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2026 Virtual Civil Rights Compliance Training



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About Us

OUR MISSION

To provide the best Care and Support for our clients, Community Partners, employees, contractors, collaborators, vendors, and all others who encounter our company.

GOAL

To assist schools and districts in providing a safe and healthy learning and working environment for students, faculty and staff.



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Agenda

01 The State of Events

02 Refresh of Title VI, VII, & IX

03 Freedom of Speech

04 ADA and Pregnancy Challenges

05 Challenges to Investigations and Report Writing

06 Delivering Decisions

07 Compliance with Compassion

08 Q&A Session

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REALITIES:

- Being asked to do more with less
- Compliance is ever expanding
- Expectations of community
- Increase in reporting
- Rapid speed of this administration



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WHAT IS HAPPENING?!

2025/2026

Executive Orders



Litigation



Supreme Court



State Laws



Administrative Action



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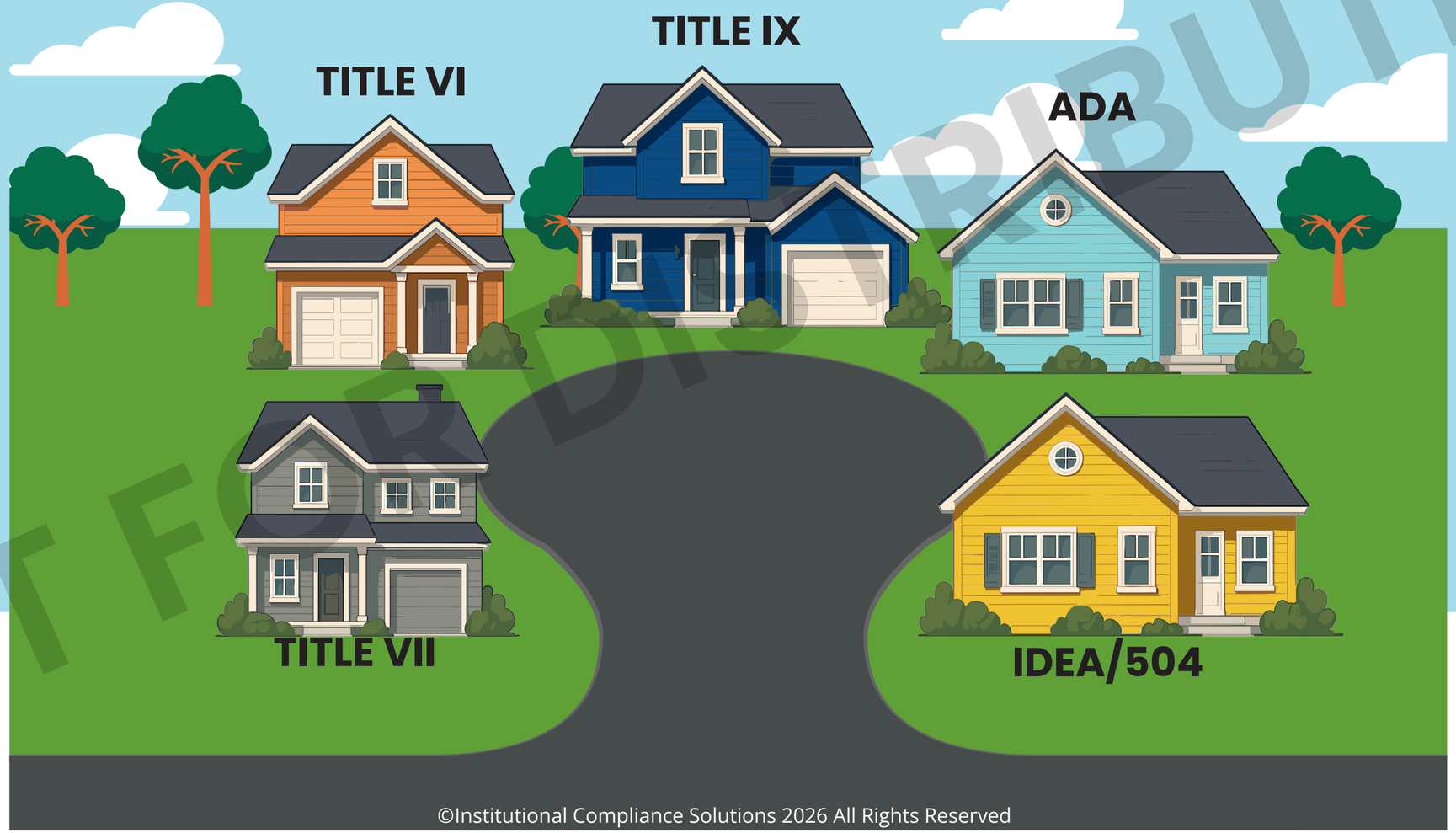
State of Events

GMU	Harvard (HHS)	UCLA	TJHS (VA)	DOJ	Brown University
Investigated for race-conscious hiring/admissions and antisemitism response	Found deliberately indifferent to antisemitic environment- Blocking international students	DOJ found systemic antisemitism and Title VI violation	Admissions policy under federal probe for race bias	Elimination of Disparate Impact	Clery Investigation related to shooting on campus

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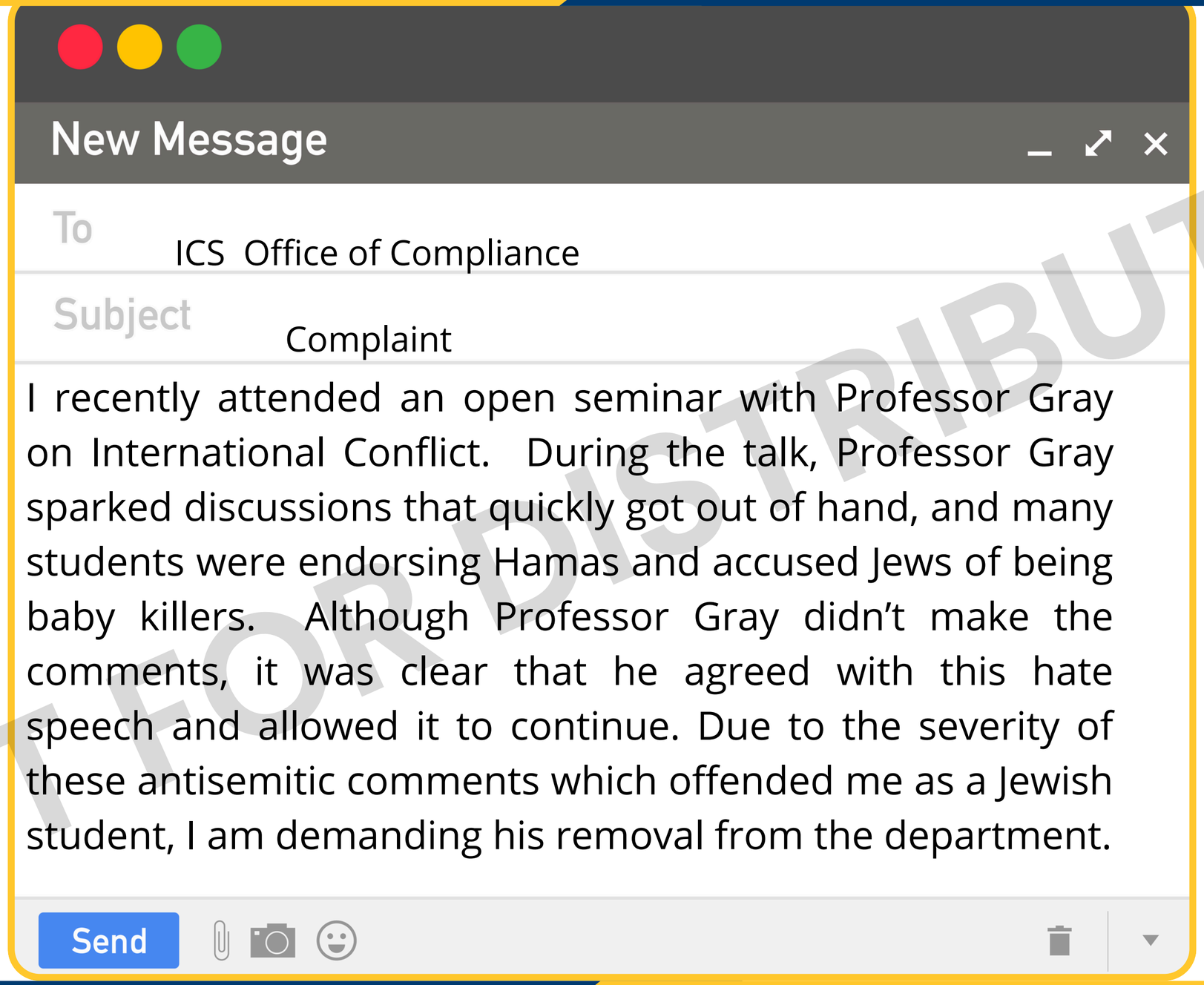


