



INSTITUTIONAL COMPLIANCE SOLUTIONS

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Institutional Compliance Solutions

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2026 Virtual Civil Rights Compliance Training

September 2026



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.



Agenda & Goals

- The State of Events
- Refresh of Title VI, VII, & IX
- Freedom of Speech
- ADA and Pregnancy Challenges
- Challenges to Investigations and Report Writing
- Report Drafting
- Compliance with Compassion
- Q&A Session



Realities:

- ✓ More responsibilities with fewer resources
- ✓ Rapid changes in federal enforcement priorities
- ✓ Increase in reporting
- ✓ Rapid speed of this administration



What is Happening?!

2026/2027

**Executive
Orders**



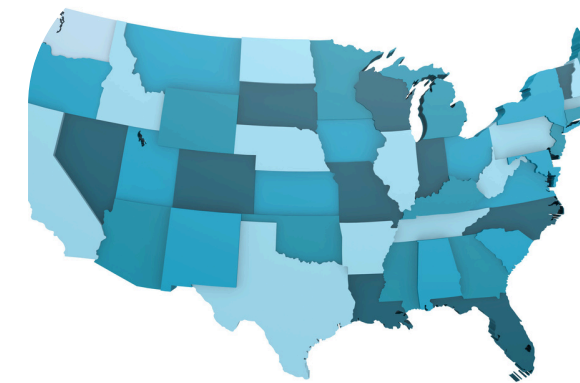
Litigation



**Supreme
Court**



**State
Laws**



**Administrative
Actions**





INSTITUTIONAL COMPLIANCE
SOLUTIONS

COMPLIANCE CUL-DE-SAC

TITLE VI



TITLE IX



ADA



TITLE VII



IDEA

Overview of The Laws



New Message

ToICS Office of Compliance

SubjectComplaint

I recently attended an open seminar with Professor Gray on International Conflict. During the talk, Professor Gray sparked discussions that quickly got out of hand, and many students were endorsing Hamas and accused Jews of being baby killers. Although Professor Gray didn't make the comments, it was clear that he agreed with this hate speech and allowed it to continue. Due to the severity of these antisemitic comments which offended me as a Jewish student, I am demanding his removal from the department.

Send

New Message

To ICS District Office

Subject Complaint

Over the course of this school year, my child has been repeatedly disciplined for alleged “disruptive behavior,” including speaking Spanish with classmates during group activities. I am concerned because I am not aware of similar disciplinary actions being taken against non-Latino students for the same things. My child has felt singled out and uncomfortable participating in class.

Additionally, my child was recently removed from an advanced science class despite meeting all academic eligibility requirements. I was informed that the class might be “too challenging” due to English being my child’s second language. This decision was simply wrong. It was made to hurt my child and keep her from these opportunities.

Send

Intent v. Impact

Intent is central to DOJ's current Title VI liability position, but coordinators should not wait for direct evidence of discrimination or bias.

Unequal treatment, inconsistent explanations, procedural departures, comparative evidence, repeated notice, and failure to restore equal access may reveal intentional discrimination or support other enforcement theories.



Delay



Minimizing
Behavior



Inconsistent
Responses



Was this meant to discriminate?

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

ACCESS



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



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



Protected Activities Continued...

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





Discriminatory Treatment

Harassment Hostile Environment

Under Administrative Enforcement-

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.





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.



Ellensburg School District (K-12)

DOJ's December 2024 agreement followed findings of widespread race-, national-origin-, and sex-based peer harassment, including slurs, threats, assaults, and resulting avoidance, absences, withdrawal from activities, and transfers.

DOJ focused on the district's knowledge and ineffective response, not only on whether individual incidents were formally reported under the correct policy.

Required reforms included a district coordinator, Spanish-speaking family liaison, centralized electronic tracking, support services, staff/student training, and annual climate assessments.

Coordinator takeaway: Aggregate reports across schools and offices. Escalation, recurrence, educational effects, and language-access barriers are warning signs that isolated discipline is not an adequate civil-rights response.



Aiken County Public Schools (K-12) - English learner access

- DOJ's September 2024 EEOA settlement addressed inadequate language instruction for hundreds of English learners, barriers in core subjects, insufficiently qualified or trained staff, and inadequate interpretation/translation for families.
- The agreement required qualified language-instruction personnel, support for core-content teachers, parent language access, and a community advisory structure.
- This matter proceeded under the EEOA, illustrating that a coordinator should issue-spot overlapping authorities rather than force every national-origin concern into Title VI alone.

Coordinator takeaway: When a complaint involves placement, access to advanced courses, special education, or parent communication, examine program design and language access—not merely discriminatory comments or intent.



UCLA - hostile environment and physical exclusion

- DOJ issued a July 2025 notice alleging Title VI and Equal Protection violations based on deliberate indifference to harassment of Jewish and Israeli students.
- In May 2026, DOJ filed suit, alleging assaults, physical obstruction, exclusion from academic buildings, and deprivation of educational opportunities during and after campus demonstrations.
- The complaint is an allegation, not a final judicial determination. It nevertheless identifies DOJ's present enforcement theory: protected protest does not excuse discriminatory exclusion, assault, or institutional inaction.

