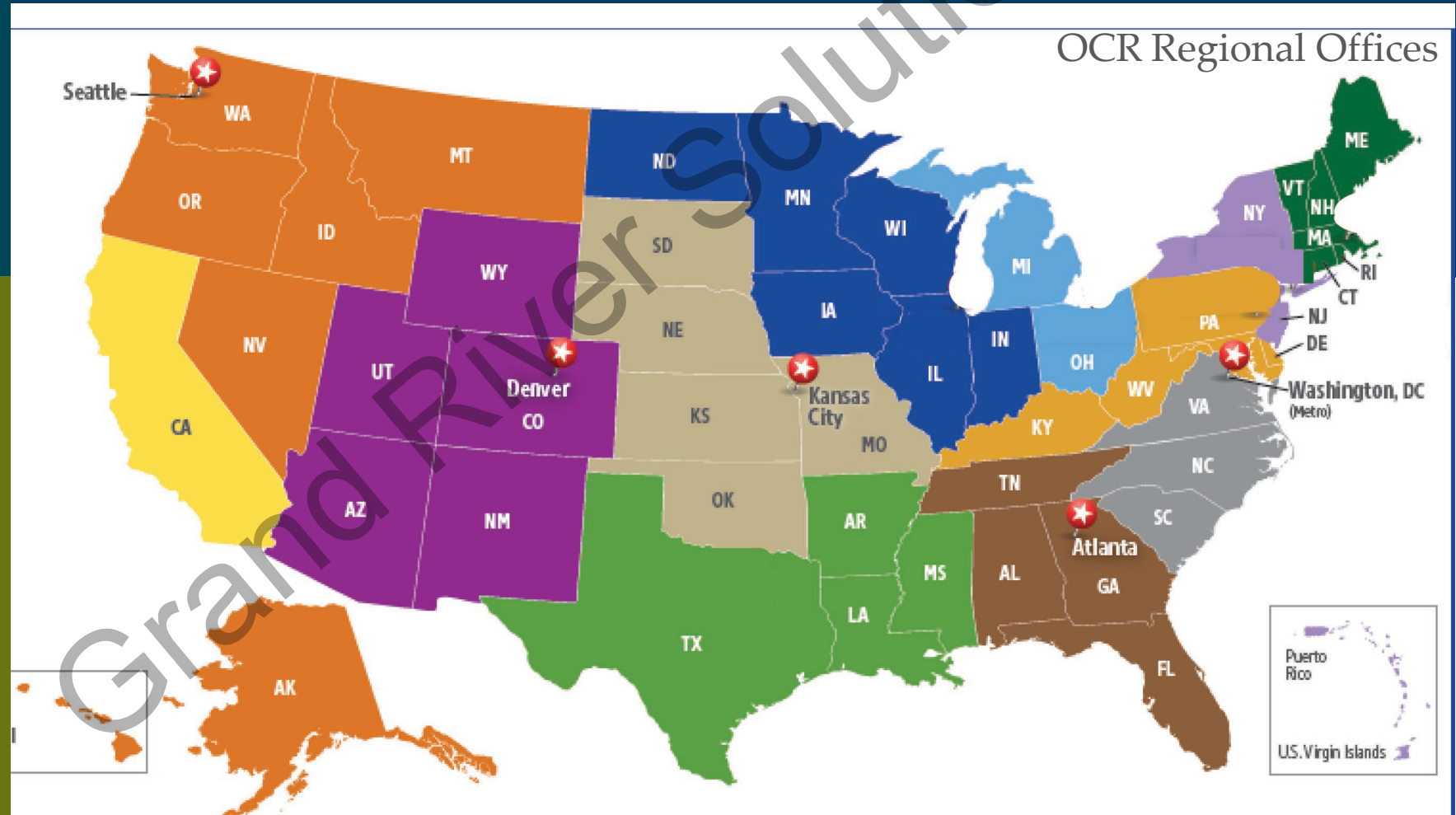
- Maddie reports that someone drew on her dry-erase board in permanent marker. They drew swastikas and wrote conspiracy theories such as "Jews did 9/11" and "don't take our jobs, k***s."
- Maddie and her roommate Jordyn are not Jewish. Jordyn's last name is Goldman, and sometimes people incorrectly assume she is Jewish.