Overview of The Laws

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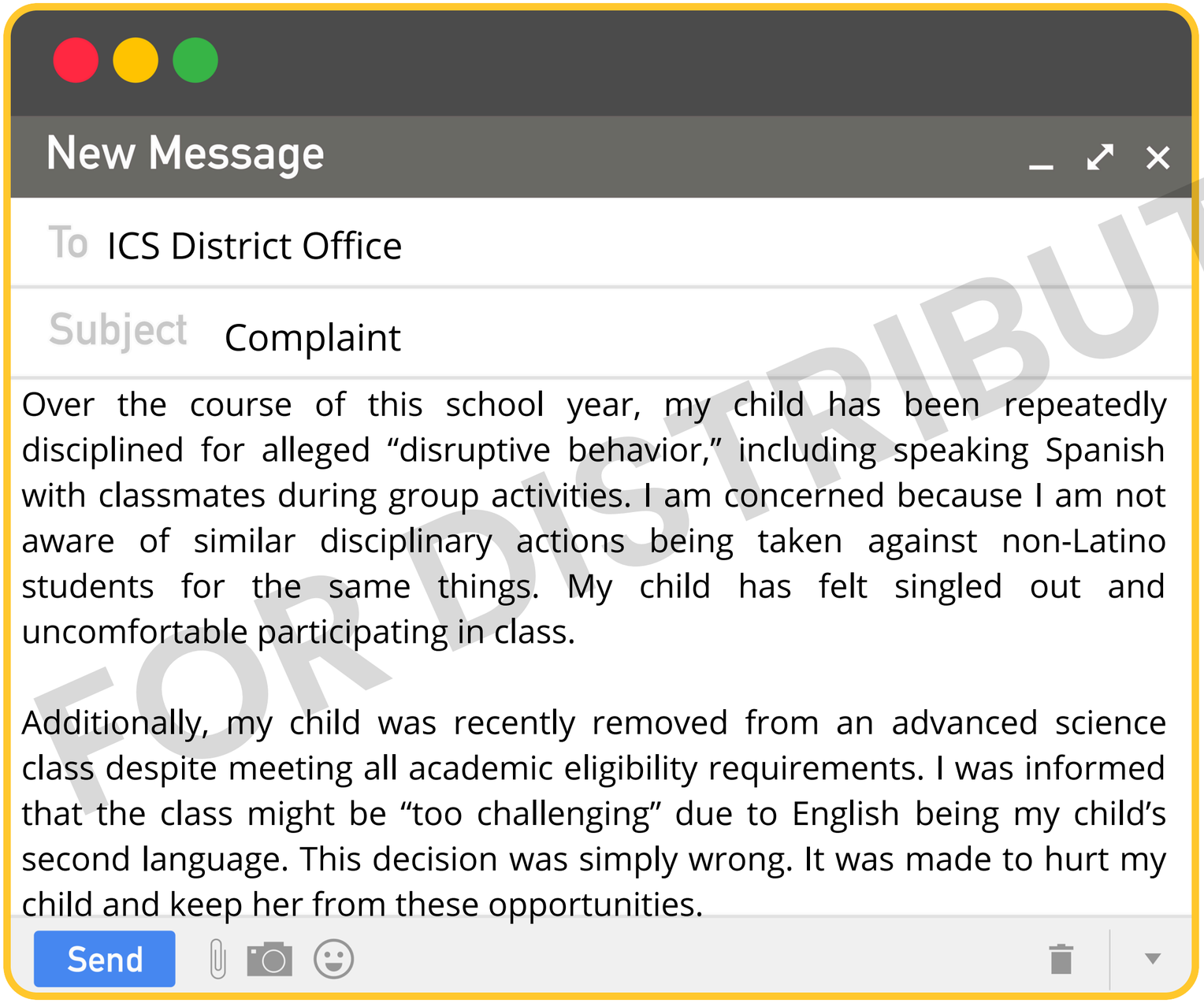
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Title VI is Rarely About Intent



Delay

Minimizing Behavior

Inconsistent Responses

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Was this meant to Discriminate?

What did the institution do once it knew – or should have known?

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Understanding Discrimination Under Title VI

Title VI of the 1964 Civil Rights Act says,
"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

42 U.S.C.§2000d

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What Activities are Protected Under Title VI?

Programs and activities that receive education funds must operate in a non-discriminatory manner which include:

- Admissions
- Recruitment
- Financial Aid
- Academic Programs
- Counseling and Guidance
- Vocational Education
- Student Treatment and Services

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Protected Activities Continued...

- Discipline
- Student Services
- Grading
- Recreation
- Extracurriculm
- Athletics
- Housing

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Discriminatory Treatment

Harassment/Hostile Environment



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Harassment creates a hostile environment when the conduct is objectively offensive and sufficiently severe or pervasive so as to interfere with or limit an individual's ability to participate in or benefit from a recipient's program.



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TITLE VI CASES

OCR determines conduct to create a hostile environment if:

(1) harassment based on race, color, or national origin existed;

(2) the recipient had actual or constructive notice of the harassment; and

(3) the recipient failed to respond adequately to redress the hostile environment.

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Brown University Resolution Agreement

Regarding Antisemitism

Facts: The investigation found that the university received around 75 reports of alleged antisemitic, anti-Palestinian, and anti-Muslim harassment against students from October 2023 through late March 2026, including allegations of students pointing at a Jewish classmate's Star of David jewelry and yelling an ethnicity-based insult, a student berating a Palestinian-American roommate about their identity, and students blocking a Jewish classmate from attending a pro-Palestinian rally.

Outcome: OCR concluded that the university did not comply with Title VI by failing to properly investigate whether these and other reported incidents created a hostile environment for students, faculty, or staff under Title VI.

OCR cited to similar agreements reached with Park City, Utah School District and University of Michigan, which included deficiencies in:

1. Record keeping requirements
2. Failing to take timely steps to prevent and address race-based concerns
3. The multiple reports received constituted repeated actual notice of harassment.

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Terms of Brown University and University of Michigan OCR Resolution Agreements:

1. Revising policies and procedures to ensure all offices comply with Title VI;
2. Notifying all students, employees, and parents about Title VI prohibitions and protections against discrimination and how to report harassment;
3. Conducting annual training on nondiscrimination and harassment for all students and employees;
4. Consistently maintaining records related to complaints or reports of discrimination under Title VI;
5. Conducting a review of their responses to complaints and taking remedial actions when required;
6. Conducting climate surveys focused on Title VI discrimination for all students and employees; and
7. Analyzing and creating action plans in response to climate surveys focused on Title VI discrimination.

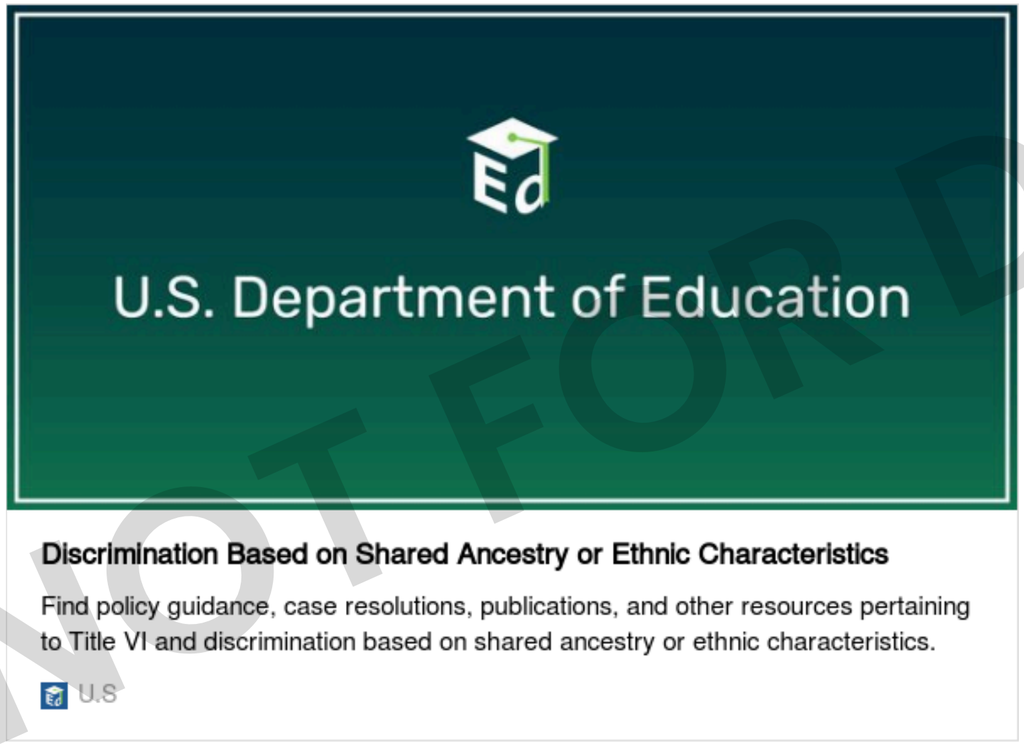
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OCR has developed a Shared Ancestry or Ethnic Characteristics website,

which can be found here:





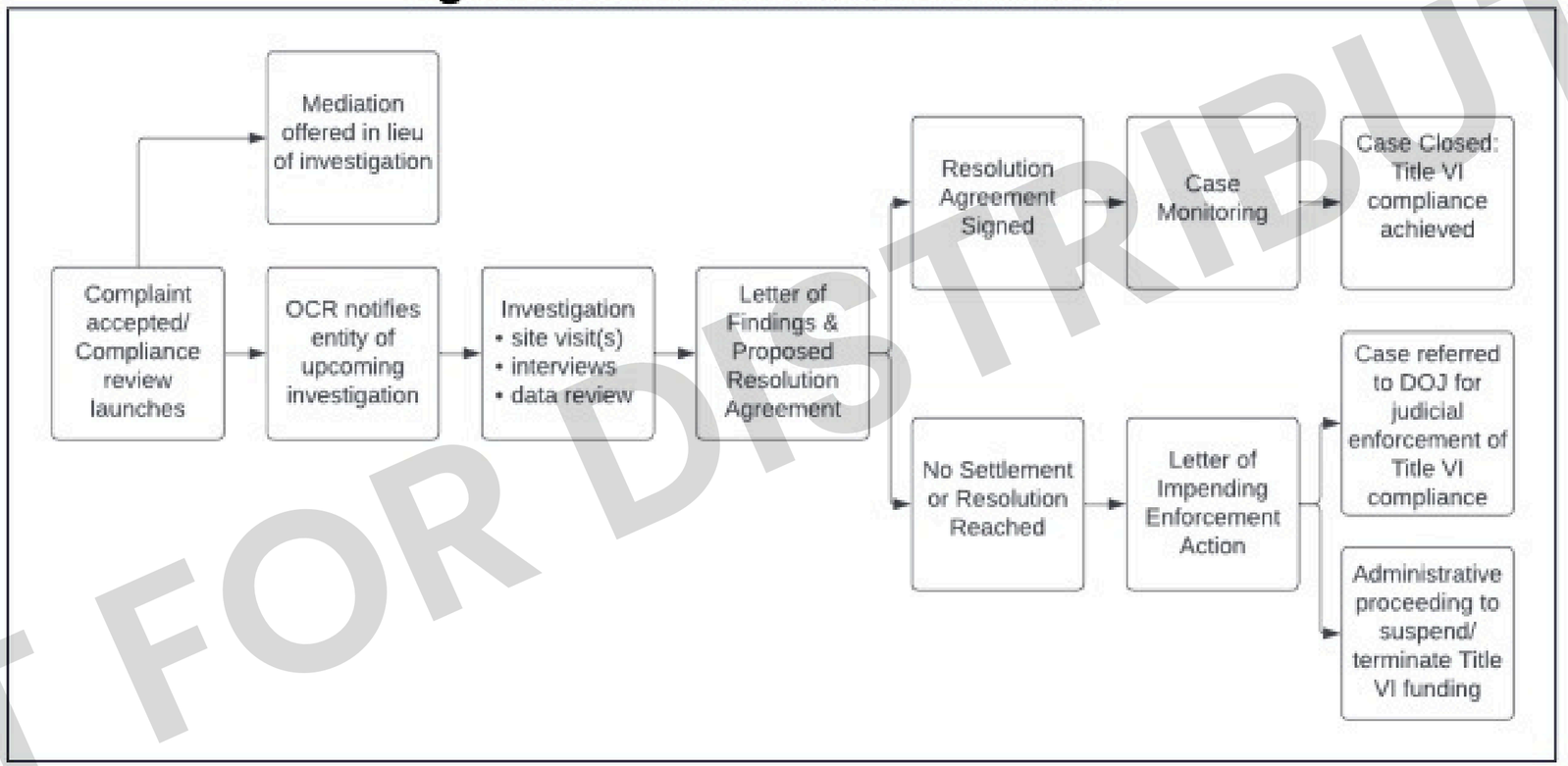
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Figure 1 is a flowchart illustrating the entire OCR enforcement process.

Figure 1. OCR Title VI Enforcement Process



Note: The entity under investigation may request to settle the matter by entering into a Resolution Agreement at any time prior to the conclusion of the investigation.

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HYPO

Amir, a graduate student of Iranian descent alleges discrimination in his engineering program. He claims that his faculty advisor repeatedly denied approval for required research placements, stating that “students from your background often have difficulty passing federal clearance reviews,” despite the placements not requiring any security clearance. Amir further alleges that other students were approved for comparable placements without delay.

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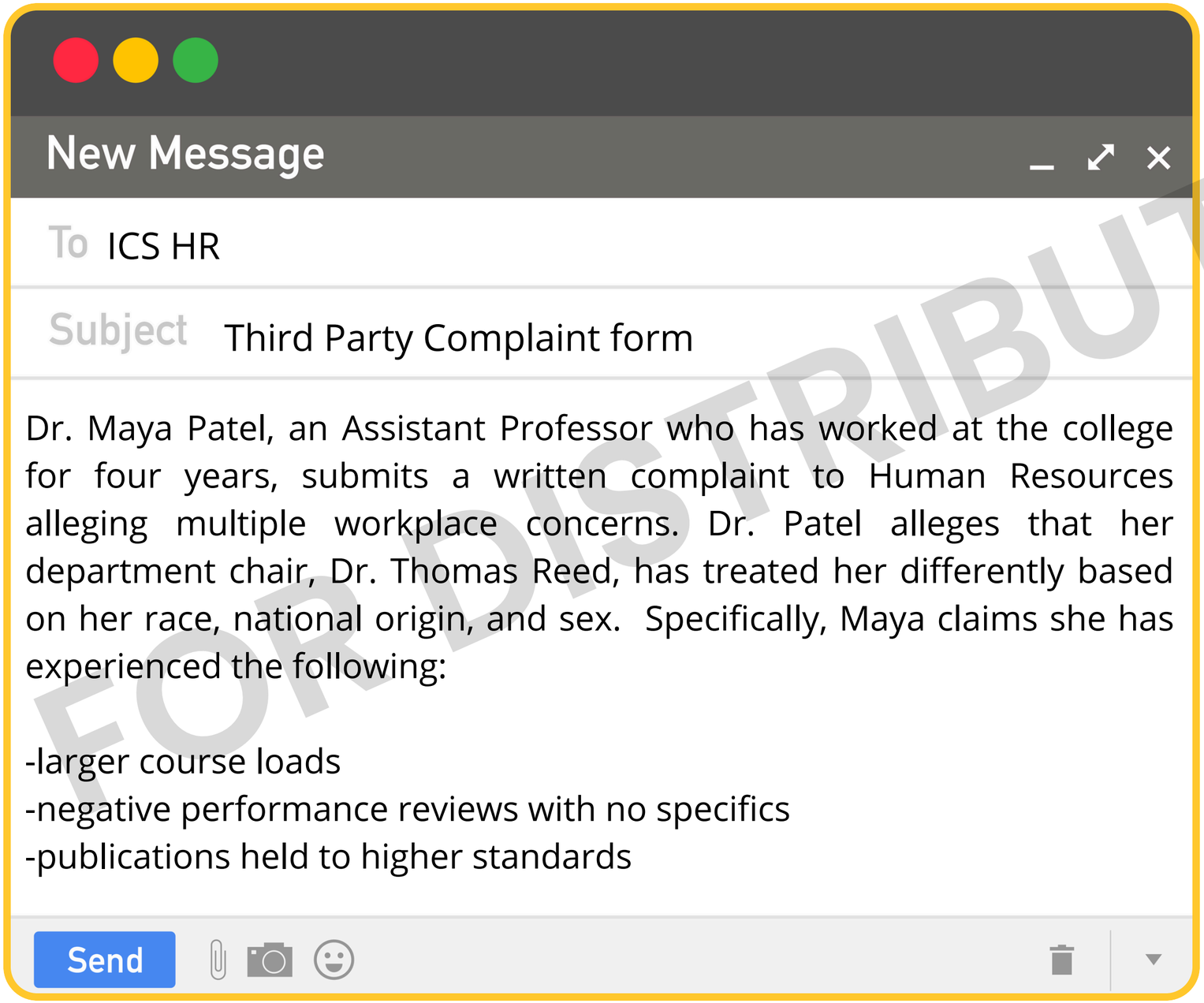


Understanding Title VII
Enforced by EEOC

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Title VII Prohibits Employment Discrimination based on:



- GENDER IDENTITY
- MENTAL OR PHYSICAL DISABILITY
- SEXUAL ORIENTATION
- PREGNANCY
- SEX
- RACE
- IMMIGRATION STATUS
- VETERAN STATUS
- AGE
- COLOR
- RELIGION
- NATIONAL ORIGIN

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Who is covered by Title VII of the Civil Rights Act?