Coordinator takeaway: During demonstrations, use content-neutral rules and document access restrictions, targeted conduct, notice, safety actions, support offered, and why any restriction or discipline was tied to conduct rather than viewpoint.



Post-SFFA admissions enforcement

- In July 2026 DOJ found that UC San Diego School of Medicine used race and racial proxies in its admissions process, including alleged use of “hardship” groupings to increase interviews for favored racial groups.
- In August 2026 DOJ found that George Washington University Medical School used essays and other application information to identify race and influence interview/admission decisions.
- These are agency findings, not court judgments. DOJ stated that it would seek settlement and sue if voluntary compliance failed.

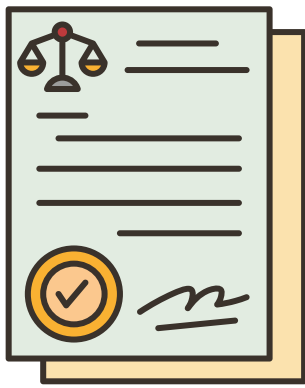
Coordinator takeaway: Audit the full decision chain—not only race checkboxes. Review essay prompts, rubrics, reviewer instructions, interview selection, scholarships, affinity-program eligibility, coded criteria, data dashboards, and communications for race-based purpose or operation



Investigations are risk signals—not findings

- George Mason University: DOJ opened a July 2025 Title VI review concerning admissions, scholarships/student benefits, and response to antisemitism.
- CUNY: DOJ opened a June 2026 review of whether a system initiative distributes educational benefits based on race, while expressly stating that it had reached no conclusion.

Coordinator takeaway: For identity-focused programs, document open eligibility, individualized criteria, legitimate program objectives, and actual implementation. Treat program names and marketing language as part of the evidence, not as dispositive proof.



Disparate impact - current DOJ position

Executive Order 14281 (April 2025) directed agencies to deprioritize disparate-impact enforcement and initiate repeal or amendment of relevant regulations.

DOJ's December 2025 final rule removed disparate-impact liability from DOJ's Title VI regulations and stated that DOJ will require **intentional discrimination**.

Do not translate this into "statistics no longer matter." Disparities, departures from ordinary practice, shifting explanations, proxy criteria, and comparative evidence may still support an inference of intentional discrimination. Other statutes, regulations, state laws, accreditation rules, or court orders may also apply.

Coordinator takeaway: Frame the intake question as: What evidence suggests different treatment or discriminatory purpose?

Preserve comparative data while testing neutral explanations and consistency.

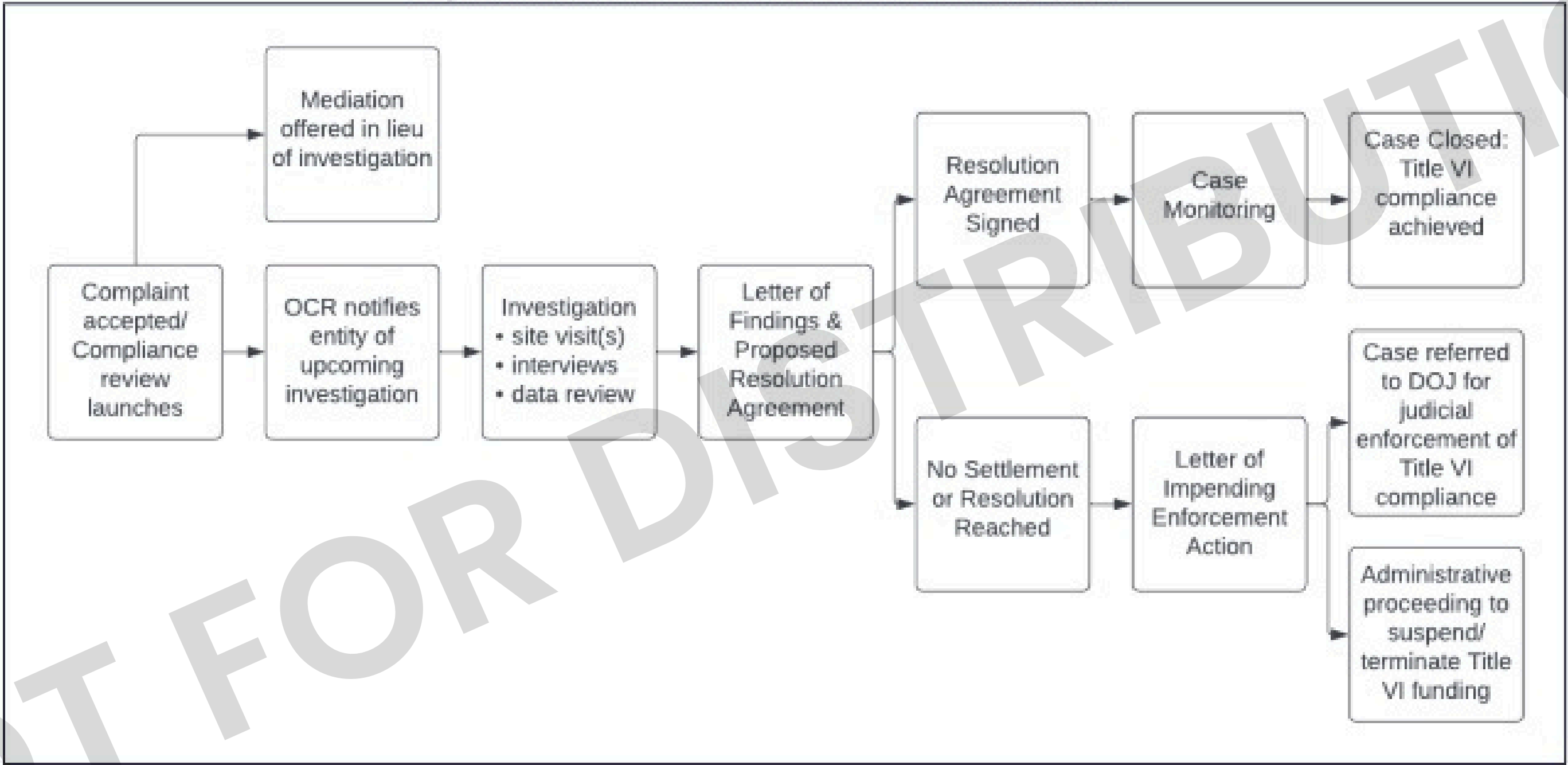
OCR has developed a Shared Ancestry or Ethnic Characteristics website,

