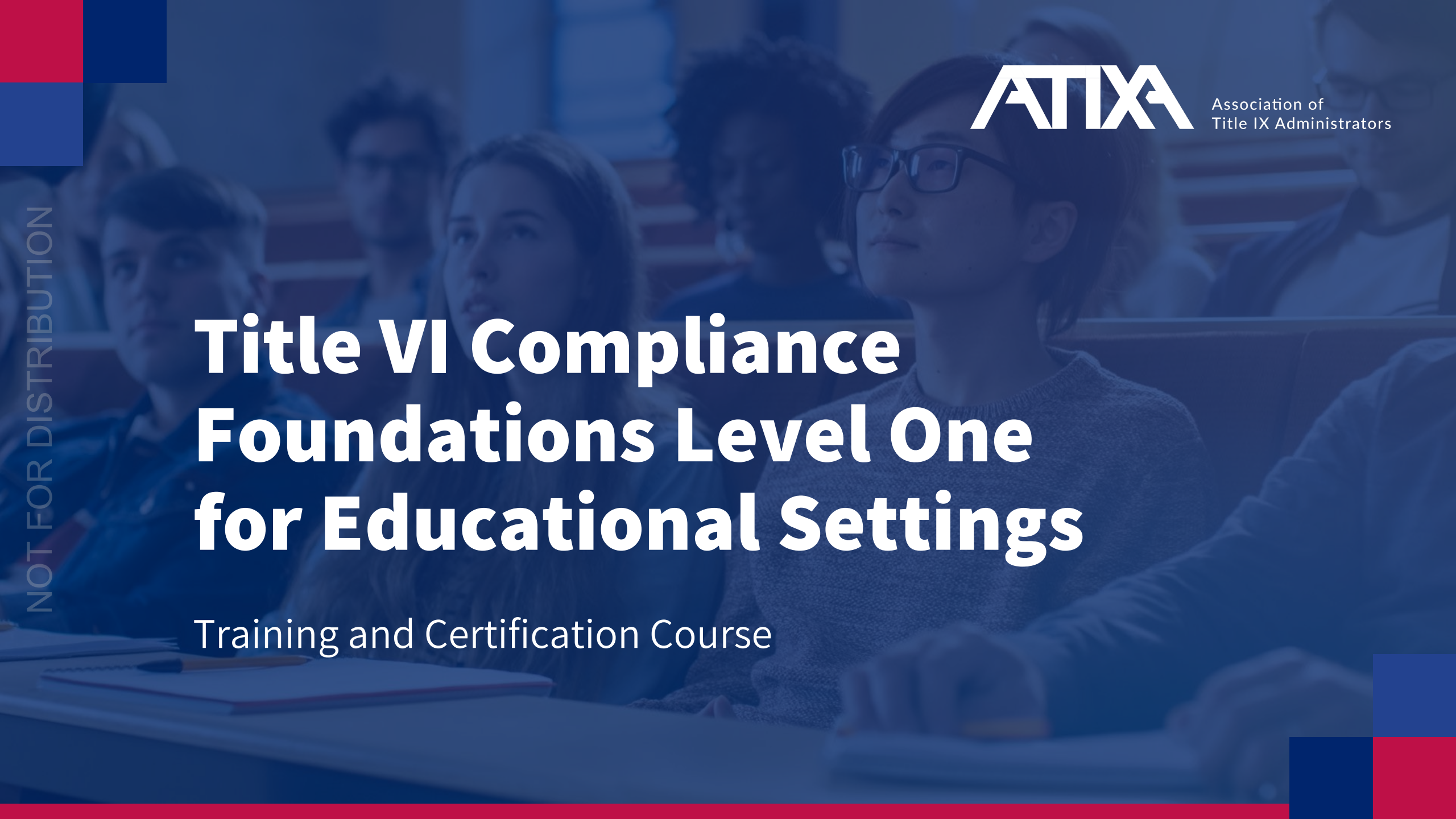


Association of
Title IX Administrators

NOT FOR DISTRIBUTION

Title VI Compliance Foundations Level One for Educational Settings

Training and Certification Course

WELCOME!