- **Private & public sector employers w/15 or more workers**
- **State and local governmental agencies**
- **Employment agencies**
- **Apprenticeship programs**

Not Covered: Federal employees or independent contractors. However, federal employees are protected against discrimination by other federal anti-discrimination laws.

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What Individuals are Protected from Discrimination Under Title VII?



Applicants

Former Employees

Employees

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Title VII Cases:

In July 2026, the U.S. Department of Justice and the EEOC opened formal civil rights investigations into employment practices at the University of California (UC) system, focusing on potential discrimination in hiring, promotion, and other employment decisions based on race and sex, in violation of Title VII.

Kluge v. Brownsburg - Kluge objected on religious grounds to the school's policy requiring teachers to use first names and pronouns for transgender students that reflected the students' gender identity, which he believed conflicted with his sincerely held Christian beliefs. Kluge requested a religious accommodation uso that he would address all students by their last names only.

Title VII requires employers to reasonably accommodate an employee's sincerely held religious beliefs unless doing so would impose an undue hardship on the employer's business.

De Minimus v. Substantial Hardship

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Understanding Free Speech & Academic Freedom



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HYPO

A student organization invited a controversial political speaker to campus to discuss immigration policy. During the event, the speaker makes broad, offensive statements about immigrants, causing several students to walk out. Several students filed complaints, stating that the speech was hurtful and made them feel unwelcome on campus.

Separately, during the weeks following the event, a student reports that another student repeatedly approached them outside of class, mocked their accent, told him to “go back where you came from,” and sends multiple derogatory messages through social media despite being asked to stop.

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FREE SPEECH OR HARASSMENT



- THE NEED FOR CLEAR POLICIES THAT DISTINGUISH BETWEEN PROTECTED SPEECH AND HARASSMENT.
- CONTEXT AND IMPACT OF PROVOCATIVE SPEECH.
- PROTECTED SPEECH CAN CREATE A HOSTILE ENVIRONMENT IF IT TARGETS INDIVIDUALS BASED ON RACE, ETHNICITY, OR NATIONAL ORIGIN.

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The fact that harassment may involve conduct that includes speech in a public setting or speech that is also motivated by political or religious beliefs does not relieve a school of its obligation to respond under Title VI- if the harassment creates a hostile environment in school for a student or students.

IMPACT
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CAUSES OF LITIGATION IN FREE SPEECH CASES

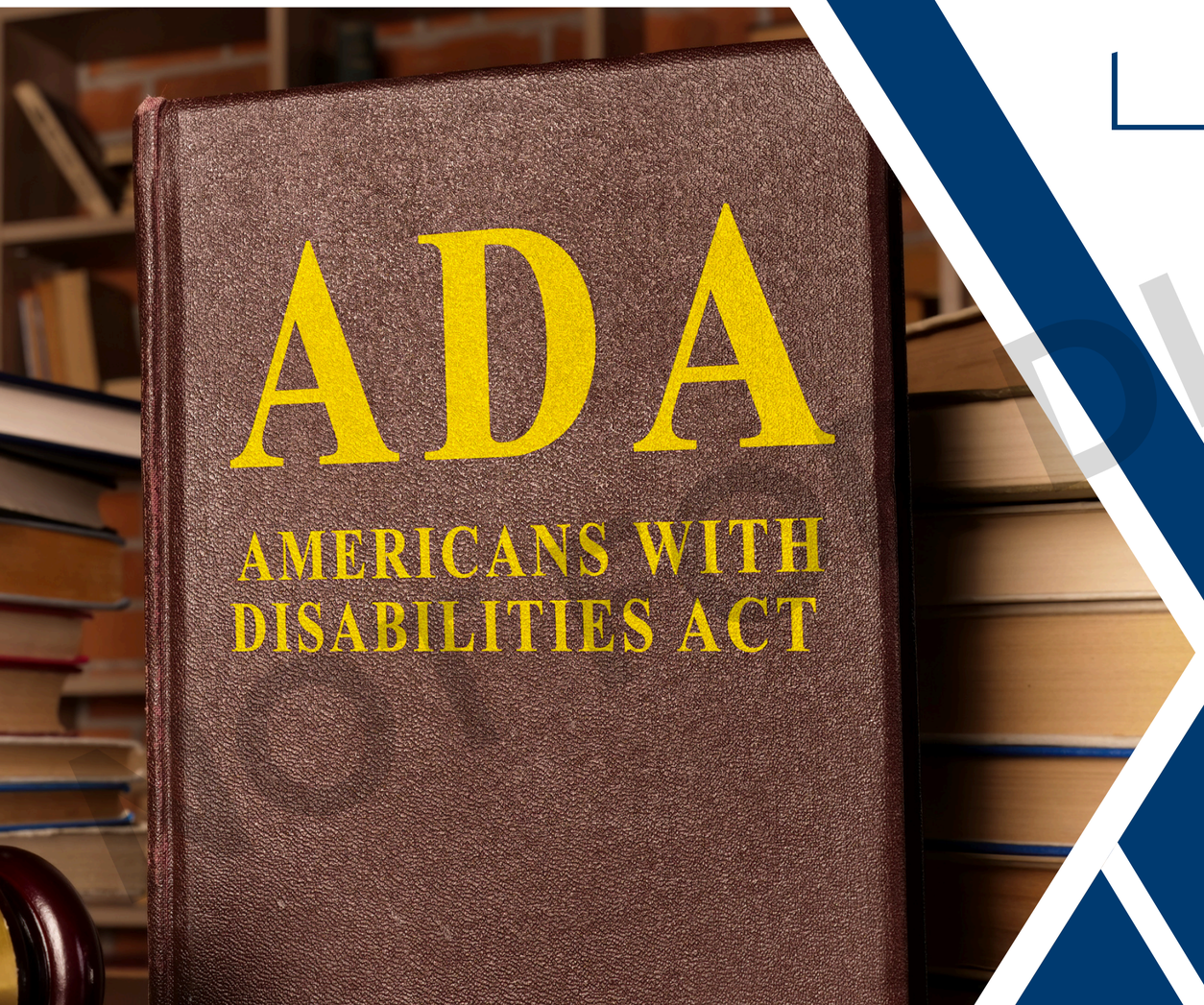
- FAILING TO RESPOND TO THE IMPACT ON STUDENTS
- TREATING COMPLAINTS AS “POLITICAL DISAGREEMENTS”
- FAILING TO ACT TIMELY



What response is required - even when discipline is not?

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Americans with Disabilities Act

Enforced by the Department of Justice

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The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination solely on the basis of disability in employment, public services, and accommodations. The person must otherwise be qualified for the program, service or job.

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Discrimination Based on Disability



Section 504

Section 504 of the Rehabilitation Act of 1973 prohibits any school district receiving federal financial assistance from discriminating against disabled children.

Requires Free Appropriate Public Education



Title II

Title II of the Americans with Disabilities Act of 1990 expands these protections and prohibits all school districts, whether they receive federal funding or not, from discriminating against disabled children.



Accomodations

The ADA requires the provision of reasonable effective accommodations for eligible faculty, staff, students, and visitors across an institution's programs, activities, and services.

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The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity:



- Walking
- Talking
- Thinking
- Speaking
- Breathing
- Hearing

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Accommodations

One aim of the ADA was to make educational institutions more accessible.