which can be found here:



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.

HYPOTHESIS



Leila, a Lebanese-American high school student, reports that classmates have repeatedly called her a “terrorist,” told her to “go back to the Middle East,” and posted her photograph with a bomb emoji. One student recently blocked her from entering the cafeteria while making a comment about “people like her.” Leila previously told two teachers about the comments. One teacher described them as political disagreements, while the other advised her to ignore them. Leila has since missed several days of school and stopped attending an extracurricular activity.

One accused student claims the comments were jokes and political speech. The assistant principal asks whether the matter should be handled as a Title VI complaint or ordinary student misconduct.

Understanding Title VII

Enforced by EEOC

NOT FOR DISTRIBUTION

New Message

To ICS HR

Subject Third Party Complaint form

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 alleges that her department chair, Dr. Thomas Reed, has treated her differently based on her race, national origin, and sex. Specifically, Maya claims she has experienced the following:

- larger course loads
- negative performance reviews with no specifics
- publications held to higher standards

Send

Title VII Prohibits Employment Discrimination based on:

- Race
- Color
- Sex
- National Origin
- Sexual Orientation
- Gender Identity
- Pregnancy
- Religion

Other Civil Rights Protections:

- Mental or Physical Disability
- Immigration Status
- Age
- Veteran Status



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

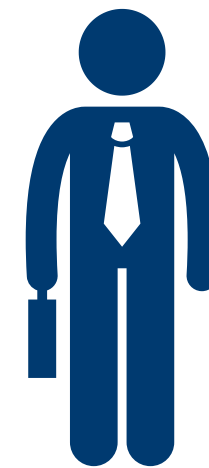
- ☒ Private & public sector employers w/15 or more workers
- ☒ State and local governmental agencies
- ☒ Employment agencies
- ☒ Apprenticeship programs



What Individuals are Protected from Discrimination Under Title VII?



Applicants



Former
Employees



Employees



Title VII Cases:

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 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 minimis v. Substantial Hardship



Understanding Free Speech & Academic Freedom



HYPPO



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 sent multiple derogatory messages through social media despite being asked to stop.

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.