WHAT IF...EXAMPLE (2)

- In her interview, Jordyn shares it was just announced that she won a prestigious undergraduate fellowship.
- Jordyn states that she received some anonymous hateful messages online, similar to what was written on the door.

RECENT OCR GUIDANCE AND RESOLUTION AGREEMENTS

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RECENT HE OCR RESOLUTION AGREEMENTS

- Brown University (August 2025)
- George Washington University (January 2025)
- Harvard University (January 2025)
- Emory University (January 2025)
- University of Washington (January 2025)
- Johns Hopkins University (January 2025)
- Lehigh University (January 2025)
- UCLA (January 2025)
- Rutgers University (January 2025)
- University of California (December 2024)
- University of Cincinnati (December 2024)
- Temple University (December 2024)
- Muhlenberg College (September 2024)
- University of Illinois (September 2024)
- Drexel University (August 2024)
- Brown (July 2024)
- Lafayette College (June 2024)
- City University of New York (CUNY) (June 2024)
- University of Michigan (June 2024)



KEY TAKEAWAYS (1)



Brown University and
Lafayette College

Brown University

Once an institution has notice of alleged discrimination, the school has a duty to assess whether a hostile environment exists. This duty persists even when a complainant is not responsive to the school's outreach or declines to otherwise engage or participate in a process.

Lafayette College

When they have notice, institutions have an obligation to redress a hostile environment, including when conduct contributing to the hostile environment takes place off-campus or on social media. Social media postings do not need to be on a College page or platform to be actionable or considered by the institution.

KEY TAKEAWAYS (2)



CUNY and Muhlenberg College

CUNY

Investigations must be adequate—interview relevant witnesses and gather available information.

Communicate with impacted people, whether they are the “named” complainant or not—offer supportive resources and provide notice of outcome where appropriate

Muhlenberg

Ensure complete and accurate documentation that reflects that the school acted appropriately, including providing timely notices to parties and taking adequate steps to redress the effects of harassment.

Remember to consider the totality of the circumstances to assess whether there is a hostile environment.

KEY TAKEAWAYS (3)



University of Illinois

- Ensure coordination among the various offices that are likely to receive reports of discrimination or harassment. How are these offices sharing information? Who holds the pen on recordkeeping? Develop a plan or protocol for recordkeeping when different offices may handle different pieces of institutional response.
- When an incident involves protected speech, the institution has at minimum “an obligation to evaluate whether any incidents of harassment of which it has notice rise to the level that they create or contribute to a hostile environment” and “must respond promptly and effectively.”
- Classify and address incidents of discrimination or harassment properly; be mindful to distinguish between “littering” or “vandalism” and discrimination and harassment. This too is important for Clery reporting (*note that hate crime vandalism is countable, where plain old vandalism is not).

KEY TAKEAWAYS (4)



Drexel University

Drexel University

- Harassing conduct need not always be targeted at a particular person in order to create a hostile environment.
- Off-campus conduct and online conduct, including on social media, can create or contribute to a hostile environment.
- When an institution has notice of a number of incidents indicating a growing, pervasive hostile environment, develop a response that's holistic/global, in addition to addressing incidents on an individual basis.

KEY TAKEAWAYS (5)



University of Michigan

- Centralize the reporting and response functions for Title VI complaints to ensure consistent, compliant response and accurate recordkeeping. If multiple offices are involved, establish a written protocol to determine who does what and how records are kept and shared.
- Educate the campus community about what Title VI discrimination is, and make sure they know how to report it, and what will happen if they do. If you have multiple offices addressing this type of discrimination, explain how they route concerns to each other or share information.

KEY TAKEAWAYS (6)



Temple University

- Consistently take steps to assess whether incidents about which the institution has notice created a hostile environment for students, faculty, or staff—both individual incidents and cumulative. And if there is a hostile environment, take steps reasonably calculated to end it.
- Centralize or coordinate the response to incidents of alleged discrimination or harassment based on shared ancestry. Such coordination makes cumulative assessments possible and promotes consistent responses.