This aim covers “reasonable accommodations” such as the following:

- Modification of schedules
- Allowing employees to receive written instructions
- Modification of breaks/shifts
- Extra time allotted for breaks/lunch
- Interpreters
- Specialized computer equipment
- Lighting changes
- Extra monitors

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INTERACTIVE PROCESS UNDER ADA

REPORT OF A DISABILITY THAT IMPACTS ABILITY TO PERFORM JOB OR LIMITS ACCESS TO EDUCATION

MEETING WITH HR OR ACCESSIBILITY OFFICE TO CONDUCT INITIAL ASSESSMENT

IS REQUEST REASONABLE?

NEED FOR BRAINSTORMING ALTERNATIVE ACCOMMODATIONS

IMPLEMENT ACCOMMODATION, IF REASONABLE

CONTINUE INTERACTIVE PROCESS UNTIL EXHAUSTED OPTIONS



DOCUMENT!! DOCUMENT!! DOCUMENT!!



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CAUSES OF ADA LITIGATION

- **Interactive Process was not documented**
- **The institution stopped too early in the process**
- **Decisions were made *about* the employee instead of *with* the employee**
- **Failure to document**

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Recent Case Under the ADA:

Hight v. University of Chicago

- Hight enrolled in the university's medical program and had multiple documented disabilities, including sickle-cell anemia, autoimmune conditions, chronic fatigue, anxiety, major depressive disorder, PTSD, and bipolar disorder.
- During his final year of medical school, he faced disciplinary action and eventual dismissal, in part for alleged unprofessional conduct. Hight asserted that some conduct issues were directly tied to his disability (including side effects of medication).
- He claimed the University failed to appropriately engage in the interactive process and explore accommodations before dismissing him.
- Sued under disability discrimination, failure to accommodate, and breach of contract (Illinois law)

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Understanding Title IX
Enforced by Office for Civil Rights



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Understanding Discrimination Under 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."

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2020 SEXUAL HARRASMENT

Conduct on the basis of sex that satisfies one or more of the following

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive AND objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.







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QUID PRO QUO



1. An employee of the school
2. Conditioning the provision of an aid, benefit, or service of the recipient
3. On an individual's participation in unwelcome sexual conduct

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HOSTILE ENVIRONMENT HARASSMENT



Unwelcome conduct determined by a reasonable person to be so severe, pervasive AND objectively offensive that it effectively denies a person equal access to the recipient's education program or activity

1. Severe - can be non verbal through sexual assault (touching/fondling)
2. Pervasive - how often and how widespread
3. Objectively Offensive - behavior that would be offensive to a reasonable person under the circumstances

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SPECIFIC OFFENSES



1. Sexual Assault
    a. Rape
    b. Fondling (Criminal Sexual Contact)
    c. Incest
    d. Statutory Rape
2. Dating Violence
3. Domestic Violence
4. Stalking

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JURISDICTION
2020



Education Program or Activity



Locations, events, or circumstances (operations) over which the institution exercised substantial control over both the respondent AND the context in which the sexual harassment occurs.



Includes online sexual harassment but it must be analyzed to determine if it occurs in education program or activity.



Does not create or apply a geographic test, does not draw a line between “off campus/property” and “on campus/property,” & does not create a distinction between sexual harassment occurring in person vs online.

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2020



TITLE IX SEXUAL HARASSMENT

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EDUCATION PROGRAM/ ACTIVITY

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TITLE IX FORMAL GRIEVANCE PROCESS

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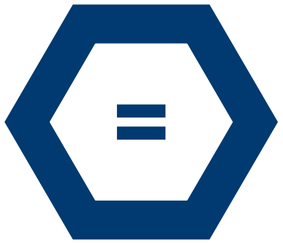
3 BUCKETS



CONTROL OVER RESPONDENT



CONTROL OVER LOCATION / EVENT



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HYPO

Ariya, a Freshman at ICS University, filed a complaint after experiencing repeated comments in a residence hall. She alleges that Micah made sexually explicit jokes about women from her India, touched her upper thigh while making moaning sounds, mocked her accent, and stated that "women like you only get admitted because of DEI and sleeping their way through school." The comments occurred in common areas over several weeks and were reported to a resident advisor, but the student states no corrective action was taken. Ariya is too embarrassed to attend her classes with Micah.

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PREGNANCY AND ACCOMMODATIONS



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PUMP ACT and PWFA

The PUMP Act expanded workplace protections for lactating employees under the Fair Labor Standards Act (FLSA).

- Requires employers to provide reasonable break time for employees to express breast milk for up to one year after childbirth.
- Employers must provide a private space, other than a bathroom, that is shielded from view and free from intrusion.

The Pregnant Workers Fairness Act requires employers to provide reasonable accommodations for employees affected by pregnancy, childbirth, or related medical conditions, unless doing so would cause undue hardship.

- Applies to employees and applicants, including faculty, staff, and student employees.
- Requires an interactive process similar to the ADA (e.g., modified duties, flexible schedules, temporary reassignment, additional breaks).
- Prohibits forcing employees to take leave if a reasonable accommodation would allow them to continue working.
- Prohibits retaliation for requesting or using pregnancy-related accommodations.
- Common in higher education contexts involving teaching schedules, lab work, clinical placements, and physical job requirements.

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Pregnancy Discrimination

Pregnancy + Related Conditions

Title IX Prohibits students and employees from discrimination based on:

- **Pregnancy**
- **False Pregnancy**
- **Childbirth**
- **Termination of Pregnancy**
- **OR recovery therefrom.**



REMEMBER



- Must be treated the same as any other temporary disability
- Must be reinstated to the status held when individual began their leave

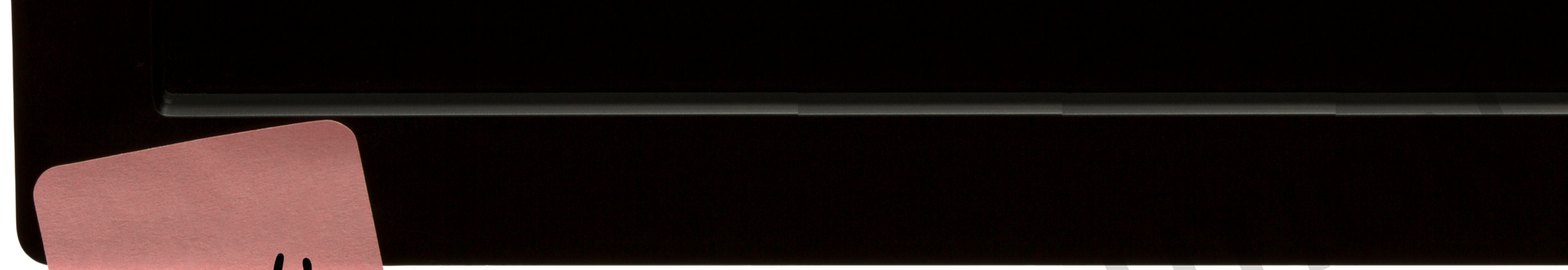
RECENT UPDATES



- New OCR Resource on Pregnancy Discrimination
- Proposed Rules on Pregnancy Discrimination
- Lingering Questions Post *Bostock*

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Don't Forget!

State Laws!

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UNDERSTANDING BIAS



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Types of Bias



Affinity Bias

Unconscious bias that causes people to gravitate towards others who appear to be like them

Anchor

Being overly influenced by the first piece of information we receive

Halo

Positive impressions of people, brands, and products in one area positively influence our feelings in another area

Horn

Cognitive bias that causes our negative impression of someone or something in one area to change our impression of them in other areas

Confirmation

Listening to or respecting data that aligns with our viewpoints

Overconfidence

Overly confident in own intelligence, experience or opinions

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Let's Get to Work:

- Triage
  - What type of case is this?
  - What are your next steps?
  - Who are the parties?

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Reporting

Madison is a new teacher in the district. You heard from your friend that she is pregnant and asked about taking leave. She meets with HR to ask about taking 6 weeks of leave and also to ask if she can get a sit/stand desk in her room and a stool for her feet due to complications of her pregnancy.

Alicia and Charles are both employees who have been dating. They don't have a reporting relationship to each other but work in the same building. One day, Jamie (the teaching assistant) sent you an email telling you that she saw Alicia slap Charles across the face after he referred to her as a "bitch." She thinks it was nothing since they seem fine now, but wanted to tell someone. You see Charles walking down the hall and ask him if he's ok since you heard about an altercation. Charles laughs and says they were playing around and didn't think anyone saw them.

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Reporting

Jake said Lewis called him a monkey on the bus and asked what part of the jungle his family was from in Africa. Lewis has done this three other times and constantly makes monkey sounds in the gym when he sees Jake.

Cara arrived to her class and found a swastika drawn on her desk. She thinks it may be Lucy doing it because Lucy keeps whispering about how much she hates Jews during class. Cara's parents are outraged and want Lucy suspended immediately.