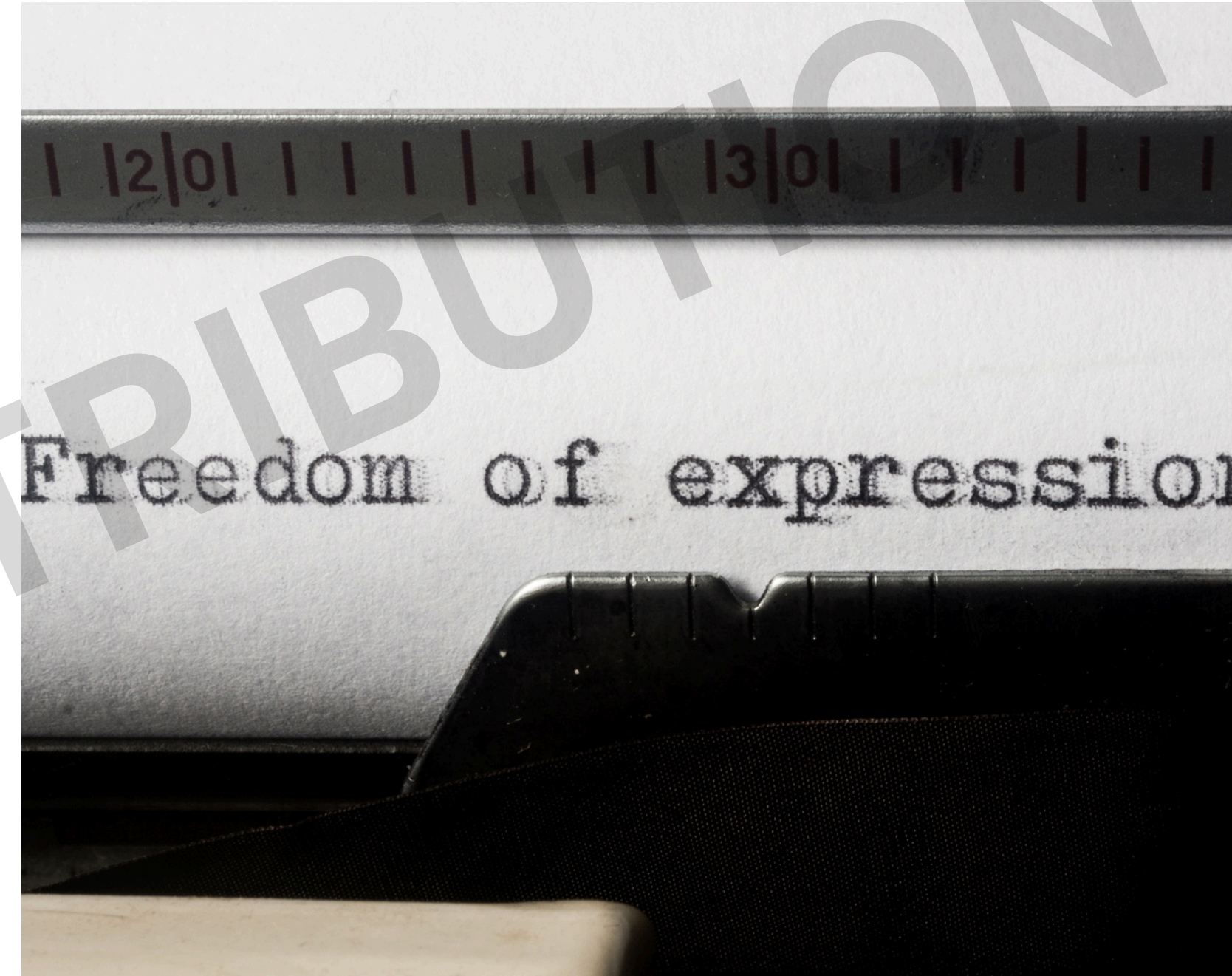


A public institution may not punish constitutionally protected speech merely because it is offensive.

Protected advocacy v. targeted threats, exclusion, obstruction, vandalism, assault, and discriminatory denial of access



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.





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?*

Americans with Disabilities Act

Enforced by the Department of Justice

ADA

AMERICANS WITH
DISABILITIES ACT



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

- Students qualify if they have an impairment that substantially impacts one or more major life functions (learning included)
- Requires schools to make reasonable accommodations and modifications towards programs and activities to make them accessible
- Can apply to discipline if schools discriminate in discipline on the basis of disability
- Allows for civil suits and covers anti-retaliation



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.



Discrimination Based on Disability



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. (Public K12s, public colleges, city government, and public transportation.



Title III

Title III of the Americans with Disabilities Act of 1990 applies to private entities operating place of public accommodation (private schools and colleges, hotels, restaurants, stores, theaters, healthcare offices)



Accommodations

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





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**

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



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!!

CAUSES OF ADA LITIGATION

- Interactive Process was not documented
- The institution stopped too early in the process
- Outright denial of accommodation requests with no undue burden identified
- Decisions were made about the employee instead of with the employee
- Failure to preserve documentation.





Recent Case Under the ADA:



Payan v. Los Angeles Community College District (9th Circuit)

- Two blind community college students alleged that instructional materials, websites, software, and other educational resources were inaccessible.
- Jury found multiple intentional violations of ADA Title II and awarded damages. The jury reinstated awards of \$218,500 and \$24,000.
- Jury found that providing accommodations on paper is insufficient when inaccessible materials continue to prevent meaningful participation.

Coordinator takeaway: Colleges should monitor whether approved accommodations are actually delivered in time and whether websites, learning-management systems, PDFs, textbooks, software, and instructor-created content are accessible.



Recent Case Under the ADA:



Yarmey v. University of Pennsylvania

- A student in a post-baccalaureate pre-health program alleged violations of ADA Title III and Section 504 after health problems affected his coursework and incomplete grades became failures.

The court affirmed judgment for the university:

- Penn provided extensions, extended testing time, counseling, individualized guidance, and nonstandard grade treatment.
- Denial of some requested accommodations did not establish denial of meaningful access or full and equal enjoyment.

Coordinator takeaway: Schools need not approve every requested accommodation. The record should show an individualized assessment, accommodations actually provided, reasons for denying particular requests, continuing communication, and whether the student retained meaningful program access.