NOT FOR DISTRIBUTION

- Please log in to your ATIXA Event Lobby to access the training slides, supplemental materials, and to log your attendance.
- The ATIXA Event Lobby can be accessed by scanning the QR code or by visiting **www.atixa.org/atixa-event-lobby**.
- You will be asked to enter your registration email to access the Event Lobby.
- Links for any applicable training evaluations and learning assessments are also provided in the ATIXA Event Lobby.
- If you have not registered for this training, an event will not show on your Lobby. Please email **events@atixa.org** or engage the ATIXA website chat app to inquire ASAP.

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Any advice or opinion provided during this training, either privately or to the entire group, is **never** to be construed as legal advice or an assurance of compliance. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law in your jurisdiction, any applicable state or local laws, and evolving federal guidance.

Content Advisory

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.

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Content Advisory

The content and discussion in this course will necessarily engage with sexual harassment, sex 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 Title IX practitioners may encounter in their roles, including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Introduction

NOT FOR DISTRIBUTION



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



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



The goal of this course is to provide a comprehensive overview of Title VI and its application in educational settings to stop, prevent, and remedy potential Title VI violations and ensure compliance in K-12 schools and higher education institutions.

© 2025 Association of Title IX Administrators

Title VI Increasing Prominence

- Black Lives Matter protests and movement
- Antisemitic and anti-Islamic behavior, comments, and protests; BLM
  - Congressional hearings, college president resignations, investigations, withholding of federal funding
- 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)

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Introduction to Title VI

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Definitions

NOT FOR DISTRIBUTION

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

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

ATIXA Model Policy: Race

NOT FOR DISTRIBUTION

Race:

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

- This 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

© 2025 Association of Title IX Administrators

ATIXA Model Policy: Color

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

ATIXA Model Policy: National Origin

NOT FOR DISTRIBUTION

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

© 2025 Association of Title IX Administrators

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



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

“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)



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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)

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Sources of Title VI Compliance Obligations

- The compliance environment is evolving, especially in the education field
  - There are no comprehensive Title IX-style regulations guiding compliance
- Title VI compliance sources are a combination of:
  - Executive Orders
  - OCR Resolution Agreements
  - OCR sub-regulatory guidance
  - Department of Justice (DOJ)
  - Court cases
  - State laws



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Title VI Enforcement

© 2025 Association of Title IX Administrators

Enforcement Mechanisms

- Title VI compliance is enforced through the Department of Education's Office for Civil Rights (OCR), the DOJ, and other agencies
  - OCR/DOJ assesses for compliance with federal law
  - Individuals at or institutions may file complaints with OCR or DOJ
  - OCR/DOJ may investigate complaints and reach resolution agreements with the schools/institutions to remedy discrimination or harassment
- Individuals or the DOJ may also bring lawsuits in federal court
  - Courts develop their own standards for liability that may differ from OCR/DOJ compliance obligations

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Administrative Actions vs. Civil Lawsuits

NOT FOR DISTRIBUTION

Administrative Action

- Initiated by Federal Agency (e.g., OCR, DOJ)
- Voluntary compliance or findings
- Requires:
  - Actual **OR** constructive notice
  - Investigate
  - End harassment
  - Remedy effects
  - Prevent recurrence

Civil Lawsuits

- Filed in federal court
- Monetary damages, injunction
- Requires:
  - Actual notice
  - Employee with authority to act
  - Deliberate Indifference
- Disparate impact likely non-litigable

© 2025 Association of Title IX Administrators

OCR Enforcement

NOT FOR DISTRIBUTION

OCR administratively enforces Title VI compliance through:

- Data collection and publication
- Compliance reviews
- Complaint investigation and resolution
- Technical assistance
- Policy guidance
- Regulatory and sub-regulatory guidance
- Inquiry response
- Executive Order implementation

© 2025 Association of Title IX Administrators

Recent OCR Activity

- March 10, 2025: OCR notified 60 colleges and universities of potential enforcement actions for alleged antisemitic discrimination and harassment
- March 14, 2025: OCR opened 45 investigations into colleges and universities for partnering with “The Ph.D. project” for alleged racial discrimination
- April 3, 2025: OCR sent letters to State Commissioners of Education instructing them to certify compliance with Title VI and *SFFA v. Harvard*
  - Includes certification that institutions are not using “Illegal DEI practices"
- April/May 2025: ED, HHS, NIH – all have threatened and/or frozen funds in relation to alleged Title VI discrimination