Kenny has an IEP that allows him to have a paraeducator help him when he gets overwhelmed. Specifically, she is supposed to remove him from the room with a 10-minute break to do breathing exercises and move away from any noises. There is a shortage of teachers at the school, so Kenny's main teacher allows him to leave class when he needs to do so. She also asked Kenny to sit away from the noise to help him not be so overwhelmed.

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CONDUCTING INVESTIGATIONS AND THE CHALLENGES



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What is the hardest part about investigating?

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ICS SPECIALIST RESPONSES

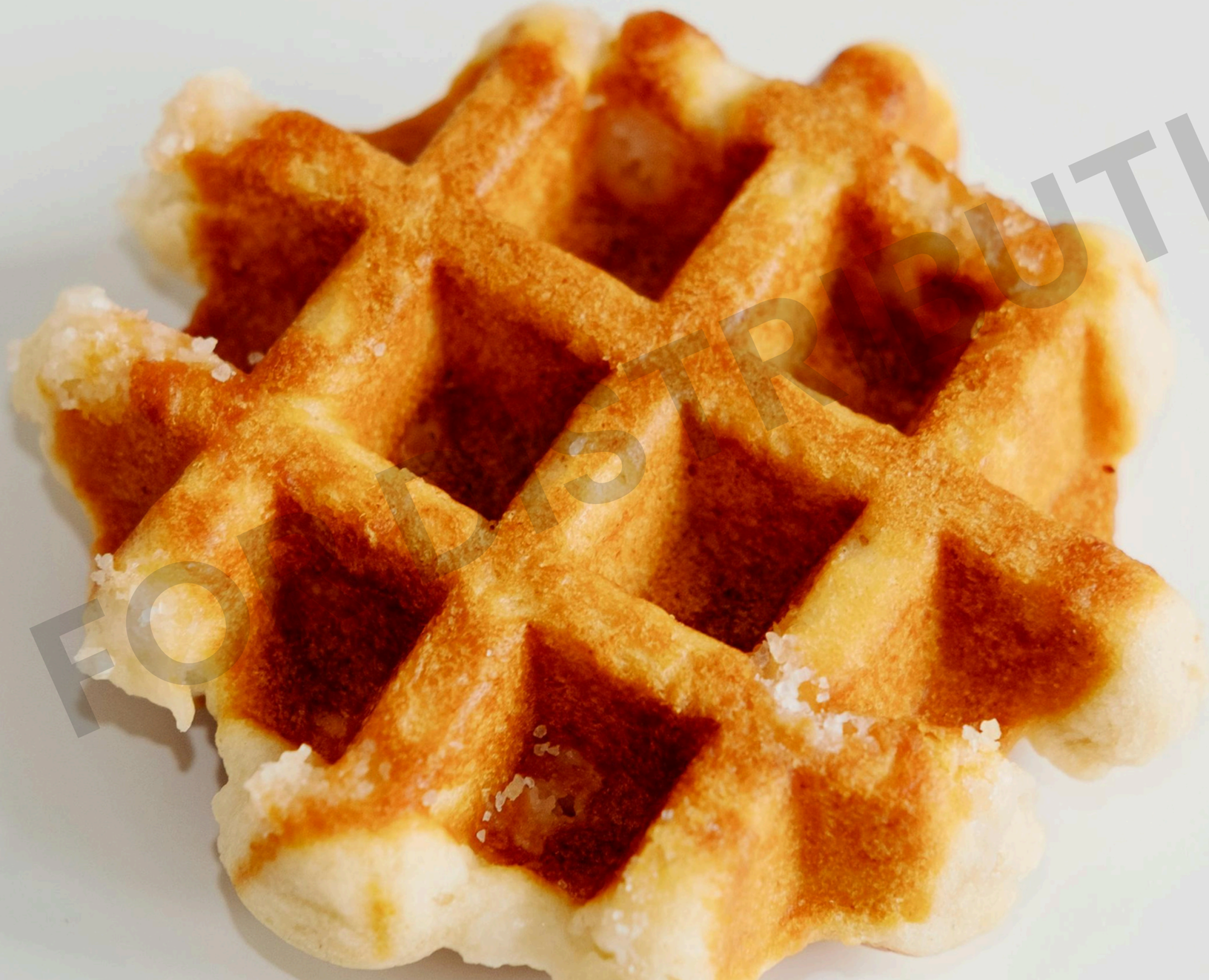
- Pace of the investigation.
- Getting a party up to speed on a complicated policy and federal statutes.
- Remaining neutral and not forming opinions in the beginning stages of the investigation.
- It's difficult watching the process take a toll on people; it can be stressful for all parties.
- Knowing the right questions to ask and how to clearly disseminate the information collected into a good report.

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Dr. Maya Patel, an Assistant Professor who has worked at the college for four years, submits a written complaint to Human Resources alleging multiple workplace concerns.

Dr. Patel states that after she informally raised concerns to the Dean about unequal workload distribution by her Department Chair:

- She received her first negative annual performance evaluation.
- She claims the Dean had issues with her from her initial hire due to her relationship with the old Dean.
- Her student surveys have been mediocre, but she believes it was due to her Chair assigning her to the earliest morning classes. She has a medical condition and takes medication that causes her to be groggy for a few hours in the morning.
- Her request for conference travel funding was denied without explanation.
- Dr. Reed allegedly warned her to “be careful about making waves before tenure review.”

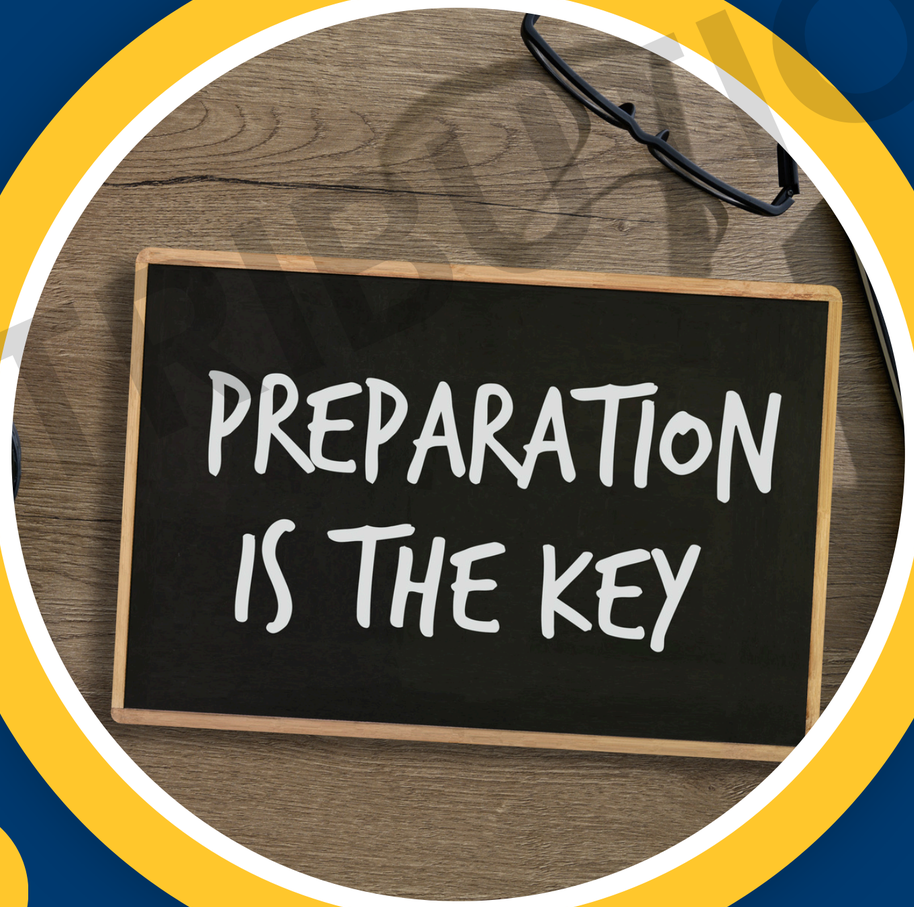
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Part 1:

Before You Start...

The importance of preparation



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What's Your Elevator Speech?

- Thanks
- Resources
- Response



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What are you investigating?

- Title IX
- Title VI
- Title VII
- Code of Conduct
- Other?

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Internal Handbooks and Expectations



Student Handbook/ Code of Conduct



Faculty Handbook/ Code of Conduct

- Union Agreement?



Staff & Employee Handbook/ Code of Conduct

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What information do you have?

