

Education and Title VI

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 PROHIBITS DISCRIMINATION BASED ON RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES WHICH RECEIVE FEDERAL FINANCIAL ASSISTANCE

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
WASHINGTON, D.C. 20202-1328

EDUCATION AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI and Race, Color and National Origin Discrimination

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Title VI states that:

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.

Programs and activities that receive Federal financial assistance from the United States Department of Education (ED) are covered by Title VI. ED maintains an Office for Civil Rights, with 10 regional offices and a headquarters office in Washington, D.C., to enforce Title VI.

Education Programs and Activities Covered by Title VI

Agencies and institutions that receive ED funds covered by Title VI include: 50 state education agencies, their subrecipients, and vocational rehabilitation agencies; the education and vocational rehabilitation agencies of the District of Columbia and of the territories and possessions of the United States; 17,000 local education systems; 4,700 colleges and universities; 10,000 proprietary institutions; and other institutions, such as libraries and museums that receive ED funds.

Programs and activities that receive ED funds must operate in a non-discriminatory manner. These may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment, if it affects those who are intended to benefit from the Federal funds. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title VI. For a recipient to retaliate in any way is considered a violation of Title VI. The ED Title VI regulations (Volume 34, Code of Federal Regulations, Part 100) provide a detailed discussion of discrimination prohibited by Title VI.

The Office for Civil Rights Enforces Title VI

The Office for Civil Rights (OCR) in ED is responsible for enforcing Title VI as it applies to programs and activities funded by ED. OCR's responsibility to ensure that institutions that receive ED funds

comply with Title VI is carried out through compliance enforcement. The principal enforcement activity is the investigation and resolution of complaints filed by people alleging discrimination on the basis of race, color or national origin. Also, through a compliance review program of selected recipients, OCR is able to identify and remedy discrimination that may not be addressed through complaint investigations. Compliance reviews differ from complaint investigations in that OCR has discretion in selecting the institutions it will review.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate and review the policies and practices of all institutions receiving ED financial assistance. Therefore, through a program of technical assistance, OCR provides guidance and support to recipient institutions to assist them in voluntarily complying with the law. OCR also informs beneficiaries, such as students and applicants for admission to academic programs, of their rights under Title VI.

OCR has investigated and worked with state and local officials to resolve many kinds of civil rights problems, including the following:

- The failure of some school districts to provide equal educational opportunity for national origin minority students who have a limited proficiency in English.
- The maintenance by some state systems of higher education of separate college facilities for students based on their race, color or national origin.
- The discriminatory assignment of minority students to classes designed for students who are mentally retarded.

How to File a Discrimination Complaint with OCR

Anyone who believes there has been an act of discrimination on the basis of race, color or national origin, against any person or group, in a program or activity that receives ED financial assistance, may file a complaint with OCR under Title VI. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. A complaint should be sent to the OCR regional office that serves the state in which the alleged discrimination occurred (See list of regional offices.) A complaint must be filed within 180 days of the date of the alleged discrimination unless the time for filing is extended for good cause by the Regional Civil Rights Director. If you have also filed a complaint under an institutional grievance process, see the time limit.

Complaint letters should explain who was discriminated against; in what way; by whom or by what institution or agency; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address and telephone number of the complainant(s) and the alleged offending institution or agency; and as much background information as possible about the alleged discriminatory act(s). OCR regional offices may be contacted for assistance in preparing complaints. OCR keeps the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under the Freedom of Information Act, the Privacy Act or otherwise required by law.

If an investigation indicates there has been a violation of Title VI, OCR attempts to obtain voluntary compliance. If it cannot obtain voluntary compliance, OCR will initiate enforcement action, either by referring the case to the Department of Justice for court action, or by initiating proceedings, before an administrative law judge, to terminate Federal funding to the recipient's program or activity in which the prohibited discrimination occurred. Terminations are made only after the recipient has had an opportunity for a hearing before an administrative law judge, and after all other appeals have been exhausted.

Prior to filing a complaint with OCR against an institution, a potential complainant may wish to find out what the institution's grievance process is and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

Where to Request Additional Information or File a Complaint

The addresses and telephone numbers of the OCR regional offices are listed below. Each regional office is responsible for enforcing Title VI in the states and territories designated for that region. The states and territories for each regional office are indicated.

If you wish additional information about Title VI, or a copy of the regulations which detail the requirements of Title VI, write or phone the OCR regional office which serves your state or territory.

If you wish to file a complaint alleging race, color or national origin discrimination by a recipient institution in your state or territory, write to the appropriate OCR regional office, and follow the instructions stated in the preceding section: How to File a Discrimination Complaint with OCR.

REGIONAL CIVIL RIGHTS OFFICES

ED/OCR 91-27R