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Sub-Regulatory Guidance

© 2025 Association of Title IX Administrators

Title VI OCR Sub-Regulatory Guidance

NOT FOR DISTRIBUTION

- Does not have the force of law
  - The Court's decision in **Loper Bright Enterprises v. Raimondo (2024)** ended the practice of courts deferring to agencies' interpretations of ambiguous statutes, shifting the responsibility of statutory interpretation solely to the judiciary
- Enables federal agencies to respond to emerging trends, patterns, or areas of concern
- Can be informed by Executive Orders
- Can be helpful sources of OCR compliance expectations, though OCR Title VI priorities tend to shift with each administration
  - Identify areas to audit, assess
  - Fill in gaps and address blind spots

© 2025 Association of Title IX Administrators

Examples of OCR Title VI Guidance

- **March 2025** – FAQ About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act
- **February 2025** – Dear Colleague Letter (SFFA v. Harvard)
- **July 2024** – Fact Sheet on Harassment based on Race, Color, or National Origin on School Campuses
- **May 2024** – Fact Sheet on race, color, or national origin on Equal Terms 70 Years After Brown v. Board of Education
- **May 2024** – Dear Colleague Letter on Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics
- **March 2024** – Dear Colleague Letter on Addressing Discrimination Against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian students

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

OCR Title VI Resolution Agreements

© 2025 Association of Title IX Administrators

Title VI Resolution Agreements

- OCR Resolution Agreements are instructive, like a case study, regarding different elements of Title VI compliance
- In response to a report, OCR may choose to open an investigation
  - Conduct a records review and interviews
  - Draft an investigation report
  - Seek voluntary compliance in the form of an agreement with the school/institution
- Resolution agreements are binding only on the parties, but broadly provide the field with OCR's enforcement priorities and standards
- Although there are a few from the Trump Administration, some from the Biden Administration use similar standards

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

OCR Title VI Standard

- OCR could find a Title VI violation in its enforcement work if it determines that:
  - A hostile environment based on race, color, or national origin exists; and
  - The school/institution had actual or constructive notice of the hostile environment; and
  - The school/institution failed to take prompt and effective steps reasonably calculated to
    - End the harassment,
    - Eliminate any hostile environment and its effects, and
    - Prevent the harassment from recurring

Source: OCR Dear Colleague Letter: Title VI and Shared or Ethnic Characteristics Discrimination, 05/07/24

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

OCR Resolution Agreement: University of Illinois Urbana-Champaign (UIUC)

September 2024

© 2025 Association of Title IX Administrators

Resolution Agreement: UIUC

- Prompted by a complaint alleging numerous incidents of antisemitism, including:
  - The recurring appearance of swastikas throughout campus
  - Mezuzahs ripped off students' doors
  - Brick thrown through the window of a Jewish fraternity
- OCR reviewed 139 reports between 2015 – 2023
  - University programs charged with responding to complaints of national origin harassment **lacked coordination** and **inconsistently applied university policies and procedures**
  - Led to gaps in the university's ability to address a hostile environment

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Resolution Agreement Example: UIUC

NOT FOR DISTRIBUTION

UIUC agreed to take the following actions:

- Review and revise its nondiscrimination policies and procedures
- Review and revise its protest and demonstration policy
- **Provide training** to university law enforcement personnel as well as to all employees and staff responsible for investigating complaints
- **Conduct annual training** on discrimination based on national origin, including harassment based on shared ancestry or ethnic characteristics, for all faculty, staff, and students
- **Conduct a review** of the university's response to complaints and reports during the 2023-2024 academic year and **take necessary remedial actions**
- **Provide OCR with information** regarding any complaints alleging discrimination including harassment, on the basis of shared ancestry during the 2024-2025 school year
- **Administer a climate survey** to students and staff and create an action plan

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

OCR Resolution Agreement: Norwin School District

September 2024

© 2025 Association of Title IX Administrators

Resolution Agreement: Norwin School District

- Over 10 months in 2021, students engaged in **repeated, racially harassing conduct** on social media and in group chats, including race-based slurs and other racially offensive material
- **The District failed to:**
  - Evaluate whether reported incidents created a racially hostile environment for students
  - Identify some incidents as race-based harassment
  - Take action designed to redress the racially hostile environment or mitigate its effects
- The District referred the matters to the local police but did **not** otherwise respond
- Specifically, the District failed to respond to two students who had participated in prior racially harassing incidents the District had declined to address as harassment
  - A photo of the students wearing Confederate flag attire circulated on social media with a caption titled “kool kids klub” referring to the Ku Klux Klan

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Resolution Agreement: Norwin School District Cont.