Is there anything you need before you meet with parties and/or witnesses?

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Developing a Plan

1. Order of interviews (be prepared to pivot)
2. Communicating with parties and witnesses
3. The role of advisors or support person
4. Evidence to be collected prior to meetings (video)
5. Outline of questions (to be edited as information develops)

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Part 2:

Opening the Meeting...

The importance of transparency



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You Only Get ONE First Impression

Before they “walk in” either in person or virtually,
CHECK YOURSELF

- **Start with a clean slate.**
- **Refresh your mind with names and dates**
- **Practice neutrality**
- **Prepare the room**

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Remember: neutrality is a discipline, not a character trait

You practice neutrality by:

1. **Checking your facial reactions**
2. **Slowing down your conclusions**
3. **Letting the facts guide you**

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FIGHT, FLIGHT, FREEZE, OR FAWN OR ALL FOUR...

OR SOMETHING COMPLETELY DIFFERENT...









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REMINDER: BODY LANGUAGE & FACIAL EXPRESSIONS

- **Virtually and in person**

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Check Your Biases



Where are your potential biases in the case?



Can you overcome any biases that exist?



Is your mind in a neutral position?

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INTRODUCTION

Who are you?

What is your responsibility?



What policy/policies & procedures are you using?

Something to connect you with the party or witness

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Part 3:

Asking Questions

The importance of gaining clarity



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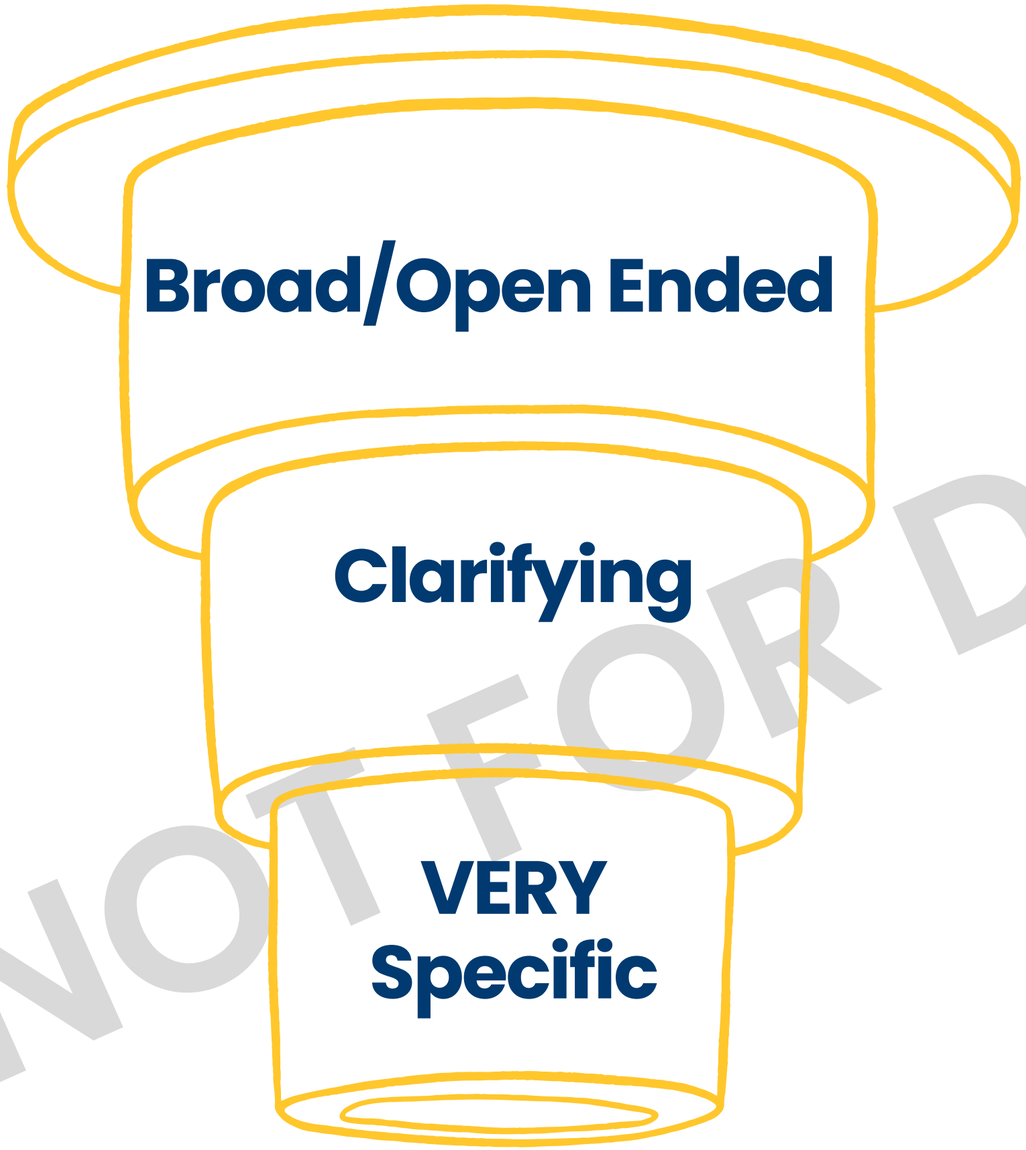
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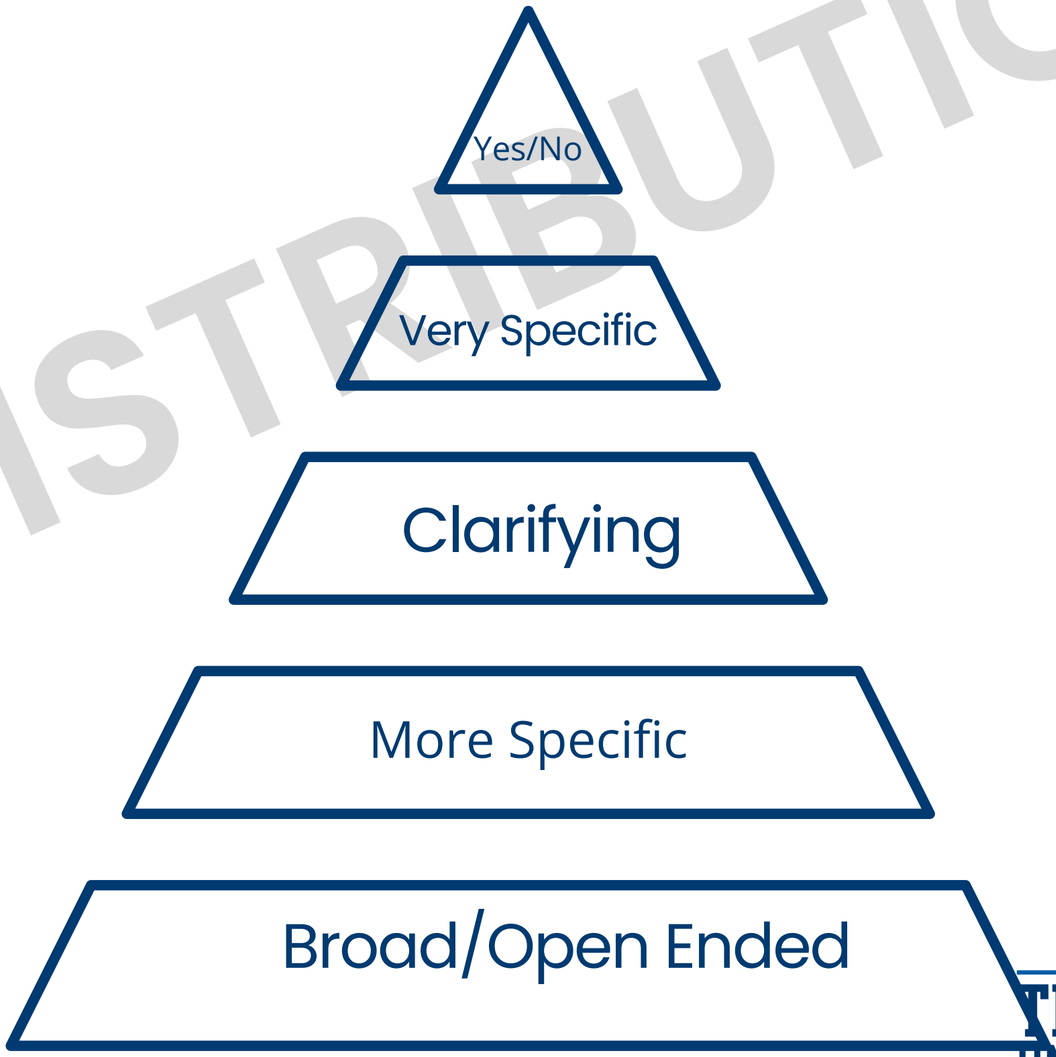
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Funnel Method v. Pyramid Method





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- **What** happened?
- **How** do you know about it?
- **How** did it happen?
- **Who** did it happen to?
- **How** do you know these parties?
- **Who** else was there?
- **When** did it happen?
- **Where** did it happen?
- **Why --** without saying WHY

The NEED to know questions

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The Formula for Questioning



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Note-Taking

- Detailed, but not so much that it slows down the interview
- Decide what is most important
- Extra person in the room?
  - Give notice and explain their role as note-taker
- Note taker vs. dual investigator
- Use quotations if possible
- Ask for a pause or clarification if necessary

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Part 4:

Gathering Evidence...