Understanding Title IX

Enforced by Office for Civil Rights



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.”



Title IX Sectors

**PRESCRIPTIVE
PROCESS**



**TITLE IX SEXUAL
HARASSMENT**



**EQUITY IN
ATHLETICS**



**PREGNANCY &
RELATED
CONDITIONS**

2020 SEXUAL HARASSMENT

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.



Jurisdiction 2020

Education Program or Activity



Locations, events, or circumstances (operations) over which the school or district 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.

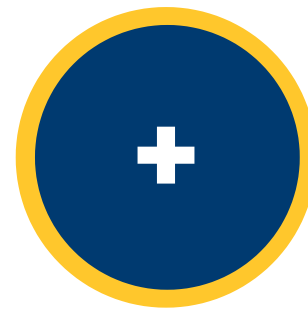


Does not create or apply a geographic test, does not draw a line between "off campus/property" and "on campus/property," & does not create a distinction between sexual harassment occurring in person vs online.

2020 REGULATIONS



**TITLE IX SEXUAL
HARASSMENT**



**EDUCATION
PROGRAM/
ACTIVITY**



**TITLE IX FORMAL
GRIEVANCE
PROCESS**

HYPOTHESIS



Jordan Lee is a seventh-grade science teacher and the only male teacher on the school's grade-level team. When the team-lead position becomes available, Jordan applies but is not selected. The principal appoints a female teacher with less experience and tells Jordan that "middle-school parents are more comfortable bringing sensitive student concerns to a woman." Jordan also claims that female teachers are routinely selected for leadership opportunities while male teachers are assigned more student-discipline duties. Jordan files a gender-discrimination complaint. During intake, he also reports that the principal has occasionally commented that he is "too attractive to be teaching middle school" and once joked during a staff meeting that the female teachers probably enjoy having him on the team. Jordan states that the comments embarrassed him but occurred only a few times.

Sex Discrimination under Title IX



Sex Discrimination under Title VII



Pregnancy and Accommodations



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.



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





**DON'T
FORGET!**

State Laws!

NOT FOR DISTRIBUTION

TRIAGING CIVIL RIGHTS CASES



Does the behavior fall under Title IX, VI, VII or something else?

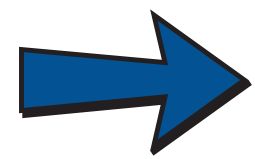
Protected
Characteristic?

Isolated incident?

Denial of Equal
Access?

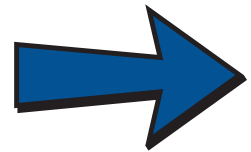
Retaliation?

What Does the School Need to Do Now?



Assess immediate needs:

- Safety,
- Access,
- Risk of retaliation
- Supportive measures



Determine the appropriate pathway:

- Title VI process
- Title IX implications
- Student conduct or employee process
- Another civil-rights process
- More than one process at the same time

Report #1

A Latina teacher reports that the principal gives her more difficult student assignments than White teachers and recently denied her request to lead an after-school program. She also states that her son, who attends the school, has been disciplined for speaking Spanish with classmates.

Which concerns may fall under Title VI, Title VII, student conduct, or another policy?

Report #2

An international student reports that a professor repeatedly mocks his accent and gives him fewer research opportunities. A staff member from the same country states that the professor also excludes her from department meetings and recently denied her a promotion.