NOT FOR DISTRIBUTION

The District agreed to:

- Review the incidents that occurred at the middle and high school during the 2021-2022 school year to **stop, prevent, and remedy** the hostile environment for impacted students
- **Provide Title VI training** to all middle and high school administrators, faculty, and staff
- **Require an orientation session** for middle and high school students on Title VI policy/procedures
- **Conduct a climate survey** at the middle and high schools
- **Post information** on District websites and in parental communications about filing complaints
- **Conduct an audit** of all racial harassment complaints at the middle and high school during the 2021-2022, 2022-2023, and 2023-2024 school years to ensure that the District is responding to incidents of racial harassment in compliance with Title VI
- **Retain a consultant** with expertise to design and deliver training and a climate survey

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Title VI Coordinator Role

© 2025 Association of Title IX Administrators

Designate a Title VI Coordinator

NOT FOR DISTRIBUTION

Designate a Title VI Coordinator (TVIC)

- 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



© 2025 Association of Title IX Administrators

Essential Compliance Elements

Title VI policy and procedures should permit the school/institution to **promptly** respond to actual or constructive notice of discrimination or harassment on the basis of race, color, or national origin

1

STOP discriminatory conduct

2

PREVENT recurrence, on both individual and school/institutional levels

3

REMEDY the effects of discrimination, on both individual and school/institutional levels

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Point Person for Reports and Complaints

- TVIC receives all reports or complaints regarding race, color, and national origin-based harassment, misconduct, and discrimination
- School/institution may designate multiple entry points for information or reports
  - Online reporting tool, allowing for anonymous reports
  - Deputy Title VI Coordinator(s)
- TVIC contact information should be included within:
  - The school/institution's website
  - All handbooks or catalogs provided to applicants, students, employees, and unions

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Title VI Compliance Oversight

TVIC Responsibilities:

- **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
  - Administer climate surveys and track systemic issues or patterns
  - Create action plans to address gaps or areas for improvement
  - Create and disseminate annual compliance report
  - Conduct barrier analysis
- **Train school/institutional community** on Title VI and how to make a report

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Title VI Compliance Oversight, Cont.

TVIC Responsibilities:

- Develop and maintain accurate web and print-based Title VI publications
- Liaise with school/institutional legal counsel
- Respond to government inquiries
- Maintain records



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Training for Students and Employees

- Providing training for students and employees is a consistent component of OCR Title VI Resolution Agreements
- **Recommended training topics:**
  - Purpose of Title VI and definitions
  - Examples of prohibited discrimination
  - School/Institution's:
    - TVIC name and contact information
    - Reporting options
    - Obligation to respond to reports implicating Title VI
  - Communicating and working across difference
  - Strategies for preventing discriminatory practices in classrooms/education programs

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Notice of Non-Discrimination

- Adopt and **prominently publish** on school/institutional website and in handbooks or catalogs
- Required elements:
  - A statement that the school/institution does not discriminate on the basis of **race, color, or national origin, including shared ancestry,** and prohibits discrimination in any education program or activity
  - School/institution Title VI personnel/office information
  - Location of policy and grievance procedures
  - Instructions on how to make a report
  - Information about filing a complaint with the school/institution and OCR/state civil rights commission

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Recordkeeping

- **TVIC 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)



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Title VI Compliance Team

© 2025 Association of Title IX Administrators

Building the Title VI Team

NOT FOR DISTRIBUTION

Title VI Coordinator

- Trained and agile
- Consider title, office location or department, supervisory responsibilities, and supervisor
- ATIXA recommends reporting to President/Cabinet-level
- Must have autonomy and independence

Considerations for Building a Team

- Individual's workload and availability
- Potential conflict of interest of bias
- Role at school/institution
- Educational credentials or professional experience
- Social media activity
- Social group memberships
- Volunteer affiliations

© 2025 Association of Title IX Administrators

Title VI Team Roles

NOT FOR DISTRIBUTION

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

© 2025 Association of Title IX Administrators

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)