IN SUMMARY

- Harassment: Subjectively and objectively offensive, and so severe or pervasive that it interferes with or limits the ability to participate or benefit from the institution's services, opportunities, or activities.
- Need to assess the totality of the circumstances including context, nature, frequency, duration and location as well as the number impacted, relationships, and power differential(s).
- Does not need to be directed at a particular individual.
- May be based on an association with others of a different race, color, national origin .
- May occur in classrooms, dorms, hallways, facilities, social media.
- Need to assess whether the collective incidents created hostile environment (overall environmental impact).

SOME COMMON THEMES

Reiterating
institutional
obligations

Recordkeeping

Coordination or
centralization

Policy updates

Training (and
effectiveness
assessments)

Climate assessments

RECENT OCR GUIDANCE AND FACT SHEETS

Seven Title VI Guidance Documents since January 2023

- January 2023
- May 2023
- November 2023
- March 2024
- May 2024
- July 2024 (Rescinded)
- January 2025 (Rescinded)

OVERALL BEST PRACTICES FOR TITLE VI COMPLAINTS

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BEST PRACTICES: OVERALL

- Title IX "Take the best, leave the rest"
- Publicity, messaging
- Consistency of Information
- Adequate Training
- Resolution Process(es)

BEST PRACTICES: POLICY

- Clear Definitions
- Answer Important Questions
 - *Explanations on how complaints will be handled*
 - *How to make a report*
 - *Supportive measures?*
 - *Advisors?*
 - *Written notice?*
 - *Evidence review?*
- Protected Speech Concerns

BEST PRACTICES: INVESTIGATION PRACTICES

- Scope of Investigations
- Protected speech concerns
 - Free expression
 - Academic freedom
- Equity

PRACTICE

4



Mark Abramson / The New York Times / Redux

EXAMPLE: UNWANTED DINNER GUESTS

- On the first night of Rosh Hashanah, the Jewish new year, some brothers at ZBT, an inclusive Jewish fraternity, gathered in a communal meeting space for prayers before dinner.
- The front door opened, and an individual threw a package inside and then ran back to a car, which quickly drove away.
- Some brothers hesitated; was that a bomb? One stepped toward the package and saw that it was ground pork from the grocery store.

EXAMPLE- TALE OF TWO PROTESTS



In the Spring of 2021, multiple students gathered to protest police brutality, and several brought tents so that they could protest through the night. The campus had a rule at that time against any overnight camping, and the students were immediately told that they could not camp on the campus overnight. Those students who disobeyed were disciplined by student conduct. When other students protesting the war in the Middle East camped on campus in the Spring of 2024 and were not immediately told to disband or face disciplinary charges, the 2021 students became angry that the 2024 protesters were allowed to camp overnight and filed a claim with the EO office alleging differential treatment on the basis of race.

USING SLUR “IN CONTEXT”

During a sociology lecture, the student Respondent used the N-slur within a sentence that was referencing the historical context of that word. "Historically, Black people have been called ____ and ____." The other classmates reacted in shock with several students loudly voicing their complaint with the use of this word.

Is there Title VI Misconduct?

CLOGGING THE SYSTEM

In a restroom in a campus building, protestors from a campus group (Students Against Global Imperialism) clogged toilets with a cement-like substance and spray-painted graffiti in the restroom with the slogans "Our university supports land grabs" and "President X Starves Babies."

What policies might this conduct implicate?

How should the university respond?

CAMPUS TABLING

A student group holds a tabling event encouraging students to report their undocumented peers to U.S. Immigration and Customs Enforcement. Over 700 protesters assemble to protest the tabling.

Is this Title VI Misconduct?

How might the University respond?

INSTARASSMENT

The same student group starts posting photos of students they believe are undocumented on their campus group's Instagram account.

Individuals pictured are exclusively students with darker skin tones.

Students pictured report receiving comments from affiliated and unaffiliated (and unknown) individuals with threats and derogatory comments.



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DELEGATED ROLES

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- Title IX Coordinators and Staff
- Title VI Coordinators and Staff
- EO Director
- Equity Director
- ADA/504 Coordinators and Staff



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