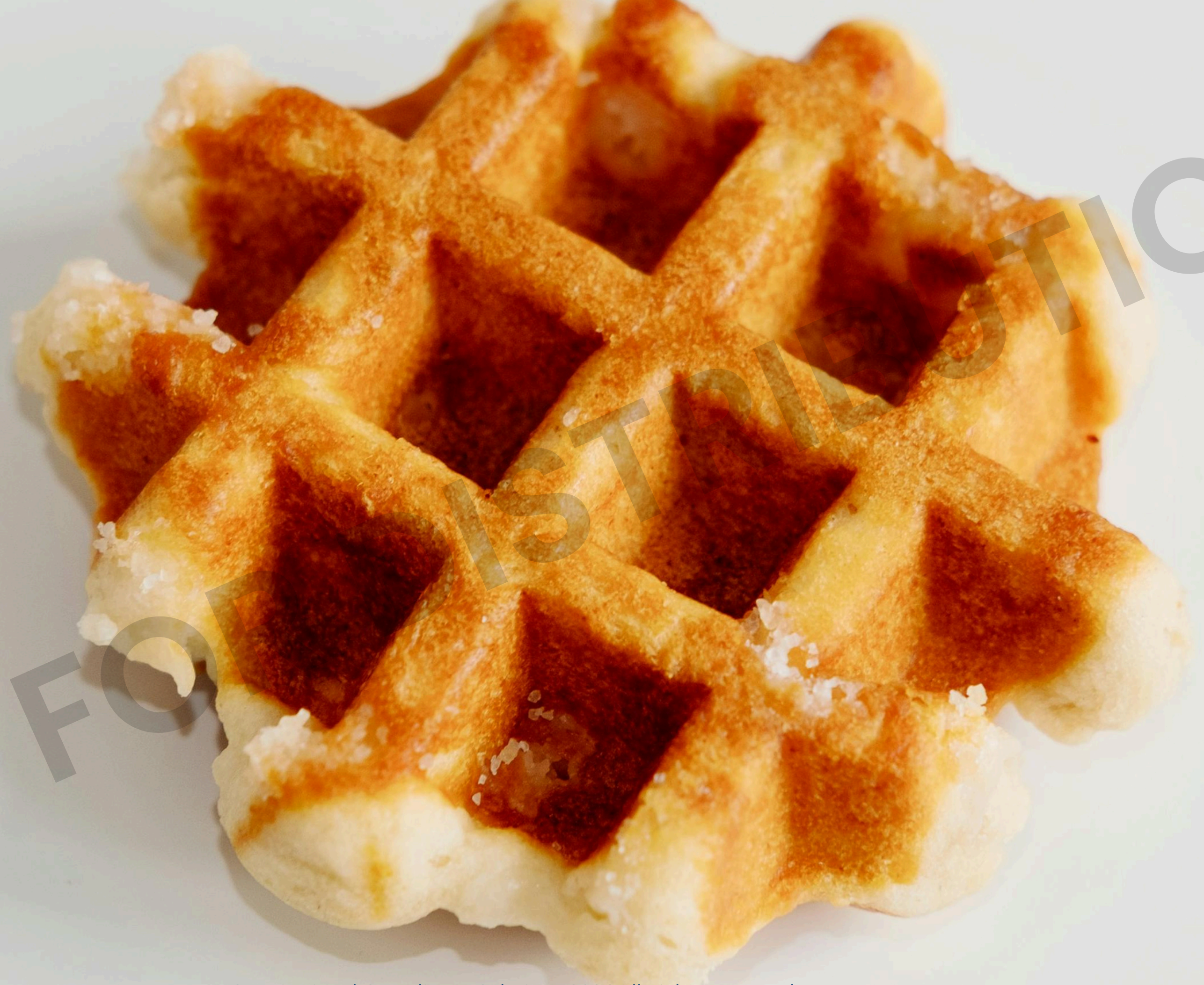
Which concerns may fall under Title VI, Title VII, faculty conduct, or another policy?

CONDUCTING CIVIL RIGHTS INVESTIGATIONS AND THE CHALLENGES



What is the hardest
part about
investigating Civil
Rights Cases?





Part 1: Before You Start...

The importance of
preparation



PREPARATION
IS THE KEY



What's Your Elevator Speech?

- Thanks
- Resources
- Response

What are you investigating?

Title IX

Title VI

Title VII

**Code of
Conduct**

Other?

Internal Handbooks and Expectations



**Student Handbook
Code of Conduct**



**Faculty Handbook
Code of Conduct
Union Agreement?**



**Staff & Employee
Handbook
Code of Conduct**



What information do you have?

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

- Data review or document collection
- Comparator information
- Any evidence discussed in the report

Developing a Plan

- 1 Notice of investigation
- 2 Order of interviews (be prepared to pivot)
- 3 Communicating with parties and witnesses
- 4 The role of advisors or support person
- 5 Outline of questions (to be edited as information develops)

Define the Allegations Before Gathering Evidence

For each allegation, identify:

1. The specific act, decision, statement, or omission
2. The responsible person or institutional office
3. The protected characteristic involved
4. The applicable policy or civil-rights law
5. The relevant timeframe and location
6. The adverse action or denial of access
7. The elements that must be proven

Avoid: Investigating a broad complaint of “discrimination” without defining the precise allegations.

Part 2: Opening the Meeting...

The importance of
transparency



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.
- Check your biases and your face!



Remember: neutrality is a discipline, not a character trait

You practice neutrality by:

- Checking your facial reactions
- Slowing down your conclusions
- Letting the facts guide you



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?

INTRODUCTION



Who are you?



What is your responsibility?



What policy/policies & procedures are you using?