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Discussion: Current Staffing Structure

© 2024 Association of Title IX Administrators

Structuring the Title VI Team

- The Title VI team should be large enough to fulfill separation of roles
- To reduce conflicts of interest and bias, and manage attrition/turnover/burnout, TVICs should overrecruit and train all possible backups
- Cross-training with Title IX team members may be an effective strategy to ensure high-quality training, expertise, effective resource management



NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

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



NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

Title VI Team Designations

When building the Title VI team, TVIC(s) should consider:

- Individuals' workloads and availability
- Conflicts of interest and bias
- Primary role within school/institution
- Previous education, professional experience, or research
- Social media activity
- Social group memberships
- Volunteer affiliations



NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

Recruitment and Vetting

- Title VI teams may include paid employees who assume Title VI roles as additional responsibilities (e.g., teachers, faculty, staff, administrators, and coaches); may include Title IX Team members
- May contribute their time and expertise to support Title VI through:
  - Prevention education and programs
  - Awareness campaigns and trainings
  - Fulfillment of specific team roles (e.g., Investigator, Advisor)
- Recruiting considerations
  - Provide clear role expectations, including time commitments and training
  - Establish selection criteria
  - Request nominations from supervisors and senior leadership
  - Conduct background checks and screen for concerns

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

External Staffing Evaluation

- External firms or consultants may supplement or fill Title VI team roles
  - Interim role
  - One-time support for investigations, decision-making, appeals, etc.
  - Ongoing support for policy review, consultation, etc.
- For more extensive bench coverage, consider The FAIR Center

External Support Considerations

- Professional portfolio and reputation
- Title VI complaint resolution experience
- Average completion time and cost for similar scope of work
- Availability and timely communication
- Opportunity to review anonymized final work product to screen for quality
- Confirmation of training
- Familiarity with school/institution context

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

Recommended Training

- **The Title VI team should receive comprehensive training on:**
  - School/institution's response obligations to reports/complaints of potential discrimination and harassment
  - School/institution's non-discrimination policy and resolution procedures
  - Title VI definitions and scope of coverage
  - Serving impartially and without conflicts of interest or bias
  - Role-specific skills (e.g., credibility assessment, analyzing speech, rationale writing)
  - Trauma-informed practices
  - Legal updates and case law
- **Some schools/institutions will choose to cross-train Title VI team members**
  - Expands the pool of available trained practitioners
  - Provides a more comprehensive understanding of the Title VI Resolution Process

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

Title VI Team Supervision/Oversight

- Requires ongoing leadership, support, and oversight to ensure compliance obligations and school/institutional needs are met
- Often not their actual supervisor, but TVIC will oversee part of their work
- **Key strategies, include:**
  - Clear expectations for roles and responsibilities
  - Ongoing training and individualized professional development opportunities, particularly with evolving requirements and expectations
  - Supervisory availability and support
  - Prompt and honest work product feedback
  - Resource allocation
  - Professional ethics modeling

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

Managing Team Member Complaints

TVIC must manage complaints about a Title VI team member with a sensitive and comprehensive approach, including:

- Prompt response
  - May need to investigate and gather information
- Consultation with legal counsel, human resources, or other supervisory staff (if appliable)
- Supportive Measures (if appropriate)
- Take appropriate action with rationale
  - Determine if there is mishandling, bias, or a conflict of interest
  - Remove the Title VI team member from the current complaint
  - Provide remedial training and education
  - Remove the individual from the Title VI team

NOT FOR DISTRIBUTION

© 2024 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Title VI Policy Elements

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Title VI Jurisdiction

- **Title VI applies to:**
  - Any individual
  - In the "program or activity"
  - In the United States
  - In-program "downstream" effects
- **Important to 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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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)

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

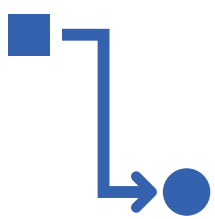
Types of Discrimination

NOT FOR DISTRIBUTION



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

© 2025 Association of Title IX Administrators

ATIXA Model Policy Definition: Disparate Treatment

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Title VI Hostile Environment: OCR Definition