The importance of curiosity



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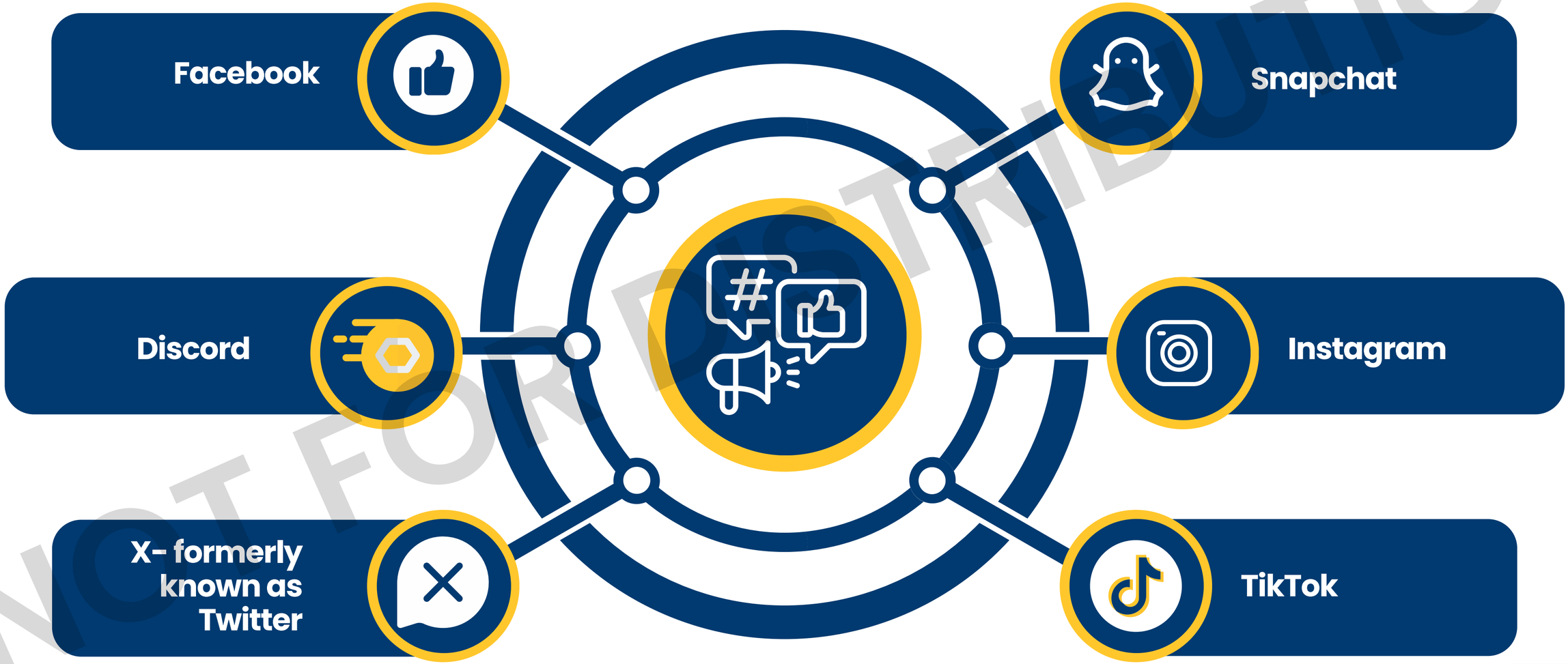
Types of Evidence

- Comparator Witnesses
- Performance Reviews
- Personnel File
- Zoom Recordings
- Portals for grades

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Social Media



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Burden

The burden on you to **ASK** for information. The burden is **NOT** on the party or witness to “offer it.”



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Independent Investigative Actions

Think outside the box





Make the phone call

Find the witness







Visit the location

Google the term





Take the photo

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Email Follow Up

Thank you



Any response or information needed from party

What was discussed



Opportunity to clarify

Next steps



Reminder about supportive measures

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Documentation

- Clean up notes
- Save notes
- Save evidence collected
- Create to do list
  - Witnesses to connect with
  - Evidence to collect
  - Follow up meetings to schedule

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Sustainability Planning

If you were unable to continue with the investigation starting tomorrow, would the person picking up the file know what had been done and what is left to do?

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Part 5:

Identifying & Interviewing Witnesses...

The importance of understanding relationships



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Challenging Witnesses / Parties

The "Hulk"





The Rabbit Chaser

The "Turtle"





The Big Reveal



The Reluctant Participant

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Who are your witnesses and who identified them?

- Witnesses identified by the Complainant
- Witnesses identified by the Respondent
- Witnesses identified by you
- Witnesses identified by other witnesses

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MOST IMPORTANT QUESTIONS

- HOW DO YOU KNOW THE COMPLAINANT?
- HOW DO YOU KNOW THE RESPONDENT?
- HOW DO YOU KNOW THE OTHER WITNESSES?

How long?

In what capacity?

Describe your relationship with them.

****CREDIBILITY/CONSISTENCY****

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Report Writing...

The importance of your audience



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YOUR REPORT SHOULD:

- ASSUME THE READER WILL READ IT UNDER PRESSURE AND WITHOUT CONTEXT
- ANTICIPATE QUESTIONS
- EXPLAIN YOUR JUDGMENT CALLS
- MAKE YOUR REASONING CLEAR

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Organization



Easy to Follow, Clear, Concise

Can the reader follow the report and understand who reported/said what?



Roadmap for the Decision-Maker

This report will guide the decision maker, help them ask questions, and provide a roadmap for their process



Includes the Basics

Assume the reader knows NOTHING



Reviewed by Colleague

Trusted counterpart



Consistent but Not Identical

There is room for a little flexibility

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Who is your audience?



Judge



Student/Employee

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The ART of Summarizing

- What is important?
- What is relevant?
- What is outside the scope?
- What needs to be quoted?

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Organization is Key

- By party/witness?
- By time/chronological?
- By event?

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Helpful Considerations

- Page numbers
- Footnotes?
- Timeline(s)
  - Investigation
  - Events
- Appendix/Attachments WITH PAGE NUMBERS
  - Table of Contents for appendix/attachments

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Delivery of the Report...

The importance of support



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THE DELIVERY OF THE REPORT CAN BE TRAUMATIC



Witnesses may say things that are surprising to the parties



Changing the trajectory of individual's lives

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CONSIDERATIONS

- WHAT IS THE BEST WAY TO DELIVER THE REPORT
- ARE THERE SUPPORT RESOURCES IMMEDIATELY AVAILABLE
- DO YOU NEED TO PROVIDE A HEADS UP THAT IT IS COMING
- NEXT STEPS
- APPEAL OPTIONS

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WRAP AROUND SUPPORT

1. INTAKE

INVEST
&
REPOR

3. POST RESOLUTION

4
FOLLO
&
CHECK IN

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Sustaining Compliance

Trainings

- Quarterly at most
- Use their time wisely
- Establish those relationships for reporting

Communication

- Updates from legal and outside entities
- Shared information internally

Community

- Importance of reporting and transparency
- Build a culture of openness
- Regular evaluation of school climate and practices



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What are the “Hot Spots”?

- Specific issue within the district or institution
- Rising number of complaints in certain area
- Review if complaints occur during noticeable times
- Employee issues higher under certain managers

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NEXT STEPS FOR SCHOOLS

- Appoint or confirm Title VI Coordinator
- Review and update nondiscrimination policies and grievance procedures
- Ensure accessible reporting mechanisms
- Audit complaint responses and disciplinary processes
- Train! Train! Train!

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Compliance + Compassion

People who feel dismissed:

- **Escalate**
- **Lawyer up**
- **Go public**

Compassion does not weaken compliance - it strengthens credibility, cooperation, and outcomes.

- **Impact > Intent**

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Whew!

That’s a wrap!



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