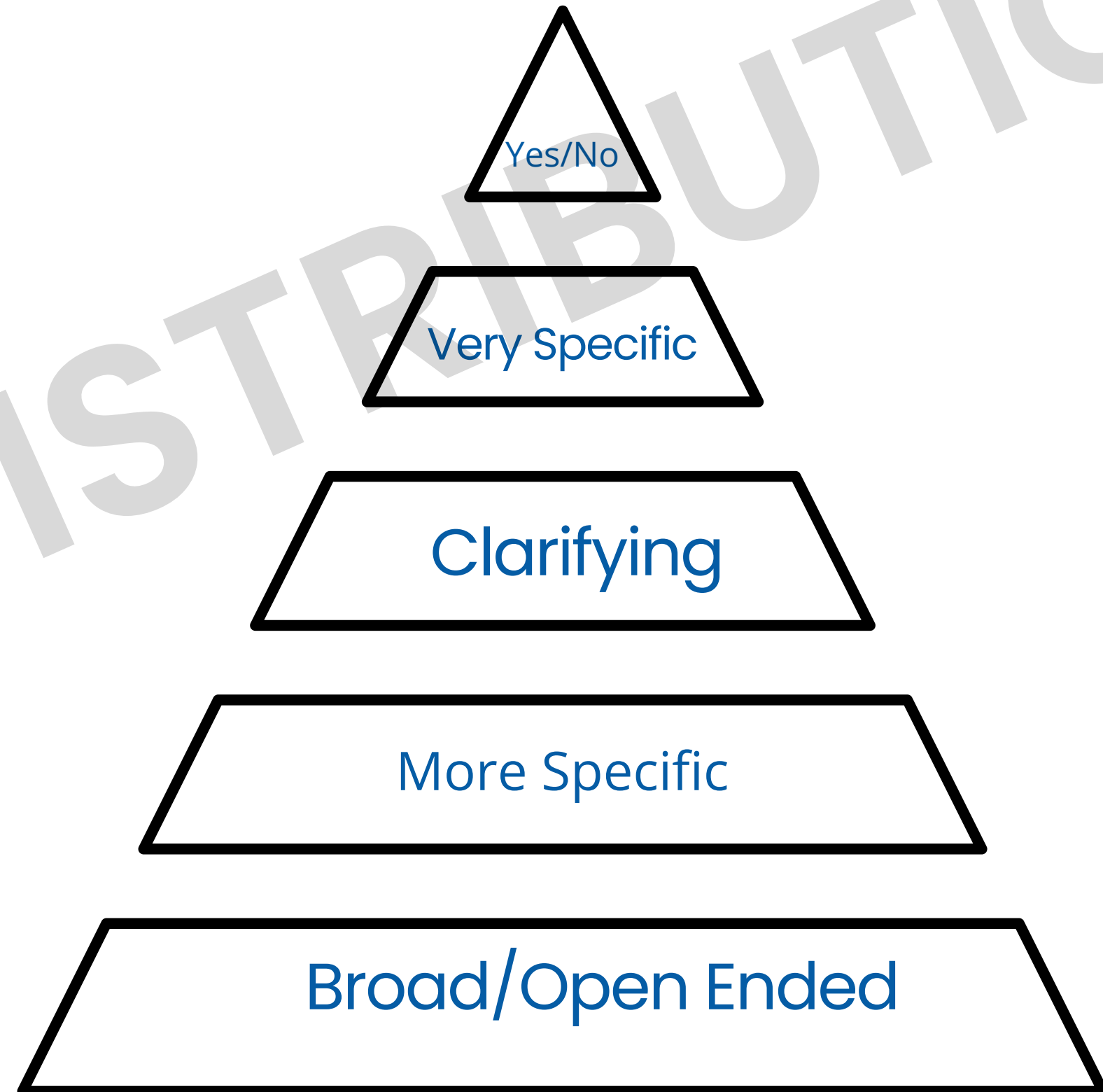
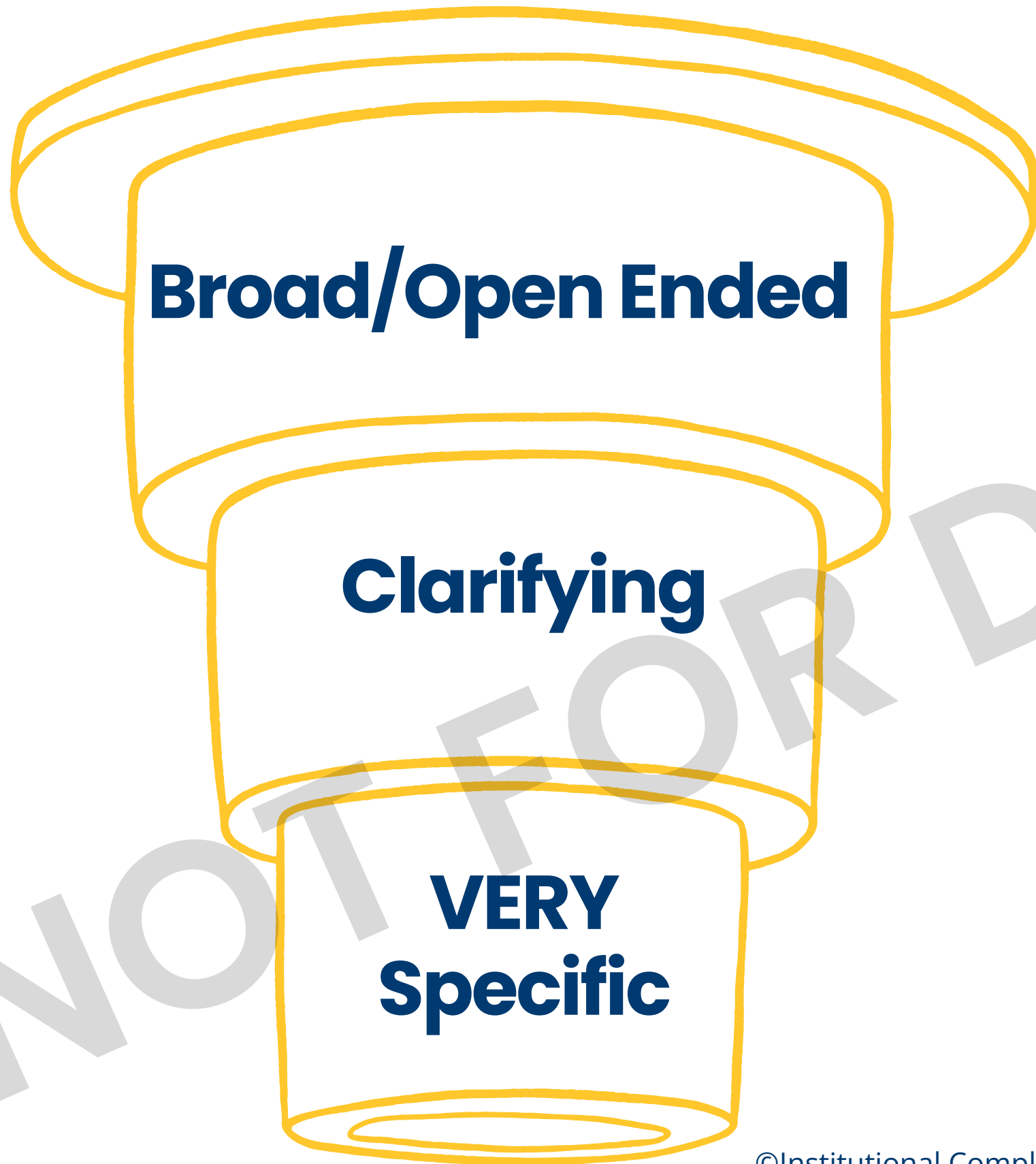
Something to connect you with the party or witness