- OCR has provided the following criteria for determining whether a hostile environment may exist:
  - Harassing conduct that is
    - sufficiently severe, pervasive, **or** persistent
    - so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school /institution
- Harassing acts do not need to be targeted at the Complainant to create a hostile environment
  - Acts may be directed at anyone
  - Harassment need not be based on the Complainant's or victim's race, color, or national origin, but must be motivated by it

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

ATIXA Model Policy Definition: Hostile Environment Harassment

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Totality of the Circumstances

Encompasses:

- Frequency, nature, and severity of the conduct
- Identity of and relationship between the parties
- Age of the parties
- Size of the school/institution, location of the incidents, and context in which they occurred
- The conduct unreasonably interfered with Complainant's educational/work performance
- Effect on the Complainant's mental or emotional state
- Whether the statement was the (mere) utterance of an epithet
- Whether the speech or conduct is protected by academic freedom or the First Amendment

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Subjectively and Objectively Offensive

- **Subjectively Offensive:**
  - Typically relies on statements made or evidence provided by Complainant and others
  - Usually established by the Complainant's testimony or the fact that they made a report/complaint
- **Objectively Offensive:**
  - "Reasonable Person" standard
  - Context in which the alleged incident occurred and any similar, previous patterns that may be evidenced
  - Usually look at similar grade level, age, and protected class to the Complainant
    - "in the shoes of the Complainant"

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Severity

- Egregious; more than just hateful, rude, or insulting behavior
- Actions are more likely to be severe when
  - They are accompanied by physical conduct, threats, and/or violence
- Consider the circumstances/context (e.g., the ability for Complainant to remove themselves from the harassment)
- Some symbols are “inextricably connected” to such acts of discrimination and hatred that a single incident involving them can meet the standard
  - A noose used to represent the hanging of Black people
  - Swastikas painted on the residence hall room door of Jewish students

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Pervasiveness

- Pervasiveness hinges on whether the behavior is
  - Widespread
  - Openly practiced
  - Well-known among students or employees
    - Impacting the reputation of a department, person, etc.
  - Distributed
- Behavior that occurs in public spaces and information posted online or shared electronically is more likely to be pervasive
- Persistence, the quality of repetition (especially when acts are concentrated in time rather than dispersed) can also likely satisfy the standard

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

ATIXA Model Policy Definition: Retaliation

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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 obligated to respond



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Constructive Notice

A school/institution is "on notice" of a 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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Constructive Notice Cont.

"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."

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

NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

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



NOT FOR DISTRIBUTION

© 2025 Association of Title IX Administrators

Policy and Procedures Development

NOT FOR DISTRIBUTION

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

© 2025 Association of Title IX Administrators

NOT FOR DISTRIBUTION

Questions

© 2025 Association of Title IX Administrators

ALL ATIXA PROPRIETARY TRAINING MATERIALS ARE COVERED BY THE FOLLOWING LIMITED LICENSE AND COPYRIGHT

By purchasing, receiving, and/or using ATIXA materials, you agree to accept this limited license and become a licensee of proprietary and copyrighted ATIXA-owned materials. The licensee accepts all terms and conditions of this license and agrees to abide by all provisions. No other rights are provided, and all other rights are reserved. These materials are proprietary and are licensed to the licensee only, for their use. This license permits the licensee to use the materials personally and/or internally to the licensee's organization for training purposes only.

If these materials are used to train Title IX personnel, they are subject to 34 C.F.R. Part 106. If you have lawfully obtained ATIXA materials by registering for ATIXA training, you are licensed to use the materials provided for that training.

34 C.F.R. 106.45(b)(10) (2020 Regulations) requires all training materials to be publicly posted on a Recipient's website. Licensees subject to the 2020 Title IX Regulations may download and post a PDF version of training materials for their completed training to their organizational website to comply with federal regulations. ATIXA will provide licensees with a link to their materials. That link, or links to the materials on that page only, may be posted to the licensee's website for purposes of permitting public access to the materials for review/inspection only.

You are not authorized to copy or adapt these materials without ATIXA's explicit written permission. No one may remove this license language from any version of ATIXA materials. Should any non-licensee post these materials to a public website, ATIXA will send a letter instructing the licensee to immediately remove the content from the public website upon penalty of copyright violation. These materials may not be used for any commercial purpose except by ATIXA.

NOT FOR DISTRIBUTION