Part 3: Asking Questions

The importance of
gaining clarity



Funnel Method v. Pyramid Method



The NEED to know questions

● **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

Civil Rights Questions to Ask

- Was the conduct connected to a protected characteristic?
- Was someone treated differently from a similarly situated person?
- Was equal access to employment or education affected?
- What did the institution know, and how did it respond?
- Is there evidence of discriminatory intent, harassment, or retaliation?

The Formula for Questioning

Kindness

+

Transparency

+

Patience

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



Part 4: Gathering Evidence...

The importance of
curiosity



Establish the Protected-Class Connection

- Statements referencing a protected characteristic
- Different treatment of comparable individuals
- Stereotypes or coded language
- Patterns involving members of the same group
- Departures from normal procedures
- Shifting or inconsistent explanations
- The timing of the decision or conduct

Key question: Would the same thing likely have happened if the person did not possess the protected characteristic?



Types of Evidence

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



Social Media



Facebook



Snapchat



Discord



Instagram



X- formerly
known as Twitter



TikTok

Burden

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

 Do you have any voicemail or texts?

 Was anything shared on social?

 Did you email about this?



Harassment Cases Require Context and Institutional Response

Investigate:

- What was said or done
- Frequency, severity, duration, and location
- Whether conduct was targeted or repeated
- The identities and ages of those involved
- Educational or workplace effects
- When the institution received notice
- Whether the response stopped the conduct
- Whether broader remedies were necessary

Remember: A finding that an individual violated policy is different from determining whether the institution responded adequately.

Part 5: Identifying & Interviewing Witnesses...

The importance of
understanding
relationships



Who are the witnesses and who identified them?

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

MOST IMPORTANT QUESTIONS Regarding Potential Bias

- How do witnesses know the Complainant?
- How do Witnesses know the Respondent?
- How do witnesses know the other witnesses?

How long?

In what capacity?

Describe your relationship with them



Part 6: Report Writing...

The importance of
your audience

The ART of Summarizing

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

Organization is Key

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

The Report Must Connect Evidence to Each Element

A strong report should:

- State each allegation separately
- Identify the applicable standard
- Distinguish disputed and undisputed facts
- Address credibility and conflicting evidence
- Analyze comparators and protected-class evidence
- Evaluate the institution's notice and response
- Consider plausible nondiscriminatory explanations
- Apply the burden of proof consistently
- Explain why the evidence does—or does not—establish each element

The conclusion should follow from the analysis—not appear for the first time at the end.

Helpful Considerations

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



Part 7: Delivery of the Report...

The importance of
support



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



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**

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

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!



Compliance + Compassion

People who feel dismissed:

- Escalate
- Lawyer up
- Go public

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

- Impact > Intent



Reporting



Madison is a new professor at the University and is 8 months pregnant. She met with HR to ask about taking 6 weeks of leave and also to ask if she could get a sit/stand desk and a stool for her feet due to complications of her pregnancy. The University told her that she does not qualify for any leave and will have to wait on tenure until next year. She files a complaint of discrimination with the Office of Equity.



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. Jake's mom has filed a complaint and wants to know if Lewis can be removed from the bus.

Reporting



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.

HELP US HELP YOU



**Please fill out
the survey.**



THANK
YOU